

MEMORANDUM SETTLEMENT AGREEMENT

WHEREAS, on October 5, 2000, the United States Equal Employment Opportunity Commission ("EEOC"), referred to the Department of Justice charges of employment discrimination against the Milwaukee Fire Department and the Fire and Police Commission, pursuant to 42 U.S.C. §2000e, et. seq. The charges of discrimination included allegations that the selection process used for entry level firefighters, as well as for promotions within the Milwaukee Fire Department, unlawfully discriminated against African Americans. The EEOC's investigations were prompted by two separate charges of discrimination, the first, EEOC Charge No. 260-97-0100, filed by the Milwaukee Brotherhood of Firefighters ("Brotherhood"); and, the second, EEOC Charge No. 260-97-0139, filed by an individual African American firefighter, Isaac Hatton; and

WHEREAS, following an investigation, the EEOC determined that there was reasonable cause to believe that the following employment practices discriminated against African Americans in violation of Title VII: the 1993 and 1995 entry level written examinations for Firefighters; the recruitment process for Firefighters and Cadets; the hiring of Firefighters and Cadets; the 1995 promotional examination for Fire Lieutenants; and, the 1996 promotional process for Battalion Chief. The EEOC's referral of the charges to the Department of Justice followed the EEOC's determination that conciliation of these charges with the City had failed; and

WHEREAS, the Department of Justice commenced a supplemental investigation of these charges, as well as a related practice: the City's 1999 written examination for entry level Firefighter. The Department of Justice concluded its investigation regarding the City's 1993, 1995 and 1999 written examinations for Firefighters; and the United States and Brotherhood's claims regarding those three written examinations are covered by this Memorandum Settlement

Agreement. However, the Department of Justice has not concluded its investigation of the EEOC's charges regarding the City's 1995 written examination for Fire Lieutenant, or the City's 1996 promotional process for Battalion Chief; and, accordingly those EEOC charges regarding that written examination and that promotional process, as well as any claims the United States or Brotherhood may make with respect thereto, are not covered by this Memorandum Settlement Agreement; and

WHEREAS, the Department of Justice has concluded its investigation of the EEOC's charges of discrimination in the City's recruitment of African American Firefighters and Cadets, and the United States and the Brotherhood have determined not to pursue those claims. Further, the Department of Justice has concluded its investigation of the EEOC's charge of discrimination in the City's hiring of African American Cadets, and the United States and the Brotherhood have determined not to pursue those claims. Accordingly, those EEOC charges, as well as any claims the United States or Brotherhood may make with respect thereto, are covered by this Memorandum Settlement Agreement; and

WHEREAS, the Brotherhood, an organization that represents the interests of African American Firefighters, intends to move to intervene as a plaintiff for purposes of submitting the Supplemental Order which is attached hereto as Exhibit A; and

WHEREAS, the parties now desire to enter into this Memorandum Settlement Agreement, and the proposed Supplemental Order, Exhibit A, which is attached hereto and made a part hereof; NOW, THEREFORE

IN CONSIDERATION of the terms, conditions and promises set forth in this Agreement,
IT IS HEREBY MUTUALLY AGREED AS FOLLOWS:

1. The parties agree to submit the Supplemental Order attached hereto as Exhibit A to the United States District Court for the Eastern District of Wisconsin for provisional approval, and for the entry of a final order;

2. The terms and conditions set forth in the Supplemental Order, Exhibit A, shall be effective if, and only if, they are approved by the United States District Court for the Eastern District of Wisconsin and become the subject of a binding court order;

3. This Memorandum Settlement Agreement is subject to approval by the Common Council of the City of Milwaukee.

AGREED AND CONSENTED TO THIS _____ DAY OF OCTOBER, 2001:

On behalf of the United States:

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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

and

MILWAUKEE BROTHERHOOD OF
FIREFIGHTERS,

Plaintiff-Intervenor,

v.

Civil Action No. 74-C-480

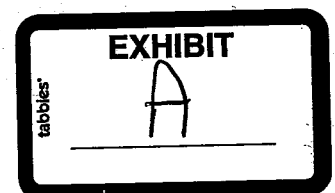
CITY OF MILWAUKEE, et al.

Defendants.

SUPPLEMENTAL ORDER

I.
INTRODUCTION AND BACKGROUND

1. The United States filed its Complaint in this action on October 17, 1974, alleging that defendants City of Milwaukee, *et al.* ("City of Milwaukee" or "City"), were engaged in a pattern or practice of discrimination against African-Americans and women on the basis of their race and gender, respectively, with respect to employment opportunities within the Milwaukee Fire Department ("MFD") and the Milwaukee Police Department ("MPD"), in violation of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e *et seq.*, the provisions of the State and Local Fiscal Assistance Act of 1972 (Pub. L. 92-512, 86 Stat. 919), 31 U.S.C. §1221 *et seq.*, the Omnibus Crime Control and Safe Streets Act of 1968, as amended, (Pub. L. 90-351, 82 Stat. 197)



42 U.S.C. §3766(c)(3), the Fourteenth Amendment to the Constitution of the United States, and 42 U.S.C. §§ 1981, 1983.

2. On October 17, 1974, contemporaneous with the filing of the United States' complaint, the Court (Reynolds, J.) approved and entered a Consent Decree ("Decree") which resolved all MFD issues in the United States' action, as well as two private actions.¹

3. The Decree enjoined the City from engaging in any employment practices regarding the MFD that have the purpose or the effect of unlawfully discriminating against applicants or employees on the basis of their race, gender or national origin. Decree, ¶¶ 1 & 2. The Decree provided that if in the future any of the plaintiffs allege that an employment practice of the City is discriminatory in nature, such a claim "will be the subject of supplemental relief under paragraph 18;" and it provided that the Court retain jurisdiction of the actions for such supplemental or corrective relief as might be necessary or appropriate.² Decree, ¶¶ 2 & 18.

¹ Private plaintiffs Loren J. Washington, et al., (Loren J. Washington et al. v. Richard Block, et al., Civil Action No. 74-C-318), and the National Association for the Advancement of Colored People, Milwaukee Branch, et al. (NAACP, et al. v. Richard Block, et al., Civil Action No. 74-C-368), had filed complaints on July 29, 1974 and September 3, 1974, respectively. The complaints alleged that the City defendants were engaged in discrimination against African-Americans and Hispanics on the basis of their race and national origin, respectively, with respect to employment opportunities within the MFD in violation of 42 U.S.C. §§ 1981 and 1983 and the Fourteenth Amendment to the United States Constitution.

As noted above, while the United States' complaint alleged a pattern or practice of employment discrimination within both the MFD and the MPD, the Decree resolved only the MFD issues. The procedural history of the MPD litigation is extensive and ongoing. See, League of Martin v. City of Milwaukee, 588 F. Supp. 1004, 1007-11 (E.D. Wis. 1984); United States v. City of Milwaukee, 1997 WL 1911226 (E.D. Wis. 1997).

² The Decree also contains provisions that address various other issues, including appointment goals, qualifications for Firefighters, recruitment policies and record keeping and reporting.

4. Since the entry of the Decree, the Court has entered various supplemental orders,³ and also has terminated certain provisions of the Decree.⁴

5. In 1977, the City moved to vacate the Decree. The Court, however, denied the City's motion, United States v. City of Milwaukee, 441 F. Supp. 1377 (E.D. Wis. 1977); and, with the exception of those provisions of the Decree that have been extinguished, the Decree remains in effect.

II.
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
CHARGES OF DISCRIMINATION

6. On October 5, 2000, the U.S. Equal Employment Opportunity Commission ("EEOC") referred to the Department of Justice charges of employment discrimination against the MFD, pursuant to 42 U.S.C., §2000e, et seq. The charges of discrimination included allegations that the selection processes for Firefighters, as well as for promotion within the MFD, unlawfully discriminate against African-Americans.⁵ Following an investigation, the EEOC determined there was reasonable cause to believe that the following employment practices discriminated against

³ For example, on October 15, 1976, the Court entered an Order establishing a "goal of making 5% of the Firefighter appointments to females." The most recent supplemental Order, entered on December 27, 1989, authorized the intervention of numerous female paramedics for the limited purpose of enforcing a settlement agreement between the intervenors and the City regarding the intervenors' inclusion in the Firefighter pension fund.

⁴ Pursuant to the parties' agreement, on April 6, 1983, the Court entered an Order discontinuing the interim appointment goal contained in paragraph 4 of the Consent Decree, because the City had met its long-range goal of attaining 14% African-American, Hispanic and American Indian representation in the MFD. Also, on June 20, 1994, a Supplemental Order terminating the appointment goal for female Firefighters took effect. These extinguished provisions are not at issue here.

⁵ The EEOC's investigations were prompted by two separate charges of discrimination, the first (EEOC Charge No. 260-97-0100) filed by the Milwaukee Brotherhood of Firefighters, an organization that represents the interests of African-American Firefighters; and the second (EEOC Charge No. 260-97-0139) filed by an individual African-American Firefighter (Isaac Hatton).

African-Americans in violation of Title VII: the 1993 and 1995 written examinations for Firefighter; the recruitment process for Firefighters and Cadets; the appointment of Firefighters and the hiring of Cadets; the promotional process for Fire Lieutenant; and the 1996 promotional process for Battalion Chief. The EEOC's referral of the charges to the Department of Justice followed the EEOC's determination that conciliation of these charges with the City had failed.

III.

THE DEPARTMENT OF JUSTICE'S SUPPLEMENTAL INVESTIGATION

7. The Department of Justice commenced a supplemental investigation of these charges, as well as a related practice: the City's 1999 written examination for Firefighter. The Department concluded its investigation regarding the City's 1993, 1995 and 1999 written examinations for Firefighter; and the United States' claims regarding those three written examinations are covered by this Supplemental Order.⁶ However, the Department has not concluded its investigation of the EEOC charges regarding the City's 1995 written examination for Fire Lieutenant or the City's 1996 promotional process for Battalion Chief; and, accordingly, those EEOC charges regarding that

⁶In accordance with Paragraph 16 of the Decree, the Department of Justice notified the City of the Department's determination that the City's 1993, 1995 and 1999 written examination for Firefighter violated Title VII.

The Department of Justice has concluded its investigation on the EEOC's charge of discrimination in the City's recruitment of African-American Firefighters and Cadets and determined not to pursue this claim. The Department of Justice also has concluded its investigation of the EEOC's charge of discrimination in the City's appointment of African-American Cadets and determined not to pursue this claim.

written examination and that promotional process, as well as any claims the United States may make with respect thereto, are not covered by this Supplemental Order.

IV.
INTERVENING PARTY

8. The Milwaukee Brotherhood of Firefighters (“Brotherhood”), an organization that represents the interests of African-American Firefighters, has moved to intervene as a plaintiff in this action for purposes of this Supplemental Order. The United States and the City do not oppose the Brotherhood’s intervention for purposes of this Supplemental Order. The Brotherhood asserts the same claims as the United States regarding the City’s 1993, 1995, and 1999 written examinations for Firefighter. The EEOC charges regarding the City’s 1995 written examination for Fire Lieutenant and the City’s 1996 promotional process for Battalion Chief, as well as any claims the Brotherhood may make with respect to that examination and/or that process, are not included in the complaint in intervention or covered by this Supplemental Order. The parties acknowledge that the omission of the same from the Brotherhood’s complaint in intervention at this time does not foreclose the Brotherhood from asserting such claims in the future.

V.
THE CITY’S 1993, 1995 AND 1999 FIREFIGHTER SELECTION PROCESSES

A. The City’s 1993 Firefighter Selection Process

9. The City’s 1993 selection process for Firefighter included two components: a written multiple-choice examination and a physical ability test (“PAT”). Each component was scored individually and weighted evenly at 50/50. Preference points for veteran status and for possessing an Associate Degree in Fire Technology or a Bachelor of Science Degree in Fire Science were added to the component scores to arrive at an overall score. A candidate’s overall score was used to create

a rank-order eligible list of candidates to be processed for appointment. The City appointed candidates from this eligible list from 1993 to 1995.

10. The City's 1993 written examination for Firefighter, which was developed by the City, included 83 questions in the following content areas: reading comprehension; reasoning and problem solving; oral instruction; maps and diagrams; basic grammar; and public contact. The 1993 written examination was scored based on a 100-point scale, with 70 set as the passing point. Candidates who passed the written examination were invited to take the PAT. The PAT, also developed by the City, required candidates to perform various exercises within a set course in no more than 450 seconds (7.5 minutes). Raw scores based on seconds were converted to a 100-point scale, with 70 set as the passing point.

11. The City's 1993 written examination for Firefighter resulted in substantial disparate impact upon African-American candidates. The pass rate for African-American candidates on the examination was 3.9%, while the pass rate for white candidates was 30.7%, resulting in a highly statistically significant difference (10.5 SD). The average score for African-American candidates who passed the examination was 71.88, while the average score for white candidates who passed the examination was 75.91, resulting in a highly statistically significant difference (6.85 SD).

