

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

SAMANTHA VASICH, RASHAUNDA
DOOLEY, ANGELA MINNICK, JANIECE
THEEKE, KATRINA BASIC, and JESSICA
EVANS individually and on behalf of all others
similarly situated, and KIMBERLY BAILEY and
HAYLEY STAFEN individually

Plaintiffs,

vs.

CITY OF CHICAGO, a municipal corporation

Defendant.

CLASS ACTION

Case No.: 1:11-cv-04843

Judge John J. Tharp

THIRD AMENDED COMPLAINT

Samantha Vasich, RaShaunda Dooley, Angela Minnick, Janiece Theeke, Katrina Basic, and Jessica Evans (the “Representative Plaintiffs”), on behalf of themselves and all others similarly situated, and Kimberly Bailey and Hayley Stafen (the “Individual Plaintiffs”), on behalf of themselves individually, (collectively the “Plaintiffs”), allege the following upon information and belief against Defendant, the City of Chicago (hereafter “City” or “Defendant”):

I. NATURE OF THE CLAIM

1. This is an action brought to remedy discrimination in employment on the basis of gender in violation of Title VII of the Civil Rights Act of 1964 (hereafter “Title VII”), as amended, 42 U.S.C. §§ 2000e, *et seq.* This action seeks declaratory and injunctive relief, and back pay and other equitable make whole relief both to secure future protection and to redress the past deprivation of rights secured to Plaintiffs and the Class under Title VII.

2. Plaintiffs file this Third Amended Complaint upon leave of the Court.

3. The City hires and employs firefighter/Emergency Medical Technicians (hereafter “firefighter/EMT”) for the Chicago Fire Department (hereafter “CFD”), a department of the City.

4. Twenty five years ago, under pressure from the U.S. Department of Justice, the City hired its first ever female firefighters. On information and belief, today, twenty five years later, there are only 116 women in the CFD, “representing just over 2 percent of the department of more than 5,000” members. “25 Years of Courage,” Chicago Tribune, June 26, 2011.

5. A major impediment to the appointment of female firefighter/EMTs is the physical abilities test that the City administers to firefighter/EMT candidates. The firefighter/EMT physical abilities test that the City administers to firefighter/EMT candidates has a disparate impact on women. As used in this Third Amended Complaint (hereafter “TAC”), “disparate impact” means that the pass rate for female candidates who are administered the firefighter/EMT physical abilities test is more than two standard deviations lower than the pass rate for male candidates who are administered the firefighter/EMT physical abilities test.

6. The current physical abilities test for firefighter/EMT candidates is comprised of four “events,” three of which the City has used in its firefighter/EMT physical abilities test since 1996. In 2007, the City added a fourth component to the firefighter/EMT physical abilities test that also is a component of the CFD’s paramedic physical abilities test. The CFD’s paramedic physical abilities test also has a disparate impact on women.

7. The firefighter/EMT physical abilities test is not “job related” for the firefighter/EMT position, or “consistent with business necessity” of the City, as those terms are used in the Civil Rights Act of 1991, Pub. L. No. 102-166, § 105, 105 Stat. 1071, 1074-75 (codified as amended at 42 U.S.C. § 2000e-2(k)), does not otherwise meet the requirements of Title VII, and accordingly, violates Title VII.

8. The City has been aware that the firefighter/EMT physical abilities test has a disparate impact on women since as early as 1996, prior to the initial administration of the firefighter/EMT physical abilities test to firefighter/EMT applicants. Yet, the City chose to administer the firefighter/EMT physical abilities test and utilize its results for selecting firefighter/EMTs, despite its disparate impact on women. Since learning of the firefighter/EMT physical abilities test’s disparate impact on women, the City has continued to administer it from

1996 to the present despite the availability of less discriminatory alternatives, see 42 U.S.C. § 2000e-2(k)(1)(A)(i). In fact, the City chose to add an additional component to the firefighter/EMT physical abilities test even though it knew that the additional component had a disparate impact on female paramedic applicants and thus would likely also have a disparate impact on female firefighter/EMT applicants.

9. Every administration of the firefighter/EMT physical abilities test since 1996 has resulted in a disparate impact on female firefighter/EMT applicants.

10. On information and belief, the City has never explored or considered less discriminatory alternatives to the firefighter/EMT physical abilities test, see 42 U.S.C. § 2000e-2(k)(1)(A)(i).

11. At the time the City decided to adopt and began using the firefighter/EMT physical abilities test, there were less discriminatory alternative physical abilities tests for firefighter/EMT applicants available which the City refused or failed to adopt.

12. Moreover, the City has continued to use and refused or failed to adopt a less discriminatory firefighter/EMT physical abilities test even though less discriminatory physical abilities tests for firefighter/EMTs which are at least as job related are available.

13. On information and belief, the City has utilized the firefighter/EMT physical abilities test with the intention of discriminating against female firefighter/EMT applicants or with reckless disregard of the fact that the firefighter/EMT physical abilities test and its use have that unlawful effect.

14. Plaintiffs seek: (a) declaratory and injunctive relief, including but not limited to the issuance of a classwide judgment declaring that the policies, practices, and/or customs described herein violate federal law; (b) injunctive relief to halt the practice of using a selection procedure—the firefighter/EMT physical abilities test—which adversely impacts female applicants; (c) an order establishing procedures to correct the present effects of the City's discriminatory policies and practices; and (d) back pay and other equitable relief to make whole

female applicants for CFD firefighter/EMT positions who have been injured by the City's unlawful hiring practices.

II. JURISDICTION AND VENUE

15. This Court has jurisdiction pursuant to 28 U.S.C. § 1331 and 42 U.S.C. § 2000e-5(f)(3).

16. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b). Plaintiffs have been at all times relevant herein a resident of the City of Chicago, County of Cook, State of Illinois. The acts that gave rise to the claims alleged in this TAC occurred in Illinois and in this District.

III. EXHAUSTION OF ADMINISTRATIVE REQUIREMENT

A. Plaintiff Vasich

17. Plaintiff Vasich has fulfilled all administrative prerequisites necessary to maintain this action.

18. On April 23, 2010, Plaintiff Vasich filed a timely charge of discrimination with the Equal Employment Opportunity Commission (hereafter "EEOC") charging the City with discrimination against her on the basis of sex by administering a firefighter/EMT physical abilities test that disqualified her and a disproportionate number of other women. A true and accurate copy of Ms. Vasich's EEOC complaint is attached hereto as Exhibit 1.

19. On May 16, 2011, Plaintiff Vasich sent a letter to the EEOC requesting issuance of a notice of right to sue on her charge of discrimination. A true and accurate copy of Ms. Vasich's request for notification of right to sue is attached hereto as Exhibit 2.

20. On June 28, 2011, Plaintiff Vasich received notification of right to sue from the EEOC. A true and accurate copy of the EEOC's right to sue notice is attached hereto as Exhibit 3.

21. On July 19, 2011, Plaintiff Vasich received a letter from the EEOC stating that the right to sue notice issued on June 28, 2011 was issued as a clerical error. A true and accurate copy of this letter is attached hereto as Exhibit 4.

22. On August 2, 2011, Plaintiff Vasich received a notification of right to sue from the United States Department of Justice (hereafter “DOJ”). A true and accurate copy of the DOJ’s right to sue notice is attached hereto as Exhibit 5.

B. Plaintiff Minnick

23. Plaintiff Minnick has fulfilled all administrative prerequisites necessary to maintain this action.

24. On October 8, 2008, Plaintiff Minnik filed a timely charge of discrimination with the EEOC charging the City with discrimination against her on the basis of sex. A true and accurate copy of Ms. Minnick’s EEOC complaint is attached hereto as Exhibit 6. Ms. Minnick drafted the complaint without the assistance of a lawyer and filed it *pro se* (only later securing the representation of her undersigned counsel).

25. In addition to filing her charge of discrimination with the EEOC, Ms. Minnick also completed an EEOC Intake Questionnaire on which she explained that the nature of the discriminatory act on the part of the City about which she was complaining was her failure to “pass test” referring to the firefighter/EMT test. Ms. Minnick also identified three other women who also “were in the same situation as” her. A true and accurate copy of Ms. Minnick’s EEOC Intake Questionnaire is attached hereto as Exhibit 7.

26. On October 19, 2011, more than 180 days after she filed her charge of discrimination, Plaintiff Minnick, through her counsel, sent a letter to the EEOC requesting issuance of a notice of right to sue on her charge of discrimination. Ms. Minnick’s counsel copied the DOJ on this letter. A true and accurate copy of Ms. Minnick’s request for notification of right to sue is attached hereto as Exhibit 8.

27. Despite the requirement of 29 C.F.R. § 1601.28(d)(2) (requiring the Attorney General to issue a right to sue notice when requested by a party who has filed a charge of discrimination against a government), Ms. Minnick has not received a notification of right to sue from the EEOC.

C. Plaintiff Theeke

28. Plaintiff Theeke has fulfilled all administrative prerequisites necessary to maintain this action.

29. On July 7, 2008, Plaintiff Theeke filed a timely charge of discrimination with the EEOC charging the City with discrimination against her on the basis of sex. A true and accurate copy of Ms. Theeke's EEOC complaint is attached hereto as Exhibit 9. Ms. Theeke drafted the complaint without the assistance of a lawyer and filed it *pro se* (only later securing the representation of her undersigned counsel).

30. On or about August 2, 2012, Plaintiff Theeke received a notification of right to sue from the EEOC.

D. Plaintiff Evans

31. Plaintiff Evans has fulfilled all administrative prerequisites necessary to maintain this action.

32. On April 10, 2008, Plaintiff Evans filed a timely *pro se* charge of discrimination with the EEOC charging the City with discrimination against her on the basis of sex by administering a firefighter/EMT physical abilities test that disqualified her and a disproportionate number of other women. The charge alleged:

In or about March 2006, I applied for a Firefighter/EMT position. In December 2007, I took the Physical Abilities Test. On January 9, 2008, I was told that [I] would not be considered for the position. I believe that I was discriminated against because of my sex, female, in violation of Title VII of the Civil Rights Act of 1964, as amended.

A true and accurate copy of Ms. Evans' EEOC complaint is attached hereto as Exhibit 10.

33. The City's response to the charge, filed on May 13, 2008, stated that Evans "took the [PAT]," that "Human Performance Systems, Inc. . . . created the standards for the [PAT]," Evans "was told that she would not be considered for a Firefighter/ EMT position" following the test, "each applicant must be able to demonstrate these physical abilities by passing the [PAT]," and Evans "was denied further consideration for the position of Firefighter/EMT with the Chicago Fire Department because she failed to meet the minimum physical qualifications necessary for employment as a Firefighter/EMT with the Chicago Fire Department." A true and accurate copy of the City's response to the charge is attached hereto as Exhibit 11.

34. The nature of the EEOC's investigation of Evans' EEOC charge considered the disparate impact of the City's firefighter/EMT physical abilities test on female firefighter/EMT candidates as a class.

35. On July 3, 2008, the EEOC, in connection with Evans' charge, requested class-wide information regarding the City's firefighter/EMT hiring. The request asked for information concerning: "[a]ll individuals who were selected for the Firefighter/EMT position for the period January 1, 2006 to the present by . . . gender/sex" and "[a]ll individuals who were not selected for the Firefighter/EMT position for the period January 1, 2006 to present by . . . gender/sex." A true and accurate copy of the EEOC's request is attached hereto as Exhibit 12.

36. Between two and five days after August 4, 2008, the City provided to the EEOC class-wide hiring information for the firefighter/EMT position by gender. A true and accurate copy of the City's response to the EEOC is attached hereto as Exhibit 13.

37. On December 30, 2010, the EEOC issued a subpoena for based on Evans' charge and other similarly situated female firefighter/EMT applicants who had filed charges of discrimination, to the City requesting class-related information, including job analysis reports and data regarding the physical ability requirements and reasons for, validation of, and other documents related to the administration of the firefighter/EMT physical abilities test. A true and accurate copy of the EEOC's subpoena is attached hereto as Exhibit 14.

38. Between two and seven days after August 2, 2012, Evans received a notice of right to sue on her charge of discrimination from the EEOC. A true and accurate copy of the EEOC's notification of right to sue is attached hereto as Exhibit 15.

E. Plaintiff Bailey

39. Plaintiff Bailey has fulfilled all administrative prerequisites necessary to maintain this action.

40. On July 7, 2008, Plaintiff Bailey filed a timely charge of discrimination with the EEOC charging the City with discrimination against her on the basis of sex. A true and accurate copy of Ms. Bailey's EEOC complaint is attached hereto as Exhibit 16. Ms. Bailey drafted the complaint without the assistance of a lawyer and filed it *pro se* (only later securing the representation of her undersigned counsel).

41. On or about August 2, 2012, Plaintiff Bailey received a notification of right to sue from the EEOC.

F. Plaintiff Stafen

42. Plaintiff Stafen has fulfilled all administrative prerequisites necessary to maintain this action.

43. On August 6, 2008, Plaintiff Stafen filed a timely charge of discrimination with the EEOC charging the City with discrimination against her on the basis of sex. A true and accurate copy of Ms. Stafen's EEOC complaint is attached hereto as Exhibit 17. Ms. Stafen drafted the complaint without the assistance of a lawyer and filed it *pro se* (only later securing the representation of her undersigned counsel).

44. On or about August 2, 2012, Plaintiff Stafen received a notification of right to sue from the EEOC.

45. On information and belief, Plaintiffs Vasich, Bailey, Minnick, Theeke, Stafen, and Evans' EEOC charges were all assigned to the same EEOC investigator, Janel McCullom-Smith, at the EEOC Chicago District Office.

46. On information and belief, the nature of the EEOC's investigation of Plaintiffs Vasich, Bailey, Minnick, Theeke, Stafen, and Evans' EEOC charges considered the disparate impact of the City's firefighter/EMT physical abilities test on female firefighter/EMT candidates.

G. Plaintiffs Dooley and Basic

47. Plaintiffs Dooley and Basic's claims of discrimination arise out of the same or similar discriminatory conduct, committed in the same period as Plaintiffs Bailey, Minnick, Stafen, and Theeke's claims. Therefore, Plaintiffs Dooley and Basic are not required to exhaust their administrative remedies. *Horton v. Jackson Cnty. Bd. of Cnty. Comm'rs*, 343 F.3d 897, 899-900 (7th Cir. 2003).

IV. PARTIES

A. Plaintiffs

48. Plaintiff Vasich is a female. She is and was at all times relevant herein a resident of the City of Chicago, County of Cook, State of Illinois.

49. Plaintiff Dooley is female. She is and was at all times relevant herein a resident of the City of Chicago, County of Cook, State of Illinois.

50. Plaintiff Minnick is a female. She is and was at all times relevant herein a resident of the City of Chicago, County of Cook, State of Illinois.

