

NOTICE OF SETTLEMENT AND FAIRNESS HEARING

On April 13, 2021, the United States and the Commonwealth of Pennsylvania and the Pennsylvania State Police (“PSP”) (together, “Defendants”) executed a settlement of a lawsuit filed by the United States on July 29, 2014, in the United States District Court for the Middle District of Pennsylvania.

In its Complaint, the United States alleged that Defendants violated Title VII, 42 U.S.C. § 2000e-2(a), through their use of two Physical Readiness Tests (“PRTs”) from 2003 to May 11, 2020. The United States alleged that those tests disproportionately excluded female applicants from employment as troopers for PSP. Defendants deny that they violated Title VII. However, PSP has agreed to voluntarily discontinue the use of the PRTs and will not resume using them in the future. Therefore, in the interest of resolving this matter and to promote the purposes of Title VII, the United States and Defendants have voluntarily entered into a Settlement Agreement (“Agreement”) resolving the lawsuit.

The terms of the Agreement include the following:

- (1) Defendants have ceased using the PRT and instead will administer the gender and age-normed Cooper Fitness Test, in compliance with Title VII, to all PSP trooper applicants who require administration of a physical test.
- (2) Defendants agree to pay a total of \$2,200,000 into a qualified settlement fund which will be used to pay monetary relief to claimants and any related employer-side taxes.
- (3) Monetary relief in the form of back pay will be distributed among Claimants who failed the PRT from 2003 through May 11, 2020 and who are eligible for relief under the Agreement. A “Claimant” is any female Trooper applicant who attempted, but did not pass, Defendants’ PRT at any time since 2003 and the Date of Signature of the Agreement, who submits a claim form and release, and any other necessary documents outlined in the Agreement. This includes females who failed the PRT once and later passed it and became employed as PSP Troopers.
- (4) A Claimant who is not currently qualified for hire as a PSP Trooper may still be eligible for back pay relief under this Agreement.
- (5) Each Claimant will receive a pro rata share of the back pay compensation, to account for lost wages based on the Claimant’s presumptive hire date, which will be determined based on the year the Claimant failed the PRT. The amount of back pay compensation and possible employment payment for those eligible are set forth in Attachment 1 to this Notice.
- (6) Defendants agree to make up to 65 priority hires, with retroactive seniority, as set forth in the Agreement. Those eligible and interested Claimants will be invited to participate in the cadet selection process which will include the administration of the Cooper Fitness Test, a background investigation, polygraph test, and medical exam. The priority hires will receive retroactive seniority, for purposes of salary, vacation accrual, and initial assignment from the Academy, as set forth in the Agreement. A Claimant must be currently qualified for hire as a PSP Trooper in order to be eligible to participate as a priority hire, as set forth in the Agreement.
- (7) Defendants will also award retroactive seniority for purposes of salary and vacation accrual for women who took the PRT between 2003 and the Date of Signature of the Agreement and initially failed the test, but later passed it and who were hired as PSP Troopers and who remain employed by PSP.

(8) All individuals who receive retroactive seniority will also be entitled to receive additional monetary relief as an employment payment in lieu of retroactive pension benefits which will be paid from the \$2,200,000 Qualified Settlement Fund. The amount shall be \$5,000, or a lesser amount not to exceed make whole relief.

The Agreement is publicly available on Defendants' websites at www.pa.gov, www.psp.pa.gov, and www.patrooper.com, and on the U.S. Department of Justice website at <https://www.justice.gov/crt/employment-litigation-section>. You may also contact the Employment Litigation Section of the Civil Rights Division of the Department of Justice to request a copy at: 1-800-556-1950, Mailbox Option #8.

The Agreement has been provisionally approved by the Court and the parties now have requested that the Court hold a "Fairness Hearing" to determine whether the terms of the Agreement are fair, reasonable, adequate, equitable and otherwise consistent with federal law. This Fairness Hearing will be held on August 5, 2021 at 10:00 A.M.

Join from the meeting link:

<https://us-courts.webex.com/us-courts/j.php?MTID=m51053e8c46a3f3d03dd3a3acc6b0ddca>

Meeting Number (access code): 160 454 3153

Meeting password: djMhvdG7D33

Join by phone:

1-650-479-3207 Call-in toll number (US/Canada)

Join from a video system or applications:

Dial [1604543153@us-courts.webex.com](tel:1604543153)

You can also dial 173.243.2.68 and enter your meeting number.

Join using Microsoft Lync or Microsoft Skype for Business:

Dial [1604543153.us-courts@lync.webex.com](tel:1604543153.us-courts@lync.webex.com)

You have the right to attend this Fairness Hearing.

