

Court: State discriminated against female guards

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HARTFORD -- More than 100 women who applied to be prison guards in Connecticut were subjected to a discriminatory physical fitness test, a federal judge has ruled.

U.S. District Judge [Janet Hall](#), in a ruling dated May 5, granted a motion for summary judgment in a class-action lawsuit filed against the [Department of Correction](#) in 2008 by attorneys for a Bloomfield woman, [Cherie Easterling](#).

Easterling, now 32 and living in Simsbury, was rejected as a candidate to become a corrections officer in 2004 when she failed to run 1.5 miles in a required time of under 14:49.

She had successfully completed a written exam and other portions of the fitness test, which also required her to perform sit-ups and push-ups and demonstrate flexibility.

In 2004, 148 female and 740 male applicants were asked to complete the 1.5 mile run. Fewer than 63 percent of women completed the run in the allotted time, compared with 82 percent of the men. The men in Easterling's age range were required to run the eight-lap course in 12:25. Easterling had about a lap to complete when officials told her that time had expired, said [Seth Marnin](#), one of her lawyers.

"The test had a disparate impact on women, and the state could not justify that, which is why the court found in our favor," he said.

The state argued that a lower percentage of women passed the test as the result of the department's efforts to actively recruit minorities, which it argued tend to have a lower level of cardiovascular fitness. But the judge said there was no evidence those recruitment efforts specifically targeted women. She also wrote that the state failed to show why the test was needed at all.

"The defendant has presented no evidence showing the timed 1.5 mile run to be predictive of who can perform the essential physical functions of the job of (guard)," Hall wrote.

In 2007, the state changed the run portion of the test from 1.5 miles to 300 meters.

Prisons spokesman [Brian Garnett](#) said in a statement Monday afternoon that the Department of Correction is committed to providing a workplace free of discrimination.

"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," he said. "These were state standards that were also utilized by other agencies at the time. The department is currently reviewing its options in regard to the court's judgment."

Marnin said the plaintiffs will be seeking more than \$1 million in damages, and some of the women may seek to be hired as corrections officers. He said he hopes the ruling will lead to substantive changes in the department's hiring policy and prevent it from using the test in the future. No date has been set for a hearing on those issues.

Easterling, meanwhile, now works in an administrative position at an insurance company.

"It's been several years since she took the exam and she has really built her life and her employment in this other direction," Marnin said. "So while she hasn't ruled it out, I don't think it's likely she would drop the career she has created to go back."