51. Plaintiff Theeke is a female. She is and was at all times relevant herein a resident of the City of Chicago, County of Cook, State of Illinois.

52. Plaintiff Basic is a female. She is and was at all times relevant herein a resident of the City of Chicago, County of Cook, State of Illinois.

53. Plaintiff Evans is a female. She is and was at all times relevant herein a resident of the City of Chicago, County of Cook, State of Illinois.

54. Plaintiff Bailey is a female. She is and was at all times relevant herein a resident of the City of Chicago, County of Cook, State of Illinois.

55. Plaintiff Stafen is a female. She is and was at all times relevant herein a resident of the City of Chicago, County of Cook, State of Illinois.

B. Defendant

56. The City is and was at all times relevant herein a municipal corporation organized and existing under the laws of Illinois. The City is and was at all times relevant herein an employer as defined by Title VII.

V. GENERAL POLICES OR PRACTICES OF DISCRIMINATION

57. Since at least 1996 and continuing to the present time, in order to obtain a firefighter/EMT position with the City, a candidate must meet all other requirements and take and pass a firefighter/EMT physical abilities test.

58. The current firefighter/EMT physical abilities test, involves four components: arm lift; arm endurance; hose drag/high rise pack carry; and modified stair climb. The arm lift, arm endurance and hose drag/high rise pack carry have been used in the firefighter/EMT physical abilities test since 1996. The modified stair climb component was added to the PAT in 2007. The City set a minimum cut-off score for the firefighter/EMT physical abilities test and applicants whose scores fall below the cut-off are removed the firefighter/EMT eligibility list.

59. Female applicants for the firefighter/EMT position fail the firefighter/EMT physical abilities test at a higher rate than male applicants. This observed disparity in pass/fail rates by gender is statistically significant both in the aggregate and for each firefighter/EMT physical abilities test the City has administered.

60. There is no empirical data demonstrating that the firefighter/EMT physical abilities test is predictive of or significantly correlated with important elements of job performance. The individual physical abilities tested by the firefighter/EMT physical abilities test have not been proven to be representative of important aspects of performance of the job of firefighter/EMT (that is, the firefighter/EMT physical abilities test does not have demonstrated “content validity” as that term is defined in the EEOC’s Uniform Guidelines on Employee Selection Procedures, 29 C.F.R. § 107.16(D)).

61. The firefighter/EMT physical abilities test has not been shown to be predictive of or significantly correlated with important elements of job performance. The individual physical abilities tested by the firefighter/EMT physical abilities test have not been proven to measures the degree to which candidates have identifiable characteristics which have been determined to be important for successful job performance as a firefighter/EMT (that is, the firefighter/EMT physical abilities test does not have demonstrated “construct validity” as that term is defined in the EEOC’s Uniform Guidelines on Employee Selection Procedures, 29 C.F.R. § 107.16(E)).

62. The firefighter/EMT physical abilities test has not been shown to be predictive of or significantly correlated with important elements of work behavior of the job of firefighter/EMT (that is, the firefighter/EMT physical abilities test does not have demonstrated “criterion validity” as that term is defined in the EEOC’s Uniform Guidelines on Employee Selection Procedures, 29 C.F.R. § 107.16(F)).

63. The firefighter/EMT physical abilities test has not been scientifically validated as it neither has construct validity, criterion validity, nor has been shown to be an accurate and reliable measure of the fitness areas tested.

64. The City has a long history of denying equal employment opportunity through the use of discriminatory testing procedures in the CFD, in violation of Title VII of the Civil Rights Act. *See, e.g., Lewis v. City of Chicago*, Case No. 98-C-5596 (N.D. Ill. Mar. 22, 2005); *United States v. Albrecht*, Case Nos. 73 C 661, 80 C 1590 (N.D. Ill.).

VI. CLAIMS OF REPRESENTATIVE PLAINTIFFS

A. Plaintiff Vasich

65. Plaintiff Vasich applied to be a firefighter/EMT with the CFD in 2006.

66. Plaintiff Vasich met all of the initial eligibility criteria for becoming a firefighter/EMT, passed the written examination, and was placed on a list of persons eligible for hire as a firefighter/EMT subject to further processing.

67. Plaintiff Vasich is and was fully capable of all physical requirements to perform the job of a City of Chicago firefighter/EMT.

68. In 2009, the City sent Plaintiff Vasich a letter which stated, in part, that the date of her firefighter/EMT physical abilities test was January 13, 2010.

69. To prepare for the firefighter/EMT physical abilities test, Plaintiff Vasich hired a personal trainer who devised a training plan that would allow her to successfully perform the different test components as described in the City's pre-test materials. For example, Plaintiff Vasich, under the supervision of her trainer, wore a vest filled with weights while working out on a stair climber to prepare for the firefighter/EMT physical abilities test's modified stair climb. Plaintiff Vasich also dragged a bag of sand around a gym floor to prepare for the firefighter/EMT physical abilities test's hose drag test. Plaintiff Vasich was able to successfully perform these training activities.

70. Because the pamphlet entitled "Firefighter/EMT Physical Abilities Test" that the City sent to Plaintiff Vasich in preparation for the firefighter/EMT physical abilities test stated, in part, that viewing a DVD entitled "Firefighter/EMT Physical Abilities Test" was "extremely important," Plaintiff Vasich also viewed the DVD. The DVD showed both men and women performing stretching and other exercises and the PAT. However, the actual footage of firefighter/EMTs on the job appeared to portray only male firefighter/EMTs.

71. On January 13, 2010, Plaintiff Vasich took the firefighter/EMT physical abilities test. Plaintiff Vasich performed each of the test components according to the instructions she was given by the test administrator.

72. On February 2, 2010, Plaintiff Vasich received a letter from the City dated January 25, 2010, which stated, in part, that she "did not receive a passing score on the Firefighter/EMT Physical Abilities Test" and the CFD "will notify the Department of Human Resources to remove [her] name from Firefighter/EMT eligibility list." The letter did not identify her overall score or her score on any component part of the test or indicate which component(s) she had allegedly failed.

73. Because the January 25, 2010 letter contained no other information about her test results, such as her score on the firefighter/EMT physical abilities test, Plaintiff Vasich called the

CFD's personnel department. The person with whom Plaintiff Vasich spoke told Plaintiff Vasich that she could not provide any additional information about Plaintiff Vasich's test results, that a private company handled the testing, and that she would not tell Plaintiff Vasich the name of that private company.

74. As a direct and proximate result of the action of the City, Plaintiff Vasich was not hired as a firefighter/EMT and has sustained and continues to sustain lost wages and other benefits of employment she would have been eligible for as a CFD firefighter/EMT.

B. Plaintiff Dooley

75. Plaintiff Dooley applied to be a firefighter/EMT with the CFD in or around 2006.

76. Plaintiff Dooley met all of the initial eligibility criteria for becoming a firefighter/EMT, passed the written examination, and was placed on a list of persons eligible for hire as a firefighter/EMT subject to further processing.

77. Plaintiff Dooley is and was fully capable of all physical requirements to perform the job of a City of Chicago firefighter/EMT.

78. The City sent Plaintiff Dooley a letter which stated, in part, that the date of her firefighter/EMT physical abilities test was March 2009.

79. To prepare for the firefighter/EMT physical abilities test, Plaintiff Dooley went to the CFD firehouse and practiced dragging a fire hose up and down the stairs repeatedly. She also trained at the gym and ran regularly.

80. Plaintiff Dooley took the firefighter/EMT physical abilities test in March 2009.

81. Plaintiff Dooley received a letter from the City dated April 6, 2009, which stated, in part, that she "did not receive a passing score on the Firefighter/EMT Physical Abilities Test" and the CFD "will notify the Department of Human Resources to remove [her] name from Firefighter/EMT eligibility list." The letter did not identify her overall score or her score on any component part of the test or indicate which component(s) she had allegedly failed.

82. As a direct and proximate result of the action of the City, Plaintiff Dooley was not hired as a firefighter/EMT and has sustained and continues to sustain lost wages and other benefits of employment she would have been eligible for as a CFD firefighter/EMT.

C. Plaintiff Minnick

83. Plaintiff Minnick has been a paramedic licensed by the State of Illinois since 1997 and at all times relevant herein.

84. In addition, Plaintiff Minnick has been a certified Firefighter II with the State of Illinois since 1999. Between 1999 and 2000, Ms. Minnick worked as a firefighter/paramedic for the Tri-State Fire Protection District in Darien, Illinois.

85. Plaintiff Minnick has been employed by the CFD as a paramedic since on or around December 1, 2000. In 2003, Ms. Minnick was promoted to the position of Paramedic in Charge (hereafter "PIC").

86. Plaintiff Minnick applied to be a firefighter/EMT with the CFD in 2006.

87. Plaintiff Minnick met all of the initial eligibility criteria for becoming a firefighter/EMT, passed the written examination, and was placed on a list of persons eligible for hire as a firefighter/EMT subject to further processing.

88. Plaintiff Minnick is and was fully capable of all physical requirements to perform the job of a City of Chicago firefighter/EMT.

89. The City sent Plaintiff Minnick a letter advising her that the date of her firefighter/EMT physical abilities test was December 12, 2007.

90. To prepare for the firefighter/EMT physical abilities test, Plaintiff Minnick, in addition to working as a paramedic for and with the CFD, obtained all available materials for the firefighter/EMT physical abilities test and trained and prepared for the test as directed in such materials.

91. Plaintiff Minnick received a letter from the City dated January 9, 2008, which stated, in part, that she "did not receive a passing score on the Firefighter/EMT Physical Abilities

Test” and the CFD “will notify the Department of Human Resources to remove [her] name from Firefighter/EMT eligibility list.” The letter did not identify her overall score or her score on any component part of the test or indicate which component(s) she had allegedly failed.

92. Because the January 9, 2008 letter contained no other information about her test results, such as her score on the firefighter/EMT physical abilities test, on September 4, 2008, Plaintiff Minnick submitted a written request for her “test results,” “what the performance standard for each task was” and “how [her] score was calculated,” to Kevin Sullivan, then-Deputy Chief Paramedic, Field Division South, Fire Department of the City of Chicago.

93. Plaintiff Minnick received no response to her request.

94. In November 2008, while in her job as a CFD PIC, Chief McKillop of the CFD Fire Academy South invited Plaintiff Minnick to serve as an instructor at the Fire Academy. In April 2009, CFD sent Plaintiff Minnick to a week-long training class with the American Council on Exercise (ACE) where she became an ACE certified peer fitness trainer. After receiving her ACE certification, Plaintiff Minnick trained CFD firefighter/EMT candidates at the Fire Academy. Thus, the CFD engaged Ms. Minnick to provide physical training in the Fire Academy to firefighter/EMT candidates even after refusing to hire her as a firefighter/EMT because she failed the firefighter/EMT physical abilities test.

95. As a direct and proximate result of the action of the City, Plaintiff Minnick was not hired as a firefighter/EMT and has sustained and continues to sustain lost wages and other benefits of employment she would have been eligible for as a CFD firefighter/EMT.

D. Plaintiff Basic

96. Plaintiff Basic has been a paramedic licensed by the State of Illinois since prior to 2002 and at all times relevant herein.

97. In addition, since in or around 2005, Plaintiff Basic has been a certified Firefighter II with the State of Illinois. Ms. Basic was previously employed as a firefighter with the Central Stickney and Marionette Park (Illinois) fire departments.

98. Since on or around March 18, 2002, Plaintiff Basic has been employed by the CFD as a paramedic.

99. Plaintiff Basic applied to be a firefighter/EMT with the CFD in 2006.

100. When she applied to be a CFD firefighter/EMT, Plaintiff Basic served on the CFD's health and fitness committee and was an ACE certified peer fitness trainer.

101. Plaintiff Basic met all of the initial eligibility criteria for becoming a firefighter/EMT, passed the written examination, and was placed on a list of persons eligible for hire as a firefighter/EMT subject to further processing.

102. Plaintiff Basic is and was fully capable of all physical requirements to perform the job of a City of Chicago firefighter/EMT.

103. The City sent Plaintiff Basic a letter advising her that the date of her firefighter/EMT physical abilities test was on or around December 7, 2007.

104. To prepare for the firefighter/EMT physical abilities test, Plaintiff Basic, in addition to performing her duties as a CFD paramedic, obtained available materials on the firefighter/EMT physical abilities test and trained for the test as directed in those materials.

105. After taking the PAT, Plaintiff Basic received a letter from the City in January 2008, which stated, in part, that she "did not receive a passing score on the Firefighter/EMT Physical Abilities Test" and the CFD "will notify the Department of Human Resources to remove [her] name from Firefighter/EMT eligibility list." The letter did not identify her overall score or her score on any component part of the test or indicate which component(s) she had allegedly failed.

106. As a direct and proximate result of the action of the City, Plaintiff Basic was not hired as a firefighter/EMT and has sustained and continues to sustain lost wages and other benefits of employment she would have been eligible for as a CFD firefighter/EMT.

E. Plaintiff Theeke

107. Plaintiff Theeke has been a paramedic licensed by the State of Illinois since before 2000 and at all times relevant herein.

108. Plaintiff Theeke has been employed by the CFD as a paramedic since on or around December 1, 2000. She was promoted to the position of PIC prior to 2006.

109. Plaintiff Theeke applied to be a firefighter/EMT with the CFD in 2006.

110. Plaintiff Theeke met all of the initial eligibility criteria for becoming a firefighter/EMT, passed the written examination, and was placed on a list of persons eligible for hire as a firefighter/EMT subject to further processing.

111. Plaintiff Theeke is and was fully capable of all physical requirements to perform the job of a City of Chicago firefighter/EMT.

112. The City sent Plaintiff Theeke a letter advising her that the date of her firefighter/EMT physical abilities test was December 12, 2007.

113. Plaintiff Theeke is and was prior to 2007 a certified firefighter in Illinois, having passed all licensing and certification requirements established by the State of Illinois. Prior to 2007, Plaintiff Theeke served as a firefighter with the Village of Carpentersville (Illinois) Fire Department.

114. To prepare for the firefighter/EMT physical abilities test, Plaintiff Theeke, in addition to performing her duties as a CFD paramedic and a firefighter/paramedic with the Carpentersville Fire Department obtained the available materials concerning the firefighter/EMT physical abilities test and trained for the test as directed in those materials.

115. After taking the firefighter/EMT physical abilities test, Plaintiff Theeke received a letter from the City, which stated, in part, that she “did not receive a passing score on the Firefighter/EMT Physical Abilities Test” and the CFD “will notify the Department of Human Resources to remove [her] name from Firefighter/EMT eligibility list.” The letter did not

identify her overall score or her score on any component part of the test or indicate which component(s) she had allegedly failed.

116. As a direct and proximate result of the action of the City, Plaintiff Theeke was not hired as a firefighter/EMT and has sustained and continues to sustain lost wages and other benefits of employment she would have been eligible for as a CFD firefighter/EMT.