12. While 363 (or 16.7%) of all candidates who took the City's 1993 written examination for Firefighter were African-American, only two (or 1.5 %) of candidates appointed from the eligible list resulting from that examination were African-American. Had the City's 1993 selection process for Firefighter been race-neutral, it would be expected that at least 21 African-Americans would have been appointed, resulting in a shortfall of 19 African-American appointees. The written examination was the only practice or device in the City's 1993 selection process for Firefighter that resulted in significant disparate impact upon African-American candidates. Accordingly, the written

examination was the cause of an overall appointment shortfall of 19 African-Americans for the City's 1993 selection process for Firefighter.

B. The City's 1995 Firefighter Selection Process

13. The City's 1995 selection process for Firefighter included three components weighted as follows: a written examination: 21%; the PAT: 44%; and an oral exercise (the "B-Pad"): 35%. Preference points for veteran status and for possessing an Associate Degree in Fire Technology or a Bachelor of Science Degree in Fire Science were added to the component scores to arrive at an overall score. A candidate's overall score was used to create a rank-order eligible list of candidates to be processed for appointment. The City appointed candidates from this eligible list from 1995 to 1999.

14. The City revised its written examination for the 1995 selection process for Firefighter based on recommendations made to it by Personnel Decisions, Inc. ("PDI"), a Minneapolis, MN, consulting firm. The written examination was revised as follows: an "academy section" (a test of classroom learning) was added; the basic grammar section was removed; and PDI rewrote the reading comprehension section using actual text material used in recruit training. Thus, the City's 1995 written examination for Firefighter contained a total of 80 questions in three content areas: ability to follow oral instructions; classroom learning ability; and reading comprehension. The written examination was scored based on a 100-point scale, with 70 set as the passing point. Candidates who passed the written examination were invited to take the PAT. The PAT was left largely unchanged from that used by the City in its 1993 selection process. Raw scores based on seconds were converted to a 100-point scale, with 70 set as the passing point.

15. Candidates who passed the PAT were invited to take the "B-Pad" oral exercise, a new component added by the City to its selection process on the recommendation of PDI. The B-Pad,

developed by Behavioral Personnel Assessment Devices, a California consulting firm, requires candidates to view and respond to problem scenarios shown to them on videotape. Raters evaluate videotapes made of the candidates responding to the scenarios. The B-Pad was scored based on a 100-point scale, with 70 set as the passing point.

16. The City's 1995 written examination for Firefighter resulted in substantial disparate impact upon African-American candidates. The pass rate for African-American candidates on the examination was 36.1%, while the pass rate for white candidates was 86.0%, resulting in a highly statistically significant difference (20.41 SD). The average score for African-American candidates who passed the examination was 76.97, while the average score for white candidates who passed was 83.83, resulting in a highly significant statistical difference (14.39 SD).

17. While 429 (or 22.5%) of all candidates who took the City's 1995 written examination for Firefighter were African-American, only 11 (or 9.2 %) of candidates appointed from the eligible list resulting from that examination were African-American. Had the City's 1995 selection process for Firefighter been race-neutral, it would be expected that at least 27 African-Americans would have been appointed, resulting in a shortfall of 16 African-American appointees. The written examination was the only practice or device in the City's 1995 selection process for Firefighter that resulted in significant disparate impact upon African-American candidates. Accordingly, the written examination was the cause of an overall appointment shortfall of 16 African-Americans for the City's 1995 selection process for Firefighter.

C. The City's 1999 Firefighter Selection Process

18. The City's 1999 selection process for Firefighter included the same three components the City had used in 1995. However, the weights for the component scores were changed as follows: a written examination: 15%; the PAT: 46%; and the B-Pad: 39%. Preference points for veteran status

and City residency, and for possessing an Associate Degree in Fire Technology or a Bachelor of Science Degree in Fire Science were added to the component scores to arrive at an overall score.

A candidate's overall score was used to create a rank-order eligible list of candidates to be processed for appointment. The City has appointed candidates from this eligible list from 2000 to the present.

19. The written examination for Firefighter used by the City for its 1999 selection process was a substantial revision of the examination used by the City during 1995. Thus, 43 questions from the 1995 examination that had impact against minorities were eliminated and a reading comprehension passage was added. The City's 1999 written examination contained a total of 50 questions; and it was scored based on a 100-point scale, with 70 set as the passing point. Candidates who passed were invited to take the PAT.

20. The City maintained the same exercises and time limit for the PAT in 1999 as it had used in 1995. However, rather than using a candidate's course completion time (seconds) as the basis for the raw score, the City established a "ceiling score" based on the median time of the original incumbent group and a range of banded scores falling below this ceiling. The highest possible score was seven points, the lowest one point. The PAT scoring was changed to address the concern that the rising level of competition by the best performing candidates was adversely affecting the standing of candidates on the eligible list who were well within the range of acceptable proficiency but not at the top range. PAT point scores were converted to a 100 point scale, with 70 set as the passing point.

21. Candidates who passed the PAT were invited to take the B-Pad which was left unchanged from that used by the City in 1995. The B-Pad was scored based on a 100-point scale, with 70 set as the passing point.

22. The City's 1999 written examination for Firefighter resulted in substantial disparate impact upon African-American candidates. The pass rate for African-American candidates on the examination was 80.6%, while the pass rate for white candidates was 97.5%, resulting in a highly statistically significant difference (8.59SD). The average score for African-American candidates on the examination was 82.4, while the average score for white candidates on the examination was 89.5, resulting in a highly statistically significant difference (12.44SD).

23. While 252 (or 21.1%) of all candidates who took the City's 1999 written examination for Firefighter were African-American, only ten (or 11.8 %) of candidates to date appointed from the eligible list resulting from that examination have been African-American. Had the City's 1999 selection process for Firefighter been race-neutral, it would be expected that 18 African-Americans to date would have been appointed, resulting in a shortfall of eight African-American appointees. The City, however, intends to continue to utilize the eligible list resulting from that examination down to the rank of 250, or for up to twelve months from the date of the final approval and entry of this Supplemental Order, whichever event occurs first, in the selection of additional candidates for appointment to Firefighter positions. The City's continued use of the eligible list down to the rank of 250 will reduce the shortfall of African-American appointees from eight to five. The written examination is the only practice or device in the City's 1999 selection process for Firefighter that results in significant disparate impact upon African-Americans candidates. Accordingly, the written examination is the cause of an overall appointment shortfall of five African-Americans for the City's 1999 selection process for Firefighter.

D. The Parties' Positions regarding the City's 1993, 1995 and 1999 Written Examinations for Firefighter

24. The parties agree that the City's use of its 1993, 1995 and 1999 written examinations for Firefighter resulted in sufficient disparate impact upon African-American candidates as compared to white candidates to establish a *prima facie* case of discrimination under Title VII. The parties further agree that the City's use of its 1993, 1995 and 1999 written examinations for Firefighter resulted in appointment shortfalls for African-Americans of 16, 19 and five, respectively.

25. The United States and the Brotherhood contend that the City cannot demonstrate, as is its burden under Title VII, that the City's 1993, 1995 and 1999 written examinations for Firefighter, as well as the City's use of each of those examinations with a pass point of 70.0 and as a weighted component of a rank-order overall score, are "job-related for the position in question and consistent with business necessity."

26. Solely for the purpose of this Supplemental Order, and without admitting liability, the City does not assert that its 1993, 1995 and 1999 written examinations for Firefighter, or its use of each of those examinations with a pass point of 70.0 and as a weighted component of a rank-order overall score, is "job-related for the position in question and consistent with business necessity."

VI.
SETTLEMENT OF CLAIMS AND ORDER OF RELIEF

27. In resolution of all claims of the United States and the Brotherhood regarding the City's 1993, 1995 and 1999 written examinations for Firefighter, in resolution of all claims any person who accepts relief under this Supplemental Order has or may have under federal, state or local equal employment opportunity law regarding the City's failure to have appointed him/her as a Firefighter as a result of his/her score on the City's 1993, 1995 and/or 1999 written examinations for Firefighter, and in resolution of all claims of the United States and the Brotherhood regarding

Cadet appointments, and Firefighter and Cadet recruitment, IT IS HEREBY ORDERED that the City provide that relief set forth in Parts VII and VIII, *infra*, of this Supplemental Order.

VII.
INJUNCTION AND PROSPECTIVE RELIEF

28. In light of the City's public safety responsibilities to its residents, the City's need to continue to appoint Firefighters and the delay and attendant costs in the appointment of Firefighters if the City were not allowed to continue to utilize the eligible list that resulted from the City's 1999 written examination for Firefighter, the City may continue to utilize that eligible list, but only down to the rank of 250, or for not more than a period of twelve months from the date of final entry of this Supplemental Order, whichever event occurs first. Thereafter, the City is enjoined from using that eligible list for any purpose, other than effectuating remedial relief for those persons identified in Subparagraph 32c, *infra*, of this Supplemental Order.

29. For future recruitments for the positions of Firefighter and Cadet, the City may, if it wishes, administer and use its 1999 written examination for Firefighter, or an alternate form thereof, if, and only if, the City uses the written examination and the PAT on a pass/fail basis (score based on a 100-point scale, with 70 set as the passing point) and ranks candidates who pass the written examination, the PAT and the B-Pad on the eligible list based solely on their B-Pad scores, with preference points added for veteran status, City residency and graduation from a Fire Technology course.

30. If the City wishes to utilize, in the selection of candidates for appointment to positions of Firefighter and Cadet, a selection device and/or process other than those allowed by Paragraph 29, *supra*, such device and/or process must comply with the requirements of Title VII. To that end, if the City wishes to utilize a selection device and/or process other than those allowed

by Paragraph 29, *supra*, the City must, not less than 120 days prior to the City's intended use of such process and/or device, provide the United States and, in accordance with a confidentiality agreement; counsel for the Brotherhood with: a description of such device and/or process and its intended use; the known or likely disparate impact, if any, of such device or process; and all evidence as to the job-relatedness and validity of such device or process. In the event that the United States does not agree with the City's intended use of such device or process, the parties agree that United States may submit that issue to the Court for resolution.

31. The City and the Brotherhood agree that the Brotherhood will actively participate in recruitment efforts designed to improve African-American representation in the position of Firefighter.

VII. INDIVIDUAL RELIEF

A. Persons Eligible for Relief

32. The following persons ("claimants") are eligible for relief under this Supplemental Order:

a. All African-Americans who, during the City's 1993 general recruitment for Firefighter, applied for a Firefighter position in the MFD, met the minimum qualifications in effect at the time of application, took and attained a score of at least 60.0 on the City's 1993 written examination for Firefighter, were not disqualified by the City in a subsequent stage in the selection process (*e.g.*, failed the PAT, background investigation, medical examination or drug screen, etc.) and did not voluntarily remove themselves from consideration (*e.g.*, failed to appear at any stage in the selection process, declined offer of appointment, etc.), and were not appointed to the position of Firefighter during the life of the eligible list that resulted from that written examination (1993-1995) (these persons are listed on Appendix A);

b. All African-Americans who, during the City's 1995 general recruitment for Firefighter, applied for a Firefighter position in the MFD, met the minimum qualifications in effect at the time of application, took and attained a score of at least 60.0 on the City's 1995 written examination for Firefighter, were not disqualified by the City in a subsequent stage in the selection process (*e.g.*, failed the PAT, B-Pad, background investigation, medical examination or drug screen, etc.) and did not voluntarily remove themselves from consideration (*e.g.*, failed to appear at any stage in the selection process, declined offer of appointment, etc.), and were not appointed to the position of Firefighter during the life of the eligible list that resulted from that examination (1995-1999) (these persons are listed on Appendix B); and

c. All African-Americans who, during the City's 1999 general recruitment for Firefighter, applied for a Firefighter position in the MFD, met the minimum qualification in effect at the time of application, took and passed the City's 1999 written examination for Firefighter and obtained a position on the eligible list that resulted from that examination, were/are not disqualified by the City in a subsequent stage in the selection process (*e.g.*, fail background investigation, medical examination, drug screen, etc.) and did/do not voluntarily remove themselves from consideration (*e.g.*, fail to appear at any stage in the selection process, decline offer of appointment, etc.) and either have not been or, prior to the expiration of that eligible list pursuant to Paragraph 28, *supra*, are not appointed to the position of Firefighter from that eligible list.

B. Monetary Awards

33. The City shall provide the sum of \$1,800,000 ("Settlement Fund"), in three deposits as described below, to be used to satisfy all back pay claims to be paid under this Supplemental Order.

34. Only those claimants described in Subparagraphs 32a and 32b, *supra*, shall be eligible for awards of monetary relief, including back pay, under this Supplemental Order.

