

**COURT-AUTHORIZED NOTICE**

**If you applied for a job at SEPTA between April 27, 2010, and August 26, 2018, and you were denied employment based in whole or in part on criminal drug conviction(s), you may be entitled to a payment and other relief from a Class Action Settlement.**

*A federal court authorized this notice. This is not a solicitation from a lawyer.*

Applicants for employment at Southeastern Pennsylvania Transportation Authority (“SEPTA”) brought a class action lawsuit under Pennsylvania’s Criminal History Record Information Act (“CHRIA”) and the Fair Credit Reporting Act (“FCRA”) challenging SEPTA’s denial of employment to applicants with certain criminal convictions. The Parties in the lawsuit have reached a Settlement, subject to Court approval.

- Under this Settlement, you may be eligible for a job with Septa through priority hiring and to a minimum payment of \$5,000.00 for claims under the CHRIA. You may also be entitled to a separate payment of up to \$250.00 for claims under the FCRA.
- Visit the Settlement Website at [URL] for additional details about the Settlement. You may also get additional information by calling [PHONE NUMBER] or by writing to the Settlement Administrator, as laid out in Section 7.

<b>YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT:</b>	
<b>SUBMIT A CLAIM FORM</b>	You must submit a Claim Form by [BAR DATE] to be eligible to receive a payment or to be eligible for consideration for priority hiring under the Settlement.
<b>DO NOTHING</b>	If you do not submit a Claim Form, you will not be eligible to receive a payment or be eligible for consideration for priority hiring under the Settlement; however, you will still give up your right to sue SEPTA on these claims.
<b>EXCLUDE YOURSELF</b>	If you wish to exclude yourself (“opt out”) from the Settlement you must follow the directions outlined in Section 12 below. If you exclude yourself, you will not receive a payment under the Settlement, will not be considered for priority hiring, and you cannot object to the Settlement. <b>Your exclusion request must be postmarked no later than [EXCLUSION/OPT-OUT DEADLINE]</b>
<b>OBJECT</b>	You may write to the Court about why you believe the Settlement is not fair or reasonable. You must object in writing in order to appear at the Fairness Hearing to speak to the Court about the fairness of the Settlement. <b>You must send a written objection postmarked no later than [EXCLUSION/OPT-OUT DEADLINE]</b>

These rights and options – **and deadlines** – are explained in this notice

The Court in charge of this case still has to decide whether to give final approval to the Settlement. Settlement payments will be made if the Court approves the Settlement and after appeals, if any, are resolved. Please be patient.

## BASIC INFORMATION

### **1. Why did I receive this notice and what is this lawsuit about?**

Applicants for employment at SEPTA brought a class action lawsuit against SEPTA for violating Pennsylvania's Criminal History Record Information Act ("CHRIA"), 18 Pa. Cons. Stat. § 9125, and the federal Fair Credit Reporting Act ("FCRA"), 15 U.S.C. §§ 1681, *et seq.* The lawsuit is known as *Long, et al. v. Southeastern Pennsylvania Transportation Authority*, No. 16 Civ. 1991 (PBT). The Court in charge of the lawsuit is the United States District Court for the Eastern District of Pennsylvania.

Plaintiffs claimed that SEPTA violated the CHRIA, a statute which governs employers' use of criminal history record information in deciding whether to hire applicants for employment. Specifically, Plaintiffs in the lawsuit claimed that SEPTA failed to appropriately consider the extent to which criminal drug convictions related to applicants' suitability for employment in certain positions for which they applied prior to denying them employment.

Plaintiffs further claimed that SEPTA violated the FCRA, a statute which governs the use of criminal background check procedures for applicants seeking positions for employment. Specifically, Plaintiffs in the lawsuit claimed that SEPTA failed to provide applicants with a copy of their background check report and a summary of their rights under the FCRA before denying them employment based on their criminal history.

SEPTA's records show that you applied for employment in a covered position (as defined in Section 3 below) at SEPTA sometime between April 27, 2010, and August 26, 2018, and did not receive a job offer based in whole or in part on criminal drug conviction(s). This means that, according to SEPTA's records, you qualify as a "CHRIA Class Member."

Depending on the date of your application for employment at SEPTA, you may also qualify as a "FCRA Class Member."

The Court ordered that you be sent this Notice because the proposed Settlement may apply to you, and you have a right to know about it and all your options before the Court decides whether to approve the Settlement.

### **2. Why is there a settlement?**

The Court did not decide in favor of Plaintiffs or Defendant. Both sides believe they would have prevailed, but there was no ruling in favor of either party. Instead, both sides agreed to a settlement. That way, they avoid the costs, delays, and uncertainties associated with a trial, and the people affected will get compensation and other significant relief. Plaintiffs and Class

Counsel think the Settlement is the best result for all Class Members and that the terms and conditions of the Settlement are fair, reasonable, and adequate.

