

A True Copy
Sue Regan

JAN 23 2012

JEFFREY S. CHIESA
ACTING ATTORNEY GENERAL OF NEW JERSEY
Division of Law
124 Halsey Street
P.O. Box 45029
Newark, New Jersey 07101
Attorney for the New Jersey Division on Civil Rights

SUE REGAN
Deputy Clerk of Superior Court

Sue Regan

SUE REGAN
DEPUTY CLERK OF SUPERIOR COURT

By: Megan J. Harris
Deputy Attorney General
(973) 648-3441

JON B. STOKES,

Plaintiff,

CRAIG SASHIHARA, as
Director of the New
Jersey Division on Civil
Rights,

Plaintiff-Intervener,

v.

PLUMBER AND PIPEFITTERS
LOCAL UNION NO. 9, JOHN
DOES 1 - 5 (fictitious
names), and JANE DOES 1
- 5 (fictitious names),

Defendants.

: SUPERIOR COURT OF NEW JERSEY
: LAW DIVISION: MERCER COUNTY
: DOCKET NO. MER-L-1417-10

: CIVIL ACTION

: CONSENT ORDER AND
: FINAL JUDGMENT
: AS TO PLAINTIFF-INTERVENER
: NEW JERSEY DIVISION ON CIVIL
: RIGHTS AND DEFENDANT
: PLUMBERS AND PIPEFITTERS
: LOCAL UNION NO. 9

This matter having been opened to the Court by Paula
T. Dow, Attorney General of New Jersey, on behalf of the
Director of the New Jersey Division on Civil Rights (the
"Division" or "Plaintiff-intervener"), pursuant to the

provisions of the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1 et seq. (the "LAD") for intervention in this action in the public interest, and the Court having granted the Division's motion to intervene by Order dated September 16, 2010, the Division and Defendant Plumbers & Pipefitters Local Union No. 9 ("Local 9" or "Defendant") now agree to resolve any and all issues in controversy in this action related to the Division and Local 9 on the terms set forth in this Consent Order and Final Judgment. The terms of the resolution have been reviewed by the Court, as confirmed by the entry of this Consent Order and Final Judgment.

The resolution set forth herein is premised upon the Division's investigation of this matter and the Finding of Probable Cause the Division issued against Defendant on June 11, 2009, wherein the Division credited Plaintiff Jon Stokes' allegations that, in violation of the LAD, Defendant had taken an adverse action against him on the basis of race and had subjected him to a hostile work environment. Following issuance of the June 11, 2009, Finding of Probable Cause, Plaintiff Jon Stokes withdrew the complaint he filed with the Division and filed this action in New Jersey Superior Court.



State of New Jersey

OFFICE OF THE ATTORNEY GENERAL
DEPARTMENT OF LAW AND PUBLIC SAFETY

DIVISION OF LAW
PO Box 45029

NEWARK, NJ 07101

January 10, 2012

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

JEFFREY S. CHIESA
Acting Attorney General

SHARON M. JOYCE
Acting Director

VIA OVERNIGHT MAIL

Douglas H. Hurd, J.S.C.
Civil Courthouse
175 South Broad Street, 3rd Floor
Trenton, New Jersey 08650

Re: Stokes v. Plumbers and Pipefitters et al.
Docket No. MER-L-1417-10


Dear Judge Hurd:

Enclosed please find the original and two copies of a proposed Consent Order and Final Judgment, signed on behalf of all parties to the agreement. I have also enclosed a self-addressed, stamped envelope. If the enclosed meets Your Honor's approval, please date on page three, sign, and have a filed copy forwarded to me. Thank you.

Respectfully,

JEFFREY S. CHIESA
ACTING ATTORNEY GENERAL OF NEW JERSEY

By: _____


Megan J. Harris
Deputy Attorney General

Enclosure

c: Andrew Watson, Esq. (via facsimile w/encl.)
Katherine Hartman, Esq. (via facsimile w/encl.)



Without admitting the allegations set forth in this action or in the June 11, 2009 Finding of Probable Cause, which Defendant has at all times denied, and to avoid the costs and uncertainty of litigation, and to reach settlement with the Division in the above-captioned action, Defendant consents to the form and entry of this Consent Order and Final Judgment.

IT IS, therefore, on this 23rd day of January,
~~2011~~, **2012**, ORDERED AND AGREED:

PERMANENT INJUNCTIVE RELIEF

1. Defendant agrees to voluntarily refrain from and is hereby enjoined from discriminating against any member, employee, officer, or agent on the basis of race, creed, color, age, national origin, ancestry, marital status, domestic partnership status, civil union status, sex, affectional or sexual orientation, gender identity or gender expression, liability for service in the Armed Forces, disability, or nationality, including taking any action or establishing any practice or policy that has the effect of discriminating against a person or persons on any of the foregoing bases.

2. Defendant agrees to voluntarily refrain from and is hereby enjoined from taking retaliatory action against any person who, in any way, participated or will

participate in the investigation or litigation of this matter.