F. Plaintiff Evans

117. Plaintiff Evans applied to be a firefighter/EMT with the CFD in March 2006.

118. Plaintiff Evans met all of the initial eligibility criteria for becoming a firefighter/EMT, passed the written examination, and was placed on a list of persons eligible for hire as a firefighter/EMT subject to further processing.

119. Plaintiff Evans is and was fully capable of all physical requirements to perform the job of a City of Chicago firefighter/EMT.

120. In or around January 2008, Plaintiff took the firefighter/EMT physical abilities test. Plaintiff was one of the first applicants processed. Her number was 317 of approximately 17,000 firefighter/EMT applicants.

121. At the time Plaintiff Evans applied for the firefighter/EMT position and took the firefighter/EMT physical abilities test, she was a “fan” of the Chicago Fire Department, riding with the firefighters of Engine 22 to go out on fire suppression and emergency medical services calls. She rode with Engine 22 for five years.

122. While riding with Engine 22, Plaintiff Evans played Division I softball at DePaul University. When she took the CFD firefighter/EMT physical abilities test, Plaintiff Evans was in her fifth year at DePaul and did regular strength and conditioning training.

123. Before Plaintiff Evans took the CFD firefighter/EMT physical abilities test, she had already taken and passed the physical abilities test administered by Elk Grove Village, Illinois to screen applicants for the job of firefighter. Unlike the Chicago firefighter/EMT

physical abilities test, the Elk Grove Village physical abilities test involved simulated firefighter tasks such as dragging a dummy and hoisting a ladder.

124. Plaintiff Evans has also taken and passed the Candidate Physical Abilities Test (CPAT) licensed by the International Association of Firefighters three times. The passing time on the CPAT is 10 minutes and 20 seconds. Plaintiff Evans' best CPAT time is 7 minutes and 40 seconds.

125. Plaintiff Evans currently works as a firefighter/paramedic for a municipality near Chicago.

126. When she took the CFD Firefighter/EMT physical abilities test, Plaintiff Evans performed each of the test components according to the instructions she was given by the test administrator.

127. On or around January 9, 2008, Plaintiff Evans received a letter from the City which stated, in part, that she "did not receive a passing score on the Firefighter/EMT Physical Abilities Test" and the CFD "will notify the Department of Human Resources to remove [her] name from Firefighter/EMT eligibility list." The letter did not identify her overall score or her score on any component part of the test or indicate which component(s) she had allegedly failed.

128. As a direct and proximate result of the action of the City, Plaintiff Evans was not hired as a firefighter/EMT and has sustained and continues to sustain lost wages and other benefits of employment she would have been eligible for as a CFD firefighter/EMT.

VII. CLAIMS OF THE INDIVIDUAL PLAINTIFFS

A. Plaintiff Bailey

129. Plaintiff Bailey is and has been a paramedic licensed by the State of Illinois since before 2000 and at all times relevant herein.

130. Plaintiff Bailey has been employed by the CFD as a paramedic since December 2000.

131. Plaintiff Bailey applied to be a firefighter/EMT with the CFD in 2006.

132. Plaintiff Bailey met all of the initial eligibility criteria for becoming a firefighter/EMT, passed the written examination, and was placed on a list of persons eligible for hire as a firefighter/EMT subject to further processing.

133. Plaintiff Bailey is and was fully capable of all physical requirements to perform the job of a City of Chicago firefighter/EMT.

134. Plaintiff Bailey is and has been since prior to 2006, a licensed firefighter in the State of Illinois and has served as a firefighter in a fire department other than Chicago prior to 2007.

135. In 2007, the City sent Plaintiff Bailey a letter advising her that the date of her firefighter/EMT physical abilities test was December 7, 2007.

136. To prepare for the firefighter/EMT physical abilities test, Plaintiff Bailey, in addition to performing her duties as a paramedic with Chicago and her duties as a firefighter with another department, reviewed all available materials concerning the firefighter/EMT physical abilities test. Bailey trained for the test as directed in such materials.

137. On December 7, 2007, Plaintiff Bailey took the firefighter/EMT physical abilities test. Plaintiff Bailey performed each of the testing activities according to the instructions she was given by the test administrator.

138. Plaintiff Bailey subsequently received a letter from the City, which stated, in part, that she “did not receive a passing score on the Firefighter/EMT Physical Abilities Test” and the CFD “will notify the Department of Human Resources to remove [her] name from Firefighter/EMT eligibility list.” The letter did not identify her overall score or her score on any component part of the test or indicate which component(s) she had allegedly failed.

139. Because the letter contained no other information about her test results, such as her score on the firefighter/EMT physical abilities test, Plaintiff Bailey submitted a written request for her “test results,” “what the performance standard for each task was,” and “how [her] score was calculated” to Kevin Sullivan, then-Deputy Chief Paramedic, Field Division South, CFD.

140. Ms. Bailey received no response to her request.

141. As a direct and proximate result of the action of the City, Plaintiff Bailey was not hired as a firefighter/EMT and has sustained and continues to sustain lost wages and other benefits of employment she would have been eligible for as a CFD firefighter/EMT.

B. Plaintiff Stafen

142. Plaintiff Stafen has been a paramedic licensed by the State of Illinois since prior to August 2000 and at all times relevant herein.

143. Plaintiff Stafen has been employed by the CFD as a paramedic since on or around August 2000.

144. Plaintiff Stafen applied to be a firefighter/EMT with the CFD in 2007.

145. Plaintiff Stafen met all of the initial eligibility criteria for becoming a firefighter/EMT, passed the written examination, and was placed on a list of persons eligible for hire as a firefighter/EMT subject to further processing.

146. Plaintiff Stafen is and was fully capable of all physical requirements to perform the job of a City of Chicago firefighter/EMT.

147. The City sent Plaintiff Stafen a letter advising her that the date of her firefighter/EMT physical abilities test was in or around December 4, 2007.

148. To prepare for the firefighter/EMT physical abilities test, Plaintiff Stafen worked out regularly at the gym. Additionally, Plaintiff Stafen trained at the CFD firehouse, wearing men's firefighter equipment while running up and down the stairs.

149. Following the firefighter/EMT physical abilities test, Plaintiff Stafen received a letter from the City which stated, in part, that she "did not receive a passing score on the Firefighter/EMT Physical Abilities Test" and the CFD "will notify the Department of Human Resources to remove [her] name from Firefighter/EMT eligibility list." The letter did not identify her overall score or her score on any component part of the test or indicate which component(s) she had allegedly failed.

150. As a direct and proximate result of the action of the City, Plaintiff Stafen was not hired as a firefighter/EMT and has sustained and continues to sustain lost wages and other benefits of employment she would have been eligible for as a CFD firefighter/EMT.

VIII. CLASS ACTION ALLEGATIONS

151. The Representative Plaintiffs bring this Class Action pursuant to Federal Rule of Civil Procedure 23(a), (b)(2), (b)(3), and (c)(4) on behalf of a Class of all female applicants for the CFD firefighter/EMT position who took and failed the firefighter/EMT physical abilities test at any time from June 15, 2007 and continuing to the present (hereafter “the class liability period”).

152. Representative Plaintiffs are members of the Class they seek to represent.

153. The members of the Class identified herein are so numerous that joinder of all members is impracticable. Although Plaintiffs do not know precisely how many women have failed to receive firefighter/EMT positions due to the adverse impact of the firefighter/EMT physical abilities test, their number is far greater than can be feasibly addressed through joinder. Identification of the individual class members can be determined from the City’s firefighter/EMT physical abilities test records.

154. There are questions of law and fact common to the Class, and these questions predominate over any questions affecting only individual members. Common questions include, among others: (1) whether the City used a discriminatory employment practice by administering a firefighter/EMT physical abilities test that had a disparate impact on female applicants for the firefighter/EMT position; (2) whether the City’s use of the firefighter/EMT physical abilities test was job related for the firefighter/EMT position; (3) whether the cut-off score used by the City to determine whether an applicant passed or failed the firefighter/EMT physical abilities test was a business necessity; (4) whether the City failed to consider and has refused to use an available less discriminatory alternative firefighter/EMT physical abilities test; (5) whether the City has intentionally discriminated against female applicants by using the firefighter/EMT physical

abilities test; (6) whether the City's policies and/or practices violate Title VII; and (7) whether equitable and injunctive relief for the Class is warranted.

155. Representative Plaintiffs' claims are typical of the claims of the Class. Representative Plaintiffs, like other members of the Class, have suffered from the City's discriminatory hiring practices in that they were prevented in obtaining employment as firefighter/EMTs with the CFD.

156. Representative Plaintiffs will fairly and adequately represent and protect the interests of the members of the Class. The named Plaintiffs have strong personal interests in the outcome of this action, have no conflicts of interest with members of the Class, and will fairly and adequately protect the interests of the Class. Plaintiffs have retained counsel competent and experienced in complex class actions, employment discrimination litigation, and the intersection thereof. Counsel for Plaintiffs have the resources, expertise, and experience to prosecute this action.

157. Representative Plaintiffs and the Class they seek to represent have no plain, adequate, or complete remedy at law to redress the wrongs alleged herein, and the injunctive relief sought in this action is the only means of securing complete and adequate relief. Representative Plaintiffs and the Class they seek to represent are now suffering, and will continue to suffer, irreparable injury from the City's discriminatory acts and omissions.

158. The City's actions and omissions have caused and continue to cause Plaintiffs and all Class members substantial losses in earnings and other employment benefits for which they would be eligible as CFD firefighter/EMTs.

159. Class certification is appropriate pursuant to Federal Rule of Civil Procedure 23(b)(2) because the City has acted and/or refused to act on grounds generally applicable to the Class, making appropriate declaratory and injunctive relief with respect to Plaintiffs and the Class as a whole. The Class members are entitled to injunctive relief to end the City's common, uniform, unfair, and discriminatory policies and/or practices.

160. Class certification is appropriate pursuant to Federal Rule of Civil Procedure 23(b)(3) for determination of the back pay claims of individual class members because the issue of liability is common to the class and the common nucleus of operative facts forms the central issue which predominates over individualized issues of proof. The primary question common to the class is whether the City discriminated on the basis of sex by utilizing the firefighter/EMT physical abilities test. This question is so central to the case that it predominates over any individual issues among the members of the proposed class. The City also engaged in a common course of conduct—administering the firefighter/EMT physical abilities test to firefighter/EMT applicants—against all members of the proposed class. Class certification under Rule 23(b)(3) would be superior to other methods for fair and efficient resolution of conflict because certification would avoid the need for repeated litigation by each individual class member.

161. Class certification is appropriate pursuant to Federal Rule of Civil Procedure 23(c)(4) for determination of particular issues of classwide liability raised by Plaintiffs' disparate impact and disparate treatment claims. Class certification pursuant to Rule 23(c)(4) is also appropriate to litigate Plaintiffs' claims for prospective classwide compliance and affirmative injunctive relief necessary to eliminate the City's discrimination against female firefighter/EMT applicants.

FIRST CLAIM FOR RELIEF
(Disparate Impact)
(Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000(e) *et seq.*)
(On Behalf of the Plaintiffs and the Class)

162. Plaintiffs incorporate by reference the preceding paragraphs as alleged above.

163. This Claim is brought by Individual Plaintiffs on behalf of themselves and by Representative Plaintiffs on behalf of themselves and the Class they seek to represent.

164. Throughout the class liability period, the City has used an employment practice, i.e., the firefighter/EMT physical abilities test, that has a disparate impact on the basis of sex that is neither job related for the firefighter/EMT position nor consistent with business necessity. The foregoing conduct constitutes unlawful discrimination in violation of 42 U.S.C. §§ 2000 *et seq.*

165. Throughout the class liability period, the City has failed and refused to use available alternative firefighter/EMT physical abilities tests that are valid and less discriminatory.

SECOND CLAIM FOR RELIEF
(Disparate Treatment)
(Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000(e) *et seq.*)
(On Behalf of the Plaintiffs and the Class)

166. Plaintiffs incorporate by reference the preceding paragraphs as alleged above.

167. This Claim is brought by Individual Plaintiffs on behalf of themselves and by Representative Plaintiffs on behalf of themselves and the Class they seek to represent.

168. Throughout the class liability period the City has discriminated against female applicants on the basis of sex by knowingly using an employment practice, i.e., the firefighter/EMT physical abilities test, that causes a disparate impact on the basis of sex that is neither job related for the firefighter/EMT position, nor consistent with business necessity with the intended result that otherwise qualified female applicants for the firefighter/EMT position have been disproportionately prevented from becoming firefighter/EMTs for the City. The foregoing conduct constitutes unlawful discrimination in violation of 42 U.S.C. §§ 2000 *et seq.*

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs and the Class pray for relief as follows:

169. Certification of the case as a class action pursuant to Federal Rules of Civil Procedure 23(a), (b)(2) and (3), and (c)(4);

170. Designation of Plaintiffs Vasich, Dooley, Minnick, Basic, and Evans as representatives on behalf of the Class;

171. Designation of Plaintiffs' counsel as Class counsel;

172. A declaratory judgment that the practices complained of herein are unlawful and violate Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e *et seq.*;

173. A preliminary and permanent injunction against the City and its officers, agents, successors, employees, representatives, and any and all persons acting in concert with them, from engaging in the unlawful policies, practices, customs, and usages set forth herein;

174. An order requiring the City to adopt a valid, non-discriminatory method for determining whether firefighter/EMT candidates are physically capable of performing the job;

175. An order requiring the City to hire Plaintiffs and Class members as firefighter/EMTs with retroactive seniority and benefits to the date on which they would have been selected but for the City's actions, or in lieu of reinstatements, an order for front pay and benefits;

176. An order awarding Plaintiffs and the Class back pay (including interest and employee benefits);

177. An order awarding Plaintiffs and the Class their costs, including reasonable attorneys' fees as provided for in 42 U.S.C. § 2000e-5(k);

178. An order awarding Plaintiffs and the Class pre-judgment and post-judgment interest, as provided by law; and

179. Such other and further equitable relief as this Court deems necessary, just, and proper.

Dated: October 16, 2012

Respectfully submitted,

s/Teresa Demchak

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WILLENSON LAW, LLC

marni@willensonlaw.com

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Chicago, IL 60602
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Attorneys for Plaintiffs