## WHO IS IN THE SETTLEMENT

### 3. How do I know if I am part of the Settlement?

You are automatically a member of the CHRIA Class if you applied for employment in a covered position at SEPTA sometime between April 27, 2010, and August 26, 2018, and did not receive a job offer based in whole or in part on criminal drug conviction(s). Except that applicants for employment with SEPTA with a violent felony conviction on their criminal background report within two (2) years of their application to SEPTA are excluded from the CHRIA Class.

Covered positions are: Bus Operator, Maintenance Custodian Driver, Railroad Conductor/Engineer Trainee, Mechanic, Railroad Engineer, Surface Train Operator, Rail Vehicle Equipment Welder, Rail Vehicle Machinist, Rail Vehicle Electronic Maintainer, Transportation Manager, Railroad Supervision Manager, and/or any other position that requires the operation and/or maintenance of a SEPTA vehicle.

You may also be a FCRA Class Member. You are automatically a member of the FCRA Class if you applied for employment with SEPTA sometime between April 27, 2011, and August 26, 2018, and were denied employment because of your criminal history.

If you aren't sure about whether you qualify as a CHRIA Class Member and/or as a FCRA Class Member, you can contact the Settlement Administrator at the address, e-mail address, or phone number identified in Section 7 of this Notice.

## THE SETTLEMENT BENEFITS – WHAT YOU GET

### 4. What does the Settlement provide to CHRIA Class Members?

You are receiving this Notice because SEPTA's records indicate that you may be eligible to participate in the Settlement as a CHRIA Class Member and, depending on your dates of employment, potentially as a FCRA Class Member.

The amount of the settlement payment you may be entitled to receive and whether you may be entitled to be considered for priority hiring depends on the information you provide on and together with the Claim Form—Please read this Notice carefully.

#### **CHRIA Claim: Minimum CHRIA Settlement Payment**

If you are eligible to participate in the Settlement as a CHRIA Class Member and you complete and timely submit the Claim Form, you will receive a minimum payment of up to **\$5,000.00** for the CHRIA portion of the lawsuit. However, if the amount claimed by all Class Members exceeds the total amount available in the settlement fund, then you may receive a lesser payment.

If there is additional money remaining in the settlement fund after the deadline to cash settlement checks expires, then it is possible you will receive a second payment.

**Enhanced CHRIA Claim: Maximum CHRIA Settlement Payment**

If you can show that you made less money than you would have made by working with SEPTA and you would like to be considered for more than the minimum payment for the CHRIA portion of the lawsuit, then you must complete and timely submit the Claim Form (**including checking the box in Part IIB**), and include sufficient additional documentation as evidence of lost wages.

Specifically, you should submit documentation establishing your wages for 2020 and any prior years, between 2010 and 2020, since your denial by SEPTA (for example, if you applied in 2017, then you should submit documentation establishing your wages for 2017, 2018, 2019, and 2020). Examples of appropriate documentation include: W-2 forms, yearly tax returns, pay statements showing total annual wages, and other employment paperwork establishing your rate of pay and start and end dates in the position. If you made less than the yearly entry level salary for the job for which you applied at SEPTA in any of those years, then you are entitled to recover the difference, up to a maximum of **\$35,000.00**. However, if the amount claimed by all Class Members exceeds the total amount available in the settlement fund, then you may receive a lesser amount. If there is additional money remaining in the settlement fund after the deadline to cash settlement checks expires, then it is possible you will receive a second payment.

**CHRIA Claim: Priority Hiring**

In **addition** to the settlement payments discussed above, if you are interested in employment at SEPTA, then you should complete and timely submit the Claim Form (**including checking the box in Part IIA**). Priority hiring is available for the same position that SEPTA previously denied you (or a substantially similar position) and you must be available to accept this position within the next year.

If the Settlement is finally approved by the Court, then SEPTA will send you a Priority Hiring Invitation Letter via e-mail (if available) or U.S. mail (if e-mail is not available). The Priority Hiring Invitation Letter will invite you to make an online submission via SEPTA's exclusive web portal established for this Settlement. You will have three (3) months from the date of the invitation to make the profile.

After creation of your online profile, SEPTA will inform you of the additional steps you must complete consistent with SEPTA's ordinary hiring processes in order to be considered for employment and the time period in which you must complete those steps. For example, you must pass a DMV check, medical exam, including a drug and alcohol screening, and new background check. Depending on the position for which you previously applied and were disqualified, you may also be required to complete other additional steps consistent with SEPTA's ordinary hiring processes.