35. Within 30 days from the date of final entry of this Supplemental Order, the City shall establish a liability reserve fund account entitled "Settlement Fund" and deposit \$600,000 of the Settlement Fund to be invested by the City Treasurer in the State of Wisconsin Local Government Investment Pool. Within thirteen months from the date of final entry of this Supplemental Order, the City shall make a second deposit of \$600,000 to the Settlement Fund account to be invested by the City Treasurer in the State of Wisconsin Local Government Investment Pool. Within 25 months from the date of final entry of this Supplemental Order, the City shall make a third and final deposit of \$600,000 to the Settlement Fund account to be invested by the City Treasurer in the State of Wisconsin Local Government Investment Pool. The principal and the interest earned on the Settlement Fund shall be distributed pursuant to the procedure for the disbursement of monetary awards under this Supplemental Order.

36. The distribution of the Settlement Fund, as well as all interest that accrues thereon after deposit, shall be made by the City at the direction and in the sole discretion of the United States, subject only to review by the Court. For purposes of distributions to claimants, interest shall be calculated as follows: the total amount of interest earned on the principal to be distributed while on deposit in the Local Government Investment Pool shall be divided by the total amount of principal to be distributed on deposit as to each of the three payments made by the City pursuant to Paragraph 61, *infra*, and the resulting factor shall be applied to increase distributions of principal then made to individual claimants.

37. All monetary awards under this Supplemental Order shall be paid directly by the City to the claimants. The monetary award of any claimant who dies after having been identified by the

United States as qualifying for an award under Paragraph 58, *infra*, shall be paid as directed by the United States and approved by the Court.

38. The City shall pay all employer contributions to Medicare due on monetary awards to claimants who accept the relief provided by this Supplemental Order. Any such employer contributions to Medicare shall not be deducted from either the Settlement Fund or any claimant's monetary award. The City shall withhold, to the extent required by law, all appropriate Federal and State income taxes, employee contributions to Medicare, and any other required employee withholding or deduction from any monetary award made under this Supplemental Order, all of which shall be deducted by the City from such monetary award and all of which shall be paid from the Settlement Fund.

39. A claimant shall not be required to express an interest in priority appointment on his/her Interest in Relief form, in order to receive a monetary award under this Supplemental Order.

C. Priority Appointments to the Position of Firefighter

40. Those claimants described in Paragraph 32, *supra*, shall be eligible for priority appointment to the position of Firefighter in the MFD under the terms of this Supplemental Order.

The number of claimants who shall be entitled to priority appointment by the City are as follows:

- a. Up to 19 claimants described in Subparagraph 32a, *supra* (1993 general recruitment class);
- b. Up to 16 claimants described in Subparagraph 32b, *supra* (1995 general recruitment class);
- c. Up to five claimants described in Subparagraph 32c, *supra* (1999 general recruitment class).

41. To be eligible for priority appointment to the position of Firefighter, those claimants described in Subparagraphs 32a, 32b and 32c, *supra*, must: (a.) meet the current lawful minimum qualifications for such appointment; (b.) comply with Paragraphs 55 and 61, *infra*; and (c.) pass his/her background investigation, medical examination and drug screen. For purposes of the background investigation, the City may disqualify any claimant based upon such claimant's background as of the retroactive seniority date such claimant would be provided pursuant to Paragraph 48, *infra*, if appointed. The City may also disqualify the claimant based upon conduct occurring after the applicable retroactive seniority date only if incumbent Firefighters are, or would be, terminated from employment based upon the same or similar conduct. In addition, the City shall not disqualify a claimant based upon his/her physical condition or age unless incumbent Firefighters with such physical condition or age are unable to perform the essential functions of a Firefighter.

42. Within 30 days from the date the City receives from the United States the "Interest in Relief" forms and list of claimants requesting priority appointment pursuant to Paragraph 56, *infra*, the City shall administer the 1999 written examination for Firefighter to each eligible Subparagraphs 32a and 32b claimant who indicated an interest in priority appointment on his/her "Interest in Relief" form and appears for the written examination. The written examination shall be the 1999 written examination for Firefighter and shall be scored on a 100-point scale, with 70 set as the passing point. The City shall administer the PAT to Subparagraphs 32a and 32b claimants who pass the written examination and the City shall administer the B-Pad to those claimants who pass the PAT. In its discretion, the City may administer the B-Pad prior to the PAT and the PAT to those who pass the B-Pad. The City shall rank Subparagraphs 32a and 32b claimants who pass the written examination, the PAT and the B-Pad, based solely on their B-Pad scores, with preference points

added for veteran status, City residency and graduation from a Fire Technology course. The City shall establish two separate Priority Appointment Lists, designated A and B as follows:

a. "Priority Appointment List A" shall consist of the rank-ordered results of the Subparagraph 32a claimants' B-Pad scores with any preference points added, as specified in this Paragraph 42. In the event of a tie among Subparagraph 32a claimants, rank-order shall be determined randomly by computer.

b. "Priority Appointment List B" shall consist of the rank-ordered results of the Subparagraph 32b claimants' B-Pad scores with any preference points added, as specified in this Paragraph 42. In the event of a tie among Subparagraph 32b claimants, rank-order shall be determined randomly by computer.

These selection procedures and the submission of Priority Appointment Lists A and B shall be completed by the City within 90 days from the date the City receives the "Interest in Relief" forms and list of claimants requesting priority appointment from the United States pursuant to Paragraph 56, *infra*.

43. At the same time that the City establishes Priority Appointment Lists A and B pursuant to Paragraph 42, *supra*, the City shall establish Priority Appointment List C by re-ranking -- based upon B-Pad scores, with preference points added for veteran status, City residency and graduation from a Fire Technology course -- each Subparagraph 32c claimant who indicated an interest in priority appointment on his/her "Interest in Relief" form and who has not been appointed from the eligible list that resulted from the 1999 written examination. In the event of a tie among Subparagraph 32c claimants, rank-order shall be determined randomly by computer.

44. A claimant who is placed on a Priority Appointment List shall be entitled to an offer of appointment as a Firefighter by the City, as set forth herein. As between claimants on Priority

Appointment Lists A and B, the City shall first make offers to claimants on Priority Appointment List A, based on their rank-order placement until List A is exhausted or the numerical limitations in Subparagraph 40a, *supra*, have been met, whichever comes first; and then the City shall make offers to claimants on Priority Appointment List B, based on their rank-order placement until List B is exhausted or the numerical limitations in Subparagraph 40b, *supra*, have been met, whichever comes first. In addition, the City shall make offers for the first Firefighter recruit class commenced by the City as part of the next general recruitment for Firefighter, to claimants on Priority Appointment List C who were not appointed prior to the expiration of the eligible list pursuant to Paragraph 28, *supra*, based on their rank-order placement, until List C is exhausted or the numerical limitations in Subparagraph 40c, *supra*, have been met, whichever comes first.

45. The City shall appoint not less than twelve claimants from Priority Appointment Lists A and/or B for the first Firefighter recruit class commenced by the City after the date of final entry of this Supplemental Order, or in the event the total number of claimants on the Priority Appointment Lists A and/or B or those claimants accepting offers is less than twelve, the City shall appoint all claimants on Priority Appointment Lists A and B. Thereafter, the City is required to fill not less than one-third of each subsequent Firefighter recruit class with claimants from Priority Appointment Lists A and/or B; and, in addition, the City shall appoint five claimants from Priority Appointment List C to the first Firefighter recruit class commenced by the City as part of the next general recruitment for Firefighter and the establishment of a new eligible list.

46. The City's notification of an offer of appointment pursuant to Paragraph 44, *supra*, shall be made in writing and accomplished by certified mail (return receipt requested) to a claimant. A claimant who receives a written offer of priority appointment from the City shall have seven working days from the date of receipt to notify the City that he/she accepts such offer. Such

notification by a claimant shall be in writing and shall either be accomplished by first class mail postmarked on or before the seventh working day from the date of his receipt of the City's written offer or delivered in person at the offices of the Fire and Police Commission on or before the seventh working day from the date of his/her receipt of the City's written offer. If a claimant timely provides the City with such notification, the City shall provide him/her with a priority appointment. However, if a claimant fails to timely accept the City's offer, the City's obligation to provide him/her with a priority appointment under this Supplemental Order ceases, except for reasonable cause as determined by the United States.

47. Nothing in this Supplemental Order precludes claimants from applying for appointment, or being appointed, as Firefighters under the City's general recruitment and appointment process for Firefighter. Any claimant who is an incumbent Firefighter or becomes one as a result of being appointed through the City's 1999 general recruitment and appointment process, shall be entitled to the retroactive seniority and pension benefits applicable to such claimant pursuant to Paragraphs 48 through 50, *infra*. As to such claimants, his/her retroactive seniority and pension benefits in no event shall be different from the retroactive seniority and pension benefits to which such claimant would have been entitled if he /she had been appointed from the Priority Appointment List. In addition, any claimant who receives retroactive seniority and pension benefits under this Supplemental Order will be deemed to have been appointed from the Priority Appointment List which would otherwise apply to him/her for purposes of fulfilling the City's obligation to make the requisite number of priority appointments with respect to that particular List pursuant to Paragraph 40, *supra*.

D. Retroactive Seniority

48. Any claimant who accepts priority appointment under this Supplemental Order and who achieves permanent status in that position, as well as any claimant who is an incumbent City Firefighter or becomes one as a result of being appointed through the City's 1999 general recruitment and appointment process, shall be entitled to retroactive seniority credit in that position as of the following retroactive seniority date.

a. June 5, 1994, for a claimant described in Subparagraph 32a, *supra* (the City's 1993 general recruitment Firefighter class);

b. June 1, 1997, for a claimant described in Subparagraph 32b, *supra* (the City's 1995 general recruitment Firefighter class); and

c. The commencement date of the last recruit class from which eligibles on the City's 1999 eligible list for Firefighter have been appointed, for a claimant described in Subparagraph 32c, *supra* (the City's 1999 general recruitment Firefighter class).

49. As used in this Supplemental Order, the term "retroactive seniority" shall mean the crediting of seniority for all purposes for which seniority is used in the MFD, except that retroactive seniority credit shall not affect consideration or eligibility for either promotion or time-in-grade requirements for purposes of completing any probationary period or eligibility for promotion. Claimants who receive retroactive seniority shall receive salary and vacation at the same level as the salary and vacation they would currently be receiving if they had been appointed on their Retroactive Seniority Dates; however, claimants shall not be entitled to any retroactive accruals of vacation or sick leave benefits, including sick leave incentive benefits. Additionally, retroactive seniority shall

not be used for purposes of meeting any qualifying period pertaining to duty disability or duty death benefits.

E. Pension Benefits

50. The City shall provide each claimant who receives a Retroactive Seniority Date pursuant to Paragraph 48, *supra*, with complete pension benefits as though such claimant had been appointed on the retroactive seniority date. The City shall pay all required employer and employer-paid employee contributions to the Employee Retirement System sufficient to fund the pension benefits. Any such contributions to the Employee Retirement System shall not be deducted from the Settlement Fund or any claimant's monetary award. Those claimants who receive retroactive seniority prior to January 1, 2000, shall be required to make all the required employee contributions to the Fire and Police Survivorship Fund in the amount of \$52.20 per year and such contributions shall be deducted from their monetary awards. Those claimants who receive retroactive seniority shall be eligible to participate in the Global Pension Settlement only if their retroactive seniority date is prior to January 1, 2000, and if they further execute the required consent form for the Employee Retirement System. If necessary, the City will apply to the Milwaukee County Circuit Court to permit those claimants who receive a retroactive seniority date prior to January 1, 2000, under this Supplemental Order to execute consent forms required under the Global Pension Settlement.

F. Fairness Hearing on Supplemental Order

51. Upon provisional approval, this Court will set a date for a fairness hearing to consider giving its final approval to this Supplemental Order and hear any objections filed by individuals affected by this Supplemental Order. The fairness hearing will be held within 30 days after provisional approval of this Supplemental Order.

52. Within seven working days from the date of the Court's provisional approval of this Supplemental Order, the City shall provide written notice to all individuals listed in Appendices A and B, all individuals remaining on the City's 1999 eligible list for Firefighter, all African-Americans who took but failed the written examination for Firefighter during the City's 1993, 1995 or 1999 general recruitment, all incumbent Firefighters and the Milwaukee Professional Fire Fighters' Association, Local #215, IAFF, AFL-CIO. The notice shall provide a description of the proposed settlement embodied in this Supplemental Order, specify the date, time and place for a fairness hearing, and describe the procedure for filing objections with the Court. Notice for purposes of this Paragraph 52 shall be by regular first class mail to the individual's last known address listed in the City's records. An example of such notice is attached hereto as Appendix C.