In addition, you have the right to submit a written objection to any of the terms of the Agreement that you believe are unfair or unlawful. Instructions for filing an objection are enclosed. **Making an objection is voluntary, but if you do not object at this time, you may waive your right to object in the future. Any objection you wish to make must be submitted to the Claims Administrator as described in the following pages of this Notice by no later than July 6, 2021.**

ATTACHMENT 1

BACKPAY COMPENSATION PAYMENT FOR EACH CLAIMANT, BASED ON PRESUMPTIVE HIRE DATE

Year Failed PRT	Presumptive Hire Date	Number of Applicants	Back Pay Compensation Share*
2003	7/15/2004	13	\$7,887
2004	10/18/2005	23	\$7,294
2005	11/7/2006	32	\$6,797
2006	10/19/2007	38	\$6,351
2007	11/30/2008	14	\$5,825
2008	2/2/2010	56	\$5,272
2009	7/5/2011	17	\$4,604
2010	12/30/2011	4	\$4,374
2011	3/23/2013	33	\$3,795
2012	4/20/2014	6	\$3,288
2013	12/16/2014	33	\$2,979
2014	5/22/2015	34	\$2,776
2015	10/29/2016	35	\$2,098
2016	3/3/2018	43	\$1,466
2017		0	
2018		0	
2019	4/24/2020	5	\$457
		386	

* Compensation amounts are subject to appropriate tax deductions.

**BACKPAY COMPENSATION PAYMENT FOR EACH
DELAYED HIRE CLAIMANT**

Year Failed PRT	Longevity Date	Number of Applicants	Back Pay Compensation Share*
2003	11/19/2004	3	\$271
2005	12/22/2006	1	\$58
2006	2/7/2014	1	\$2,969
2008	4/1/2011	1	\$545
2009	2/20/2015	1	\$1,709
2013	9/4/2015	2	\$338
2013	12/4/2015	1	\$455
2015	4/21/2017	1	\$224
2015	9/8/2017	1	\$405

* Compensation amounts are subject to appropriate tax deductions

INSTRUCTIONS FOR FILING AN OBJECTION
PRIOR TO THE FAIRNESS HEARING

1. If you believe the Settlement Agreement (“Agreement”) is unfair, unreasonable, inadequate or unlawful, you may object to its final approval by the Court. **Making an objection is voluntary, but if you do not object now, you may be prohibited from challenging the Settlement Agreement in the future.** If you decide to object, you **must** follow the instructions set out on this page. If you choose to object, the judge will consider your objection before deciding whether to finally approve the Agreement.
2. **All objections must be sent by email or U.S. mail. If your objection is sent by email, it must be time-stamped no later than 11:59 PM Eastern Time on July 6, 2021. If your objection is mailed, it must be postmarked by no later than July 6, 2021. If your objection is not sent by the date and time listed here, your objection may not be considered, and you may be prohibited from objecting to the Agreement.**
3. **All objections must be made in writing.** Your objection must be written on the attached form. You must fill out the form completely. You must specify what about the Agreement you object to and why. **If your objection is sent by email, you must use this form and send it as an attachment. Objections made in the body of the email itself will not be considered.** If you have an attorney, include with your objection the name, address and phone number of your attorney. You may attach additional pages to the caption page/form if necessary.
4. You must send one copy of your objection by email or U.S. Mail to the following address:
By email:
info@PSPDOJSettlement.com

By United States Mail:
PSP DOJ Settlement Administrator
C/O Rust Consulting, Inc.-7299
PO Box 54
Minneapolis, MN 55440-0054
Toll-free: (855) 460-1533
Website: PSPDOJSettlement.com
5. The Court will hold the Fairness Hearing on **August 5, 2021**. You may attend this hearing if you wish, but you need not attend to have the Court consider any written objections you submit.
6. If you have any questions about how to object, you may consult with an attorney of your own choosing and at your own expense. You also may call the U.S. Department of Justice at 1-800-556-1950, and select mailbox option number 8. If you do call this number, please leave your name, last four digits of your Social Security Number, telephone number, a time when you can be reached, and a brief explanation of the reason for your call. Your call will be returned as soon as possible. The Department of Justice can provide information on the settlement. However, it is not authorized to provide legal advice to individuals.

**UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA
HARRISBURG DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
v.)	Civil Action No. 1:14-cv-01474-SHR
)	
COMMONWEALTH OF)	
PENNSYLVANIA AND)	Hon. Sylvia H. Rambo
PENNSYLVANIA STATE POLICE,)	
)	
Defendants.)	

OBJECTION TO THE SETTLEMENT AGREEMENT

I object to the Settlement Agreement between the United States, the Commonwealth of Pennsylvania, and the Pennsylvania State Police.

Name: _____ Attorney's name (if any): _____

Address: _____ Attorney's address: _____

Telephone: _____ Attorney's Telephone: _____

E-Mail Address: _____

Basis of my objection:

Are you requesting the opportunity for you (or your attorney, if you have one) to speak in person at the Fairness Hearing? Yes No

You may use additional pages to explain why you object, if necessary. You must send your objection to the Claims Administrator at the address provided in the instructions.

YOUR OBJECTION MUST BE POSTMARKED BY JULY 6, 2021 OR TIME STAMPED BY EMAIL BY 11:59 PM EASTERN TIME ON JULY 6, 2021.