EXHIBIT 1

CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974: See Privacy act statement before completing this form.		AGENCY ☐ IDHR ☒ EEOC	CHARGE NUMBER 440-2010-03731
Illinois Department of Human Rights and EEOC			
NAME OF COMPLAINANT (indicate Mr. Ms. Mrs.) Ms. Samantha Vasich		TELEPHONE NUMBER (include area code) 312-909-9466	
STREET ADDRESS Redacted		CITY, STATE AND ZIP CODE Redacted	
DATE OF BIRTH Redacted 1984 M D YEAR			
NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (IF MORE THAN ONE LIST BELOW)			
NAME OF RESPONDENT City of Chicago (Fire Department)		NUMBER OF EMPLOYEES, MEMBERS 15+	TELEPHONE (Include area code) 312-744-0200 (Law Department)
STREET ADDRESS 121 North LaSalle Street Suite 600 Chicago, IL 60602		CITY, STATE AND ZIP CODE Cook	
CAUSE OF DISCRIMINATION BASED ON: Sex		DATE OF DISCRIMINATION EARLIEST (ADEA/EPA) LATEST (ALL)	
		☒ CONTINUING ACTION	
THE PARTICULARS OF THE CHARGE ARE AS FOLLOWS: <u>SEE ATTACHED</u> RECEIVED EEOC APR 23 2010 CHICAGO DISTRICT OFFICE			
Page 1 of			
I want this charge filed with the EEOC. I will advise the agencies if I change my address or telephone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		SUBSCRIBED AND SWORN TO BEFORE ME THIS _____ DAY OF _____, _____ _____ NOTARY SIGNATURE	
NOTARY STAMP		x <u>Samantha A. Vasich</u> 04.20.2010 SIGNATURE OF COMPLAINANT DATE I declare under penalty that the foregoing is true and correct I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief	

Particulars of the Charge:

1. In 2006, I applied to be a firefighter with the City of Chicago Fire Department (CFD). I met all of the eligibility criteria and sat for the written examination. I passed the written examination and was assigned a number on the eligibility list.
2. In November 2009, I received a letter informing me that my name had been forwarded to the CFD as an applicant for the position of firefighter/EMT. I also received a separate packet of information with an "interest card" to return in order to move on to "the next phase of processing for the position," which was a physical abilities test. In addition to the return card, the packet contained a booklet entitled "Firefighter/EMT Physical Abilities Test" that described the "four separate tests" comprising the physical abilities test. Since I wanted to pursue the position, I turned in the card and then received another letter that directed me to report for the physical abilities test on January 13, 2010.
3. To prepare for the test, I worked out with a personal trainer who devised a training plan that would allow me to successfully perform the tests described in the City's materials. For example, he had me wear a vest filled with weights while working out on a stair climber, to prepare for the modified stair climb. He also had me drag a bag of sand around a gym floor to prepare for the hose drag. I was able to successfully perform these training activities.
4. I also picked up a test preparation DVD. (The letter with the testing booklet said that it was "extremely important" that I view it.) The DVD showed both men and women performing stretching and other exercises and the CFD physical abilities test, however, the actual footage of firefighters on the job appeared to portray only male firefighters.
5. On January 13, 2010, I took the CFD physical abilities test. Unlike at least one male member of my assigned group who I am told was allowed to pass, I performed each of the testing activities according to the specified guidelines. I felt that I had performed well and had passed the test.
6. On February 2, 2010, I received a letter stating that I had failed the physical abilities test and would be removed from the firefighter eligibility list. The letter did not identify my overall score or my score on any component part of the test or indicate which component(s) I had allegedly failed. It stated simply that I had failed the test and would be removed from the hiring list. I was not offered any opportunity to retake the test.
7. Because the letter contained no information about my test results other than to state that I had failed, I called the CFD personnel department. The woman I spoke with told me that she could not provide me with any additional information about my test results. She said that a private company handled the testing and that I would need to deal with them. When I asked her for the name of the private company, she refused to divulge it.

RECEIVED EEOC
APR 23 2010
CHICAGO DISTRICT OFFICE

8. I believe that I have been discriminated against on the basis of sex in that:

- a. I am and was fully capable of all physical requirements to perform the job of a City of Chicago firefighter;
- b. The physical abilities testing procedure disqualified and continues to disqualify a disproportionate number of female firefighter candidates. For example, I am told that in the most recent class to graduate the Chicago fire academy, only 5 of the 163 graduates were women. I am also told that not a single woman dropped out of training, which means that only 5 women were allowed to enter the academy;
- c. The physical abilities test used to screen candidates before the academy did not and does not provide an accurate measure of an individual's, and particularly an adult female's, ability to perform the functions of a CFD firefighter and disqualifies women such as me who are fully capable of performing the duties and functions of a firefighter. I believe that the selection procedure is flawed in numerous and fundamental respects, including:
 - i. The procedure has an adverse impact on the hiring of female firefighters and is not a valid selection device;
 - ii. Any validation studies actually conducted were fundamentally flawed, including because they involved an insufficient number of active-duty female CFD firefighters. The City has also failed to maintain adequate documentation of any validity studies actually conducted;
 - iii. Other suitable alternative procedures exist which would have less adverse impact on female firefighter candidates. The suitability of such procedures has been demonstrated through their use by other fire departments, including departments in other large metropolitan areas, which hire a significantly higher percentage of female firefighter candidates who go on to successfully perform their jobs as firefighters;
 - iv. The use of the test is fundamentally unfair;
 - v. Candidates who are alleged to have failed the test are not afforded an opportunity for retesting and reconsideration;
 - vi. The testing conditions are not standardized and are invalid. For example, the proctors of the component parts are unqualified, the testing equipment is old, and the scoring is subjective. Further, the scores on one component part of the test are communicated to the proctors on all subsequent component parts of the test, injecting bias into the scoring and creating an opportunity for the manipulation of test results to fail female candidates.

9. The City of Chicago has a decades-long history of denying equal employment opportunity through the use of discriminatory testing procedures in the CFD, in violation of Title VII of the Civil Rights Act. *See, e.g., Lewis v. City of Chicago*, Case No. 98-C-5596 (N.D. Ill. Mar. 22, 2005).

10. This charge is filed on my own behalf and on behalf of all other female firefighter candidates who have been and will in the future be removed from the CFD eligibility list and refused hire based on the (alleged) results of the physical abilities test. The City of Chicago's use of the discriminatory selection device constitutes classwide discrimination on the basis of sex and is a continuing violation of Title VII of the Civil Rights Act.

Dated: April 20, 2010

EXHIBIT 2

Willenson
Law LLC

Marni Willenson
Admitted in Illinois and Wisconsin

542 S. Dearborn St., Suite 610
Chicago, IL 60605

312-546-4910 Tel
312-261-9977 Fax
marni@willensonlaw.com

May 16, 2011

John P. Rowe
Director, Chicago District Office
U.S. Equal Employment Opportunity Commission
500 West Madison Street, Suite 2000
Chicago, IL 60661

Re: Charging Party: Samantha Vasich
Respondent: City of Chicago
EEOC Number: 440-2010-03731

Dear Mr. Rowe,

On behalf of Charging Party Samantha Vasich, we request issuance of a notice of right to sue on Charge No. 440-2010-03731, filed on April 23, 2010. Because the charge is filed against a governmental respondent, please convey this request to the U.S. Department of Justice, Civil Rights Division. Thank you for your assistance.

Very truly yours,



Marni Willenson

cc: Ms. Loretta King, Acting Chief, Employment Litigation Section, Civil Rights
Division, U.S. Department of Justice (via fax to 202-514-6780)
Ms. Samantha Vasich (via e-mail)
Ms. Teresa Demchak (via e-mail)
Ms. Susan P. Malone (via e-mail)

EXHIBIT 3

EEOC Form 161-B (11/09)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: Samantha Vasich
RedactedFrom: Chicago District Office
500 West Madison St
Suite 2000
Chicago, IL 60661

Certified No.: 7001 0320 0005 9833 6924

On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

440-2010-03731

Janel Smith,
Investigator

(312) 869-8136

(See also the additional information enclosed with this form.)

NOTICE TO THE PERSON AGGRIEVED:

Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), or the Genetic Information Nondiscrimination Act (GINA): This is your Notice of Right to Sue, issued under Title VII, the ADA or GINA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII, the ADA or GINA **must be filed in a federal or state court WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)



More than 180 days have passed since the filing of this charge.



Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of this charge.



The EEOC is terminating its processing of this charge.



The EEOC will continue to process this charge.

Age Discrimination in Employment Act (ADEA): You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, the paragraph marked below applies to your case:

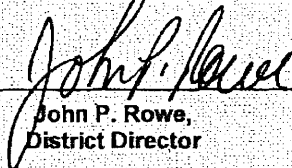
The EEOC is closing your case. Therefore, your lawsuit under the ADEA **must be filed in federal or state court WITHIN 90 DAYS of your receipt of this Notice**. Otherwise, your right to sue based on the above-numbered charge will be lost.

The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of the charge, you may file suit in federal or state court under the ADEA at this time.

Equal Pay Act (EPA): You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible**.

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission


John P. Rowe,
District Director
6/28/2011
(Date Mailed)

Enclosures(s)

cc: CITY OF CHICAGO FIRE DEPARTMENT

EXHIBIT 4



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Chicago District Office

500 West Madison Street, Suite 2000
Chicago, IL 60661
(312) 869-8000
TTY (312) 869-8001
FAX (312) 869-8220

July 15, 2011

Mary Erresti, Esq.
CITY OF CHICAGO (FIRE DEPARTMENT)
30 N LaSalle St
Suite 1040
Chicago, IL 60602

Re: Right to Sue
Samantha Vasich v. CITY OF CHICAGO (FIRE DEPARTMENT)
EEOC Charge Number: 440-2010-03731

Dear Ms. Erresti:

On June 28, 2011 the Equal Employment Opportunity Commission issued the Right to Sue notice on the above matter. This was a clerical error and it has been rectified. U.S. Department of Justice will be reviewing the file and issuing the final notice.

If you have any questions please feel free to contact Investigator Janel Smith (312) 869-8136.

Your cooperation in this matter has been appreciated.

On Behalf of the Commission:

A handwritten signature in black ink, appearing to read "John P. Rowe", is written over the typed name and title.

John P. Rowe
District Director

cc:
c/o Marni Willinson
Admitted In Illinois and Wisconsin
Willenson Law LLC
542 S. Dearborn St
Suite 610
Chicago, IL 60605

EXHIBIT 5



U.S. Department of Justice
Civil Rights Division
NOTICE OF RIGHT TO SUE
WITHIN 90 DAYS

CERTIFIED MAIL
2013 1224

950 Pennsylvania Avenue, N.W.
Karen Ferguson, EMP. PHB, Room 4239
Washington, DC 20530

July 28, 2011

Ms. Samantha A. Vasich
c/o Marni Willenson, Esquire
Willenson Law Offices
Attorney at Law
542 S. Dearborn St., Ste. 510
Chicago, IL 60605

Re: EEOC Charge Against City of Chicago, Fire Dept.
No. 440201003731

Dear Ms. Vasich:

Because you filed the above charge with the Equal Employment Opportunity Commission, and more than 180 days have elapsed since the date the Commission assumed jurisdiction over the charge, and no suit based thereon has been filed by this Department, and because you through your attorney have specifically requested this Notice, you are hereby notified that you have the right to institute a civil action under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e, et seq., against the above-named respondent.

If you choose to commence a civil action, such suit must be filed in the appropriate Court within 90 days of your receipt of this Notice.

The investigative file pertaining to your case is located in the EEOC Chicago District Office, Chicago, IL.

This Notice should not be taken to mean that the Department of Justice has made a judgment as to whether or not your case is meritorious.

Sincerely,

Thomas E. Perez
Assistant Attorney General
Civil Rights Division

by

Karen L. Ferguson
Karen L. Ferguson
Supervisory Civil Rights Analyst
Employment Litigation Section

cc: Chicago District Office, EEOC
City of Chicago, Fire Dept.

FILING SUIT IN COURT OF COMPETENT JURISDICTION

PRIVATE SUIT RIGHTS:

This issuance of this Notice of Right to Sue ends EEOC's process with respect to your charge. You may file a lawsuit against the respondent named in your charge within 90 days from the date you receive this Notice. Therefore you should **keep a record of this date**. Once this 90-day period is over, your right to sue is lost. If you intend to consult an attorney, you should do so as soon as possible. Furthermore, in order to avoid any question that you did not act in a timely manner, if you intend to sue on your own behalf, your suit should be filed well in advance of the expiration of the 90-day period.

You may file your lawsuit in a court of competent jurisdiction. Filing this Notice is not sufficient. A court complaint must contain a short statement of the facts of your case which shows that you are entitled to relief. Generally, suits are brought in the state where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office.

You may contact EEOC if you have any questions about your rights, including advice on which court can hear your case, or if you need to inspect and copy information contained in the case file.

A lawsuit against a **private** employer is generally filed in the U.S. District Court.

A lawsuit under Title VII of the Civil Rights Act of 1964, as amended, against a **State agency or a political subdivision of the State** is also generally filed in the U.S. District Court.

However, a lawsuit under the Age Discrimination in Employment Act or the Americans with Disabilities Act or, probably, the Equal Pay Act against a **State instrumentality** (an agency directly funded and controlled by the State) **can only be filed in a State court**.

A lawsuit under the Age Discrimination in Employment Act or the Americans with Disabilities Act or the Equal Pay Act against a **political subdivision of the State**, such as municipalities and counties, may be filed in the U.S. District Court.

For a list of U.S. District Courts, please see reverse side.

IF THE FIRST THREE CHARACTERS OF YOUR EEOC CHARGE NUMBER ARE "21B" AND YOUR CHARGE WAS INVESTIGATED BY THE ILLINOIS DEPARTMENT OF HUMAN RIGHTS (IDHR), REQUESTS FOR REVIEWING AND COPYING DOCUMENTS FROM YOUR FILE MUST BE DIRECTED TO IDHR.

ATTORNEY REPRESENTATION:

If you cannot afford or have been unable to obtain a lawyer to represent you, the court having jurisdiction in your case may, at its discretion, assist you in obtaining a lawyer. If you plan to ask the court to help you obtain a lawyer, you must make this request of the court in the form and manner it requires. Your request to the court should be made well before the end of the 90-day period mentioned above. A request for representation does not relieve you of the obligation to file a lawsuit within this 90-day period.

DESTRUCTION OF FILE:

If you file suit, you or your attorney should forward a copy of your court complaint to this office. Your file will then be preserved. Unless you have notified us that you have filed suit, your charge file could be destroyed as early as six months after the date of the Notice of Right to Sue.

IF YOU FILE SUIT, YOU OR YOUR ATTORNEY SHOULD NOTIFY THIS OFFICE IN WRITING WHEN THE LAWSUIT IS RESOLVED.