G. Notice to Claimants of the Settlement of this Action

53. Within seven working days from the date of final entry of this Supplemental Order, and upon agreement of the parties regarding the most current available information, the City shall by certified mail (return receipt requested), to the last known address of those claimants identified in Paragraph 32, *supra*, send the following:

- a. a "Notice of Settlement" of this action (as set forth as Appendix D); and
- b. an "Interest in Relief" form (as set forth as Appendix E).

54. The City shall bear the cost of all mailing and publication notices the City is required to make under this Supplemental Order.

H. Claimants to Submit "Interest in Relief" Forms

55. Any claimant who fails to forward an "Interest in Relief" form to the United States within 14 days from the date of the last mailing by the City of the Notice of Settlement of this action described in Paragraph 53, *supra*, shall be deemed to have waived any right to be considered for an

award of remedial relief under this Supplemental Order except for reasonable cause shown as determined by the United States.

56. The United States shall provide the City with all “Interest in Relief” forms, as well as a list of claimants requesting priority appointment, within five working days from the last date for submission of such forms by the claimants.

I. Fairness Hearing on Individual Relief

57. Within five days from the date the City has established Priority Appointment Lists A, B and C, the City shall provide the United States and the Brotherhood with copies of such Lists and, for any claimant who applied for a priority appointment but who does not appear on a Priority Appointment List, a statement describing the reasons why the claimant is not on such List. The Parties shall seek to resolve any dispute concerning the Priority Appointment Lists.

58. Within ten days from the date the City has provided the United States with Priority Appointment Lists A, B and C, the United States shall notify each Subparagraph 32a, 32b and 32c claimant who forwarded an “Interest in Relief” form under this Supplemental Order, as to: the specific relief, if any, that the United States has proposed on behalf of each such claimant; whether the City disputes this claim; the opportunity to file, under Paragraph 59, *infra*, an objection with respect to that relief; and the date, time and place of a hearing by the Court to consider the objection. The United States shall at the same time provide the same notice to the City and to counsel for the Brotherhood.

59. Any objections by claimants to the claims for relief under this Supplemental Order must be filed in writing with the Court and served upon counsel for the United States, the Brotherhood and the City at least 20 days before the commencement of the hearing described in

Paragraph 60, *infra*. The United States, the Brotherhood, and the City, or any of them, may timely file with the Court any written reply to any such objection they, or any of them, deem appropriate.

60. This Court will conduct a hearing for the purpose of resolving any dispute among the parties over the Priority Appointment Lists, as well as to resolve any objections filed by claimants under Paragraph 59, *supra*, regarding the individual relief to be awarded under this Supplemental Order.

J. Notice of Determination, Acceptance of Relief and Payment of Monetary Award

61. Within ten days from the date of the Court's determination of all claims for remedial relief under this Supplemental Order following the hearing referenced in Paragraph 60, *supra*, the City shall send by certified mail (return receipt requested) a "Notice of Determination" form (as set forth in Appendix F) to each claimant entitled to relief. The Notice of Determination form shall be accompanied by a self-addressed stamped envelope and an "Acceptance of Relief and Release" form (as set forth in Appendix G) which the claimant shall use to notify the City as to whether he/she desires to accept the relief offered. The claimant shall have 15 days from his/her receipt of the Notice of Determination form and accompanying Acceptance of Relief and Release form in which to properly execute and return his/her Acceptance of Relief and Release form in order to receive any relief under this Supplemental Order. If the claimant notifies the City that he/she does not accept the relief, or does not return a properly executed Acceptance of Relief and Release form within the 15 day period, the City shall be released from any and all obligations to him/her under this Supplemental Order except for reasonable cause. If the claimant notifies the City within the 15 day period that he/she accepts the relief, the City shall within 45 days of the last timely returned Acceptance of Relief and Release form, pay that claimant no less than 1/3 of the claimant's total monetary award (including interest accrued) that is due the claimant, and thereafter pay the claimant

no less than 1/3 of the claimant's total monetary award (including interest accrued) in each of two annual installments.

K. Appointment of Claimants

62. No less than ten days prior to the City's confirmation of appointment of Priority Appointment List A, B and/or C claimants as candidates to a Firefighter recruit class pursuant to this Supplemental Order, the City shall provide the United States and the Brotherhood with a list of claimants whom the City intends to appoint, and identify those claimants whom it has disqualified, stating the reasons for such disqualification. The parties shall seek to resolve any dispute concerning the disqualification of a Priority Appointment List claimant. If the parties are unable to agree, the United States and/or the Brotherhood may move the Court for a resolution; however, the City shall not be enjoined from enrolling and commencing the remainder of the recruit class as planned. The burdens of proof for the resolution of any priority appointment claim for individual relief under this Supplemental Order which is disputed by the City shall be those set forth by the Supreme Court for Stage II proceedings after a finding of liability in International Brotherhood of Teamsters v. United States, 431 U. S. 324 (1977). If a priority appointment claim is successfully disputed by the City, the monetary relief that had been allocated by the United States for such claimant may be reallocated by the United States in its sole discretion for distribution among non-disputed and successful claimants; however, no claimant shall be denied monetary relief on the basis of being disqualified for priority appointment, so long as such claimant met the qualifications for appointment which were in effect at the time he or she initially applied.

L. Final Accounting

63. Within 45 days from the date of making the last of the third monetary award payments provided in Paragraph 61, *supra*, or the last priority appointment provided in Paragraph

45, *supra*, whichever is later, the City shall file with the Court and serve upon the United States and the Brotherhood a written report setting forth who accepted relief (both monetary and non-monetary), a description of the nature and amount of relief, and what relief went undistributed and the reasons therefor. Back pay relief which remains undistributed due to the City's inability to locate claimants shall be held by the City for the claimants until all reasonable efforts by the parties have been taken to locate the claimants, at which time such monies shall revert to the City upon consent of the United States and the Brotherhood and the City and order of this Court.

IX.
RECORDS AND REPORTS

64. The City shall retain for the duration of this Supplemental Order all records (including computer tapes) -- to the extent that such are maintained in the ordinary course of business -- relating to the recruitment, selection, appointment, promotion, training, assignment, discipline, demotion and termination of persons covered by this Supplemental Order, including all applications identified by race, all medical and background investigation files, training evaluations, and all evaluations of candidates and employees. The United States shall have the right to inspect and copy any and all such documents upon reasonable notice to the City without further order of this Court. In addition, the City shall make available such additional information or records which it maintains in the ordinary course of business relating to the subject matter of this Supplemental Order as the United States requests in writing, provided such requests are not unduly burdensome.

65. The City shall provide to the United States and the Brotherhood, within 20 days from the date of final entry of this Supplemental Order, a report setting forth the number and race, national origin and gender of persons by rank within the MFD as of the date of final entry of this Supplemental Order.

66. For the duration of this Supplemental Order, the City shall provide periodic reports to the United States and the Brotherhood as described in this Paragraph 66. This first reporting period shall end six months after the first report referenced in Paragraph 65, *supra*, is due. Reporting

periods shall continue to end every six months thereafter for the duration of the Supplemental Order. Within 60 days from the close of each reporting period, the City shall provide to the United States, in a uniform reporting form to be agreed upon by the parties, the following information:

- a. the number, race, national origin, and gender of all persons applying for Firefighter and Cadet positions;
- b. the number, race, national origin, and gender of all persons appointed as Firefighters and hired in Cadet positions in the MFD during the reporting period;
- c. without disclosing the identity of any individual candidate to the Brotherhood, the reasons for non-selection for every candidate who was not appointed or hired, divided into the following reporting categories: (1) did not meet the minimum qualifications; and (2) disqualified for any other reason, citing specific reason for disqualification;
- d. the number, race, national origin and gender of all persons who were terminated or who resigned from Firefighter positions by rank during the reporting period, including cadets; and
- e. the total number, race, national origin and gender of all sworn employees in the MFD as of the close of the reporting period.

X.
ADDITIONAL PROVISIONS

67. If the parties are unable to agree on a specific matter falling within the general provisions of this Supplemental Order that contemplates mutual agreement, any party may move the Court for a resolution.

68. In the event this Supplemental Order or its implementation is challenged, including any action claiming entitlement to damages against the City arising out of the implementation of this Supplemental Order, the City, the United States and the Brotherhood shall fully defend the

lawfulness of this Supplemental Order. If any such collateral challenge arises in State court, the City shall promptly seek to remove such action to this Court.

69. The United States and the City shall bear their own costs and attorneys' fees in this action.

XI.
RETENTION OF JURISDICTION

70. This Court shall retain jurisdiction of the matters covered by this Supplemental Order for such action as may be necessary or appropriate to effectuate the purposes of this Supplemental Order. At the end of three years from the date of final entry of this Supplemental Order or upon the implementation of all of the remedial relief to claimants, whichever event is later, the City shall file with the Court and serve upon the United States and the Brotherhood a written certification that all remedial relief to claimants has been implemented. At the end of 90 days from the City's filing and service of such certification, this Supplemental Order and the 1974 Consent Decree entered in United States v. City of Milwaukee, et al., No. 74-C-480, shall be dissolved, and the complaint in said action, as it relates to the MFD, shall be dismissed, unless prior to such dissolution and dismissal taking effect, the United States shows good cause as to why such dissolution and dismissal should not take effect.

PROVISIONALLY APPROVED subject to the fairness hearing this _____ day of _____, 2001.

UNITED STATES DISTRICT JUDGE

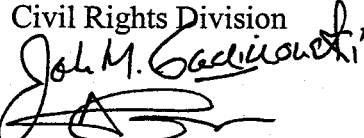
APPROVED and ORDERED this _____ day of _____, 2001.

UNITED STATES DISTRICT JUDGE

AGREED AND CONSENTED TO:

On behalf of plaintiff
United States of America:

On behalf of defendants
City of Milwaukee, et al.:

RALPH F. BOYD, JR.
Assistant Attorney General
Civil Rights Division


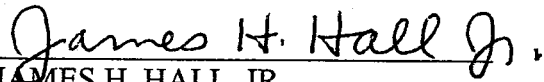
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P.O. Box 65968
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(414) 286-2601

On behalf of plaintiff-intervenor
Milwaukee Brotherhood of Firefighters:



JAMES H. HALL, JR.

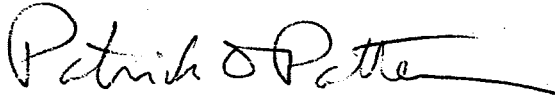
Wisconsin State Bar No. 1004338

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324 E. Wisconsin Avenue, Suite 1200

Milwaukee, WI 53202-4309

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PATRICK O. PATTERSON

Wisconsin State Bar No. 1014157

Law Office of Patrick O. Patterson

7481 North Beach Drive

Fox Point, Wisconsin 53217

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APPENDIX A

24-Sep-01
16:43:51

MILWAUKEE FIREFIGHTERS - 1993 FILE SCORE
SUNGARD COMPUTER SERVICES IBM 9672-R42

OS/390 MVS

LNAME	FNAME	MI
Adams	Cynthia	G
Allen	Jerry	L
Ashley	Kendrick	L
Baldwin	Ronda	N
Beasley	Kevin	R
Beaver	Donald	Q
Bell	Benjamin	
Bell, Jr.	Lorenzo	A
Benson	Edmund	D
Boston	Darryl	R
Bowden	Antwone	D
Boyd, Jr.	Edgar	A
Bratchett	Aristede	T
Brinson-McDuffie	Brenda	K
Brown	Travis	L
Brown	Anthony	E
Brown, Jr.	Egnehles	
Buie	Jerome	E
Bynum	Dennis	L
Carnes	Kevin	B
Coleman	Luke	I
Coleman, Jr.	DeJustice	
Cooper III	Bennie	C
Cowan	Kelvin	B
Cox	Craig	S
Cox	Trevor	W
Davis	Paul	E
Dulan	Kyle	C
Ferrill	Ronald	
Ford	Margo	L
Garner	Tedrick	D
Grant	Demetrius	C
Gray	Richard	D
Gray	Keith	L
Griffin	Milton	D
Hamilton	Otha	S
Hampton	Reginald	L
Harvey	David	C
Henry	LeMonte	
Herbert	Larry	C
Hickman	Kenneth	D
Holley	Marion	A
Holloway	Lynn	L
Hooks	Tyron	J
Horn	Roy	A
Ingram	Terry	T
Ingram	Brian	J
Iverson	Christopher	A
Jackson	Maurice	
Jackson	Jutiki	C
Jackson III	Westley	D

