

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 Appendix E to the Settlement Agreement.

(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 Trooper 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 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.

You have the right to attend this Fairness Hearing. You have the right to submit a written objection to any of the terms of the Agreement that you believe are unfair or unlawful. 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 by no later than July 6, 2021.

For more information, including a copy of the Settlement Agreement, information on how to file an objection and how to attend the Fairness Hearing, please visit: <https://pspdojsettlement.com>. You may also email: info@PSPDOJSettlement.com or call the Claims Administrator toll-free: (855) 460-1533.