EXHIBIT 6

EEOC Form 5 (5/01)

CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		Charge Presented To: _____ Agency(ies) Charge No(s): _____ ☐ FEPA ☒ EEOC 846-2008-52977	
Illinois Department Of Human Rights and EEOC State or local Agency, if any			
Name (indicate Mr., Ms., Mrs.) Miss Angela D. Minnick		Home Phone (incl. Area Code) (773) 238-7280	Date of Birth Redacted 71
Street Address Redacted		City, State and ZIP Code	
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name CITY OF CHICAGO FIRE DEPARTMENT		No. Employees, Members 500 or More	Phone No. (Include Area Code)
Street Address 1338 South Clinton, Chicago, IL 60628		City, State and ZIP Code	
Name		No. Employees, Members	Phone No. (Include Area Code)
Street Address		City, State and ZIP Code	
DISCRIMINATION BASED ON (Check appropriate box(es).) ☐ RACE ☐ COLOR ☒ SEX ☐ RELIGION ☐ NATIONAL ORIGIN ☐ RETALIATION ☐ AGE ☐ DISABILITY ☐ OTHER (Specify below.)		DATE(S) DISCRIMINATION TOOK PLACE Earliest Latest 01-09-2008 01-09-2008 ☐ CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)): I began my employment with Respondent on or about December 1, 2000. My current position is Paramedic in Charge. I applied for the Firefighter EMT position and I was not promoted. I believe that I have been discriminated against because of my sex, female, in violation of Title VII of the Civil Rights act of 1964, as amended.			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY - When necessary for State and Local Agency Requirements	
I declare under penalty of perjury that the above is true and correct.		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT	
Oct 08, 2008 Date		SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)	
 Charging Party Signature			

RECEIVED EEOC

OCT 08 2008

CHICAGO DISTRICT OFC

EXHIBIT 7



EQUAL EMPLOYMENT OPPORTUNITY COMMISSION INTAKE QUESTIONNAIRE

Please immediately complete the entire form and return it to the U.S. Equal Employment Opportunity Commission ("EEOC"). **REMEMBER**, a charge of employment discrimination must be filed within the time limits imposed by law, generally within 180 days or in some places 300 days of the alleged discrimination. Upon receipt, this form will be reviewed to determine EEOC coverage. **Answer all questions as completely as possible, and attach additional pages if needed to complete your response(s).** If you do not know the answer to a question, answer by stating "not known." If a question is not applicable, write "n/a." Please Print.

I. Personal Information

Last Name: MINNICK First Name: ANGELA MI: IL
 Street or Mailing Address: Redacted Apt Or Unit #: Redacted
 City: Chicago County: COOK State: IL ZIP: Redacted
 Phone Numbers: Home: Redacted Work: ()
 Cell: () Email Address: OSIRCFB@COL.COM
 Date of Birth: Redacted 71 Sex: Male ☐ Female: ☒ Do You Have a Disability? Yes ☐ No ☒

- Please answer each of the next three questions. i. Are you Hispanic or Latino? Yes ☐ No ☒
 ii. What is your Race? Please choose all that apply. ☐ American Indian or Alaska Native ☐ Asian
☐ Black or African American ☐ Native Hawaiian or Other Pacific Islander ☒ White
 iii. What is your National Origin? _____

Provide The Name Of A Person We Can Contact If We Are Unable To Reach You:

Name: _____ Relationship: _____
 Address: _____ City: _____ State: _____ Zip Code: _____
 Home Phone: () _____ Other Phone: () _____

I believe that I was discriminated against by the following organization(s): (Check those that apply)

Employer ☒ Union ☐ Employment Agency ☐ Other (Please Specify) _____

2. Organization Contact Information

Organization #1 Name: CHICAGO FIRE DEPT - CHIEF STEWART
 Address: 1338 S CLINTON County: _____
 City: _____ State: _____ Zip: _____ Phone: (312) 746 6920
 Type of Business: FIRE DEPT Job Location if different from Org. Address: _____
 Human Resources Director or Owner Name: _____ Phone: _____
 Number of Employees in the Organization at All Locations: Please Check (X) One
 Less Than 15 ☐ 15 - 100 ☐ 101 - 200 ☐ 201 - 500 ☐ More 500 ☒

Organization #2 Name: _____
 Address: _____ County: _____
 City: _____ State: _____ Zip: _____ Phone: () _____

Type of Business: _____ Job Location if different from Org. Address: _____
 Human Resources Director or Owner Name: _____ Phone: _____
 Number of Employees in the Organization at All Locations: Please Check (✓) One
 Less Than 15 ☐ 15 - 100 ☐ 101 - 200 ☐ 201 - 500 ☐ More 500 ☐

3. Your Employment Data (Complete as many items as you can)

Date Hired: DEC 01, 2000 Job Title At Hire: PARAMEDIC
 Pay Rate When Hired: _____ Last or Current Pay Rate: _____
 Job Title at Time of Alleged Discrimination: PARAMEDIC IN CHARGE
 Name and Title of Immediate Supervisor: _____
 If Applicant, Date You Applied for Job _____ Job Title Applied For _____

4. What is the reason (basis) for your claim of employment discrimination?

FOR EXAMPLE, if you are over the age of 40 and feel you were treated worse than younger employees or you have other evidence of discrimination, you should check (✓) AGE. If you feel that you were treated worse than those not of your race or you have other evidence of discrimination, you should check (✓) RACE. If you feel the adverse treatment was due to multiple reasons, such as your sex, religion and national origin, you should check all three. If you complained about discrimination, participated in someone else's complaint or if you filed a charge of discrimination and a negative action was threatened or taken, you should check (✓) RETALIATION.

Race ☐ Sex ☒ Age ☐ Disability ☐ National Origin ☐ Color ☐ Religion ☐ Retaliation ☐ Pregnancy ☐

Other reason (basis) for discrimination (Explain). _____

5. What happened to you that you believe was discriminatory? Include the date(s) of harm, action(s) and include the name(s) and title(s) of the persons who you believe discriminated against you. (Example: 10/02/06 - Written Warning from Supervisor, Mr. John Soto)

A) Date: 12/12/07 Action: DIDN'T PASS TEST. DIDN'T KNOW WHAT SYMPTOMS WERE OK WITH I FELT

Name and Title of Person(s) Responsible: _____

B) Date: _____ Action: _____

Name and Title of Person(s) Responsible: _____

Describe any other actions you believe were discriminatory.

(Attach additional pages if needed to complete your response.)

6. What reason(s) were given to you for the acts you consider discriminatory? By whom? Title?

7. Name and describe others who were in the same situation as you. Explain any similar or different treatment. Who was treated worse, who was treated better, and who was treated the same? Provide race, sex, age, national origin, religion, and/or disability status of comparator if known and if connected with your claim of discrimination. Add additional sheets if needed.

Full Name	Job Title	Description
1. KATIE BASIC	PARAMEDIC IN CHARGE	
2. HALEY STAFFEN	FIRE PARAMEDIC	
3. JANICE THECKE	PARAMEDIC IN CHARGE	

Answer questions 8-10 only if you are claiming discrimination based on disability. If not, skip to question 11.

2/8

Please check all that apply:

- ☐ Yes. I have an actual disability
- ☐ I have had an actual disability in the past
- ☐ No disability but the organization treats me as if I am disabled

2/10

8. If you are alleging discrimination because of your disability, what is the name of your disability? How does your disability affect your daily life or work activities, e.g., what does your disability prevent or limit you from doing, if anything? (Example: lifting, sleeping normally, breathing normally, pulling, walking, climbing, caring for yourself, working, etc.).

2/10

10. Did you ask your employer for any assistance or change in working condition because of your disability?

Yes ☐ No ☐

Did you need this assistance or change in working condition in order to do your job?

Yes ☐ No ☐

If "YES", when? _____ To whom did you make the request? Provide full name of person _____

How did you ask (verbally or in writing)? _____

Describe the assistance or change in working condition requested?

11. Are there any witnesses to the alleged discriminatory incidents? If yes, please identify them below and indicate what they will say. Add additional pages if necessary.

	NAME	JOB TITLE	ADDRESS & PHONE NUMBER
A.			
B.			
C.			

12. Have you filed a charge previously in this matter with EEOC or another agency? Yes ☐ No ☒

13. If you have filed a complaint with another agency, provide name of agency and date of filing:

14. Have you sought help about this situation from a union, an attorney, or any other source?

Yes ☒ No ☐ - If yes, from whom and when? Provide name of organization, name of person you spoke with and date of contact. Results, if any?

UNION - CAN'T HELP
 Lawyer - PENDING
 10/16/12


 Signature

10-08-08
 Today's Date

PRIVACY ACT STATEMENT: This form is covered by the Privacy Act of 1974: Public Law 93-579. Authority for requesting personal data and the uses thereof are:

1. FORM NUMBER/TITLE/DATE. EEOC Intake Questionnaire (10/2006).
2. AUTHORITY. 42 U.S.C. § 2000e-5(b), 29 U.S.C. § 211, 29 U.S.C. § 626, 42 U.S.C. 12117(a)
3. PRINCIPAL PURPOSE. The purpose of this questionnaire is to solicit information in an acceptable form consistent with statutory requirements to enable the Commission to act on matters within its jurisdiction. When this form constitutes the only timely written statement of allegations of employment discrimination, the Commission will, consistent with 29 CFR 1601.12(b) and 29 CFR 1626.8(b), consider it to be a sufficient charge of discrimination under the relevant statute(s).
4. ROUTINE USES. Information provided on this form will be used by Commission employees to determine the existence of facts relevant to a decision as to whether the Commission has jurisdiction over allegations of employment discrimination and to provide such charge filing counseling as is appropriate. Information provided on this form may be disclosed to other State, local and federal agencies as may be appropriate or necessary to carrying out the Commission's functions. Information may also be disclosed to respondents in connection with litigation.
5. WHETHER DISCLOSURE IS MANDATORY OR VOLUNTARY AND EFFECT ON INDIVIDUAL FOR NOT PROVIDING INFORMATION. The providing of this information is voluntary but the failure to do so may hamper the Commission's investigation of a charge of discrimination. It is not mandatory that this form be used to provide the requested information.

EXHIBIT 8

Willenson
Law LLC

Marni Willenson
Admitted in Illinois and Wisconsin

542 S. Dearborn St., Suite 610
Chicago, IL 60605

312-546-4910 Tel
312-261-9977 Fax
marni@willensonlaw.com

October 19, 2011

John P. Rowe
Director, Chicago District Office
U.S. Equal Employment Opportunity Commission
500 West Madison Street, Suite 2000
Chicago, IL 60661

Re: Charging Parties:
Janiece A. Theeke, EEOC No. 846-2008-40981
Angela D. Minnick, EEOC No. 846-2008-52977
Kimberly A. Bailey, EEOC No. unknown
Respondent: City of Chicago

Dear Mr. Rowe,

This firm represents charging parties Janiece Theeke, Angela Minnick and Kimberly Bailey on their charges of discrimination against the City of Chicago, challenging the City's use of a discriminatory physical abilities test to screen firefighter applicants. We request issuance of a notice of right to sue on each of their charges which have been assigned to investigator Janel Smith.

Please transmit this request to the Department of Justice which must issue the right to sue notices.

Thank you for your assistance.

Very truly yours,



Marni Willenson

cc: Charging Parties (via email)
Ms. Teresa Demchak (via email)
Ms. Susan P. Malone (via email)
Ms. Janel Smith (via email)
Ms. Karen Ferguson, USDOJ (via fax)

EXHIBIT 9

EEOC Form 5 (5/01)

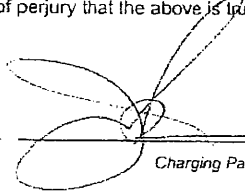
CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		Charge Presented To: _____ Agency(ies) Charge No(s): _____ ☐ FEPA ☒ EEOC 846-2008-40981	
Illinois Department Of Human Rights and EEOC State or local Agency, if any			
Name (indicate Mr., Ms., Mrs.) Ms. Janiece A. Theeke		Home Phone (Incl. Area Code) _____	Date of Birth Redacted 70
Street Address Redacted		City, State and ZIP Code _____	
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name CHICAGO FIRE DEPARTMENT		No. Employees, Members 500 or More	Phone No. (Include Area Code) (312) 746-6920
Street Address 1338 S. Clinton St., Chicago, IL 60607		City, State and ZIP Code _____	
Name _____		No. Employees, Members _____	Phone No. (Include Area Code) _____
Street Address _____		City, State and ZIP Code _____	
DISCRIMINATION BASED ON (Check appropriate box(es).) ☐ RACE ☐ COLOR ☒ SEX ☐ RELIGION ☐ NATIONAL ORIGIN ☐ RETALIATION ☐ AGE ☐ DISABILITY ☐ OTHER (Specify below.)		DATE(S) DISCRIMINATION TOOK PLACE Earliest Latest 01-09-2008 01-09-2008 ☐ CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)): I began my employment with Respondent on December 1, 2000. I am employed as a Paramedic in Charge. During my employment, I was not selected for the position of Firefighter/EMT. I believe that I have been discriminated against because of my sex, female, in violation of Title VII of the Civil Rights Act of 1964, as amended. JUL 07 2008			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY - When necessary for State and Local Agency Requirements	
I declare under penalty of perjury that the above is true and correct.  _____ Date Charging Party Signature		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT _____ SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)	

EXHIBIT 10

EEOC Form 5 (5/01)

CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		Charge Presented To: Agency(ies) Charge No(s): ☐ FEPA ☒ EEOC 440-2008-02661	
Illinois Department Of Human Rights and EEOC State or local Agency, if any			
Name (indicate Mr., Ms., Mrs.) Ms. Jessica M. Evans		Home Phone (incl. Area Code)	Date of Birth Redacted
Street Address Redacted		City, State and ZIP Code	
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name CHICAGO FIRE DEPT		No. Employees, Members 500 or More	Phone No. (Include Area Code)
Street Address 121 N LASALLE, Chicago, IL 60620		City, State and ZIP Code	
Name		No. Employees, Members	Phone No. (Include Area Code)
Street Address		City, State and ZIP Code	
DISCRIMINATION BASED ON (Check appropriate box(es).) ☐ RACE ☐ COLOR ☒ SEX ☐ RELIGION ☐ NATIONAL ORIGIN ☐ RETALIATION ☐ AGE ☐ DISABILITY ☐ OTHER (Specify below.)		DATE(S) DISCRIMINATION TOOK PLACE Earliest 01-09-2008 Latest 01-09-2008 ☐ CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)). In or about March 2006, I applied for a Firefighter/EMT position. In December 2007, I took the Physical Abilities Test. On January 9, 2008, I was told that would not be considered for the position. I believe that I was discriminated against because of my sex, female, in violation of Title VII of the Civil Rights Act of 1964, as amended.			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY - When necessary for State and Local Agency Requirements RECEIVED EEOC APR 10 2008 CHICAGO DISTRICT OFC	
I declare under penalty of perjury that the above is true and correct. Apr 10, 2008 Date <i>Jessica Evans</i> Charging Party Signature		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)	

VAS004294

EXHIBIT 11

U. S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
CHICAGO DISTRICT OFFICE

JESSICA EVANS,

Charging Party,

vs.

CITY OF CHICAGO
FIRE DEPARTMENT,

Respondent.