24-Sep-01
16:43:51

MILWAUKEE FIREFIGHTERS - 1993 FILE SCORE
SUNGARD COMPUTER SERVICES IBM 9672-R42

OS/390 MVS

LNAME	FNAME	MI
James	Gregory	T
Johnson	Kenneth	D
Johnson	Harold	E
Johnson	Alvin	D
Johnson	Deonysius	W
Jones	Billy	J
Jones	Richard	A
Knight	Matthew	J
Knight	Ray	A
Landry	John	G
Lathan	Jerome	S
Lee	Paulette	
Love	Derrick	M
Mack	Kersten	E
Martin	Thomas	M
Mathis	Jerry	T
McKinney	Robert	M
Monroe	Christopher	M
Nash	James	E
Nash	Darryl	M
Nash II	James	E
Parish	Rollan	A
Phifer	Reginald	V
Pippin	Lamon	
Pittman	Rodney	
Pounds	Dennis	L
Prater	Gordon	
Prather, Jr.	Franklin	H
Reynolds	Alexander	D
Richardson	Sean	K
Rogers, Jr.	Frederick	
Roshell	Zeddie	D
Rucker	Michael	K
Rushing	Loren	J
Rutledge	Eddie	M
Saffold	Tony	
Shoate	Nathan	
Shumpert	Jason	S
Smith	Pierre	A
Smith	Michael	E
Smith, Jr.	Alfred	E
Snowden	Roderick	L
Stricklin	Stephen	S
Tate	Theotis	
Taylor	Christopher	A
Taylor	Joseph	H
Torrence	Douglas	D
Vernon	Dereck	L
Walker	Paul	E
Ward	Charles	E
Washington	Derrick	S

24-Sep-01
16:43:51

MILWAUKEE FIREFIGHTERS - 1993 FILE SCORE
SUNGARD COMPUTER SERVICES IBM 9672-R42

OS/390 MVS

LNAME	FNAME	MI
Washington	Peter	A
Webber, Jr.	Bobbie	R
Wesley	John	K
Wiggins II	Roddrick	A
Wilkerson	Lawrence	L
Williams	Clifton	W
Woolfolk	James	E
Worthy	Dewitt	
Woulard	Anthony	

Number of cases read: 111 Number of cases listed: 111

24-Sep-01
16:42:26

MILWAUKEE FIREFIGHTERS - 1995 FILE
SUNGARD COMPUTER SERVICES

IBM 9672-R42

OS/390 MVS

LNAME	FNAME	MI
Adams, Jr.	Howard	
Adenekan	Tayo	F
Allen, Jr.	Glen	A
Arnold	William	J
Banks	Andre	
Bates	Armster	J
Bates	Rodney	B
Beadle	Edward	T
Beaver	Donald	Q
Beckom	Johnny	A
Belcher	Jermaine	L
Bell	Benjamin	
Bell	Sidney	G
Bell	Nathaniel	
Beyah	Ronald	
Bingham	Victeur	S
Blow, Jr.	Sylvester	T
Bogan	Roy	
Bosseau	Frederick	T
Boswell	Matthew	
Bowdry	Jerome	
Bowie	Trenton	A
Bowles	Jeffrey	L
Bradley	Belinda	K
Bright	Cornelius	D
Britt	David	
Brown	Darnell	L
Brown	Relondo	J
Brown	Mark	D
Brown	Douglas	J
Brumfield	Daniel	L
Burnett, Sr.	Marlon	G
Burrell	Mark	A
Burrell	Christine	N
Burt	Catrella	C
Butler	Hiberto	M
Bynum	Dennis	L
Bynum	James	A
Byrd	Ronald	M
Calmes	Derrick	C
Campbell	Gary	
Campbell	Rodney	E
Cannon	Carl	A
Carter	James	E
Childs	Deon	L
Clayborn	Eric	C
Coates	Avery	E
Cobb	Tyrone	S
Coleman	Tyrone	Q
Comer	Kenny	R
Conner	Michael	L

24-Sep-01
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MILWAUKEE FIREFIGHTERS - 1995 FILE
SUNGARD COMPUTER SERVICES IBM 9672-R42

OS/390 MVS

LNAME	FNAME	MI
Copeland	Dwight	
Cross	Jeffrey	L
Crumble	Christopher	A
Daniels	Marvin	J
Davis	Carltrelle	L
Deal	Kendrick	T
Dennis	Kenneth	D
Dent	Craig	A
DePass	Rodney	T
Dixon	Steve	C
Dixon	Eferin	Z
Douglas	Leander	
Drew	Demetrius	D
Dumas	Maurice	A
Eason	Arthur	C
Ebo	Jermaine	D
Edwards	Darrin	
Ellis	Nathaniel	
Evans	Wilma	T
Evans	James	H
Ferguson	Terry	D
Flenorl III	Joseph	C
Fulsom	Gary	M
Garner	Tiffany	R
Gibson	Will	O
Gilmore	Frederick	J
Gipson	Corey	D
Glover	Alfonzo	C
Glover	LaRon	S
Glover	Wayne	A
Goins	Michael	J
Goudy	Leonard	R
Grace	Christopher	A
Grace	DaMar	K
Hailey	Jerry	C
Hall	Shawn	C
Hanyard	Thomas	W
Hardnett	Hayward	L
Harriell	Floyd	R
Harris	Jarrell	A
Harris	Prince	E
Harris III	George	W
Harwell	Andre	D
Hazelwood	Fortas	T
Henderson	Ontario	
Henry	Perry	E
Henson	Matthew	C
Hicks	Gerald	K
Hightower	Jarvis	
Holmes	Robert	L
Holmes	Johnny	A

24-Sep-01
16:42:26

MILWAUKEE FIREFIGHTERS - 1995 FILE
SUNGARD COMPUTER SERVICES

IBM 9672-R42

OS/390 MVS

LNAME	FNAME	MI
Holmes	Edward	C
Holmes, Jr.	Charlie	
Hunter	Lydell	C
Hutchins	Andreyes	D
Isom	William	G
Jackson	Maurice	
Jackson	Elbertroy	L
Jackson	Karl	
Johnson	Hedrett	B
Johnson	Harold	E
Johnson	Deonysius	W
Johnson	Reginald	A
Joiner	Pellon	L
Jordan	Elvis	
Kendrick	Frederick	
Knight	Matthew	J
Lacefield	Jeremy	D
Lewis	Onissa	M
Lewis	Anthony	L
LeRoy	LaShonda	S
Lindsey	Gregory	A
Lipford	Tora	U
Logan	Michael	E
Long	Anthony	W
Mack	Carl	A
Mahan	Steven	L
Mann	Tramell	D
Mannery	John	E
Mannery	Donald	W
Manning	James	L
Market	Wayne	E
Martin	Tory	G
Maxwell	Timothy	A
McCaskill	Christopher	A
McClinton	Leonard	L
McCrary	Edward	B
McCray	Arvin	
McDonald	Jerry	W
McGahee	Vance	L
McKay	Erick	J
McKinney	Robert	M
McMurtry	Vincent	L
McSwain	Eric	J
McWilliams	Avery	C
Meeks	Kevin	
Milner	Paul	J
Minor	Larry	
Mitchell	Dloyd	L
Moore, Jr.	Larry	E
Moore, Jr.	Eddie	L
Nash	Tony	R

24-Sep-01
16:42:27

MILWAUKEE FIREFIGHTERS - 1995 FILE
SUNGARD COMPUTER SERVICES

IBM 9672-R42

OS/390 MVS

LNAME	FNAME	MI
Nash	Darryl	M
Nash	James	E
Nash	Robert	H
Nation	Yolanda	L
Neal	Ellen	T
Nicholson	Alexander	
Perkins	Kevin	L
Peterson	Julie	A
Polk	Walter	S
Price	Warren	J
Price	DeWayne	
Purifoy	Sharon	P
Purifoy	Elcania	D
Purifoy	Tiffany	Y
Quezaire	Danon	A
Rainer	Allen	J
Reynolds	Tracy	D
Richmond	Jerome	
Riley	Artrell	V
Rivers	William	J
Roberson	Adrian	C
Robertson	Percy	L
Robinson	Calvin	D
Robinson	Brian	P
Roohr	Lee	A
Rushing	Loren	J
Rutherford	Carlos	D
Sayers	De'Lon	M
Scott	Marquese	D
Searcy	Curtis	R
Sellers	Geno	R
Sims	John	B
Singleton	Jeffrey	S
Smith	John	F
Snowden	Roderick	L
Spears	Jessie	L
Spell	Chandler	
Spence	John	T
Steels	Sean	F
Story	Joyce	E
Stribling III	Allen	
Stricklin	Stephen	S
Sumner	Darrin	
Tatum	Reginold	L
Terry	Bryan	S
Thomas	Eunice	R
Thompson	Lael	J
Towns	Travis	
Truss	Maceo	J
Turman	Cynthia	D
Turner	Robert	L

24-Sep-01
16:42:27

MILWAUKEE FIREFIGHTERS - 1995 FILE
SUNGARD COMPUTER SERVICES IBM 9672-R42

OS/390 MVS

LNAME	FNAME	MI
Turner	Reginald	B
Turner	Steven	B
Valentine	Gene	E
Walton	Aundra	
Ward	Sean	L
Ward	Dwayne	J
Warner III	George	W
Washington	Rodney	B
Watson	Alexander	
Watson	LeMans	L
Webb, Sr.	Brian	A
Webster	Richmond	E
White	Tshaka	L
White	Michael	A
Whitlow	Durant	J
Whitten	Craig	E
Wilder	Jeffery	L
Willaims	Wesley	B
Williams	James	P
Williams	Michael	B
Williams	Dina	L
Williams	Reginald	
Williams	Shawne	R
Williams	Derrick	D
Williams, Jr.	Michael	W
Willis	Demetrius	L
Wilson	Talmer	E
Wilson	Jon	J
Wilson	Perry	I
Winfrey	Kelly	J
Winters	James	C
Wooden	Kenyatte	R
Woods	Adrian	C
Woolfolk	James	E
Wright	Clarence	
Wright	James	M
Wright	Shawntisa	T
Young	Eric	D
Ziech	James	H
Zollicoffer	Jerry	L

Number of cases read: 244 Number of cases listed: 244

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

and

MILWAUKEE BROTHERHOOD OF
FIREFIGHTERS,

Plaintiff-Intervenor,

v.

Civil Action No. 74-C-480

CITY OF MILWAUKEE, et al.

Defendants.

NOTICE OF FAIRNESS HEARING ON SUPPLEMENTAL ORDER

TO:

ALL AFRICAN-AMERICANS WHO, DURING THE CITY OF MILWAUKEE'S 1993 GENERAL RECRUITMENT FOR FIREFIGHTER, APPLIED FOR A FIREFIGHTER POSITION, MET THE MINIMUM QUALIFICATIONS IN EFFECT AT THE TIME OF APPLICATION, TOOK AND ATTAINED A SCORE OF AT LEAST 60.0 ON THE CITY'S 1993 WRITTEN EXAMINATION FOR FIREFIGHTER, WERE NOT DISQUALIFIED BY THE CITY IN A SUBSEQUENT STAGE IN THE SELECTION PROCESS AND DID NOT VOLUNTARILY REMOVE THEMSELVES FROM CONSIDERATION, AND WERE NOT APPOINTED TO THE POSITION OF FIREFIGHTER DURING THE LIFE OF THE 1993 ELIGIBLE LIST (1993-1995) (SUPPLEMENTAL ORDER, APPENDIX A LISTING);

ALL AFRICAN-AMERICANS WHO, DURING THE CITY OF MILWAUKEE'S 1995 GENERAL RECRUITMENT FOR FIREFIGHTER, APPLIED FOR A FIREFIGHTER POSITION, MET THE MINIMUM QUALIFICATIONS IN EFFECT AT THE TIME OF APPLICATION, TOOK AND ATTAINED A SCORE OF AT LEAST 60.0 ON THE CITY'S 1995 WRITTEN EXAMINATION FOR FIREFIGHTER, WERE NOT DISQUALIFIED BY THE CITY IN A SUBSEQUENT STAGE IN THE SELECTION PROCESS AND DID NOT VOLUNTARILY REMOVE THEMSELVES FROM CONSIDERATION, AND WERE NOT APPOINTED TO THE POSITION OF FIREFIGHTER DURING THE LIFE

OF THE 1995 ELIGIBLE LIST (1995-1999) (SUPPLEMENTAL ORDER, APPENDIX B LISTING;

ALL AFRICAN-AMERICANS WHO ATTAINED SCORES OF LESS THAN 60.0 ON THE CITY'S 1993 OR 1995 WRITTEN EXAMINATION FOR FIREFIGHTER; AND ALL AFRICAN-AMERICANS WHO ATTAINED SCORES OF LESS THAN 70.0 ON THE CITY'S 1999 WRITTEN EXAMINATION FOR FIREFIGHTER;

ALL INDIVIDUALS REMAINING ON THE ELIGIBLE LIST FOR FIREFIGHTER THAT RESULTED FROM THE CITY OF MILWAUKEE'S 1999 WRITTEN EXAMINATION FOR FIREFIGHTER;

ALL INCUMBENT MILWAUKEE FIRE DEPARTMENT FIREFIGHTERS;
AND

THE MILWAUKEE PROFESSIONAL FIRE FIGHTERS' ASSOCIATION,
LOCAL NO. 215, IAFF, AFL-CIO.

