

NOTICE OF ENTRY OF CONSENT DECREE

A court approved this notice. This is not an advertisement from a lawyer.

If you identified as Hispanic or female when applying to become a police officer with the Lubbock Police Department between January 2010 and June 2015, you must act now to protect your rights in a lawsuit.

- The United States of America sued the City of Lubbock (the “City”), alleging that the Lubbock Police Department discriminated against female and Hispanic applicants when hiring probationary police officers from January 16, 2010, to June 6, 2015.
- On November 14, 2016, the Court entered a Consent Decree that resolved the lawsuit between the United States and the City.
- As part of the Consent Decree, the City has agreed to provide money and other awards to individuals harmed by the alleged discrimination. Individuals who meet the following criteria may be eligible for a cash back pay award and/or priority consideration for hiring with the Lubbock Police Department:
 - Applicants who identified as Hispanic when applying to be a probationary police officer and who did not pass the written examination administered by the Lubbock Police Department between January 16, 2010, and June 6, 2015; or
 - Applicants who identified as female when applying to be a probationary police officer and who did not pass the physical fitness test administered by the Lubbock Police Department between January 16, 2010, and June 6, 2015.
- You are being sent this Notice because you identified as Hispanic or female when applying and you did not pass either the written examination or the physical fitness test, so you may be eligible for a cash award of back pay and/or priority consideration for a probationary police officer position under the Consent Decree. **You must submit the enclosed Interest-in-Relief Form by January 30, 2017 to be considered for relief under the Consent Decree.**

1. What is this lawsuit about?

In its lawsuit, the United States alleged that the City had engaged in unlawful employment practices that deprived or tended to deprive Hispanics and women of employment opportunities because of their national origin and/or sex, in violation of Section 703(a) of Title VII, 42 U.S.C. § 2000e-2(a). Specifically, the United States alleged that, in its hiring process for probationary police officers from January 2010 to June 2015, the City used a written examination that had an adverse impact on Hispanic applicants and a physical fitness test that had an adverse impact on female applicants. The United States alleged that neither test was sufficiently job related or consistent with business necessity. The United States did not, however, allege that the City has intentionally discriminated against any person or group of persons. The City denied that it discriminated against any person or group of persons in any way.

In the interest of resolving this matter and promoting the purposes of Title VII, the United States and the City voluntarily entered into a Consent Decree. The Court approved the Consent Decree and entered it as final on November 14, 2016.

2. What individual awards are available to Hispanic and female victims of the City's alleged discrimination?

Because the Consent Decree resolves the discriminatory impact of two separate testing devices used by the City to hire probationary police officers, two different groups of victims may be entitled to relief.

- **If you identified as Hispanic when applying to be a probationary police officer and you did not pass the written examination administered by the Lubbock Police Department between January 16, 2010, and June 6, 2015, you may be entitled to:**
 - **A cash award of back pay** to make up for some of the wages lost due to discrimination. Specifically, the City has agreed to provide \$326,250 in back pay to be distributed amongst eligible Hispanic claimants.
 - **Consideration** for a position as a probationary police officer with the Lubbock Police Department, including retroactive seniority.
 - **Retroactive seniority, including retroactive pension benefits**, for up to 11 police officers. This retroactive seniority may not be used for shift-bidding or to satisfy any applicable probationary periods or any time-in-grade requirements associated with promotion eligibility.
- **If you identified as female when applying to be a probationary police officer and you did not pass the physical fitness test administered by the Lubbock Police Department between January 16, 2010, and June 6, 2015, you may be entitled to:**
 - **A cash award of back pay** to make up for some of the wages lost due to discrimination. Specifically, the City has agreed to provide \$398,750 in back pay to be distributed amongst eligible female claimants.
 - **Consideration** for a position as a probationary police officer with the Lubbock Police Department, including retroactive seniority.
 - **Retroactive seniority, including retroactive pension benefits**, for up to 13 police officers. This retroactive seniority may not be used for shift-bidding or to satisfy any applicable probationary periods or any time-in-grade requirements associated with promotion eligibility.

3. Why did I get this notice?

The City's records show that you identified as Hispanic or female when applying and you were disqualified by the City's use of the written examination or the physical fitness test between January 2010 and June 2015. As a result, you may be eligible for a cash back pay award or priority consideration for a probationary police officer position with the Lubbock Police Department. This notice explains the steps that you must now take to be considered for an individual award.

QUESTIONS? VISIT WWW.LUBBOCKPDSETTLEMENT.COM OR CALL TOLL-FREE 1 (888) 337-3459

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4. What should I do to be considered for an individual award?

To be considered for an individual award, you must complete and submit the enclosed Interest-in-Relief Form to the Claims Administrator, the Garden City Group, as described in the enclosed instructions, no later than January 30, 2017. Submitting the Interest-in-Relief Form does not guarantee that you will receive any individual award. But if you do not complete and submit the Interest-in-Relief Form by January 30, 2017, you may not receive an award because you missed the deadline.

