



**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
Newark Area Office**

1 Newark Center, 21<sup>st</sup> Floor  
Newark, NJ 07102-5233  
Intake Information Group: (800) 669-4000  
Intake Information Group TTY: (800) 669-8820  
Newark Status Line: (866) 408-8075  
Newark Direct Dial: (973) 645-4684  
TTY (973) 645-3004  
FAX (973) 645-4524

**DETERMINATION**

**Charging Party**

Joanne Kusterer  


**Charge No: 524-2013-00978**

**Respondent**

Union County Savings Bank  
320 North Broad Street  
Elizabeth, NJ 07208  
Att: Donald C. Sims, President

On behalf of the U.S. Equal Employment Opportunity Commission ("Commission"), I issue the following determination on the merits of the subject charge filed under Title VII of the Civil Rights Act of 1964, as amended, and Equal Pay Act of 1963. Respondent Union County Savings Bank is an employer within the meaning of Title VII and the EPA. All requirements for coverage have been met.

Charging Party alleges that she was denied healthcare benefits afforded to male employees due to her sex (female) in violation of Title VII and the EPA. In addition, she alleges that she was retaliated against due to her relationship with colleague Joane DeVito, sister-in-law of Charlie Morgan who first challenged Respondent's discriminatory policy. Specifically she states that on December 31, 2012, she received a \$10 per week raise, while others received \$25 per week.

Charging Party is a class member in EEOC Charge No. 524-2012-01121 EPA Directed v. Union County Savings Bank, and EEOC Commissioner's Charge No. 524-2013-00869 Berrien v. Union County Savings Bank. In these matters, a thorough investigation was conducted regarding the allegations that female employees were denied health benefits provided their male counterparts. The Commission found a violation in these cases on April 8, 2013 and July 24, 2013. As such, the Commission has already found that Ms. Kusterer was subjected to discrimination on the basis of sex (female) in violation of Title VII of the Civil Rights Act of 1964, as amended, and the Equal Pay Act of 1963, and reaffirms such finding now in connection with Ms. Kusterer's individual charge.

The Commission is unable to conclude that the information obtained establishes a violation with respect to Charging Party's allegations that she was discriminated against on account of

**retaliation.** This does not certify that Respondent is in compliance with the statutes. If Charging Party wants to pursue this matter further, she has the right to sue the Respondent in U.S. District Court strictly pertaining to the allegations that she was retaliated against. **If Charging Party decides to sue, she must sue within 90 days from receipt of this notice, otherwise, the right to sue is lost.**

This determination is final. As this matter has been part of conciliation discussions in the above referenced matters, which have been ongoing since April 8, 2013, the Commission will continue its efforts to come to a fair and equitable resolution of the instant charge with you in that context.

On behalf of the Commission:

  
\_\_\_\_\_  
Amparo Soto  
Acting Area Director

  
\_\_\_\_\_  
Date



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**DETERMINATION**

**Charging Party**

Joanne DeVito



**Charge No: 524-2013-00808**

**Respondent**

Union County Savings Bank  
320 North Broad Street  
Elizabeth, NJ 07208  
Att: Donald C. Sims, President

On behalf of the U.S. Equal Employment Opportunity Commission ("Commission"), I issue the following determination on the merits of the subject charge filed under Title VII of the Civil Rights Act of 1964, as amended, and the Equal Pay Act of 1963. Respondent Union County Savings Bank is an employer within the meaning of Title VII and the EPA. All requirements for coverage have been met.

Charging Party alleges that she was denied healthcare benefits afforded to male employees due to her sex (female) in violation of Title VII and the EPA. In addition, she alleges that she was retaliated against due to her relationship with Charlie Morgan, her brother-in-law, who first challenged Respondent's discriminatory policy. Specifically, she states that on December 31, 2012, she received a \$10 per week raise, while others received \$25 per week.

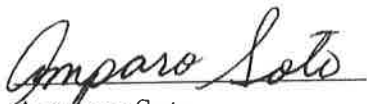
Charging Party is a class member in EEOC Charge No. 524-2012-01121 EPA Directed v. Union County Savings Bank, and EEOC Commissioner's Charge No. 524-2013-00869 Berrien v. Union County Savings Bank. In these matters, a thorough investigation was conducted regarding the allegations that female employees were denied health benefits provided their male counterparts. The Commission found a violation in these cases on

April 8, 2013 and July 24, 2013. As such, the Commission has already found that Ms. DeVito was subjected to discrimination on the basis of sex (female) in violation of Title VII of the Civil Rights Act of 1964, as amended, and the Equal Pay Act of 1963, and reaffirms such finding now in connection with Ms. DeVito's individual charge.