MONETARY RELIEF

3. Without admitting the allegations set forth in this action or in the June 11, 2009 Finding of Probable Cause, which Defendant has at all times denied, and to avoid the costs and uncertainty of litigation, and to reach settlement with the Division in the above-captioned action, Defendant shall pay to the Division \$25,000.00 (twenty-five thousand dollars) in settlement of the allegations that Defendant violated the LAD.

4. Payment of the monetary relief ordered and agreed, in the amount of Twenty-Five Thousand Dollars (\$25,000.00), shall be made through certified bank check or money order made payable to "Treasurer, State of New Jersey," and delivered to the attention of Carlos Bellido, Chief of Staff, New Jersey Division on Civil Rights, 31 Clinton Street, 3rd Floor, P.O. Box 00461, Newark, New Jersey, 07102 within fourteen (14) days of receiving a fully executed and filed copy of this Consent Order and Final Judgment.

5. Should Defendant fail to make payment of the monetary penalty and costs as set forth above, this Consent

Order and Final Judgment is void in its entirety. Should this Consent Order and Final Judgment become void, the Division reserves the right to reject renegotiation of its terms and proceed with litigation of this matter.

DISCRIMINATION AND HARASSMENT POLICY

6. Defendant will, within sixty (60) days of receiving a fully executed copy of this Consent Order, prepare a policy against discrimination and harassment (the "Policy") and provide a copy of the Policy to the Division prior to dissemination of the Policy to members and employees.

7. In specific language to be determined by Defendant, the Policy will:

(a) State that the Policy prohibits discrimination and harassment;

(b) Provide examples of the type of language and conduct that the Policy prohibits;

(c) State the procedure for making an internal complaint, including the name and/or title of the person(s) to whom complaints should be made;

(d) State that members and employees may, additionally or as an alternative to making an internal complaint, file complaints of discrimination and harassment with the New

Jersey Division on Civil Rights or the United States Equal Employment Opportunity Commission;

(e) State that complaints of discrimination or harassment will be investigated and remedial action taken if the complaint is substantiated; and

(f) State that no retaliatory action will be taken against any person making such complaint or against any person providing information in connection with the investigation of such complaint.

8. The Policy shall include, at minimum, the provisions set forth in paragraph 8, but need not be limited to such provisions.

9. The Division will acknowledge receipt of a complete copy of the Policy from Defendant. Following notice of such receipt, Defendant will distribute the Policy to all of its members and employees within ten (10) days and copy the Division on the cover document(s) enclosing or attaching the Policy.

10. In addition to providing the Policy to current employees and members, each new member or employee shall be provided with a copy of the Policy immediately upon being hired or becoming a member of Local 9.

11. Defendant shall be responsible for all costs related to the creation, distribution, and implementation of the Policy.

TRAINING ON DISCRIMINATION AND HARASSMENT POLICY

12. Within sixty (60) days of distributing the Policy as set forth above, Defendant will provide in-person training regarding the Policy to (a) all Local Union officers, including but not limited to, the President, Vice President, Business Manager, Assistant Business Manager, Business Agents, and Executive Board Members; and (b) to all members serving in leadership positions at their respective employers, including, but not limited to, all members who, as of the date of this agreement, serve as a foreman or shop steward, or who are designated to serve as a foreman or shop steward on a scheduled job or project.

13. The training set forth above will be conducted by a qualified person or persons with a background in and knowledge of the LAD and civil rights law. The training will, at minimum, verbally inform those in attendance of the provisions of the Policy and provide an opportunity for all present to ask questions regarding the Policy or any issue related to discrimination or harassment. Attendance

at the training shall be mandatory for all persons specified above.

14. Notwithstanding the requirement to distribute the Policy described above to all members and employees prior to training, Defendant shall have available copies of the Policy during each training session and shall make a copy available to any member, employee, or officer upon request.

15. At least 10 days prior to the training session set forth in paragraph 12, and if more than one session is held, at least 10 days prior to each session, Defendant shall inform counsel for the Division of the date, time, and location of the training session. Such notice shall be provided via telephone call to Deputy Attorney General Megan Harris at (973) 648-3441, and confirmed in writing both via facsimile to (973) 648-3879 and mail to New Jersey Dept. of Law & Public Safety, 124 Halsey Street, P.O. Box 45029, Newark, New Jersey, 07101.

16. Defendant shall permit one or more representatives of the Division to attend each training session held in accordance with paragraphs 12 and 13 for its entirety.

17. Following the initial training session (or initial sessions if more than one is necessary), each new Local Union officer of Defendant shall receive the training

set forth above within one year of being hired or becoming a member of Local 9.

18. Defendant shall be responsible for all costs related to each training session held in accordance with paragraphs 12 through 17.

MONITORING OF DISCRIMINATION AND HARASSMENT COMPLAINTS

19. For three years from the date this Consent Order is fully executed, Defendant agrees to inform the Division within ten (10) days of every complaint of discrimination or harassment Defendant receives, whether such complaint is received verbally or in writing. Notice of each complaint shall be provided to the Division in writing to New Jersey Division on Civil Rights, Attention: Director, P.O. Box 089, 140 East Front Street, Trenton, New Jersey, 08626-0089, within ten (10) days of receiving the complaint.