5. What happens next?

The United States will make an initial decision on your eligibility based on the City's records and the Interest-in-Relief Form that you submit. You will be informed of the initial decision on your eligibility, and you will have the opportunity to object to that decision. The Court will make the final decision about whether you are eligible to receive an individual award.

During this process, it is important that the Garden City Group has your current contact information to inform you of next steps or to request additional information. If your address, telephone number, or e-mail address changes after you mail in your Interest-in-Relief Form, you must let the Garden City Group know. To do so:

- You can e-mail info@LubbockPDSettlement.com, or
- You can send a letter to:

Lubbock Police Department Settlement
c/o GCG
P.O. Box 9349
Dublin, OH 43017-4249

**INSTRUCTIONS FOR FILING A CLAIM TO BE CONSIDERED FOR A CASH BACK PAY AWARD
AND/OR PRIORITY HIRING CONSIDERATION**

1. To be eligible for an individual award in this lawsuit (such as a cash back pay award and/or priority hiring consideration), you must return a completed Interest-in-Relief Form with your signature. **Filling out the Interest-in-Relief Form does not guarantee that you will receive an award, but you may not be eligible to receive any benefits from this lawsuit if you do not complete and return the Interest-in-Relief Form.**

2. **FILL OUT EVERY SECTION OF THE INTEREST-IN-RELIEF FORM.**

3. Submit your Interest-in-Relief Form either:
 - a. By U.S. mail to the following address (a return envelope has been enclosed for your convenience):

Lubbock Police Department Settlement
c/o GCG
P.O. Box 9349
Dublin, OH 43017-4249

 - b. By e-mail to info@LubbockPDSettlement.com

4. **All forms must be sent via e-mail or postmarked by January 30, 2017, or you will lose the chance to receive an award absent good cause.**

5. If you return the Interest-in-Relief Form:
 - a. You authorize the Garden City Group to share your materials with the parties and the Court.
 - b. The United States will evaluate your eligibility for an individual award.
 - c. The Garden City Group will notify you of the United States' eligibility determinations.
 - d. If you disagree with these determinations, you will have a chance to object.
 - e. The Court will make the final decision about whether you are eligible for an award.

Part II. Interest in Relief

1. Type of Relief Requested

Please check one or both of the types of relief that you are seeking:

Cash Back Pay Award: Please check this box if you are interested in a cash award of back pay to make up for some of the wages lost due to the alleged discrimination.

The City has agreed to provide \$326,250 in back pay to be distributed amongst eligible Hispanic claimants, and \$398,750 in back pay to be distributed amongst eligible female claimants.

The amount of cash back pay that an eligible claimant receives will depend on the number of claimants and the respective timing of their disqualification from the City's hiring process.

Priority Hiring Relief: Please check this box if you are interested in being considered for priority hiring relief, including retroactive seniority, under either of the following two situations:

- (1) If you are not currently employed as a police officer with the Lubbock Police Department and you would like to be considered for priority hiring as a probationary police officer with the Lubbock Police Department. Checking the box merely indicates your interest in being considered and does not mean that you will necessarily be hired. Also, you will not have to accept a position if one is offered to you.
- (2) If you are currently employed as a police officer with the Lubbock Police Department and you would like to receive retroactive seniority.

The City of Lubbock has agreed to give priority hiring relief to up to 11 eligible Hispanic claimants and up to 13 eligible female claimants. Each eligible claimant who receives priority hiring relief will receive retroactive seniority, including the salary that he or she would have earned had he or she been working as a police officer since the disqualifying exam, retroactive pension benefits, and seniority credit in the probationary police officer position (but not for time-in-place promotion eligibility or shift bidding).

Part III. Additional Eligibility Information

2. Citizenship

Are you a United States citizen?

YES NO

If you are a naturalized United States citizen, when did you obtain your citizenship?

Date:

/ /

3. Education History

Did you graduate from high school or receive your GED?

YES NO

If yes, when did you graduate from high school or receive your GED?

Date:

/ /

Please continue onto the next page to complete all sections of this Interest-in-Relief Form.

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Part III. Additional Eligibility Information (Continued)

4. Driver's License

Are you a licensed driver?

YES NO

If yes, please list the state of issuance and your driver's license number.

5. Criminal Convictions

Have you ever been convicted of a felony, a class-A misdemeanor, or a class-B misdemeanor?

YES NO

If yes, please list for each conviction: the date, state, crime, and type of conviction (e.g., felony, class-A misdemeanor, or class-B misdemeanor).

Part IV. Acknowledgement and Certification

I UNDERSTAND AND ACKNOWLEDGE that additional information regarding my background may be requested, and that I may be required to provide such information in order to be eligible to receive any award the Court may order in this lawsuit, **and that filling out this Interest-in-Relief Form does not guarantee that I will receive any individual award in this lawsuit.**

I CERTIFY under penalty of perjury that the foregoing is true and correct.

Signature:

Name (print):

Date:

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