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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

JAN 1 1996
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NATIONAL CONGRESS FOR PUERTO RICAN
RIGHTS -- NEW YORK CITY CHAPTER;
DISABLED IN ACTION OF METROPOLITAN
NEW YORK; GEORGE LUIS DELGADO, JR.;
CAMILLE DIBENEDETTO,

Plaintiffs,

v.

JOHN E. SWEENEY, Commissioner,
New York State Department of Labor,
in his official capacity,

Defendant

-----X

CONSENT DECREE
ORDER AND JUDGMENT

Index No. 95 Civ. 8742
Judge Richard Owen

WHEREAS, this action was instituted by plaintiffs on October 13, 1995, by the filing of a complaint alleging that the New York State Department of Labor had failed to provide voter registration services and assistance, in violation of the National Voter Registration Act of 1993, 42 U.S.C. §1973gg-5 and New York Election Law §5-211; and

WHEREAS, the New York State Department of Labor is a designated voter registration agency pursuant to New York Election Law §5-211 and, as a result, is subject to the requirements of the National Voter Registration Act of 1993, 42 U.S.C. §1973gg et sec.; and

WHEREAS, the defendant John E. Sweeney, as Commissioner of the New York State Department of Labor, ("the Department") and the plaintiffs, National Congress for Puerto Rican Rights-New York City Chapter; Disabled in Action of Metropolitan New York; George Luis

Delgado, Jr; and Camille DiBenedetto, have agreed and stipulated to the issuance of this Decree, Order and Judgment (hereinafter, "Decree"), whose terms reflect the settlement and resolution of this matter without trial; .

THEREFORE, it is ORDERED, ADJUDGED, AND DECREED that, so long as the Department is subject to the requirements of New York Election Law §5-211 and 42 U.S.C. §1973gg-5, it will comply with the requirements of the law as follows:

I

A) The Administrative Services Division of the Department shall develop a cost allocation plan whereby twenty (20) full time equivalent positions will be funded by the Department, within the Community Services Division, for the provision of voter registration services at all unemployment offices and job services offices in New York State. The provision of voter registration services by Departmental personnel, however, shall not be limited to services provided by 20 persons; rather, a number of Departmental staff will be able to bill a portion of their time to a given full-time equivalent position.

B) The Department will contact the State Board of Elections and shall arrange for regional training sessions for selected Departmental staff concerning the mechanics of providing required voter registration services. Between seven and ten regional training sessions are anticipated. By February 1996, these staff members will then train all Department employees who

may be required to provide voter registration services.

C) Beginning in February 1996, the Department will implement voter registration services in each office that provides unemployment insurance and/or job services in the following manner:

i. When an individual comes into a Departmental office to file for unemployment insurance or applies for job services, she/he will be given a "New York State Agency-Based Voter Registration Form" issued by the New York State Board of Elections along with the application for unemployment insurance benefits and/or job services intake form.

ii. The individual will be instructed to review the Voter Registration Form ("Form") and complete the registration/declination questions (currently contained in the upper left hand corner of the Form).

iii. The individual will be requested to return the form to Department staff who will

(a) review it;

(b) provide assistance, if needed, in completing the Form, unless the applicant refuses such assistance; and

(c) mail the completed registration portion of the Form to the applicable County Board of Elections, or, within New York City, the New York City Board of Elections.

iv. If an individual applying for unemployment insurance or job services declines to register or wants to mail the form on his or her own, the top half of the form will be inserted

into the central voter registration form file. Such files will be maintained on a weekly basis, with a copy of all declinations kept on file for twenty-two months.

v. All unemployment insurance applicants who participate in a "group interview" shall be provided with the aforementioned voter registration services during the group interview process. All unemployment insurance applicants and job services applicants who do not participate in the group interview, including those who receive an application and do not qualify for benefits or services, shall be provided with the aforementioned voter registration services during the initial application for services.

vi. Pursuant to the NVRA, 42 U.S.C. §1973gg-5(a)(6)(c), all unemployment insurance offices and job services offices shall provide to each applicant who does not decline to register the same degree of assistance (including bilingual assistance) with regard to the completion of the voter registration form as is provided by the office with the completion of its own forms, unless the applicant refuses such assistance.