THIS NOTICE IS BEING PROVIDED TO YOU PURSUANT TO A SUPPLEMENTAL ORDER PROVISIONALLY APPROVED AND ENTERED BY THE UNITED STATES DISTRICT COURT IN THE ABOVE-STYLED CASE. PLEASE READ THIS NOTICE CAREFULLY, AS YOUR INTERESTS MAY BE AFFECTED.

On _____, the United States District Court for the Eastern District of Wisconsin provisionally approved and entered a Supplemental Order in the above-styled case, subject to final approval and entry after a fairness hearing.

The Supplemental Order has been agreed to by the United States, the Milwaukee Brotherhood of Firefighters ("Brotherhood") and the City of Milwaukee ("City"). If given final approval and entered by the Court, the Supplemental Order will resolve all claims of the United States and the Brotherhood that the City's 1993, 1995 and 1999 written examinations for Firefighter, as well as the City's use of each of those examinations in the screening and selection of Firefighter candidates, violated federal equal employment opportunity law. If given final approval and entered by the Court, the Supplemental Order also will resolve any claim any African-American who accepts relief under the Supplemental Order has or may have under federal, state or local equal employment opportunity law regarding the City's failure to have appointed him/her as a Firefighter as a result of his/her score on the City's 1993, 1995 and/or 1999 written examinations for Firefighter.

Title VII of the Civil Rights Act of 1964, 42 USC § 2000e, et seq., prohibits the use of any employment practice or device (such as a written examination) that results in disparate impact on the basis of race, national origin or gender, unless the employer can demonstrate that such practice or device is "job-related for the position in question and consistent with business necessity." The United States, the Brotherhood and the City

agree that: the City's use of its 1993, 1995 and 1999 written examinations for Firefighter resulted in sufficient disparate impact upon African-American candidates as compared to white candidates to establish a *prima facie* case of discrimination under Title VII; and the City's use of its 1993, 1995 and 1999 written examinations for Firefighter resulted in Firefighter appointment shortfalls for African-Americans of 16, 19 and five, respectively. Further, the United States and the Brotherhood contend that the City cannot demonstrate, as is its burden under Title VII, that the City's 1993, 1995 and 1999 written examinations for Firefighter, as well as the City's use of each of those examinations with a pass point of 70.0 and as a weighted component of a rank-order overall score, are "job-related for the position in question and consistent with business necessity." The City - solely for the purpose of the Supplemental Order and without admitting liability - does not assert that either these written examinations or the City's use of them is "job-related for the position in question and consistent with business necessity."

IF GIVEN FINAL APPROVAL AND ENTERED BY THE COURT, THE SUPPLEMENTAL WILL PROVIDE THE FOLLOWING RELIEF:

■ **INJUNCTION AND PROSPECTIVE RELIEF:**

- The City is allowed to continue to use the eligible list that resulted from the City's 1999 written examination for Firefighter, but only down to the rank of 250, or for a period of not more than twelve months from the date of final entry of the Supplemental Order, whichever event occurs first.
- If the City wishes to administer and use its 1999 written examination for future recruitments for the positions of Firefighter and Cadet, it may do so only if the City uses the written examination and the City's Physical Ability Test ("PAT") on a pass/fail basis (score based on a 100-point scale, with 70.0 set as the pass point) and ranks candidates who pass the written examination, the PAT and the City's oral exercise ("B-Pad") on the eligible list based solely on their B-Pad scores, with preference points added for veteran status, City residency and graduation from a Fire Technology course.

■ **REMEDIAL RELIEF:**

■ **BACK PAY AWARDS:**

- The City shall provide, in three annual installments, the total sum of One Million, Eight Hundred Thousand Dollars (\$1,800,000) to be used, as directed by the United States, to satisfy all back pay claims of those

African-Americans who applied for the position of Firefighter during the City's 1993 or 1995 general recruitment for Firefighter, met the minimum qualifications in effect at the time of application, took and attained a score of at least 60.0 on the City's 1993 or 1995 written examination for Firefighter, were not disqualified by the City in a subsequent stage in the selection process and did not voluntarily remove themselves from consideration, and were not appointed to the position of Firefighter during the life of the eligible list that resulted from that examination.

- Only those qualifying African-Americans who took the City's 1993 or 1995 written examinations for Firefighter are entitled to monetary awards under the Supplemental Order. African-Americans who took the City's 1999 written examination for Firefighter are not entitled to any monetary awards under the Supplemental Order, although they may qualify for priority appointment to the position of Firefighter, retroactive seniority and pension benefits, as discussed below.
- African-Americans who otherwise are entitled to receive monetary awards under the Supplemental Order are not required to either express an interest in, or to obtain, priority appointment as a Firefighter in order to receive their monetary awards.
- As indicated above, the total monetary award of \$1,800,000 shall be distributed by the City among those qualifying African-Americans who took the City's 1993 or 1995 written examination for Firefighter. The distribution of the monetary award by the City shall be directed by the United States. The United States intends to direct, generally, that: (1) as among themselves, all qualifying African-Americans who took the City's 1993 written examination share equally in the total monetary award; (2) as among themselves, all qualifying African-Americans who took the City's 1995 written examination share equally in the total monetary award; and (3) qualifying African-Americans who took the City's 1993 written examination receive proportionately larger monetary awards than qualifying African-Americans who took the City's 1995 written examination.
- The City shall pay all employer contributions to Medicare due on monetary awards. However, the City shall withhold from the monetary awards, to the extent required by law, all appropriate federal and state income taxes, employee contributions to Medicare, and any other required employee withholding or deduction.

■ **PRIORITY APPOINTMENTS:**

- The City shall provide priority appointment to the position of Firefighter to up to 19 African-Americans who:
 - applied for the position of Firefighter during the City's 1993 general recruitment for Firefighter, met the minimum qualifications in effect at the time of application, took and attained a score of at least 60.0 on the City's 1993 written examination for Firefighter, were not disqualified by the City in a subsequent stage of the selection process and did not voluntarily remove themselves from consideration, were not appointed to the position of Firefighter during the life of the eligible list that resulted from that examination;
 - now take and pass the City's 1999 written examination for Firefighter, the City's Physical Ability Test ("PAT") and the City's oral exercise ("B-Pad"); and
 - meet the current lawful minimum qualifications for appointment, and pass a background investigation, medical examination and drug screen.

- The City shall provide priority appointment to the position of Firefighter to up to 16 African-Americans who:
 - applied for the position of Firefighter during the City's 1995 general recruitment for Firefighter, met the minimum qualifications in effect at the time of application, took and attained a score of at least 60.0 on the City's written examination for Firefighter, were not disqualified by the City in a subsequent stage of the selection process and did not voluntarily remove themselves from consideration, were not appointed to the position of Firefighter during the life of the eligible list that resulted from that examination;
 - now take and pass the City's 1999 written examination for Firefighter, PAT and B-Pad; and
 - meet the current lawful minimum qualifications for appointment, and pass a background investigation, medical examination and drug screen.

- The City shall provide priority appointment to the position of Firefighter to up to five African-Americans who:
 - applied for the position of Firefighter during the City's 1999 general recruitment for Firefighter, met the minimum qualifications at the time of application, took and passed the City's 1999 written examination for Firefighter, were not appointed, or hereafter are not appointed, to the position of Firefighter during the life of the eligible list that resulted from that examination; and
 - meet the current lawful minimum qualifications for appointment, and pass a background investigation, medical examination and drug screen.
- The City shall establish two priority appointment lists: List A, for those qualifying African-Americans who took the 1993 written examination for Firefighter, are interested in priority appointment, and now take and pass the City's 1999 written examination for Firefighter, the PAT and the B-Pad; and List B, for those qualifying African-Americans who took the 1995 examination for Firefighter, are interested in priority appointment, and now take and pass the City's written examination for Firefighter; and the City shall rank the persons on each List in descending rank order of their B-Pad scores, with preference points added for veteran status, City residency and graduation from a Fire Technology course, with any ties broken randomly by computer.
- The City shall establish a third priority appointment list, List C, for qualifying African-Americans who took the City's 1999 written examination for Firefighter and are interested in priority appointment to the position of Firefighter; and the City shall rank the persons on List C in descending rank order of their B-Pad scores, with preference points added for veteran status, City residency and graduation from a Fire Technology course, with any ties broken randomly by computer.
- The City shall process and extend offers of appointment to the position of Firefighter to persons on Priority Appointment Lists A, B and C as follows:
 - As between persons on Lists A and B, the City shall first make offers to those persons on List A, based on their rank-order on that List, until List A is exhausted or 19 persons from that List have been appointed, whichever comes first. The

City shall then make offers to those persons on List B, based upon their rank-order on that List, until List B is exhausted or 16 persons from that List have been appointed, whichever comes first. The City shall make not less than twelve appointments from List A and/or List B to the first Firefighter recruit class hereafter commenced, and the City shall fill not less than one-third of each subsequent Firefighter recruit class from List A and/or List B.

- The City shall make offers, to the first Firefighter recruit class commenced by it as part of the next general recruitment for Firefighter, to those persons on List C who were not appointed prior to the expiration of the eligible list that resulted from the 1999 written examination, based upon their rank-order on that List, until List C is exhausted or five persons from that List have been appointed, whichever comes first.

■ **RETROACTIVE SENIORITY:**

- The City shall provide those African-Americans who accept priority appointment to the position of Firefighter and who achieve permanent status in that position - as well as those qualifying African-Americans who are incumbent City Firefighters or become City Firefighters as a result of being appointed from the eligible list that resulted from the City's 1999 written examination for Firefighter, and who took the City's 1993 or 1995 examination but were not appointed during the life of the eligible list that resulted from that examination - with the following retroactive seniority date:
 - June 5, 1994 - for those persons who took the City's 1993 written examination for Firefighter;
 - June 1, 1997 - for those persons who took the City's 1995 written examination for Firefighter; and
 - The commencement date of the last recruit class from which eligibles on the City's 1999 eligible list for Firefighter have been appointed - for those persons who took the City's 1999 written examination for Firefighter.
- Under the Supplemental Order, "retroactive seniority" means the crediting of seniority for all purposes for which seniority is used in the Milwaukee Fire department, except that retroactive seniority will not

affect consideration or eligibility for either promotion or time-in-grade requirements for purposes of completing any probationary period or eligibility for promotion. Persons who receive retroactive seniority will receive salary and vacation at the same level as the salary and vacation they would currently be receiving if they had been appointed on their retroactive seniority dates; however, they will not be entitled to any retroactive accruals of vacation or sick leave benefits, including sick leave incentive benefits. Additionally, retroactive seniority will not be used for purposes of meeting any qualifying period pertaining to duty disability or duty death benefits.

■ **PENSION BENEFITS:**

- The City shall provide those African-Americans who receive retroactive seniority under the Supplemental Order with complete pension benefits as though they had been appointed to the position of Firefighter on their retroactive seniority dates.
- The City shall pay all required employer and employer-paid employee contributions to the Employee Retirement System sufficient to fund the pension benefits.
- Those African-Americans who receive retroactive seniority dates prior to January 1, 2000 shall be required to make all the required employee contributions (ie., \$52.20 per year) to the Fire and Police Survivorship Fund, and those contributions shall be deducted from their monetary awards.
- Those African-Americans who receive retroactive seniority shall be eligible to participate in the Global Pension Settlement only if their retroactive seniority dates are prior to January 1, 2000.

African-Americans who took the City's 1993, 1995 and/or 1999 written examination for Firefighter but were not appointed from the eligible lists resulting from those examinations, as well as incumbent City Firefighters and the Milwaukee Professional Fire Fighters' Association, Local No. 215, IAFF, AFL-CIO, have interests that may be affected by the terms of the Supplemental Order. Accordingly, they have an opportunity to object to the terms of the Supplemental Order. Any objection must be made in writing, have the last page of this Notice as a cover sheet for the objection and be mailed no later than [insert date], postage prepaid, to the following Department of Justice attorney:

Abel Gomez
Trial Attorney
United State Department of Justice
Civil Rights Division
Employment Litigation Section
P.O. Box 65968
Washington, DC 20035-5968

The United States will provide the City and the Brotherhood with copies of all objections, and will submit all objections to the Court for its review.

