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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,	:	ECF Case
Plaintiff,	:	
	:	07 Civ. 2083 (WHP)(HP)
	:	
- v -	:	PROPOSED
	:	FINAL ORDER
CITY OF NEW YORK and NEW YORK CITY	:	ADOPTING THE
DEPARTMENT OF TRANSPORTATION,	:	COMPLIANCE
	:	INJUNCTION
Defendants.	:	

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WHEREAS, the United States of America (the "United States") brought this action pursuant to 42 U.S.C. § 2000e-6 to remedy a pattern or practice of unlawful discrimination in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e ("Title VII") and alleged that the New York City Department of Transportation (the "Department of Transportation") and the City of New York (collectively, the "Defendants") engaged in a pattern or practice of employment discrimination by refusing to hire women for the position of Bridge Painter on the basis of sex; and

WHEREAS, on July 2, 2009, the Court granted Defendants' motion for summary judgment insofar as it pertained to the claims of the Intervenors (Joann Rush, Helen Jackson, Efrosini Katanakis, Luzia Oliskovicz and Local Union No. 806, Structural Steel and Bridge Painters of Greater New York) and dismissed such claims; and

WHEREAS, a trial in this matter was held from October 13 to October 19, 2009; and

WHEREAS, on May 13, 2010, the Court issued an Opinion and Order, holding that the United States “established its pattern-or-practice disparate treatment claim” and, specifically, that the evidence proved the Defendants had engaged in intentional, gender-based discrimination in violation of Title VII; and

WHEREAS, on May 28, 2010, the Court entered a Judgment in favor of the United States with respect to the compliance relief and also entered a Compliance Injunction, prescribing certain injunctive relief which included procedures for recruiting and selecting candidates for the position of bridge painter at the Department of Transportation; and

WHEREAS, pursuant to Section 703(n) of Title VII, 42 U.S.C. § 2000e-2(n), the Compliance Injunction provided for a fairness hearing to be held to provide an opportunity to be heard to individuals who believe that they could be adversely affected by the Compliance Injunction;

WHEREAS, on October 6, 2010, the Court approved a form of the notice to be given to affected parties (the “Notice”), giving notice that a fairness hearing was to be held at 11 a.m. on December 3, 2010, and specifying the procedures for filing objections and for requesting for an opportunity to address the Court; and

WHEREAS, pursuant to the paragraph 22 of the Compliance Injunction, Defendants provided copies of the Notice to (i) previous applicants for the bridge painter position at DOT, (ii) the bridge painters working at DOT, and (iii) offices of labor union organizations representing bridge painters; and

WHEREAS, in response to the Notice, the United States and Defendants received objections to the Compliance Injunction from nine individuals

(collectively, the "Objections"), and subsequently submitted the Objections to the Court for review; and

WHEREAS, after giving careful consideration to the Objections, the Court held a hearing on December 3, 2010 (the "Hearing"), and afforded a further opportunity to be address the Court to any party who wished to be heard; and

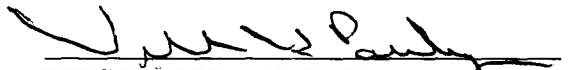
WHEREAS, based on the record of the Hearing, and the Court's statement at the Hearing regarding the basis for the Court's judgment that the terms of the Compliance Injunction are fair, reasonable, lawful, and consistent with the purpose of Title VII; and

NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED and DECREED that:

1. For the reasons stated on the record at the December 3, 2010 hearing, the terms of the Compliance Injunction are fair, reasonable, and lawful.
2. Pursuant to 42 U.S.C. § 2000e-2(n), the terms of the Compliance Injunction are entered as a final order of the Court.

SO ORDERED:

Dated: New York, New York
December 7, 2010


WILLIAM H. PAULEY, 3d
UNITED STATES DISTRICT JUDGE