

## NOTICE OF SETTLEMENT & FAIRNESS HEARING

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

- The United States of America has sued the State of Michigan and the Michigan Department of Corrections (“MDOC”) (referred to as the “Defendants”), alleging that the Defendants discriminated against female corrections officers (“COs”) from January 2009 through the present in two ways: (1) by designating four CO assignments at Women’s Huron Valley Correctional Facility (“WHV”) as “female-only,” and (2) by refusing to transfer female COs from WHV to other prisons on the same transfer terms that were applied to male COs. Defendants deny these allegations.
- In settlement of this lawsuit, the United States and Defendants have voluntarily entered into a Settlement Agreement.
- Under the Settlement Agreement, Defendants have agreed to pay \$750,000 and make certain changes at WHV to remedy the alleged discrimination.
- As part of the Settlement Agreement, Defendants have agreed to provide money and other awards to female COs harmed by the alleged discrimination. Women who have worked as COs at WHV between January 1, 2009, and the present, including those who filed charges with the Equal Employment Opportunity Commission (“EEOC”) (referred to as “Charging Parties”) may be eligible for relief if they meet the following criteria:
  - Wanted to transfer from a CO position at WHV to a CO position at another MDOC facility but were unable to do so because of the transfer freeze,
  - Were eligible to transfer, and
  - Were harmed by the inability to transfer.

Individuals who do not meet the above criteria are not eligible for relief.

- The Charging Parties will also be entitled to additional money called service awards, which are based on their particular service in bringing this case.

- **The Settlement Agreement can be viewed at [www.justice.gov/crt/MDOC](http://www.justice.gov/crt/MDOC).**
- **If you wish to object to the Settlement Agreement, you must follow the enclosed instructions and return the objection form by April 19, 2021.**
- **Objections to the Settlement Agreement will be considered by the Court at a Fairness Hearing on June 2, 2021.**

**Read this notice carefully**, as your rights may be affected by the terms of the Settlement Agreement.

**1. What is this lawsuit about?**

In its lawsuit, the United States alleges that Defendants have engaged in two unlawful employment practices that discriminate against female COs at WHV because of sex, in violation of Sections 703(a), 706, and 707 of Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e-2(a), 2000e-5(f), and 2000e-6. Specifically, the United States alleges that Defendants have discriminated on the basis of sex by designating four CO assignments at WHV as “female-only” assignments and by imposing a long-term transfer freeze that has prohibited female COs from transferring out of WHV to other MDOC facilities on terms that were applicable to male COs. Defendants deny these allegations.

In the interest of resolving this matter and promoting the purposes of Title VII, the United States and Defendants have voluntarily entered into a Settlement Agreement. The Court must decide if the terms of the Settlement Agreement are lawful, fair, adequate, reasonable, and consistent with the public interest. To do so, the Court will hold a Fairness Hearing, at which time the Court will hear and consider any objections to the terms of the Settlement Agreement.

**2. Why did I get this notice?**

You received this notice because your rights or legal interests might be affected by implementation of the relief in the Settlement Agreement. This notice summarizes that relief and explains how you may object to it, if you wish to do so. The Court will consider all objections before anyone will be offered awards.

**3. What individual relief awards are available to female COs harmed by Defendants’ alleged discrimination?**

The Settlement Agreement describes the relief awards that will be available to women harmed by Defendants’ alleged discrimination. Under the terms of the Settlement Agreement, eligible female COs who worked at WHV between 2009 and the present may receive:

- **Cash awards** to make up for some of the pain and suffering and/or emotional distress allegedly suffered as a result of Defendants’ long-term transfer freeze at WHV. Each eligible claimant will share in the settlement based on the length of time she worked at WHV and she was eligible for transfer, wanted to transfer, and was harmed by the transfer freeze.
- **Priority transfers** out of WHV to another MDOC facility for up to 15 female COs who currently work at WHV and meet the same conditions required for all other transfer applicants. Preference for the 15 priority transfers will be given to Charging Parties, in order of number of continuous service hours, and then to non-Charging Parties, in order of number of continuous service hours.

4. Will all female COs who worked at WHV between 2009 and the present automatically be eligible to receive an individual relief award?

No. Only female COs who wanted to transfer out of WHV, were eligible to transfer, and were harmed by Defendants prohibiting female COs from transferring will be eligible to receive an individual award. Female COs at WHV who did not want to transfer, or who were not eligible to transfer, or who were not harmed by their inability to transfer will not be eligible to receive an individual relief award. Please read the eligibility criteria in the Settlement Agreement carefully at [www.justice.gov/crt/MDOC](http://www.justice.gov/crt/MDOC) to determine whether you wish to object.

5. Why are the Charging Parties entitled to additional money?

Each Charging Party is entitled to additional money, called a service award, which is based on her particular service in bringing this case. By filing charges of discrimination with the EEOC, the Charging Parties brought this matter to the attention of the United States and led to the filing of this lawsuit.

6. What changes will be made at WHV to remedy Defendants' alleged discrimination?

As part of the Settlement Agreement, Defendants will take a number of actions to remedy the alleged discrimination at WHV, including:

- Lifting the transfer freeze and allowing eligible female COs to transfer out of WHV when WHV reaches a CO vacancy rate for BFOQ-designated positions to be agreed upon by the United States and the Defendants from within a pre-determined range;
- Developing and implementing a Title VII-compliant review process for female-only non-housing unit CO assignments, which may result in fewer female-only assignments; and
- Developing and implementing recruitment and retention efforts specific to female COs at WHV.

7. How do I object to the Settlement Agreement?

You have the right to submit a written objection to any of the terms of the Settlement Agreement that you believe are unlawful, unfair, inadequate, unreasonable, or inconsistent with the public interest. Instructions for filing an objection are enclosed with this notice. **Making an objection is voluntary, but if you do not object at this time, you may be prohibited from taking any action against the Settlement Agreement in the future.** Any written objections must be submitted to the United States, as described in the enclosed instructions, no later than April 19, 2021.

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF MICHIGAN**

You also have the right to attend the Fairness Hearing, at which time the Court will hear the objections and decide whether to enter the Settlement Agreement. The Fairness Hearing for this Settlement Agreement will be held by Zoom videoconference technology on June 2, 2021, at 10:00 a.m. To attend the Fairness Hearing by Zoom, please access the Court Calendar for June 2, 2021, through the Court's website at <https://www.mied.uscourts.gov/>.