20. For each complaint received during the three-year period set forth above, Defendant shall prepare and provide a report to the Division regarding: (a) the nature of the complaint; (b) the investigation of the complaint; (c) the final outcome of the investigation; and (d) the remedial action taken (if remedial action is found necessary). Defendant shall provide such report within fourteen (14) days of the completion of the investigation or remedial action taken. Such report shall be provided to the

Division whether or not the investigation and remedial action taken (if remedial action is found necessary) are concluded at a time beyond the three-year period set forth above, so long as the underlying complaint was initiated within the three-year period.

21. If, during the three-year period commencing on the date this Consent Order is fully executed, Defendant does not receive a complaint of discrimination or harassment, Defendant shall affirmatively state, in writing to the Division, that no such complaints were received. Such written statement may be in the form of a signed letter sent to the Division via facsimile to (609) 292-3458/Attention: Director and mailed to New Jersey Division on Civil Rights, Attention: Director, P.O. Box 089, 140 East Front Street, Trenton, New Jersey 08626-0089.

FINAL JUDGMENT

22. Final Judgment is hereby entered as to the claims of the Division against Defendant in the amount of Twenty-Five Thousand Dollars (\$25,000.00).

GENERAL PROVISIONS

23. Upon its entry by the Court, this Consent Order and Final Judgment are immediately enforceable.

24. Nothing in this Consent Order and Final Judgment shall in any manner be construed to limit or affect the

rights of any persons, other than the Division, who may have a claim against any defendant in this matter.

25. The parties to this Consent Order and Final Judgment acknowledge that for the purpose of enforcement of this Consent Order and Final Judgment, New Jersey law shall govern the terms and provisions herein.

26. As used in this Consent Order and Final Judgment, the plural shall include the singular and the singular shall include the plural. In addition, "or" and "and" shall be interpreted conjunctively.

27. The signatories to this Consent Order and Final Judgment represent that they each have the authority to bind their respective parties to this Consent Order and Final Judgment and have signed the document with full knowledge, understanding, and acceptance of its terms.

28. This Consent Order and Final Judgment constitutes the entire agreement between the Division and Defendant with respect to its subject matter. Any addition, deletion, or change to this Consent Order and Final Judgment must be in writing and signed by all parties to be bound and must be approved and signed by the Court.

29. The parties to this Consent Order and Final Judgment have, with the aid of counsel, negotiated and

fully reviewed its terms and therefore, uncertainty or ambiguity shall not be construed against the drafter.

30. Except as explicitly provided in this Consent Order and Final Judgment, nothing herein shall be construed or interpreted to limit the authority of the New Jersey Attorney General or the Director of the New Jersey Division on Civil Rights to protect the interests of the State of New Jersey or the people of the State of New Jersey.

31. If any portion of this Consent Order and Final Judgment is held invalid or unenforceable by operation of law, the remaining terms of this Consent Order shall remain enforceable and in full effect.

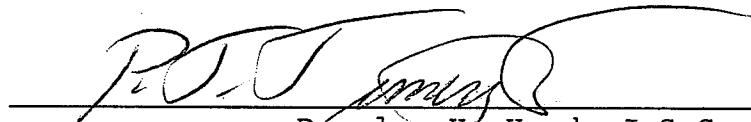
32. This Consent Order and Final Judgment shall be binding upon the parties and their successors. In no event shall assignment of any right, power, or authority avoid compliance with the terms of this Consent Order.

33. Other than an act or practice explicitly required by and set forth in the provisions of this Consent Order and Final Judgment, Defendant shall not represent or imply that by virtue of this Consent Order and Final Judgment, any act or practice hereinafter used or engaged in is required or approved, in whole or in part, by the New Jersey Attorney General, the New Jersey Division on Civil

Rights, or any other State of New Jersey agency or subdivision.

34. Any signature required for the entry of this Consent Order and Final Judgment may be executed in counterparts, each of which shall be deemed an original, but all of which shall together constitute one and the same Consent Order and Final Judgment.

35. This Consent Order and Final Judgment is deemed "fully executed" on the date when all signatures provided for below have been made, which include a signature from the Court where this action is filed, a signature from a duly authorized representative of Defendant, and a signature from a duly authorized representative of the Division.



Douglas H. Hurd, J.S.C.

PEDRO J. JIMENEZ, JR. J.S.C.

Defendant Plumbers and Pipefitters, Local Union No. 9 hereby consents to the form and entry of this Consent Order:

By: 

Andrew L. Watson, Esq.
Pellettieri Rabstein & Altman
Attorneys for Defendant
Plumbers and Pipefitters, Local Union No. 9

Dated: 12/9/11

Plaintiff-Intervener New Jersey Division on Civil Rights hereby consents to the form and entry of this Consent Order:

PAULA T. DOW
ATTORNEY GENERAL OF NEW JERSEY
Attorney for Plaintiff-Intervener Craig Sashihara, Director
of the New Jersey Division on Civil Rights

By: 

Megan J. Harris
Deputy Attorney General

Dated: 1/10/12