No. 440-2008-02661

RECEIVED
MAY 13 2008
CHICAGO DISTRICT OFFICE

RESPONDENT'S RESPONSE TO CHARGE AND POSITION STATEMENT

Respondent, City of Chicago Fire Department, by its attorney, Mara S. Georges, Corporation Counsel of the City of Chicago submits its Response to Charge and Position Statement to Charging Party's Charge as follows. The facts stated in Respondent's Response to Charge and Position Statement, while accurate to the best of Respondent's knowledge, are based on a preliminary investigation and are subject to change as any new facts may come to light.

- I. In or about March 2006, I applied for a Firefighter/EMT position. In December 2007, I took the Physical Abilities Test. On January 9, 2008, I was told that would not be considered for the position.

RESPONSE:

Respondent lacks sufficient information to respond to the Charging Parties claim that she applied for a Firefighter/EMT position with the Chicago Fire Department in or about March 2006.

Respondent admits that the Charging Party took the Physical Abilities Test ("Test") in December, 2007. Respondent affirmatively states that on December 12, 2007 at 9:30 a.m. Human Performance Systems, Inc. administered the Test at the Robert J. Quinn Fire

Academy in Chicago, Illinois. The Respondent and its personnel do not administer nor evaluate the applicants' performance on the Test. Human Performance Systems, Inc. is a private consulting firm that created the standards for the Test and administers the Test to applicants interested in joining the Chicago Fire Department as Firefighters/EMT's. Human Performance Systems, Inc. also evaluates the scores on the Test to determine which applicants failed the Test and which passed it. Human Performance Systems, Inc. sends a list containing the names of the individuals who passed the Test and those who failed the Test to the Respondent.

Respondent admits that on January 9, 2008, Charging Party was told that she would not be considered for a Firefighter/EMT position with the Respondent. Respondent affirmatively states that on January 9, 2008, the Chief of the Personnel Division of the Chicago Fire Department sent a letter to the Charging Party telling her that she was no longer being considered for a Firefighter/EMT position with the Respondent because she did not receive a passing score on the Test. (See attached Exhibit 1)

Respondent affirmatively states that the Test Charging Party must pass consists of four elements, the Modified Stair Climb, the Arm Lift, the Hose Drag and High Rise Pack Carry, and the Arm Endurance. Prior to taking the Test, each applicant is mailed a pamphlet entitled "The City of Chicago Firefighter/EMT Abilities Test" ("Pamphlet"). (See attached Exhibit 2) This Pamphlet is mailed to the applicants along with their interest card before they are scheduled to take the Test. This Pamphlet describes, in detail, the components of all four of the exercises the applicants will be required to perform for the Test. The Pamphlet also contains detailed suggestions about exercises the applicants can do at home to prepare for the Test. Along with the Pamphlet applicants are notified that they can purchase a DVD that demonstrates each of the exercises. The information about how an applicant can obtain the DVD is included with the cover letter that is sent with the Pamphlet to each applicant.

Respondent affirmatively states that the Physical Abilities test is designed to determine if applicants have the skills that are necessary to be trained as and to perform the duties of a Firefighter/EMT. Before an applicant can be considered for further processing as a Firefighter/EMT he/she must pass the Physical Abilities Test. Only those

applicants that successfully complete all phases of pre-employment processing, including the Physical Abilities Test, are eligible to be selected for an academy class by the Respondent. Therefore, each applicant must be able to demonstrate these physical abilities by passing the Test.

Respondent denies any remaining allegations contained in Paragraph I.

II. I believe that I was discriminated against because of my sex, female, in violation of Title VII of the Civil Rights Act of 1964, as amended.

RESPONSE:

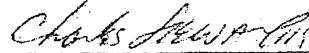
Respondent lacks sufficient information to respond to the allegation regarding what Charging Party believes. Respondent further objects to Charging Party's allegation that she believes she has been discriminated against because of her sex in violation of Title VII of the Civil Rights Act of 1964, as amended. This is a vague allegation because Charging Party fails to identify how she was discriminated against, who discriminated against her, and when the discrimination took place. Without waiving this objection, Respondent denies that it discriminated against Charging Party, based on her sex or any other unlawful basis, in violation of Title VII of the Civil Rights Act of 1964, as amended, or any other applicable law. Respondent affirmatively states that Charging Party was denied further consideration for the position of Firefighter/EMT with the Chicago Fire Department because she failed to meet the minimum physical qualifications necessary for employment as a Firefighter/EMT with the Chicago Fire Department. Respondent affirmatively states that Charging Party failed the Physical Abilities Test that was administered to her and other applicants on December 12, 2007.

Respondent denies any remaining allegations contained in Paragraph II.

WHEREFORE, Respondent submits that it did not discriminate against Charging Party on the basis of her sex or any other unlawful basis, in violation of Title VII of the Civil Rights Act of 1964, or any other applicable laws, and respectfully requests that the Equal Employment Opportunity Commission dismiss the instant Charge of Discrimination with prejudice.

CITY OF CHICAGO FIRE DEPARTMENT

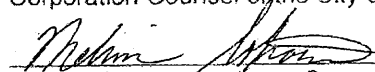
By:



Chief Charles Stewart III
District Chief, Personnel Division
Chicago Fire Department

Respectfully Submitted,
MARA S. GEORGES
Corporation Counsel of the City of Chicago

By:



Melissa Sobota, Assistant Corporation Counsel

30 North LaSalle Street
Suite 1040
Chicago, Illinois 60602
(312) 742-5113



City of Chicago
Richard M. Daley, Mayor

Chicago Fire Department

Armando Orozco
Commissioner

Personnel Division
8 South Clinton Street
Chicago, Illinois 60607-5037
(P) 746-6920
(F) 746-6921 (FAX)
(T) 746-8928 (Non-emerg. TTY)
<http://www.cityofchicago.org>

January 9, 2008

EVANS, JESSICA M
Redacted

Dear Firefighter-EMT Applicant:

You did not receive a passing score on the Firefighter-EMT Physical Abilities Test. Therefore, you will no longer be considered for the position and we will notify the Department of Human Resources to remove your name from the Firefighter-EMT eligibility list.

Sincerely,

Charles Stewart III

Chief Charles Stewart III
District Chief-Personnel Division
Chicago Fire Department

File



Exhibit 2

FIREFIGHTER/EMT PHYSICAL ABILITIES TEST



Richard M. Daley, Mayor

City of Chicago

Raymond Orozco, Commissioner

Chicago Fire Department

ADMINISTRATION OF THE PHYSICAL ABILITIES TEST

The Chicago Fire Department's primary mission is the safety of the residents of Chicago. To that end, the department's goal is to hire individuals for the position of Firefighter/EMT who are capable of performing physically strenuous fire suppression and emergency medical tasks in a safe and effective manner. Extensive research has been conducted on current Chicago Firefighter/EMTs to determine a set of tests that are predictive of an applicant's physical ability to perform essential firefighting and Emergency Medical Services (EMS) activities. Before an applicant can be considered for hire, that individual must be able to demonstrate the physical ability to be a Firefighter/EMT by passing the Physical Abilities Test. This brochure describes the specific tasks you must successfully perform and is offered to give you an opportunity to condition your body in the coming weeks to improve your potential for passing this test.



THE PHYSICAL ABILITIES

The Physical Abilities Test consists of a modified stair climb test, arm lift, hose drag, carry, and arm endurance.

Attention: The exercises described in this brochure are physically strenuous.

You are strongly encouraged to contact your physician if you think you might be at risk for injury or a result of performing the following physical abilities test. City of Chicago nor its agents or independent contractors assume any responsibility for any health issues that may arise from your preparation for or participation in the Physical Abilities Test.

For more detailed information on the Physical Abilities Test, this brochure you are encouraged to view the Firefighter/EMT Physical Abilities Test. For more detailed information on the physical abilities test, refer to this brochure. It is extremely important that you know how to train for the Physical Abilities Test, what to expect when you take it. Refer to the back of this brochure for information on how to view or acquire this brochure.

To be eligible for further consideration, you must pass the Physical Abilities Test. The Physical Abilities Test is a part of the examination process, which is limited to, a background check and a drug test.

Those applicants who successfully complete all stages of the examination process and are offered employment also must meet certain aerobic fitness standards. This brochure describes the aerobic fitness test that will be administered as part of the examination. For that reason, we include training suggestions to build aerobic fitness. The aerobic fitness test is not part of the Physical Abilities Test, but is a part of the medical examination and will be administered to applicants who receive conditional offer of employment.

MODIFIED STAIR CLIMB

This task assesses the muscular endurance and aerobic capacity. The candidate will pick up bag #1 in his/her dominant hand and bag #2 in the non-dominant hand. Each bag weighs approximately 18 pounds. The bags must be held with the hands and not over the shoulder. When the test starts, you will walk up to the top of the platform and down the opposite side. When you reach the opposite side of the platform with both feet on the ground, turn around and walk up and across to the other side. You will continue to perform these crossings for four (4) minutes. Try to complete as many crossings as you can in the four (4) minute time period.

Training Suggestions: Weight two duffle bags with handles with 18—20 lbs. Carry both bags up and down flights if stairs continuously for an extended period of time.

ARM LIFT

This task assesses the muscular strength of the arms. The candidate stands on a base with their feet approximately shoulder width apart and arms at their sides. The elbows are then bent at 90 degrees and the bar is grabbed in a palms up position. At the command "GO," the candidate uses a maximal steadily increasing lift on the bar in an upward direction for three seconds, exhaling with the maximal contraction. When pulling upward, do not shrug the shoulders, lean backward, raise up on the toes, or allow the elbows to move behind the body. There will be one (1) practice trial using 50% effort followed by three (3) test trials of maximal effort with 30 seconds rest between each trial.

Training Suggestions: Tie a bar to a rope that is secured to an immovable object and practice lifting up with all of your force. Arm curls can also be performed at a weight that you can complete 8-10 repetitions. If you can complete more than 8-10 repetitions, increase the weight.

HOSE DRAG & HIGH RISE

This task evaluates one's ability to perform tasks involving upper trunk and lower body. The test requires the candidate to drag a 1½ inch hose a distance of approximately 100 feet from a designated line, the hose will be dropped and the candidate will pick up the other end of the hose and walk back to the starting line. This portion of the test will be repeated three times. The test will be terminated and start over if this requirement is not fulfilled. Upon completing the test, the candidate will walk several feet and pick up a hose load pack weighing approximately 50 pounds. The hose load pack will be carried up three flights of stairs and down. Walk safely and as briskly as possible. Running is reason to terminate the test. The hose load pack in the designated space will be lifted and carried back down the stairs walking briskly but not running. The candidate must complete the entire task.

Training Suggestions: Pull a bag of sand or weights across the floor, then carry several flights of stairs up and down several flights of stairs. Repeat several times.

ARM ENDURANCE

This task assesses the muscular endurance of the arms. The candidate kneels on the floor in front of a wall. The arms are positioned to a standardized height. A two-minute warm-up period is then allowed. With the candidate pedals with his or her arms at the wall for two minutes. The goal is to complete as many repetitions as possible in the two-minute time frame. There will be a one-minute rest between trials.

Training Suggestions: Activities requiring the large muscles of the upper arm are good approaches for the arm endurance test. Examples include swimming, push-ups, pull-ups, climbing.

SCORING THE PHYSICAL ABILITIES TEST

It is important that you understand the guidelines that will be followed while the test is administered.

1. You will be required to sign an informed release indicating that you have reviewed the DVD and written materials, that you understand the nature of the tests and their risks, and that you voluntarily accept those risks. This form also will contain a statement releasing the City of Chicago and its consultants from any liability in the event you are injured as a result of any of these tests.
2. You also will be required to have your doctor sign a Physician's Medical Release Form certifying that you are able to participate in the Physical Abilities Test. This form will be mailed to you when you are notified to report for this Test. You will not be permitted to participate in this Test if you do not submit this form.
3. You are encouraged to wear comfortable clothes such as sweat pants, T-shirts and gym shoes or other rubber soled shoes.
4. NO smoking or chewing of tobacco will be allowed in any testing area.
5. Chairs are provided at each test station for the participants. To ensure that everyone is ready to begin, all participants must be seated before the test administrator will review the test instructions.
6. Before beginning a test, the administrator will demonstrate the proper procedure for performing the physical test and answer any questions.
7. Participant should be self-motivated. Outside encouragement will not be provided to any applicant by the test administrator or other participants.
8. Applicants will be given the opportunity to stretch for warm-ups prior to taking the test.
9. The test will be terminated if any applicant shows symptoms of excessive fatigue, nausea, shortness of breath, chest discomfort, excessive sweating, or dizziness. The applicant will be instructed to sit or lie down while a supervisor is notified.
10. Test administrators will not discuss the results with any applicant. Only after all the test have been completed can the score be calculated and one's performance on the test be judged relative to the expected standards.

SCORING THE PHYSICAL /

The Physical Abilities Test will be administered by independent consultants. Applicants will be notified of the Physical Abilities Test by mail. If you have changed a new address, it is important that you notify the Department of Human Resources and the Personnel Division in writing.

AEROBIC FITNESS

The aerobic fitness test described in this section will be administered during the Physical Abilities Test as part of the medical examination and for applicants who pass the background check, drug test and who are given conditional offers of employment. Information is provided to inform you that is required to pass this examination as part of

Aerobic fitness is an individual's ability to use the large muscles for extended periods. Aerobic fitness tests have been shown to be effective in predicting performance on firefighting tasks over extended periods. Each candidate's performance on each of the tests will be evaluated on a gradually increasing intensity of the test until near maximal heart rates are achieved. Consult with your physician if you have a heart condition or if you may not be able to safely perform the test. The following symptoms when you exercise, notify your physician immediately: chest discomfort, lightheadedness, extreme shortness of breath, pain, or fatigue.

Training Suggestions: Aerobic fitness can be improved by exercises involving the large muscle groups such as swimming provided the intensity is sufficient and duration.



EXHIBIT 12



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Chicago District Office
500 West Madison Street
Suite 2800
Chicago, IL 60661

Janel Smith
Sr. Federal Investigator
PH. (312) 353-9194
FAX (312) 886-1168
TDD (312) 353-2421
janel.smith@eeoc.gov

Melissa Sobota
Assistant Corporation Counsel
City of Chicago – Dept. of Law
30 N. LaSalle Street, Suite 1040
Chicago, IL 60602

RE: Jessica Evans v. City of Chicago Fire Department
440-2008-02661

Dear Ms. Sobota:

This is a request for information. Please provide the information stated below on or before August 8, 2008. PLEASE DO NOT SEND REDACTED DOCUMENTS AND/OR EXCLUDE IDENTIFYING INFORMATION.

PLEASE BE ADVISED THAT THE COMMISSION IS EMPOWERED TO SUBPOENA EVIDENCES NECESSARY TO ITS INVESTIGATION AND EXTENSIONS WILL NOT BE GRANTED.