The Commission is unable to conclude that the information obtained establishes a violation with respect to Charging Party's allegations that she was discriminated against on account of **retaliation**. This does not certify that Respondent is in compliance with the statutes. If Charging Party wants to pursue this matter further, she has the right to sue the Respondent in U.S. District Court strictly pertaining to the allegations that she was retaliated against. **If Charging Party decides to sue, she must sue within 90 days from receipt of this notice, otherwise, the right to sue is lost.**

This determination is final. As this matter has been part of conciliation discussions in the above referenced matters, which have been ongoing since April 8, 2013, the Commission will continue its efforts to come to a fair and equitable resolution of the instant charge with you in that context.

On behalf of the Commission:

  
Amparo Soto  
Acting Area Director

12/11/13  
Date



**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**

**Newark Area Office**

**Jeffrey Burstein, Acting Director**

**[jeffrey.burstein@eeoc.gov](mailto:jeffrey.burstein@eeoc.gov)**

**(973) 645-5978**

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Website: [www.eeoc.gov](http://www.eeoc.gov)

February 24, 2014

Joanne Kusterer

  
Union County Savings Bank  
320 North Broad Street  
Elizabeth, NJ 07208  
Attn: Donald C. Simms, President

Emily Martin, Esq.  
National Women's Law Center  
11 Dupont Circle, Suite 800  
Washington, DC 20036

Christopher S Mayer, Esq.  
McCarter & English, LLP  
Four Gateway Center  
100 Mulberry Street  
P.O. Box 652  
Newark, NJ 07102

Re: *EEOC Charge No. 524-2013-00978*  
*Kusterer v. Union County Savings Bank*

**Notice of Intent to Reconsider**

Section 1601.19 (b) of the Commission's Procedural Regulations provides in relevant part as follows:

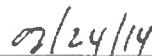
...The Commission may on its own initiative reconsider a final determination of no reasonable cause and an issuing director may, on his or her own initiative, reconsider his or her final determination of no reasonable cause. If the Commission or issuing director decides to reconsider, a notice of intent to reconsider shall promptly issue to all parties to the charge.

Accordingly, in conformity with Section 1601.19 (b) of the Commission's Procedural Regulations, and in consideration of information provided by Charging Party to the Commission regarding the above-referenced charge, I hereby issue this Notice of Intent to Reconsider and hereby rescind the Dismissal and Notice of Rights issued by this office on December 11, 2013. This decision does not affect the component of the above-referenced charge upon which the Commission did find reasonable cause to credit the allegations of sex discrimination.

On behalf of the Commission:



Jeffrey Burstein  
Acting Area Director



Date



**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**

**Newark Area Office**

**Jeffrey Burstein, Acting Director**

**[jeffrey.burstein@eeoc.gov](mailto:jeffrey.burstein@eeoc.gov)**

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February 24, 2014

Joanne DeVito



Union County Savings Bank  
320 North Broad Street  
Elizabeth, NJ 07208  
Attn: Donald C. Simms, President

Emily Martin, Esq.  
National Women's Law Center  
11 Dupont Circle, Suite 800  
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Christopher S Mayer, Esq.  
McCarter & English, LLP  
Four Gateway Center  
100 Mulberry Street  
P.O. Box 652  
Newark, NJ 07102

Re: *EEOC Charge No. 524-2013-00808*  
*DeVito v. Union County Savings Bank*

**Notice of Intent to Reconsider**

Section 1601.19 (b) of the Commission's Procedural Regulations provides in relevant part as follows:

...The Commission may on its own initiative reconsider a final determination of no reasonable cause and an issuing director may, on his or her own initiative, reconsider his or her final determination of no reasonable cause. If the Commission or issuing director decides to reconsider, a notice of intent to reconsider shall promptly issue to all parties to the charge.

Accordingly, in conformity with Section 1601.19 (b) of the Commission's Procedural Regulations, and in consideration of information provided by Charging Party to the Commission regarding the above-referenced charge, I hereby issue this Notice of Intent to Reconsider and hereby rescind the Dismissal and Notice of Rights issued by this office on December 11, 2013. This decision does not affect the component of the above-referenced charge upon which the Commission did find reasonable cause to credit the allegations of sex discrimination.

On behalf of the Commission:

  
\_\_\_\_\_  
Jeffrey Burstein  
Acting Area Director

02/24/14  
Date