

In the United States District Court  
for the Western District of Pennsylvania

United States of America, Civil Action No. \_\_\_\_\_

Plaintiff,

v.

City of Erie, Pennsylvania,

Defendant.

**COMPLAINT**

Plaintiff, United States of America, alleges:

1. This action is brought on behalf of the United States to enforce the provisions of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, et seq., as amended ("Title VII").
2. This court has jurisdiction of this action under 42 U.S.C. § 2000e-6(b), 28 U.S.C. § 1343(a)(3) and 28 U.S.C. § 1345.
3. Defendant City of Erie, Pennsylvania, is a municipal government and/or political subdivision created pursuant to the laws of the Commonwealth of Pennsylvania.
4. Defendant City of Erie is a person within the meaning of 42 U.S.C. § 2000e(a) and an employer within the meaning of 42 U.S.C. § 2000e(b).
5. Defendant City of Erie employs police officers who, among their other responsibilities, are responsible for protecting individuals and property in the City of Erie and apprehending persons violating any laws within the City of Erie.
6. Defendant City of Erie is responsible for establishing the terms, conditions, and other practices which bear upon the employment of the City of Erie's police officers.
7. Since at least 1996, defendant City of Erie has administered and used a physical agility test ("PAT") in the screening and selection of applicants for hire into the entry-level position of City of Erie police officer,
8. Defendant City of Erie has required that applicants pass the PAT in order to continue in the screening and selection process for the position of City of Erie police officer.
9. In 1996, only two of the 46 women who took defendant City of Erie's entry-level police officer PAT passed the test. During the same period, 122 of the 227 men who took the entry-level police officer PAT passed the test.
10. In 1998, only three of the 21 women who took defendant City of Erie's entry-level police officer PAT passed the test. During the same period, 83 of the 115 men who took the entry-level police officer

PAT passed the test.

11. In 2000, only four of the 34 women who took defendant City of Erie's entry-level police officer PAT passed the test. During the same period, 174 of the 225 men who took the entry-level police officer PAT passed the test.

12. In 2002, only seven of the 23 women who took defendant City of Erie's entry-level police officer PAT passed the test. During the same period, 144 of the 170 men who took the entry-level police officer PAT passed the test.

13. From 1996 to the present, only 13% of the female applicants for the entry-level position of police officer who took defendant City of Erie's PAT passed the test. During the same period, 71% of the male applicants for the entry-level position of police officer who took the PAT passed the test.

14. As of November 11, 2002, the sworn workforce of defendant City of Erie's Bureau of Police consisted of 193 men and 9 women.

15. The PAT administered by defendant City of Erie to applicants for the entry-level position of City of Erie police officer has an adverse impact on female applicants and it is not job-related for the position in question or consistent with business necessity.

16. Defendant City of Erie has pursued and continues to pursue policies and practices that discriminate against women and that deprive or tend to deprive women of employment opportunities because of their sex, in violation of Section 707 of Title VII, 42 U.S.C. § 2000e-6. Defendant City of Erie has implemented these policies and practices, among other ways, as follows:

- a. by failing or refusing to hire women for the entry-level position of police officer on the same basis as men;
- b. by using selection procedures and physical agility standards for the entry-level position of police officer that have an adverse impact on women, and that are not job-related for the position in question or consistent with business necessity; and
- c. by failing or refusing to take appropriate action to correct the present effects of its discriminatory policies and practices.

17. In accordance with Section 707 of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-6, the United States, through the Department of Justice, has investigated the employment practices of defendant City of Erie, has notified defendant of the investigation and the policies and practices described in paragraphs 7 through 16, above, and has unsuccessfully attempted to resolve this matter through negotiation.

18. The policies and practices of defendant City of Erie described in paragraphs 7 through 16, above, constitute a pattern or practice of resistance to the full enjoyment by women of their right to equal employment opportunities without discrimination based on sex, in violation of Section 707 of Title VII, 42 U.S.C. § 2000e-6. The pattern or practice is of such a nature and is intended to deny the full exercise of the rights secured by Title VII of the Civil Rights Act of 1964, as amended. Unless restrained by order of this Court, defendant City of Erie will continue to pursue policies and practices that are the same as or similar to those alleged in this Complaint.

19. All conditions precedent to the filing of suit have been performed or have occurred.

Wherefore, plaintiff United States prays for an order enjoining defendant City of Erie, its officers, agents, employees, successors and all persons in active concert or participation with them, from engaging in discriminatory employment practices against women based on their sex, and specifically from:

- a. failing or refusing to hire women for the entry-level position of police officer on an equal basis as men;
- b. using selection procedures and physical agility standards for the entry-level position of police officer that have an adverse impact on women, and that are not job-related for the position in question or consistent with business necessity;
- c. failing or refusing to provide make-whole relief, including back pay with interest, offers of employment, retroactive seniority, and other benefits to individuals who have suffered loss or will suffer loss as a result of the discriminatory policies and practices alleged in this Complaint; and
- d. failing or refusing to take other appropriate non-discriminatory measures to overcome the effects of their discriminatory policies and practices.

Plaintiff United States prays for such additional relief as justice may require, together with its costs and disbursements in this action.

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By:

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