1. All individuals who were selected for the Firefighter/EMT position for the period January 1, 2006 to present by: (a) name; (b) gender/sex; (c) date of selection.
2. All individuals who were not selected for the Firefighter/EMT position for the period January 1, 2006 to present by: (a) name; (b) gender/sex; (c) date notified of non-selection.

If you have any questions or concerns, please do not hesitate to contact me. Contact information can be found in the heading of this letter.

Sincerely,

Janel Smith
Investigator
7/1/2008

BY _____

08 JUL -3 AM 11:28

RECEIVED
CORPORATION COUNSEL
LABOR DIV - CHICAGO

EXHIBIT 13

U. S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
CHICAGO DISTRICT OFFICE

JESSICA EVANS,

Charging Party,

vs.

CITY OF CHICAGO
FIRE DEPARTMENT,

Respondent.

No. 440-2008-02661

NOTICE OF FILING

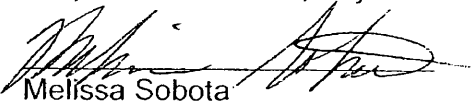
TO: Investigator Janel Smith
U.S. EEOC
Chicago District Office- 440
500 W. Madison Street, Suite 2000
Chicago, IL 60661

PLEASE TAKE NOTICE that I have this day filed with the U. S. EEOC Respondent's Response to Charge and Position Statement, copy of which is attached and served upon the person at the address listed above.

DATED at Chicago, Illinois on the 4th day of August, 2008.

Respectfully submitted,
Mara S. Georges
Corporation Counsel, City of Chicago

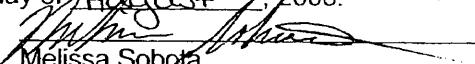
By:


Melissa Sobota
Assistant Corporation Counsel

30 North LaSalle, Suite 1040
Chicago, Illinois 60602
(312) 742-5113

CERTIFICATE OF SERVICE

I, Melissa Sobota, an attorney, do certify that I served this Respondent's Response and Position Statement to the U.S. Equal Employment Opportunity Commission, at 500 W. Madison Street, Suite 2000, Chicago, Illinois 60661, by placing copies in an envelope in the U.S. Mail at 30 North LaSalle, Suite 1040, Chicago, Illinois 60602, on this 4th day of August, 2008.


Melissa Sobota

**U. S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
CHICAGO DISTRICT OFFICE**

JESSICA EVANS,

Charging Party,

vs.

**CITY OF CHICAGO
FIRE DEPARTMENT,**

Respondent.

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)
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)

No. 440-2008-02661

RESPONDENT'S RESPONSE TO REQUEST FOR INFORMATION

Respondent, City of Chicago, Fire Department, by its attorney, Mara S. Georges, Corporation Counsel of the City of Chicago submits its Response to the EEOC's Investigator's Request for Information as follows:

1. **All individuals who were selected for the Firefighter/EMT position for the period January 1, 2006 to present by: (a) name; (b) gender/sex; (c) date of selection.**

RESPONSE:

Respondent objects to part (a) of this request because it is irrelevant and because it infringes on privacy concerns of persons not named nor involved in this case.

Without waiving this objection, see attached exhibit 1. Exhibit 1 reflects those individuals that were selected for the Firefighter/EMT position since 2006. Column 3 of exhibit 1 states when an individual entered the training class or indicates that they deferred or are incumbents on the 500 list. Individuals that are selected for the Firefighter/EMT position can defer their entrance into the class up to three times before being removed from the list.

2. **All individuals who were not selected from the Firefighter/EMT position for the period of January 1, 2006 to present by: (a) name; (b) gender/sex; (c) date**

notified of non-selection.

RESPONSE:

Respondent objects to part (a) of this request because it is irrelevant and because it infringes on privacy concerns of persons not named nor involved in this case.

Without waiving this objection, see attached exhibit 2.

Sincerely,

CITY OF CHICAGO FIRE DEPARTMENT

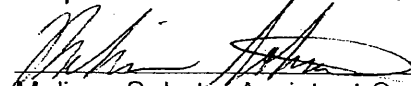
By:



Chief Charles Stewart III
District Chief, Personnel Division
Chicago Fire Department

Respectfully Submitted,
MARA S. GEORGES
Corporation Counsel of the City of Chicago

By:



Melissa Sobota, Assistant Corporation Counsel

30 North LaSalle Street
Suite 1040
Chicago, Illinois 60602
(312) 742-5113

Selected

Gender Code	Exam Num	Comments
M	2006	July 1, 2008 Class
M	2006	July 1, 2008 Class
M	2006	July 1, 2008 Class
M	2006	February 19, 2008 Class
M	2006	February 19, 2008 Class
M	2006	July 1, 2008 Class
M	2006	July 1, 2008 Class
M	2006	July 1, 2008 Class
M	2006	February 19, 2008 Class
M	2006	July 1, 2008 Class
M	2006	July 1, 2008 Class
M	2006	July 1, 2008 Class
M	2006	Incumbents on 500 List - Waived February 19, 2008 Crossover
M	2006	July 1, 2008 Class
M	2006	February 19, 2008 Class
F	2006	July 1, 2008 Class
M	2006	July 1, 2008 Class
M	2006	July 1, 2008 Class
M	2006	July 1, 2008 Class
M	2006	February 19, 2008 Class
M	2006	July 1, 2008 Class
M	2006	July 1, 2008 Class
M	2006	July 1, 2008 Class
M	2006	Incumbents on 500 List
M	2006	July 1, 2008 Class
M	2006	July 1, 2008 Class
M	2006	July 1, 2008 Class
M	2006	Incumbents on 500 List
M	2006	February 19, 2008 Class
M	2006	July 1, 2008 Class
M	2006	Incumbents on 500 List
M	2006	July 1, 2008 Class
M	2006	February 19, 2008 Class
M	2006	February 19, 2008 Class
M	2006	February 19, 2008 Class
M	2006	July 1, 2008 Class
M	2006	July 1, 2008 Class
M	2006	July 1, 2008 Class
M	2006	July 1, 2008 Class
M	2006	July 1, 2008 Class
M	2006	July 1, 2008 Class
M	2006	February 19, 2008 Class
M	2006	July 1, 2008 Class
M	2006	Ready for hire - Waived July 1, 2008 class
M	2006	February 19, 2008 Class
M	2006	February 19, 2008 Class
M	2006	July 1, 2008 Class
M	2006	July 1, 2008 Class

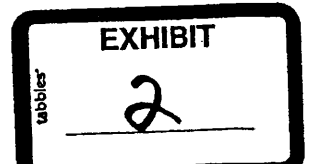


M	2006	July 1, 2008 Class
M	2006	July 1, 2008 Class
M	2006	Ready for hire (waived 2/19/08 & 7/1/08 classes)
M	2006	Ready for hire - Waived - July 1, 2008, FF-EMT Class
M	2006	Ready for hire - (waived 2/1/08 & 7/1/08 classes)
M	2006	July 1, 2008 Class
M	2006	July 1, 2008 Class
M	2006	July 1, 2008 Class
M	2006	February 19, 2008 Class
M	2006	July 1, 2008 Class
M	2006	July 1, 2008 Class
M	2006	Incumbents on 500 List - Waived July 1, 2008 Class
M	2006	February 19, 2008 Class
M	2006	July 1, 2008 Class
M	2006	February 19, 2008 Class
M	2006	July 1, 2008 Class
M	2006	July 1, 2008 Class
M	2006	February 19, 2008 Class
M	2006	July 1, 2008 Class
M	2006	February 19, 2008 Class
M	2006	February 19, 2008 Class
M	2006	July 1, 2008 Class
M	2006	July 1, 2008 Class
M	2006	July 1, 2008 Class
M	2006	Ready for hire Waived - July 1, 2008, FF-EMT Class
M	2006	February 19, 2008 Class
M	2006	February 19, 2008 Class
M	2006	February 19, 2008 Class
M	2006	July 1, 2008 Class
M	2006	February 19, 2008 Class
F	2006	February 19, 2008 Class
M	2006	July 1, 2008 Class
M	2006	July 1, 2008 Class
M	2006	July 1, 2008 Class
M	2006	July 1, 2008 Class
M	2006	July 1, 2008 Class
M	2006	July 1, 2008 Class
M	2006	February 19, 2008 Class
M	2006	July 1, 2008 Class
M	2006	July 1, 2008 Class
M	2006	July 1, 2008 Class
M	2006	July 1, 2008 Class
M	2006	Incumbents on 500 List - Waived - July 1, 2008 Crossover
M	2006	July 1, 2008 Class
M	2006	July 1, 2008 Class
M	2006	July 1, 2008 Class
M	2006	Incumbents on 500 List
M	2006	Incumbents on 500 List
M	2006	July 1, 2008 Class
M	2006	July 1, 2008 Class

M	2006	February 19, 2008 Class
M	2006	February 19, 2008 Class
M	2006	July 1, 2008 Class
M	2006	July 1, 2008 Class
M	2006	February 19, 2008 Class - Suspended Assignment
M	2006	February 19, 2008 Class
M	2006	July 1, 2008 Class
M	2006	Incumbents on 500 List
M	2006	July 1, 2008 Class
M	2006	February 19, 2008 Class
M	2006	February 19, 2008 Class
M	2006	July 1, 2008 Class
M	2006	July 1, 2008 Class
M	2006	February 19, 2008 Class
M	2006	July 1, 2008 Class
M	2006	July 1, 2008 Class
M	2006	February 19, 2008 Class
M	2006	July 1, 2008 Class
M	2006	February 19, 2008 Class
M	2006	February 19, 2008 Class
M	2006	July 1, 2008 Class
M	2006	July 1, 2008 Class
M	2006	February 19, 2008 Class
M	2006	July 1, 2008 Class

Not Selected

Gender Code	Exam Numl	Comments
M	2006	Notified no longer eligible 1/25/2008
M	2006	Notified no longer eligible 1/25/2008
M	2006	Notified no longer eligible 1/25/2008
F	2006	Notified no longer eligible 1/9/2008
F	2006	Notified no longer eligible 10/1/2007
M	2006	Notified no longer eligible 1/25/2008
F	2006	Notified no longer eligible 1/9/2008
M	2006	Notified no longer eligible 1/25/2008
M	2006	Notified no longer eligible 4/16/2008
M	2006	Notified no longer eligible 6/26/2008
M	2006	Notified no longer eligible 1/25/2008
M	2006	Notified no longer eligible 4/16/2008
M	2006	Notified no longer eligible 1/25/2008
F	2006	Notified no longer eligible 1/9/2008
M	2006	Notified no longer eligible 4/16/2008
M	2006	Notified no longer eligible 1/25/2008
M	2006	Notified no longer eligible 1/25/2008
M	2006	Notified no longer eligible 1/9/2008
M	2006	Notified no longer eligible 10/1/2007
M	2006	Notified no longer eligible 1/9/2008
M	2006	Notified no longer eligible 1/25/2008
M	2006	Notified no longer eligible 1/25/2008
M	2006	Notified no longer eligible 6/18/2008
M	2006	Notified no longer eligible 10/1/2007
M	2006	Notified no longer eligible 1/25/2008
M	2006	Notified no longer eligible 1/25/2008
M	2006	Notified no longer eligible 4/16/2008
M	2006	Notified no longer eligible 1/25/2008
M	2006	Notified no longer eligible 1/25/2008
M	2006	Notified no longer eligible 1/31/2008
M	2006	Notified no longer eligible 1/9/2008
M	2006	Notified no longer eligible 1/25/2008
M	2006	Notified no longer eligible 1/25/2008
M	2006	Notified no longer eligible 4/16/2008
F	2006	Notified no longer eligible 1/9/2008
F	2006	Notified no longer eligible 1/9/2008
F	2006	Notified no longer eligible 1/9/2008
M	2006	Notified no longer eligible 4/16/2008
M	2006	Notified no longer eligible 12/21/2007
M	2006	Notified no longer eligible 4/30/2008
M	2006	Notified no longer eligible 1/25/2008
M	2006	Notified no longer eligible 1/25/2008
F	2006	Notified no longer eligible 1/25/2008
F	2006	Notified no longer eligible 1/9/2008
F	2006	Notified no longer eligible 1/25/2008
M	2006	Notified no longer eligible 1/25/2008
M	2006	Notified no longer eligible 1/25/2008
F	2006	Notified no longer eligible 1/9/2008



M	2006	Notified no longer eligible 1/25/2008
M	2006	Notified no longer eligible 1/25/2008
M	2006	Notified no longer eligible 1/25/2008
F	2006	Notified no longer eligible 1/25/2008
M	2006	Notified no longer eligible 3/12/2008
M	2006	Notified no longer eligible 1/25/2008
F	2006	Notified no longer eligible 1/9/2008
M	2006	Notified no longer eligible 1/25/2008
M	2006	Notified no longer eligible 1/9/2008
M	2006	Notified no longer eligible 1/25/2008
F	2006	Notified no longer eligible 1/9/2008
M	2006	Notified no longer eligible 1/25/2008
M	2006	Notified no longer eligible 10/26/2007
M	2006	Notified no longer eligible 1/25/2008
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M	2006	Notified no longer eligible 1/25/2008
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M	2006	Notified no longer eligible 12/21/2007
M	2006	Notified no longer eligible 12/21/2007
M	2006	Notified no longer eligible 1/9/2008
F	2006	Notified no longer eligible 1/9/2008
F	2006	Notified no longer eligible 1/9/2008

M	2006	Notified no longer eligible 6/10/2008
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F	2006	Notified no longer eligible 1/9/2008
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M	2006	Notified no longer eligible 1/25/2008
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M	2006	Notified no longer eligible 1/25/2008
M	2006	Notified no longer eligible 1/25/2008
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M	2006	Notified no longer eligible 1/25/2008
M	2006	Notified no longer eligible 4/16/2008
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M	2006	Notified no longer eligible 1/25/2008
F	2006	Notified no longer eligible 1/9/2008
F	2006	Notified no longer eligible 1/25/2008
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F	2006	Notified no longer eligible 1/9/2008
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F	2006	Notified no longer eligible 1/25/2008
F	2006	Notified no longer eligible 1/25/2008
F	2006	Notified no longer eligible 1/9/2008
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F	2006	Notified no longer eligible 1/9/2008
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M	2006	Notified no longer eligible 1/9/2008
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F	2006	Notified no longer eligible 10/1/2007
M	2006	Notified no longer eligible 4/16/2008
M	2006	Notified no longer eligible 1/25/2008
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M	2006	Notified no longer eligible 1/25/2008
M	2006	Notified no longer eligible 4/30/2008
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F	2006	Notified no longer eligible 1/9/2008
M	2006	Notified no longer eligible 1/25/2008
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M	2006	Notified no longer eligible 1/25/2008
M	2006	Notified no longer eligible 1/9/2008
M	2006	Notified no longer eligible 1/25/2008
M	2006	Notified no longer eligible 6/18/2008
F	2006	Notified no longer eligible 1/9/2008
M	2006	Notified no longer eligible 1/25/2008
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M	2006	Notified no longer eligible 1/25/2008
M	2006	Notified no longer eligible 1/25/2008
F	2006	Notified no longer eligible 1/9/2008

M	2006	Notified no longer eligible 4/30/2008
M	2006	Notified no longer eligible 6/10/2008
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M	2006	Notified no longer eligible 1/9/2008
M	2006	Notified no longer eligible 10/1/2007
M	2006	Notified no longer eligible 1/25/2008

EXHIBIT 14

RECEIVED
EEOC Form 136
(Test 10/94)
10 DEC 30 AM 11:45

UNITED STATES OF AMERICA
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SUBPOENA

10 DEC 30 AM 11:45

BY _____

TO: Robert S. Hoff
Commissioner
City of Chicago Fire Department
10 W. 35th Street, 14th Floor
Chicago, IL 60602

NO.: CH-11-038

cc: Cicely P.A.

