

The U.S. Equal Employment Opportunity Commission

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MARITIME TRAINING FACILITY & UNION TO PAY \$625,000 FOR AGE BIAS IN APPRENTICESHIP PROGRAM

EEOC Charged Paul Hall Center and SIU with Rejecting Older Job Applicants

BALTIMORE -- The U.S. Equal Employment Opportunity Commission (EEOC) today announced a litigation settlement for \$625,000 and comprehensive injunctive relief in an employment discrimination case against the Paul Hall Center for Maritime Training and Education (Paul Hall Center) and Seafarers International (SIU) due to age bias in an apprenticeship program.

The apprenticeship program, which is based in Piney Point, Maryland, trains individuals wishing to become mariners in the U.S. Merchant Marine. Upon completion of the apprenticeship program, graduates are guaranteed jobs as unlicensed seamen onboard a SIU contracted vessel. EEOC asserted in the lawsuit that the Paul Hall Center and SIU refused to admit individuals at least 40 years old into the apprenticeship program in violation of the Age Discrimination in Employment Act (ADEA). EEOC charged that applicants who were at least 40 were sent letters advising them that they "must be between the ages of 18 and 25" to apply. In addition, admissions representatives coded the applications of many of the individuals over 40, specifically noting they were "too old."

The lawsuit was resolved following an interlocutory appeal to the U.S. Court of Appeals for the Fourth Circuit, which challenged the validity of an EEOC regulation stating that apprenticeship programs are covered by the ADEA. On January 7, 2005, the U.S. Court of Appeals ruled that EEOC's regulation was a valid extension of the ADEA. EEOC initially filed the suit (Civil Action MJG-02-3192) on September 30, 2002, in U.S. District Court for the District of Maryland, after first attempting to reach a voluntary pre-litigation settlement.

Under the terms of a consent decree resolving the matter, entered by U.S. District Judge Marvin J. Garbis on November 14, 2005, the Paul Hall Center and SIU have agreed to pay a total of \$625,000 to be distributed to a class of individuals who were denied the opportunity to attend the apprenticeship program due to ageism.

In addition to the monetary relief, the Paul Hall Center and SIU have agreed to comply with the ADEA, which includes not imposing any upper age limit; posting a notice concerning prohibitions against discrimination; and training employees responsible for recruiting, screening and admitting new apprentice program participants in federal laws which prohibit discrimination. The Paul Hall Center and SIU have also agreed that its admission practices will be under continued monitoring by the EEOC for a period of five years.

"Employers must heighten their awareness to age discrimination and refrain from making age-based employment decisions," said Gerald S. Kiel, Regional Attorney for the EEOC's Baltimore District Office. "The age restriction in this case appears to have been based upon the stereotype that older individuals would not succeed in a physically and mentally demanding apprenticeship program. We are pleased that the age restriction has been lifted and that those individuals who were affected by this unlawful practice will be compensated."

The EEOC is the federal agency charged with enforcing the Age Discrimination in Employment Act of 1967 which prohibits employment discrimination on the basis of age. In addition, EEOC enforces Title VII of the Civil Rights Act of 1964 which prohibits discrimination based on race, color, religion, national origin, pregnancy, sex and sexual harassment; the Equal Pay Act which prohibits discrimination in wages on the basis of sex; the Americans with Disabilities Act of 1990 and federal regulations which prohibit employment discrimination against people with disabilities; and sections of the Civil Rights Act of 1991. Further information about the Commission is available on the agency's web site at www.eeoc.gov.

This page was last modified on November 15, 2005.



[Return to Home Page](#)