



U.S. Department of Justice

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PRESS RELEASE

CITY OF NEW YORK AGREES TO PAY \$20.8 MILLION TO SETTLE FEDERAL DISCRIMINATION CHARGES MADE BY REGISTERED NURSES

Federal Suit Alleges City Discriminated Against City-Employed Registered Nurses and Midwives by not Recognizing Their Work as "Physically Taxing"

Richard P. Donoghue, United States Attorney for the Eastern District of New York, and John Gore, Acting Assistant Attorney General for Civil Rights, today announced a proposed settlement with the City of New York to compensate City-employed registered nurses and midwives who were subjected to discrimination because they are women. The United States Attorney's Office for the Eastern District of New York filed the proposed settlement along with a complaint in federal district court. According to the allegations of the complaint, the City failed to recognize that the work of predominantly-female registered nurses and midwives was "physically taxing," while deeming other predominantly-male occupations, including in the health care field, physically taxing. As a result, City employees in the predominantly-male physically taxing jobs were allowed to retire with full pensions as early as age 50, while registered nurses and midwives, who are predominantly female, could not retire with full pensions until age 55 or 57.

"City nurses and midwives care for sick and injured adults, juveniles and infants through long days and nights under difficult circumstances, and rightfully should be recognized as doing physically taxing work," said U.S. Attorney Donoghue. "Equal treatment under law means just that, equal treatment and this Office is committed to ensuring that women are treated fairly and equitably in the workplace." He also thanked the Equal Employment Opportunity Commission ("EEOC") for its investigative work prior to referring this matter to the U.S. Attorney's Office.

"This Settlement Agreement will provide significant relief to a class of female nurses and midwives employed by the City of New York who were harmed by the City's discriminatory employment practices," said Acting Assistant Attorney General John Gore. "We applaud the United States' Attorney's Office for the Eastern District of New York for

prosecuting this matter and acknowledge the City of New York's commendable efforts in ensuring that this matter was brought to resolution without protracted litigation."

Beginning in 1968, the City allowed certain City employees with 25 years of service the option of retiring with full pensions beginning at the age of 50, if the employees worked in jobs the City deemed physically taxing. At that time, the City refused to recognize the work of registered nurses and midwives, which was performed mostly by women, as physically taxing, but did recognize as physically taxing work performed mostly by men in occupations such as Emergency Medical Specialist - EMT, Exterminator, Motor Vehicle Dispatcher, Window Cleaner, Foremen and Plumbers.

Beginning in 2004, the New York State Nurses Association (NYSNA), a labor union representing City-employed registered nurses and midwives, began requesting that the City recognize the work of registered nurses and midwives as physically taxing and also allow NYSNA's qualifying members the option of retiring as early as age 50. The City denied that request in 2004, and again in 2006 and 2008. Thereafter, NYSNA and four of its members filed complaints with the EEOC. The EEOC determined there was reason to believe that the City had discriminated against the nurses when it failed to recognize registered nurse and midwife occupational titles as "physically taxing" in 1968, and again when NYSNA made its requests in 2004, 2006 and 2008. The EEOC then referred the matter to the U.S. Attorney's Office.

The settlement applies to a proposed class of approximately 1,665 registered nurses and midwives hired by the City from September 15, 1965, through March 31, 2012. Subject to court approval, the City would pay these registered nurses and midwives, who would otherwise have been eligible to retire at an earlier age, between \$1,000 and \$99,000, depending upon their years of qualifying service and the number of years earlier they would have been eligible to retire. The settlement also provides for the City to pay attorney's fees and an additional \$100,000 to the four nurses who initiated the EEOC complaint which led to today's result.

This matter was handled by Eastern District of New York Assistant United States Attorneys John Vagelatos and Michael J. Goldberger.

E.D.N.Y. Docket No. 18-CV-4100 (WFK)