You may obtain a copy of the Supplemental Order, at no charge, at the Milwaukee Police and Fire Commission [insert address]. However, the City and its attorneys cannot provide you with advice concerning this matter. Therefore, if you have any questions about this case or this notice, you may write to or call (Toll-Free Telephone No.: 1/800/556-1950), the above-identified attorney with the Department of Justice, or consult with an attorney of your choice and your own expense

The Court will hold a hearing on [day of week, month, day, year] commencing at [time] to consider the fairness of the Supplemental Order, as well as to consider any written and timely objections to the Supplemental Order and any responses by the United States, the City and/or the Brotherhood. The hearing will be held in Courtroom [] of the District Court of the Eastern District of Wisconsin, located at the United States Courthouse, [], Milwaukee, Wisconsin. While anyone may attend the hearing, only those persons who submit timely, written objections may present their objections to the Court at the hearing. All written, timely objections will be considered by the Court; therefore, you do not have to attend the hearing for your objection to be considered.

Notice to African-Americans of the procedure for filing a claim for remedial relief will be provided upon final approval and entry of the Supplemental Order by the Court. The Court will conduct an additional hearing to resolve any disputes regarding awards of individual relief.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

and

MILWAUKEE BROTHERHOOD OF
FIREFIGHTERS,

Plaintiff-Intervenor,

v.

Civil Action No. 74-C-480

CITY OF MILWAUKEE, et al.

Defendants.

OBJECTION TO SUPPLEMENTAL ORDER

PLEASE PRINT CLEARLY:

Name: _____
(Please print full name, last name first)

Address: _____

Telephone Number: _____ (____) _____
Area Code Number

Social Security No.: _____ - _____ - _____

YOU MUST ATTACH THIS SHEET AS THE FIRST PAGE OF YOUR OBJECTION

The statement of your objections may be no longer than THREE
(3) additional pages.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

and

MILWAUKEE BROTHERHOOD OF
FIREFIGHTERS,

Plaintiff-Intervenor,

v.

Civil Action No. 74-C-480

CITY OF MILWAUKEE, et al.,

Defendants.

NOTICE OF SETTLEMENT

TO: ALL AFRICAN-AMERICANS WHO, DURING THE CITY OF MILWAUKEE'S 1993 GENERAL RECRUITMENT FOR FIREFIGHTER, APPLIED FOR A FIREFIGHTER POSITION, MET THE MINIMUM QUALIFICATIONS IN EFFECT AT THE TIME OF APPLICATION, TOOK AND ATTAINED A SCORE OF AT LEAST 60.0 ON THE CITY'S 1993 WRITTEN EXAMINATION FOR FIREFIGHTER, WERE NOT DISQUALIFIED BY THE CITY IN A SUBSEQUENT STAGE OF THE SELECTION PROCESS AND DID NOT VOLUNTARILY REMOVE THEMSELVES FROM CONSIDERATION, AND WERE NOT APPOINTED TO THE POSITION OF FIREFIGHTER DURING THE LIFE OF THE ELIGIBLE LIST THAT RESULTED FROM THAT EXAMINATION;

ALL AFRICAN-AMERICANS WHO, DURING THE CITY OF MILWAUKEE'S 1995 GENERAL RECRUITMENT FOR FIREFIGHTER, APPLIED FOR A FIREFIGHTER POSITION, MET THE MINIMUM QUALIFICATIONS IN EFFECT AT THE TIME OF APPLICATION, TOOK AND ATTAINED A SCORE OF AT LEAST 60.0 ON THE CITY'S 1995 WRITTEN EXAMINATION FOR FIREFIGHTER, WERE NOT DISQUALIFIED BY THE CITY IN A SUBSEQUENT STAGE OF THE SELECTION PROCESS AND DID NOT VOLUNTARILY REMOVE THEMSELVES FROM CONSIDERATION, AND WERE NOT APPOINTED TO THE POSITION OF FIREFIGHTER DURING THE LIFE OF THE ELIGIBLE LIST THAT RESULTED FROM THAT EXAMINATION;
AND

ALL AFRICAN-AMERICANS WHO, DURING THE CITY OF MILWAUKEE'S 1999 GENERAL RECRUITMENT FOR FIREFIGHTER, TOOK AND PASSED THE CITY'S 1999 WRITTEN EXAMINATION FOR FIREFIGHTER AND OBTAINED A POSITION ON THE ELIGIBLE LIST THAT RESULTED FROM THAT WRITTEN EXAMINATION, WERE/ARE NOT DISQUALIFIED BY THE CITY IN A SUBSEQUENT STAGE OF THE SELECTION PROCESS AND DID/DO NOT VOLUNTARILY REMOVE THEMSELVES FROM CONSIDERATION, AND HAVE NOT BEEN - AND, PRIOR TO THE EXPIRATION OF THAT ELIGIBLE LIST, ARE NOT - APPOINTED TO THE POSITION OF FIREFIGHTER FROM THAT ELIGIBLE LIST.

THIS NOTICE IS BEING PROVIDED TO YOU PURSUANT TO A SUPPLEMENTAL ORDER APPROVED AND ENTERED BY THE UNITED STATES DISTRICT COURT IN THE ABOVE-STYLED CASE.

PLEASE READ THIS NOTICE CAREFULLY, AS YOU MAY BE ENTITLED TO RECEIVE REMEDIAL RELIEF - INCLUDING AN AWARD OF BACK PAY, PRIORITY APPOINTMENT TO THE POSITION OF FIREFIGHTER IN THE MILWAUKEE FIRE DEPARTMENT, RETROACTIVE SENIORITY AND PENSION BENEFITS - UNDER THE TERMS OF THE SUPPLEMENTAL ORDER GIVEN FINAL APPROVAL AND ENTERED BY THE COURT.

IF YOU WISH TO RECEIVE ANY REMEDIAL RELIEF UNDER THE TERMS OF THE SUPPLEMENTAL ORDER, YOU MUST COMPLETE FULLY THE ENCLOSED "INTEREST IN RELIEF" FORM , INDICATING YOUR INTEREST IN RECEIVING RELIEF BY CHECKING THE APPROPRIATE BOX[ES], AND MAIL THE COMPLETED FORM TO THE UNITED STATES DEPARTMENT OF JUSTICE IN THE ENCLOSED, POSTAGE PREPAID ENVELOPE, BY NO LATER THAN [INSERT DATE]. IF YOU FAIL TO INDICATE ON THAT FORM THAT YOU ARE INTERESTED IN RECEIVING RELIEF, OR YOU FAIL TO MAIL YOUR "INTEREST IN RELIEF" FORM TO THE UNITED STATES DEPARTMENT OF JUSTICE BY THAT DATE, YOU WILL BE BARRED FROM RECEIVING RELIEF UNDER THE SUPPLEMENTAL ORDER, EXCEPT FOR REASONABLE CAUSE SHOWN AS DETERMINED BY THE UNITED STATES.

On _____, the United States District Court for the Eastern District of Wisconsin gave final approval to, and entered, a Supplemental Order in the above-styled case. The Supplemental Order has been agreed to by the United States, the Milwaukee Brotherhood of Firefighters ("Brotherhood") and the City of Milwaukee ("City"). The Supplemental Order resolves all claims of the United States and the Brotherhood that the City's 1993, 1995 and 1999 written examinations for Firefighter, as well as the City's use of each of those examinations in the screening and selection of Firefighter candidates, violated federal equal employment opportunity law. The Supplemental Order also resolves

any claim that any African-American who accepts relief under the Supplemental Order has or may have under federal, state or local equal employment opportunity law regarding the City's failure to have appointed him/her as a Firefighter as a result of his/her score on the City's 1993, 1995 and/or 1999 written examinations for Firefighter.

THE SUPPLEMENTAL ORDER REQUIRES THAT THE CITY OF MILWAUKEE PROVIDE THE FOLLOWING REMEDIAL RELIEF:

■ **BACK PAY AWARDS:**

- The City shall provide, in three annual installments, the total sum of One Million, Eight Hundred Thousand Dollars (\$1,800,000) to be used, as directed by the United States, to satisfy all back pay claims of those African-Americans who applied for the position of Firefighter during the City's 1993 or 1995 general recruitment for Firefighter, met the minimum qualifications in effect at the time of application, took and attained a score of at least 60.0 on the City's 1993 or 1995 written examination for Firefighter, were not disqualified by the City in a subsequent stage in the selection process and did not voluntarily remove themselves from consideration, and were not appointed to the position of Firefighter during the life of the eligible list that resulted from that examination.
- Only those qualifying African-Americans who took the City's 1993 or 1995 written examinations for Firefighter are entitled to monetary awards under the Supplemental Order. African-Americans who took the City's 1999 written examination for Firefighter are not entitled to any monetary awards under the Supplemental Order, although they may qualify for priority appointment to the position of Firefighter, retroactive seniority and pension benefits, as discussed below.
- African-Americans who otherwise are entitled to receive monetary awards under the Supplemental Order are not required to either express an interest in, or to obtain, priority appointment as a Firefighter in order to receive their monetary awards.
- As indicated above, the total monetary award of \$1,800,000 shall be distributed by the City among those qualifying African-Americans who took the City's 1993 or 1995 written examination for Firefighter. The

distribution of the monetary award by the City shall be directed by the United States. The United States intends to direct, generally, that: (1) as among themselves, all qualifying African-Americans who took the City's 1993 written examination share equally in the total monetary award; (2) as among themselves, all qualifying African-Americans who took the City's 1995 written examination share equally in the total monetary award; and (3) qualifying African-Americans who took the City's 1993 written examination receive proportionately larger monetary awards than qualifying African-Americans who took the City's 1995 written examination.

- The City shall pay all employer contributions to Medicare due on monetary awards. However, the City shall withhold from the monetary awards, to the extent required by law, all appropriate federal and state income taxes, employee contributions to Medicare, and any other required employee withholding or deduction.

■ **PRIORITY APPOINTMENTS:**

- The City shall provide priority appointment to the position of Firefighter to up to 19 African-Americans who:
 - applied for the position of Firefighter during the City's 1993 general recruitment for Firefighter, met the minimum qualifications in effect at the time of application, took and attained a score of at least 60.0 on the City's 1993 written examination for Firefighter, were not disqualified by the City in a subsequent stage of the selection process and did not voluntarily remove themselves from consideration, were not appointed to the position of Firefighter during the life of the eligible list that resulted from that examination;
 - now take and pass the City's 1999 written examination for Firefighter, the City's Physical Ability Test ("PAT") and the City's oral exercise ("B-Pad"); and
 - meet the current lawful minimum qualifications for appointment, and pass a background investigation, medical examination and drug screen.

- The City shall provide priority appointment to the position of Firefighter to up to 16 African-Americans who:
 - applied for the position of Firefighter during the City's 1995 general recruitment for Firefighter, met the minimum qualifications in effect at the time of application, took and attained a score of at least 60.0 on the City's written examination for Firefighter, were not disqualified by the City in a subsequent stage of the selection process and did not voluntarily remove themselves from consideration, were not appointed to the position of Firefighter during the life of the eligible list that resulted from that examination;
 - now take and pass the City's 1999 written examination for Firefighter, PAT and B-Pad; and
 - meet the current lawful minimum qualifications for appointment, and pass a background investigation, medical examination and drug screen.
- The City shall provide priority appointment to the position of Firefighter to up to five African-Americans who:
 - applied for the position of Firefighter during the City's 1999 general recruitment for Firefighter, met the minimum qualifications at the time of application, took and passed the City's 1999 written examination for Firefighter, were not appointed, or hereafter are not appointed, to the position of Firefighter during the life of the eligible list that resulted from that examination; and
 - meet the current lawful minimum qualifications for appointment, and pass a background investigation, medical examination and drug screen.
- The City shall establish two priority appointment lists: List A, for those qualifying African-Americans who took the 1993 written examination for Firefighter, are interested in priority appointment, and now take and pass the City's 1999 written examination for Firefighter, the PAT and the B-Pad; and List B, for those qualifying African-Americans who took the 1995

examination for Firefighter, are interested in priority appointment, and now take and pass the City's written examination for Firefighter; and the City shall rank the persons on each List in descending rank order of their B-Pad scores, with preference points added for veteran status, City residency and graduation from a Fire Technology course, with any ties broken randomly by computer.

- The City shall establish a third priority appointment list, List C, for qualifying African-Americans who took the City's 1999 written examination for Firefighter and are interested in priority appointment to the position of Firefighter; and the City shall rank the persons on List C in descending rank order of their B-Pad scores, with preference points added for veteran status, City residency and graduation from a Fire Technology course, with any ties broken randomly by computer.

- The City shall process and extend offers of appointment to the position of Firefighter to persons on Priority Appointment Lists A, B and C as follows:
 - As between persons on Lists A and B, the City shall first make offers to those persons on List A, based on their rank-order on that List, until List A is exhausted or 19 persons from that List have been appointed, whichever comes first. The City shall then make offers to those persons on List B, based upon their rank-order on that List, until List B is exhausted or 16 persons from that List have been appointed, whichever comes first. The City shall make not less than twelve appointments from List A and/or List B to the first Firefighter recruit class hereafter commenced, and the City shall fill not less than one-third of each subsequent Firefighter recruit class from List A and/or List B.

