

DEPARTMENT OF LAW & PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL
NEW JERSEY DIVISION ON CIVIL RIGHTS
DOCKET NO.: EL02WB-64324
EEOC CHARGE NO.: 524-2013-00633

Rachael L. Bronner, and Craig Sashihara,
Director, New Jersey Division On Civil
Rights,

Complainants,

v.

Planet Fitness Ewing, a.k.a. New England
Fitness Ewing, Inc.

Respondent.

CONSENT ORDER AND DECREE

WHEREAS, Complainant Rachael Bronner (“Complainant” or “Bronner”) filed a Verified Complaint (the “Verified Complaint”) with the New Jersey Division on Civil Rights (the “Division”), bearing Docket No. EL02WB-64324, alleging that Respondent Planet Fitness Ewing a.k.a. New England Fitness Ewing, Inc. (“Planet Fitness Ewing” or “Respondent”) committed unlawful employment discrimination in the form of denying her a promotion on the basis of race and gender; and

WHEREAS, Respondent is an employer in the State of New Jersey; and

WHEREAS, the matter has been the subject of an investigation and the Director of the Division on Civil Rights (the “Director”) found probable cause to credit the allegations of the Verified Complaint, and further found cause to allege that Respondent committed unlawful

discrimination against Complainant in the form of denying her a promotion on the basis of age and marital status; and

WHEREAS, in the public interest the Director was added as a Complainant in the matter; and

WHEREAS, Respondent denies all material allegations of the Verified Complaint and January 31, 2014 Finding of Probable Cause (the "Finding of Probable Cause"), and denies that any act of unlawful discrimination occurred; and

WHEREAS, the Parties desire to conciliate and settle the matter for the purpose of avoiding the burden and expense of further litigation.

NOW, THEREFORE, it is on this 30th day of March, 2015, ORDERED and AGREED as follows:

1. Planet Fitness Ewing agrees that all employment decisions affecting persons employed in New Jersey shall comply in full with the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1 et seq. (the "LAD"), and that all employment decision making will be conducted in a nondiscriminatory manner. Further, and as to all persons employed in New Jersey, Planet Fitness Ewing agrees not to implement any policy or procedure having the purpose or effect of discrimination on the basis of race, creed, color, national origin, ancestry, age, marital status, civil union status, domestic partnership status, sexual orientation, genetic information, sex, gender identity or expression, disability, atypical hereditary cellular or blood trait, liability for service in the Armed Forces of the United States, nationality, or pregnancy.

2. Respondent agrees to pay Rachael Bronner the total sum of Twenty-five Thousand Dollars (\$25,000.00). The payment shall be made within fifteen (15) days of the date this Consent Order is fully executed, provided Complainant submits a completed W-9 form to prior to payment.

The check shall be made payable to "Rachael Bronner" and delivered to Carlos Bellido, Chief of Staff, New Jersey Division on Civil Rights, 31 Clinton Street, 3rd Floor, Newark, New Jersey 07102 for delivery to Ms. Bronner.

3. Complainant accepts the payment set forth above with an understanding and acknowledgement that (1) Respondent denies all allegations that it unlawfully discriminated against her; and (2) the payment does not reflect any admission of wrongdoing or adjudication of the merits of this case.

4. Respondent agrees not to engage in any act prohibited by the LAD, including any retaliatory conduct against Ms. Bronner or against any participant in these proceedings or the investigation.

5. Within thirty (30) days of the date this Consent Order is fully executed, Planet Fitness agrees to provide written verification to the Division of a current anti-harassment/anti-discrimination policy (the "Policy") that includes terms addressing fair hiring and promotion practices and nondiscrimination in all terms of employment. Respondent shall forward a copy of the Policy to Carlos Bellido at the New Jersey Division on Civil Rights, P.O. Box 46001, Newark, New Jersey 07102.

6. Respondent will disseminate the Policy to all employees at the Planet Fitness Ewing, New Jersey location. The Policy will also be accessible online or in hard copy form upon request for any current or prospective employee.

7. Within sixty (60) days of the date this Consent Order is fully executed, Respondent agrees to arrange for training on the Policy to all management and supervisory staff at the Planet Fitness Ewing, New Jersey facility. Such training shall address anti-discrimination laws and policies

in the workplace, fair hiring and promotion practices, and equity in compensation, terms, conditions, and privileges of employment. Each individual who participates in training and receives instruction will sign a statement acknowledging that he or she has completed the training course. A copy of the signed acknowledgment form will be placed in the attendee's personnel file.

8. Respondent agrees to ensure that it is in compliance with N.J.A.C. 13:8-1.2 and display the official employment poster of the Division in places easily visible to all employees and applicants for employment at facilities owned or operated in the State of New Jersey.

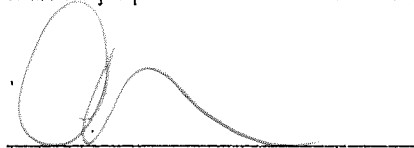
9. Upon execution by all parties, this Consent Order and Decree releases Respondent from all claims, demands, damages, causes of action, or suits, as well as claims for attorneys' fees, penalties, interest, expenses and costs, which have been or could have been brought by the Division or Complainant and are related to the allegations of the Verified Complaint filed with the Division, Docket No. EL02WB-64324, and Finding of Probable Cause.

10. Nothing in this Consent Order and Decree shall in any manner be construed to limit or affect the rights of any persons, other than the parties to this Agreement.

11. The resolution of this matter through the terms of this Consent Order does not in any way represent an admission of liability by Respondent or an adjudication of any claim under the LAD or any other New Jersey statute or regulation.

12. This Consent Order and Decree shall have the same force and effect as a Cease and Desist Order issued by the Director pursuant to N.J.S.A. 10:5-19 and shall operate as a complete and final disposition of the aforesaid Verified Complaint and Finding of Probable Cause, subject only to the fulfillment of all foregoing provisions.

13. In the event that Respondent defaults with respect to any provision herein, Respondent hereby consents to the entry of this Consent Order and Decree in the Chancery Division of the Superior Court of New Jersey, thereby making this Consent Order and Decree an order of the court for purposes of enforcement therein.

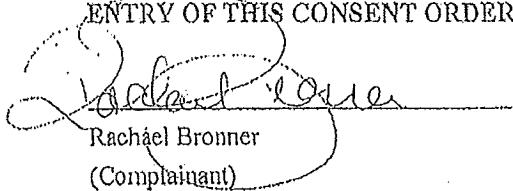


Craig Sashihara, Director,
New Jersey Division on Civil Rights

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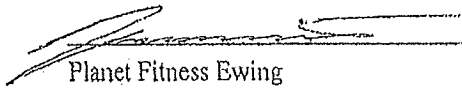
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THE PARTIES CONSENT TO THE FORM, CONTENT AND ENTRY OF THIS CONSENT ORDER:



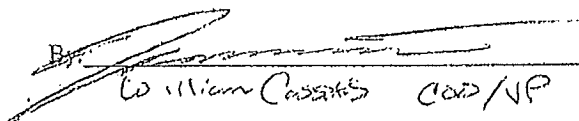
Rachael Bronner
(Complainant)

2/24/15
DATE



Planet Fitness Ewing
(Respondent)

3/18/15
DATE

By:  (Print name and title)
William Cassata COO/NP