IN THE MATTERS OF: Jessica M. Evans, et al v. Chicago Fire Department

Charge No. ^{MS} 440-2008-02661
MS - 440-2008-06701 - Kimberly Baile
ME - 440-2008-07527 - Hayley Steffen
MS - 846-2008-40981 - Janiece Theel
ELG - 846-2008-52977 - Angela Minnie
ELG ME - 440-2010-03731 - Samantha Vasile
JB - 440-2010-06252 - Sedalia Peoples
JB - 440-2011-00013 - Jennifer Rocca

Having failed to comply with previous request(s) made by or on behalf of the undersigned Commission official, YOU ARE
HEREBY REQUIRED AND DIRECTED TO:

- ☐ Testify before: ☒ Produce and bring * or Mail * the documents described below to:
- ☐ Produce access to the evidence described below for the purpose of reviewing and copying at the premises of
to:

Janel Smith, Federal Investigator of the Equal Employment Opportunity Commission
at 500 W. Madison, Suite 2000, Chicago IL 60661 On January 31, 2011 at 10:00 AM

The evidence required is:

SEE ATTACHED EXHIBITS

Mara S. Georges
Corporation Counsel
City of Chicago - Department of Law
30 N. LaSalle, Suite 1040
Chicago, IL 60602

This subpoena is issued pursuant to:

☐ (ADA) 42 U.S.C. 12117(a) ☒ (Title VII) 42 U.S.C. 2000e-9 ☐ (ADEA) 29 U.S.C. 626(a) ☐ (EPA) 29 U.S.C. 209 ☐ (GINA) 42 U.S.C. 2000ff-6

ISSUING OFFICIAL (Typed name, title and address)

John P. Rowe, District Director
US Equal Employment Opportunity Commission
500 W. Madison St., Suite 2000
Chicago, IL 60661

ON BEHALF OF THE COMMISSION

John P. Rowe

12/29/2010
Date



EXHIBIT A
SUBPOENA NO.: CH-11-038

1. Documents¹ sufficient to show all job analysis reports conducted during the time frame January 1, 2006, to present, for the position of Firefighter and Emergency Medical Technician (EMT) at the Chicago Fire Department, including but not limited to documentation on systematic studies of the tasks and knowledge, skills, abilities (KSAs) to perform each, exhaustive listing of the tasks and KSAs, and the results of surveys/panels involving any Subject Matter Experts or other studies of the importance and/or frequency of performance of the tasks and KSAs.
2. Job analysis data including any raw data resulting from any study described in Item 1 or otherwise underlying any report or analysis described in Item 1.
3. Documents¹ sufficient to show all special studies conducted during the time frame January 1, 2006 to the present of physical ability requirements for Firefighter, EMT and related jobs with the Chicago Fire Department, including but not limited to any documentation on systematic studies or analyses of the physical ability requirements, measurements of weights lifted and distances moved, biometric measurements and calculations (e.g., torque and stress on body segments), and work physiology analyses (e.g., oxygen consumption to estimate aerobic capacity requirements).
4. Physical ability requirements data including any raw data resulting from any study described in Item 3 or otherwise underlying any report or analysis described in Item 3.
5. Documents¹ sufficient to show all job descriptions for Firefighter, EMT and related jobs during the time frame January 1, 2006 to the present, including but not limited to documents showing job objectives, responsibilities/duties/tasks, and requirements (e.g., education, experience, minimum qualifications, KSAs, certifications, other credentials).
6. Documents¹ sufficient to show all technical reports on the development of the physical ability tests used by the Chicago Fire Department during the time frame January 1, 2006 to the present, including but not limited to any reports or other documentation on the development of the tests.
7. A DVD copy of the "Firefighters/EMT Physical Ability Tests" DVD.
8. Documents¹ sufficient to show all Validation reports for the position of Firefighter and Emergency Medical Technician (EMT) at the Chicago Fire Department, including but not limited to all documentation of formal studies of the relationship between the physical ability tests and the performance of the job, including both "content" studies (that examine the extent to which the test simulates the job tasks or measures KSAs important to the performance of the job) or "criterion-related" studies (that measure the statistical association between test performance and job performance).

¹ See Exhibit B for the description and definition of documents.

EXHIBIT A
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9. Validation data including any raw data resulting from any study described in Item 8 or otherwise underlying any report or analysis described in Item 8.
10. Documents¹ sufficient to show all Passing score information for the physical abilities tests for the position of Firefighter at the Chicago Fire Department, including but not limited to all documents describing analyses or methods used to determine and to justify the passing scores on each of the physical ability tests.
11. Passing score data including any raw data resulting from any analysis described in Item 10 or otherwise underlying any analysis described in Item 10.
12. Documents¹ sufficient to show all alternative selection procedures and uses considered for the physical abilities test for the position of Firefighter with the Chicago Fire Department, including but not limited to all documentation on alternative procedures other than the physical abilities tests used (e.g., other tests, no tests, other requirements), other consultants and their approaches considered, any benchmarking information collected on the procedures used by other fire departments and any other uses of any physical abilities test (e.g., use of different pass scores).
13. Documents¹ sufficient to show all statistical analyses of the physical ability test for the position of Firefighter with the Chicago Fire Department, including but not limited to any reports or documents describing the results of the statistical analyses of the physical ability tests such as psychometric (quality) analyses, analyses of gender and other subgroup differences.
14. Data including any raw data resulting from any analysis described in Item 13 or otherwise underlying any report or analysis described in Item 13.
15. Documents¹ sufficient to show all administration instructions of the physical ability test for the position of Firefighter with the Chicago Fire Department, including but not limited to any documents describing the instructions and procedures used to train the test administrators.
16. Documents¹ sufficient to show all post-hire training materials for the physical ability test for the position of Firefighter with the Chicago Fire Department, including but not limited to any documents describing post-hire training to perform the physically oriented tasks of both the firefighter and EMT components of the job, or the results of such training.
17. Documents¹ sufficient to show all information on the physical ability related performance standards for current Firefighters/EMTs, how those standards are

¹ See Exhibit B for the description and definition of documents.

EXHIBIT A
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measured and enforced, and evidence of their enforcement over the career span.

18. All documents¹ regarding any physical ability related problems and deficiencies of current Firefighters/EMTs in the Chicago Fire Department, including but not limited to data on the incidents of such problems by gender and any changes in the rate of problems after implementation of the tests.
19. Documents¹ and information in any form (e.g., booklet, DVD) sufficient to show all pre-physical abilities test training programs offered or administered by the Chicago Fire Department to applicants for the positions of Firefighter and EMT.
20. Copy of the contract(s) and/or licensing agreement(s) between Chicago Fire Department and the vendor that developed any physical ability test used by the Chicago Fire Department during the time frame January 1, 2006 to the present.
21. Documents¹ sufficient to show all other research conducted on physical ability selection procedures for Firefighters and EMTs at the Chicago Fire Department.
22. Documents¹ sufficient to show all other research conducted by consultants of the Chicago Fire Department on physical ability selection procedures for Firefighters and EMTs outside of the Chicago Fire Department.

¹ See Exhibit B for the description and definition of documents.

EXHIBIT B
SUBPOENA NO.: CH-11-038

DEFINITION OF DOCUMENT

The term "document" is used in its broadest sense and means the complete original or a true, correct and complete copy and any non identical copies (whether different from the original because of notes or comments made on or attached to such copy or otherwise) of any written, graphic, typed, printed, filmed, recorded or electronic information, published or unpublished, no matter how produced, recorded, stored, or reproduced (including computer stored or generated data, together with instructions or programs necessary to search and retrieve such data), including, without limitation, any writing, letter, telegram, memorandum, note, electronic mail or message, telephone message, telephone or toll call record, statement, book, handbook, appointment book, calendar, minutes or record of meetings, report, manual, study, analysis, summary, log, digest, record, bill, statement, voucher, working paper, chart, graph, table, drawing, photograph, videotape, audio recording (including telephone answering machine messages), diary, tabulation, data sheet, directive, standard, pamphlet, brochure, circular, advertisement, announcement, application, list, permit, survey, punch card, witness statement, note of interview or communication or any other data compilation in the possession, custody, or control of Respondent, including all drafts of such documents.

EXHIBIT 15

EEOC Form 161 (11/09)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Jessica M. Evans**
739 Delphia Avenue
Elk Grove Village, IL 60007

From: **Chicago District Office**
500 West Madison St
Suite 2000
Chicago, IL 60661



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

440-2008-02661

Janel Smith,
Investigator

(312) 869-8136**THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:**

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

The Commission has ceased processing this charge.**- NOTICE OF SUIT RIGHTS -**

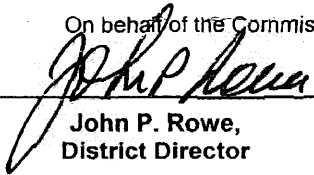
(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

Enclosures(s)


John P. Rowe,
District Director

8/2/2012
 (Date Mailed)

cc:

Chicago Fire Department

EEOC Form 5 (5/01)

CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		Charge Presented To: Agency(ies) Charge No(s): ☐ FEPA ☒ EEOC 440-2008-02661	
Illinois Department Of Human Rights and EEOC State or local Agency, if any			
Name (indicate Mr., Ms., Mrs.) Ms. Jessica M. Evans		Home Phone (Incl. Area Code)	Date of Birth 09-08-1984
Street Address City, State and ZIP Code 739 Delphia Avenue, Elk Grove Village, IL 60007			
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name CHICAGO FIRE DEPT		No. Employees, Members 500 or More	Phone No. (Include Area Code)
Street Address City, State and ZIP Code 121 N LASALLE, Chicago, IL 60620			
Name		No. Employees, Members	Phone No. (Include Area Code)
Street Address City, State and ZIP Code			
DISCRIMINATION BASED ON (Check appropriate box(es).) ☐ RACE ☐ COLOR ☒ SEX ☐ RELIGION ☐ NATIONAL ORIGIN ☐ RETALIATION ☐ AGE ☐ DISABILITY ☐ OTHER (Specify below.)		DATE(S) DISCRIMINATION TOOK PLACE Earliest 01-09-2008 Latest 01-09-2008 ☐ CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)): In or about March 2006, I applied for a Firefighter/EMT position. In December 2007, I took the Physical Abilities Test. On January 9, 2008, I was told that would not be considered for the position. I believe that I was discriminated against because of my sex, female, in violation of Title VII of the Civil Rights Act of 1964, as amended. RECEIVED EEOC APR 10 2008 CHICAGO DISTRICT OFC			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY – When necessary for State and Local Agency Requirements	
I declare under penalty of perjury that the above is true and correct.		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT	
Apr 10, 2008 Date  Charging Party Signature		SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)	

EXHIBIT 16

Exhibit 10

EEOC Form 5 (5/01)

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):

☐ FEPA☒ EEOC

440-2008-06701

and EEOC

State or local Agency, if any

Name (indicate Mr., Ms., Mrs.)

Kimberly Bailey

Home Phone (incl. Area Code)

(773) 858-1810

Date of Birth

04-07-1973

Street Address

City, State and ZIP Code

11516 South Oakley Avenue, Chicago, IL 60643

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

CHICAGO FIRE DEPARTMENT

No. Employees, Members

500 or More

Phone No. (Include Area Code)

(312) 746-1213

Street Address

City, State and ZIP Code

1338 South Clinton, Chicago, IL 60607

Name

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

RACE

☐ COLOR☒ SEX☐ RELIGION☐ NATIONAL ORIGIN☐ RETALIATION☐ AGE☐ DISABILITY☐ OTHER (Specify below.)DATE(S) DISCRIMINATION TOOK PLACE
Earliest Latest

01-09-2008

01-09-2008

☐ CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)).

I was hired by the above-named Respondent on August 1, 2000 and my current position is Fire Paramedic. On January 9, 2008, I did not pass the Firefighter/EMT Physical Abilities Test.

I believe that I have been discriminated against on the basis of my sex, female, in violation of Title VII of the Civil Rights Act of 1964, as amended.

RECEIVED

JUL 6 7 2008

CHICAGO DISTRICT OFC

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

NOTARY - When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

7-7-08
DateKimberly Bailey
Charging Party Signature

EXHIBIT 17

Aug 24 11 01:20p

John Kelleher

773-572-5733

EEOC Form 5 (5/01)

CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		Charge Presented To: Agency(ies) Charge No(s): ☐ FEPA ☒ EEOC 440-2008-07527	
Illinois Department Of Human Rights and EEOC State or local Agency, if any			
Name (indicate Mr., Ms., Mrs.) Ms. Hayley K. Stefen		Home Phone (Incl. Area Code) (773) 775-0093	Date of Birth 05-05-1978
Street Address 5338 N. Nashville, Chicago, IL 60656		City, State and ZIP Code	
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name CHICAGO FIRE DEPARTMENT		No. Employees, Members 500 or More	Phone No. (Include Area Code) (312) 746-6920
Street Address 1338 S. Clinton Street, Chicago, IL 60607		City, State and ZIP Code	
Name		No. Employees, Members	Phone No. (Include Area Code)
Street Address		City, State and ZIP Code	
DISCRIMINATION BASED ON (Check appropriate box(es).) ☐ RACE ☐ COLOR ☒ SEX ☐ RELIGION ☐ NATIONAL ORIGIN ☐ RETALIATION ☐ AGE ☐ DISABILITY ☐ OTHER (Specify below.)		DATE(S) DISCRIMINATION TOOK PLACE Earliest Latest 01-01-2008 01-01-2008 ☐ CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)): I was hired by Respondent in or around August 2000 as a Paramedic. In or around December 2007, I applied for the position of Firefighter/EMT. In or around January 2008, I learned I was not selected. I believe I have been discriminated against because of my sex, female, in violation of Title VII of the Civil Rights Act of 1964, as amended.			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY - When necessary for State and Local Agency Requirements	
I declare under penalty of perjury that the above is true and correct.		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT	
Aug 06, 2008 Date		SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)	
Hayley K. Stefen Charging Party Signature			