

COMMONWEALTH OF PENNSYLVANIA

GOVERNOR'S OFFICE

PENNSYLVANIA HUMAN RELATIONS COMMISSION

DANIEL BUTLER, Complainant	:	PHRC CASE No. 200600473 EEOC No. 17FA662793
EDWARD GARDNER, Complainant	:	PHRC CASE No. 20060755 EEOC No. 17FA662792
SAMUEL GOLLAPALLI, Complainant	:	PHRC CASE No. 200600941 EEOC No. 17FA662791
GERARD KERSHAW, Complainant	:	PHRC CASE No. 200600769 EEOC No. 17FA662789
DAVID LEWIS, Complainant	:	PHRC CASE No. 200505979 EEOC No. 17FA661513
MARK ST. MARIE Complainant	:	PHRC CASE No. 200600939 EEOC No. 17FA662790
and,	:	
DAVID THUMMEL, Complainant	:	PHRC CASE No. 200600474 EEOC No. 17FA662997
v.	:	
CITY OF PHILADELPHIA, Respondent	:	

STIPULATIONS

FINDINGS OF FACT

CONCLUSIONS OF LAW

OPINION

RECOMMENDATION OF HEARING PANEL

FINAL ORDER

COMMONWEALTH OF PENNSYLVANIA

GOVERNOR'S OFFICE

PENNSYLVANIA HUMAN RELATIONS COMMISSION

David Lewis v. City of Philadelphia  
PHRC Case No. 200505979, EEOC No. 17FA661513

Gerard Kershaw v. City of Philadelphia  
PHRC Case No. 200600769, EEOC No. 17 FA662789

Mark St. Marie v. City of Philadelphia  
PHRC Case No. 200600939, EEOC No. 17FA662790

David Thummel v. City of Philadelphia  
PHRC Case No. 200600474, EEOC No. 17FA662997

Edward Gardner v. City of Philadelphia  
PHRC Case No. 200600755, EEOC No. 17FA662792

Daniel Butler v. City of Philadelphia  
PHRC Case No. 200600473, EEOC No. 17FA662793

Samuel Gollapalli v. City of Philadelphia  
PHRC Case No. 200600941, EEOC No. 17FA662791

**STIPULATIONS**

The following facts are admitted by all parties to these cases and no further proof thereof is required.

1. Daniel Butler, Edward Gardner, Samuel Gollapalli, Gerard Kershaw, David Lewis, Mark St. Marie, and David Thummel ("Complainants"), applied for the position of firefighter in Respondent City of Philadelphia's Fire Department ("Respondent"). They took and passed the City's Civil Service Test, Examination No. 06Q36B01, in November 2005 ("2005 Examination") and received their respective test scores. They were placed on the certified eligibility list ("2006 List"). Exhibit "1."

2. In Respondent's Application for Firefighter that Complainants completed, it states that:

To be hired for the position:  
[You] must have reached Eighteenth (18th) birthday, but not have reached fortieth (40th) birthday by date of appointment.

Exhibit "2."

3. Complainants paid Respondent's \$35 application fee and Respondent accepted same, permitting Claimants to take Civil Service Examination ("CSE") Number 06Q36B01.

4. In order to be hired as a Firefighter, Complainants, like all applicants, were required to take and pass the written examination.

5. Once applicants complete the written examination, the examinations are scored and the applicants who pass the examination are placed on an eligible list of hires.

6. Based on their respective placement on the eligible list of hires, applicants are required to undergo a background screening and physical examination.

7. Applicants who successfully complete the background screening and physical examination may be selected to enter the Fire Academy based on their respective placement on the eligible list of hires.

8. Respondent certified the Eligible List for Civil Service Examination 06Q36B01 in January 2006 ("2006 List").

9. Applicants who had successfully passed the 2005 Examination were placed on the 2006 List and began to be appointed to the Fire Department after successfully completing the remainder of the screening process.