

# **Women Prison Guard Applicants Were Discriminated Against, Federal Judge Rules**

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The state Department of Correction discriminated against women who applied to be corrections officers by requiring a 1.5-mile run within a certain amount of time, a federal judge ruled last week.

In the hiring process, people applying to be corrections officers — prison guards — have to pass a written test and a physical test that includes sitting and reaching, pushups, situps and running 1.5 miles within a certain time.

Judge Janet C. Hall, of the U.S. District Court in Bridgeport, ruled on May 5 that the run was not predictive of, or correlated to, performance on the job as a corrections officer. The run also had an adverse affect on women applicants, Hall ruled. The case is now in a relief stage, during which the court will decide how much, if anything, the plaintiffs should be paid. Plaintiffs in the class-action lawsuit are seeking more than \$1 million in lost wages and a chance to be hired for jobs for which they applied.

The required times for the 1.5-mile run were staggered by age and gender. For example, a man between 21 and 29 years old had to run 1.5 miles in no more than 12 minutes, 25 seconds. For a woman the same age, she had to run the same distance in 14 minutes, 49 seconds.

In 2004, Cherie Easterling of Bloomfield passed the written test and other parts of the physical test, but not the requirement for the run. She was a plaintiff in the class-action lawsuit against the state Department of Correction. More than 100 applicants were discriminated against.

"We have always found it absurd that any applicant who could not run 1.5 miles at a certain speed was automatically rejected right then and there, regardless of how well qualified they were in all other respects," said Seth M. Marnin of Outten & Golden, one of the attorneys for the plaintiffs. "There's no place in any Connecticut prison where anyone could run nearly that far or any evidence that that level of fitness is required for guards."

Plaintiffs were represented by Outten & Golden of Westport and New York, and Public Citizen Litigation Group.

"We also seek to maintain the highest standards for a competent, healthy and professional workforce," said Department of Correction spokesman Brian Garnett. "The agency must insure that its staff is physically fit, for their own protection within correctional facilities as well as for

the safety and security of the public. These were state standards that were also utilized by other agencies at the time."

Connecticut state police and the state Department of Public Safety use a 1.5-mile run in the hiring process, according to court documents. The correction department is reviewing its options after the court's judgment, Garnett said.