D. When its current supplies of forms are exhausted, the Department will alter its unemployment insurance application (LO 330) and, to the extent possible, its job services intake form (TOPS 66) to include the voter registration application as either a third sheet or a tear off form at the bottom. These new "combined" forms shall be used for all voter registration transactions by the earliest possible date, but in no event later

than July 15, 1996. When the new forms are in stock, the procedures described in paragraph C above will be modified to use the new form in place of the separate Board of Elections form described in paragraph I(C) (i) above.

E. The Department agrees to place a message on all unemployment checks issued the week of January 29, 1996, indicating a) that any individual who wishes to receive a voter registration form may call any unemployment insurance or job services office and one will be mailed to them; and b) any individual who desires assistance in completing the form may appear at any office and assistance will be provided. Pursuant to the NVRA, 42 U.S.C. §1973gg-9(d)(1), such message shall also be printed on the checks in Spanish in the counties of Bronx, Kings, New York, Queens, Suffolk, and Westchester; and shall be communicated, through targeted publications, poster displays in unemployment offices, and community outreach, including community outreach by the Department's Apparel Industry Task Force, in Chinese in the counties of Kings, New York, and Queens, and in the Mohawk language in Franklin County (the parties shall confer and shall reach agreement on further details regarding notification in Chinese and the Mohawk language, such as which publications will be targeted, the nature of community outreach, etc.).

II

For a period of one year after implementation begins, the Department agrees to submit reports to the plaintiffs,

issued no less frequently than monthly, setting forth the total number of unemployment insurance transactions, job services transactions, voter registrations, and declinations for each Departmental site in the State. The first such report shall be issued by March 1, 1996.

III

The Department agrees to mail voter registration forms to the home address of each of the individually named plaintiffs. Such mailing shall include the information that if the recipient wishes to receive assistance in completing the form, he or she may receive such assistance by calling any unemployment insurance office or by appearing at any such office.

IV

The plaintiffs agree that no further suit will be instituted for the same cause of action which is asserted herein, or for any other cause of action arising out of the same facts giving rise to the above-captioned action; with the exception of any legal proceedings brought to enforce the provisions of this Decree. The Court retains jurisdiction for the purpose of overseeing compliance with the Decree.

V

The settlement of this action in no way shall be deemed an admission or evidence of liability of behalf of the named

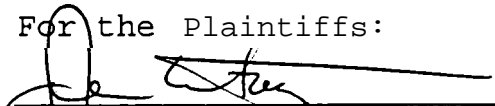
defendant or the New York State Department of Labor

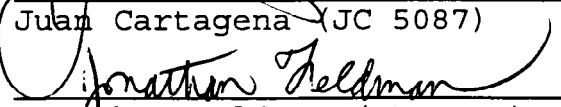
VI

Plaintiffs are prevailing parties within the meaning of 42 U.S.C. §1973gg-9(c). Counsel for the parties shall confer on the issue of reasonable attorneys' fees, costs, and expenses to be paid to plaintiffs' counsel pursuant to 42 U.S.C. §1973gg-9(c). Plaintiffs shall provide a written demand for attorneys' fees with supporting documentation to the defendant within 30 days of the date of this Decree. If the parties are unable to agree on this matter, plaintiffs shall, no later than 60 days from the date of their demand, submit a motion for an award of attorneys' fees and costs to the court. The time for submission of any motion for fees and costs may be expanded by consent.

Approved as to form and content:

For the Plaintiffs:

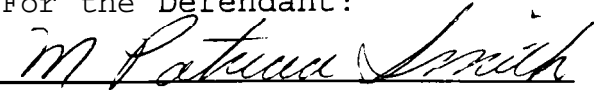


Juan Cartagena (JC 5087)


Jonathan Feldman (JF 4545)

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DATED: NEW YORK, NEW YORK
JANUARY 17 1996



RICHARD OWEN
United States District Judge