 - The City shall make offers, to the first Firefighter recruit class commenced by it as part of the next general recruitment for Firefighter, to those persons on List C who were not appointed prior to the expiration of the eligible list that resulted from the 1999 written examination, based upon their rank-order on that List, until List C is exhausted or five persons from that List have been appointed, whichever comes first.

■ **RETROACTIVE SENIORITY:**

- The City shall provide those African-Americans who accept priority appointment to the position of Firefighter and who achieve permanent status in that position - as well as those qualifying African-Americans who are incumbent City Firefighters or become City Firefighters as a result of being appointed from the eligible list that resulted from the City's 1999 written examination for Firefighter, and who took the City's 1993 or 1995 examination but were not appointed during the life of the eligible list that resulted from that examination - with the following retroactive seniority date:
 - June 5, 1994 - for those persons who took the City's 1993 written examination for Firefighter;
 - June 1, 1997 - for those persons who took the City's 1995 written examination for Firefighter; and
 - The commencement date of the last recruit class from which eligibles on the City's 1999 eligible list for Firefighter have been appointed - for those persons who took the City's 1999 written examination for Firefighter.
- Under the Supplemental Order, "retroactive seniority" means the crediting of seniority for all purposes for which seniority is used in the Milwaukee Fire department, except that retroactive seniority will not affect consideration or eligibility for either promotion or time-in-grade requirements for purposes of completing any probationary period or eligibility for promotion. Persons who receive retroactive seniority will receive salary and vacation at the same level as the salary and vacation they would currently be receiving if they had been appointed on their retroactive seniority dates; however, they will not be entitled to any retroactive accruals of vacation or sick leave benefits, including sick leave incentive benefits. Additionally, retroactive seniority will not be used for purposes of meeting any qualifying period pertaining to duty disability or duty death benefits.

■ PENSION BENEFITS:

- The City shall provide those African-Americans who receive retroactive seniority under the Supplemental Order with complete pension benefits as though they had been appointed to the position of Firefighter on their retroactive seniority dates.
- The City shall pay all required employer and employer-paid employee contributions to the Employee Retirement System sufficient to fund the pension benefits.
- Those African-Americans who receive retroactive seniority dates prior to January 1, 2000 shall be required to make all the required employee contributions (ie., \$52.20 per year) to the Fire and Police Survivorship Fund, and those contributions shall be deducted from their monetary awards.
- Those African-Americans who receive retroactive seniority shall be eligible to participate in the Global Pension Settlement only if their retroactive seniority dates are prior to January 1, 2000.

YOU ARE REMINDED THAT, IF YOU WISH TO RECEIVE ANY REMEDIAL RELIEF UNDER THE TERMS OF THE SUPPLEMENTAL ORDER, YOU MUST COMPLETE FULLY THE ENCLOSED "INTEREST IN RELIEF" FORM, INDICATING YOUR INTEREST IN RECEIVING RELIEF BY CHECKING THE APPROPRIATE BOX[ES], AND MAIL THE COMPLETED FORM TO THE UNITED STATES DEPARTMENT OF JUSTICE IN THE ENCLOSED, POSTAGE-PREPAID ENVELOPE, BY NO LATER THAN [INSERT DATE].

IF YOU HAVE ANY QUESTIONS ABOUT THE SETTLEMENT OF THIS CASE OR THIS NOTICE:

- YOU MAY OBTAIN A COPY OF THE SUPPLEMENTAL ORDER, AT NO CHARGE, AT THE MILWAUKEE POLICE AND FIRE COMMISSION, [INSERT ADDRESS].

- YOU MAY WRITE TO OR TELEPHONE, TOLL FREE, THE FOLLOWING ATTORNEY FOR THE DEPARTMENT OF JUSTICE:

ABEL GOMEZ
TRIAL ATTORNEY
UNITED STATES DEPARTMENT OF JUSTICE
CIVIL RIGHTS DIVISION
EMPLOYMENT LITIGATION SECTION
P.O. BOX 65968
WASHINGTON, D.C. 20035-5968
TOLL FREE TELEPHONE: 1/800/556-1950

- THE CITY AND ITS ATTORNEYS CANNOT PROVIDE YOU WITH ADVICE CONCERNING THIS MATTER. THEREFORE, IF YOU HAVE ANY QUESTIONS REGARDING THIS MATTER, YOU MAY CONTACT THE ABOVE-IDENTIFIED ATTORNEY WITH THE DEPARTMENT OF JUSTICE, OR CONSULT WITH AN ATTORNEY OF YOUR OWN CHOICE AT YOUR OWN EXPENSE.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

and

MILWAUKEE BROTHERHOOD OF
FIREFIGHTERS,

Plaintiff-Intervenor,

v.

Civil Action No. 74-C-480

CITY OF MILWAUKEE, et al.,

Defendants.

INTEREST IN RELIEF

IF YOU WISH TO RECEIVE ANY REMEDIAL RELIEF UNDER THE TERMS OF THE SUPPLEMENTAL ORDER ENTERED IN THE ABOVE-STYLED CASE, AS DESCRIBED IN THE ACCOMPANYING NOTICE OF SETTLEMENT, YOU MUST COMPLETE THIS FORM FULLY, INDICATING YOUR INTEREST IN RECEIVING RELIEF BY CHECKING THE APPROPRIATE BOX[ES], AND MAIL THE COMPLETED FORM TO THE UNITED STATES DEPARTMENT OF JUSTICE IN THE ENCLOSED, POSTAGE-PREPAID ENVELOPE, BY NO LATER THAN [INSERT DATE]. IF YOU FAIL TO INDICATE ON THIS FORM THAT YOU ARE INTERESTED IN RECEIVING RELIEF, OR IF YOU FAIL TO MAIL THIS FORM TO THE UNITED STATES DEPARTMENT OF JUSTICE BY THAT DATE, YOU WILL BE BARRED FROM RECEIVING RELIEF UNDER THE SUPPLEMENTAL ORDER, EXCEPT FOR REASONABLE CAUSE SHOWN A DETERMINED BY THE UNITED STATES.

If you have any questions about the settlement in this case or this form, you may write or telephone, toll-free, Abel Gomez, Trial Attorney, United States Department of Justice, at the address and/or telephone number provided in the accompanying Notice of Settlement. If any of the information you provide in this form changes after you have mailed it, please immediately advise Mr. Gomez by telephone or mail. It is recommended that, after you complete this form, you make and keep a copy of it for your records.

INTEREST IN RELIEF

Please type or print the following information (use black ink). Please answer all questions as completely as possible. If a question does not apply to you, please write "N/A" (not applicable) in the appropriate space.

1. Name:

Last Name	First Name	Middle Initial
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2. Social Security Number: _____ - _____ - _____

3. Date of Birth: _____ / _____ / _____

Month	Day	Year
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4. Current Driver's License: State _____ No. _____

5. Mailing Address: _____ / _____

Street Address	Apt. Number
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City	State	Zip Code
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6. Home Phone: () _____ - _____ Hours: _____

Area Code	Number	
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Work Phone: () _____ - _____ Ext: _____ Hours: _____

Area Code	Number	
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I AM (check the appropriate box)
 AM NOT

INTERESTED IN RECEIVING A MONETARY AWARD UNDER THE TERMS OF THE SUPPLEMENTAL ORDER ENTERED IN THE ABOVE-STYLED CASE.

I AM (check the appropriate box)
 AM NOT

INTERESTED IN RECEIVING A PRIORITY APPOINTMENT AS A CITY OF MILWAUKEE FIREFIGHTER , RETROACTIVE SENIORITY AND PENSION BENEFITS UNDER THE TERMS OF THE SUPPLEMENTAL ORDER ENTERED IN THE ABOVE-STYLED CASE.

Signature	Date
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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

and

MILWAUKEE BROTHERHOOD OF
FIREFIGHTERS,

Plaintiff-Intervenor,

v.

Civil Action No. 74-C-480

CITY OF MILWAUKEE, et al.,

Defendants.

NOTICE OF DETERMINATION

TO: [INSERT FULL NAME]
[INSERT SOCIAL SECURITY NUMBER]
[INSERT FULL ADDRESS]

This Notice of Determination is being sent to you in accordance with the terms of the Supplemental Order entered by the United States District Court for the Eastern District of Wisconsin on [insert date] in the above-styled case.

On [insert date], the Court entered an Order in the above-styled case regarding the individual relief to be awarded by the City of Milwaukee under the terms of the Supplemental Order. IN ACCORDANCE WITH THAT ORDER, YOU ARE ENTITLED TO RECEIVE THE FOLLOWING RELIEF FROM THE CITY OF MILWAUKEE IN THIS CASE:

[insert a description as to the relief]

IN ORDER TO RECEIVE THIS RELIEF, YOU MUST - WITHIN 15 DAYS FROM THE DATE OF YOUR RECEIPT OF THIS NOTICE OF DETERMINATION - FILL OUT COMPLETELY THE ACCOMPANYING ACCEPTANCE OF RELIEF AND RELEASE FORM CHECKING THE BOX INDICATING THAT YOU ACCEPT THIS RELIEF, [FILL OUT COMPLETELY THE ACCOMPANYING W-2 AND W-9 FORMS], AND MAIL THAT COMPLETED FORM [THOSE COMPLETED FORMS] TO THE CITY IN THE ACCOMPANYING SELF-ADDRESSED, POSTAGE-PREPAID ENVELOPE. IF YOU DO NOT DO SO, YOU WILL BE BARRED FROM RECEIVING ANY RELIEF UNDER THE SUPPLEMENTAL ORDER, EXCEPT FOR REASONABLE CAUSE.

The City and its attorneys cannot provide you with advice concerning this matter. Therefore, if you have any questions about the settlement of this case, this Notice, the accompanying form[s] or the relief to which you are entitled under the Supplemental Order, you may write to or telephone, toll-free, the following attorney for the Department of Justice:

Abel Gomez
Trial Attorney
United States Department of Justice
Civil Rights Division
Employment Litigation Section
P. O. Box 65968
Washington, D. C. 20035-5968
Toll-Free Telephone: 1/800/556-1950

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

and

MILWAUKEE BROTHERHOOD OF
FIREFIGHTERS,

Plaintiff-Intervenor,

v.

Civil Action No. 74-C-480

CITY OF MILWAUKEE, et al.,

Defendants.

ACCEPTANCE OF RELIEF AND RELEASE

I, _____,
(PLEASE PRINT FULL NAME, LAST NAME FIRST)

ACCEPT []

DO NOT ACCEPT []

(PLEASE CHECK (x) THE APPROPRIATE BOX)

the following remedial relief to be provided to me pursuant to
the provisions of the Supplemental Order entered by the District
Court on _____, in the above-styled case, to
wit:

[insert specific monetary and/or non-monetary
relief to be provided]

in full and final settlement of any and all claims I have or may
have against the City of Milwaukee, the City of Milwaukee Police
and Fire Commission, the Milwaukee Fire Department, and/or their

officials, employees and agents (hereinafter, the "City"), based upon any federal, state or local equal employment opportunity law, regarding the City's failure to have appointed me as a City Firefighter as a result of my score on the City's 1993, 1995 and/or 1999 written examinations for Firefighter. I understand that I do not have to indicate a present interest in or accept an offer of appointment as a City Firefighter as a condition of my receipt of a monetary award.

This Acceptance of Relief and Release constitutes the entire agreement between the City and myself, without exception or exclusion.

I UNDERSTAND THAT, IF I DO NOT COMPLETELY FILL OUT THIS ACCEPTANCE OF RELIEF AND RELEASE (INDICATING THAT I ACCEPT THE RELIEF TO BE PROVIDED TO ME UNDER THE TERMS OF THE SUPPLEMENTAL ORDER) AND SIGN AND RETURN THIS FORM TO THE CITY WITHIN FIFTEEN (15) DAYS FROM THE DATE OF MY RECEIPT OF THIS FORM AND THE ACCOMPANYING NOTICE OF DETERMINATION, I WILL BE BARRED FROM RECEIVING ANY RELIEF EXCEPT FOR REASONABLE CAUSE SHOWN AS DETERMINED BY THE UNITED STATES. [I ALSO UNDERSTAND THAT I MUST COMPLETE AND RETURN THE W-4 AND W-9 FORMS WITH THIS ACCEPTANCE OF RELIEF AND RELEASE FORM IN ORDER TO RECEIVE AN AWARD OF BACK PAY.]

I carefully have read and I fully understand this Acceptance of Relief and Release. I am a United States citizen, of lawful age, and signing this Acceptance of Relief and Release of my own free act and deed. Lastly, I hereby affirm that the information I provide herein is true and correct to the best of my knowledge.

Signed this _____ day of _____, 200__.

Signature: _____

Social Security Number: _____ - - _____

Address: _____
(street address)

(City) (State) (Zip code)