

NEW JERSEY DIVISION ON CIVIL RIGHTS
NEW JERSEY DEPARTMENT OF
LAW & PUBLIC SAFETY
DCR DOCKET NO. EL11WB-60908
EEOC CHARGE NO. 17E-2009-00539

MICHAEL O'SHEA, and
CRAIG SASHIHARA,
DIRECTOR, NEW JERSEY DIVISION
ON CIVIL RIGHTS,

Complainants,

v.

VANTAGE COMMUNICATIONS,

Respondent.

CONSENT ORDER

WHEREAS, a verified complaint was filed on September 2, 2009 (the "Verified Complaint"), with the State of New Jersey, Division on Civil Rights ("the Division") by Complainant Michael O'Shea ("O'Shea" or "Complainant"), under Division Docket Number EL11WB-60908, alleging that his former employer, Vantage Communications ("Respondent" or "Vantage") terminated him on the basis of age and disability, in violation of the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1 et seq. (the "LAD"); and

WHEREAS, Respondent, a telecommunications company, operated a facility in Ewing, New Jersey, where Complainant was employed from April 2008 to July 2009; and

WHEREAS, Respondent denies the allegations of the Verified Complaint; and

WHEREAS, the Division's investigation credited the allegations of the Verified Complaint, and on April 25, 2013, the Director of the Division (the "Director") issued a Finding of Probable Cause; and

WHEREAS, the Director intervened in the public interest pursuant to N.J.A.C. 13:4-2.2 (e), and the Verified Complaint was amended to include the Director as a Complainant; and

WHEREAS, Respondent denies the allegations of both the Verified Complaint and the Finding of Probable Cause, but nonetheless desires to settle this matter without the necessity of a public hearing; and

WHEREAS, all parties desire to settle the matter without the necessity and expense of further litigation and enter into this Consent Order;

NOW, THEREFORE, it is on this 21 day of April, 2015 ORDERED AND AGREED as follows:

LAD COMPLIANCE

1. Respondent agrees that all employment decisions affecting persons employed in New Jersey shall comply in full with 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, Respondent agrees not to implement any policy or practice 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.

PAYMENT

2. Without admitting the allegations set forth in the Verified Complaint or Finding of Probable Cause, Respondent agrees to pay Complainant Michael O'Shea the total amount of Twenty Thousand Dollars (\$20,000.00) in resolution of the allegations. Respondent will make the payment

by check made payable to "Michael O'Shea." The check shall be delivered within thirty (30) days of the execution of this agreement to Deputy Attorney General Megan Harris, New Jersey Department of Law & Public Safety, 124 Halsey Street, 5th Floor, Newark, NJ 07101, for forwarding to O'Shea.

POLICY AND TRAINING

3. Within thirty (30) days of the date this Consent Order is fully executed, Respondent agrees to provide written verification to the Division of a current anti-harassment/anti-discrimination policy (the "Policy") that includes terms addressing age, disability, and nondiscrimination in all terms of employment.

4. Complainants acknowledge Respondent's representation that it no longer has a facility in New Jersey and currently has no New Jersey based employees. In the event Respondent reestablishes a facility in New Jersey or employs any individual whose work base is within the State, Vantage agrees to notify the Division within sixty (60) days and arrange for all management staff and human resources personnel who work in the facility, or who have responsibility for any Vantage operations taking place in New Jersey, to attend training on the LAD and the Policy described in Paragraph 3. Notice of the training session (or each session if more than one is necessary) and a copy of the training materials to be used shall be submitted to the Division at least ten (10) days in advance. Each employee or officer of Respondent who attends the training will sign an acknowledgment form, indicating that he or she attended the training for its entirety. A copy of the signed acknowledgment form will be placed in the attendee's personnel file. This provision (Paragraph 4) expires two years from the date this Consent Order is fully executed.

RELEASE AND RELATED ACTIONS

5. Upon execution by all parties, which includes the Director of the Division on Civil Rights, this Consent Order shall operate as a complete and final disposition of the allegations contained in the Verified Complaint, subject only to the fulfillment of all provisions of this agreement. Upon fulfillment of those provisions, the allegations of the Verified Complaint are dismissed with prejudice.

6. Respondent agrees, without any attendant obligation to Complainants other than as set forth in this Consent Order, to voluntarily dismiss, with prejudice as to all claims made therein, the action brought against O'Shea in the Pennsylvania Court of Common Pleas, Bucks County, Case Number 2011-0467. Within seven (7) days of the date this Consent Order is fully executed, Respondent will file the necessary papers to effect voluntary dismissal with prejudice and provide a copy of the filing to the Division. In the event Respondent fails to file the necessary papers, it hereby consents to the entry of this Consent Order in the Pennsylvania Court of Common Pleas, Bucks County, as dispositive of Case Number 2011-0467.

GENERAL PROVISIONS

7. Respondent agrees to refrain from taking retaliatory action against any person who, in any way, participated in the investigation or litigation of this matter.

8. This Consent Order 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.

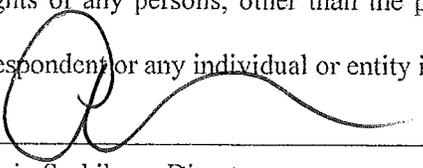
9. In the event that Respondent defaults in any material respect as to any provision herein, Respondent hereby consents to the entry of this Consent Order in the Chancery Division of

the Superior Court of New Jersey, thereby making this agreement an Order of the Court for purposes of enforcement.

10. Should Respondent fail to timely make the payment set forth in this Consent Order, it shall pay, in addition to interest on the award, all reasonable costs and expenses incurred in any further proceedings or steps necessary to collect or enforce the respective agreements herein and awarded by a court of competent jurisdiction.

11. New Jersey Law shall govern the enforcement of this Consent Order, except as to the provisions of paragraph 6, the enforcement of which shall be governed by the laws of Pennsylvania.

12. Nothing in this Consent Order shall in any manner be construed to limit or affect the rights of any persons, other than the parties to this agreement, who may have a claim against Respondent or any individual or entity involved in this matter.



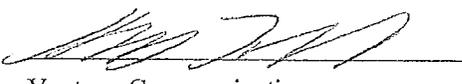
Craig Sashihara, Director,
New Jersey Division on Civil Rights

8-21-15
DATE



Michael O'Shea
(Complainant)

8/20/15
DATE



Vantage Communications
(Respondent)

8/14/15
DATE

By: Kenneth LoFiorino, General Counsel
(Print name and title)