If you clear all of the requisite steps of SEPTA's ordinary hiring processes, and there is an opening for the relevant position, you will be hired on the date of the next available new employee orientation for that position (or another date you may agree to).

If there is not a job opening for the relevant position, you will be placed in a pool of candidates, given a randomized number, and will be offered employment in numerical order (based on that randomized number) as it becomes available, subject to certain limitations. You will remain in the pool for a period of one year from being placed in the pool.

#### **5. What does the Settlement provide to FCRA Class Members?**

If you qualify as a FCRA Class Member (i.e. you applied for employment with SEPTA sometime between April 27, 2011, and August 26, 2018, and were denied employment because of your criminal history), and you complete and timely submit the Claim Form, then you will receive a separate, flat FCRA settlement payment of \$250.00 (in addition to any amounts to which you may be entitled under the CHRIA portion of the lawsuit). However, if the amount claimed by all Class Members exceeds the amount available in the settlement fund, you will receive a smaller FCRA payment. If there is additional money remaining in the settlement fund after the deadline to cash settlement checks expires, then it is possible you will receive a second FCRA payment.

#### **6. What Other Elements Does the Settlement Provide?**

##### Other Important Information About the Settlement

Under the Settlement, SEPTA has agreed to pay a total of \$3,600,000.00 (the "Total Settlement Amount"). Subject to Court approval, the Total Settlement Amount will be used to pay settlement monies to Class Members and Class Counsel's attorneys' fees of up to \$1,200,000.00 (one-third of the Total Settlement Amount), plus reimbursement of actual litigation expenses and costs. Subject to Court approval, the Total Settlement Amount will also be used to pay Service Awards of \$15,000.00 each (\$45,000.00 total) to the three Named Plaintiffs for bringing the lawsuit, their service to the Class, and reaching this Settlement, and for the costs and expenses of the Settlement Administrator.

You can access the settlement agreement on the case website or request a copy from the Settlement Administrator.

#### **7. How do I submit my Claim Form?**

To be eligible to receive a payment from this Settlement or to be considered for Priority Hiring, you **must** complete and timely submit the Claim Form via e-mail, fax, mail or online at **[URL]** to be received by the Settlement Administrator (or postmarked if mailed) no later than **[BAR DATE]**.

You may print and mail, deliver or fax the completed form to the Settlement Administrator at:

*Long, et al. v. SEPTA Settlement Administrator*

[ADDRESS]

[PHONE NUMBER]

[FAX]

[E-MAIL]

**8. How will my payment be taxed?**

CHRIA Settlement Payment

50% of your CHRIA payment will be considered wages subject to the withholdings of applicable federal, state and local taxes, and reported on an IRS Form W-2. 50% of your CHRIA payment will be considered non-wages, for which no withholdings will be taken out, and reported on an IRS Form 1099-MISC. Neither Class Counsel nor Defendant makes any representations concerning the tax consequences of this Settlement and you are advised to seek your own personal tax advice regarding the tax implications of the Settlement.

FCRA Settlement Payment

If you qualify to receive a FCRA Payment, then your FCRA payment will be allocated as a non-wage payment, and reported on an IRS Form 1099-MISC. Neither Class Counsel nor Defendant makes any representations concerning the tax implications of the Settlement.

**9. By not excluding myself from this Settlement, what legal claims am I releasing?**

If the Court grants final approval of the Settlement, then all CHRIA Class Members who do not opt-out of the Settlement are giving up (also called “releasing”) their right to sue SEPTA for all criminal history discrimination failure to hire claims against SEPTA that accrued during the period from April 27, 2010, through August 26, 2018, including, without limitation, claims arising under Pennsylvania’s Criminal History Record Information Act, 18 Pa. Cons. Stat. § 9125, Title VII of the Civil Rights Acts of 1964, 42 U.S.C. §§ 2000e, *et seq.*, and the Pennsylvania Human Relations Act, 43 Pa. Stat. Ann. §§ 951, *et seq.* CHRIA Class Members will give up these rights whether or not they choose to submit a Claim Form to be eligible to receive relief from the settlement. In other words, unless you opt-out of the lawsuit, you will be covered by the release, even if you do not submit a Claim Form to be eligible to receive relief from the settlement.

If the Court grants final approval of the Settlement, then all FCRA Class Members who do not opt-out of the Settlement are giving up their right to sue SEPTA for all claims against SEPTA that accrued during the period from April 27, 2011, through August 26, 2018, under the Fair Credit Reporting Act, 15 U.S.C. §§ 1681, *et seq.* FCRA Class Members will give up these rights whether or not they choose to submit a Claim Form to be eligible to receive a settlement payment. In other words, for FCRA Class Members, unless you opt-out of the lawsuit, you will

be covered by the release, even if you do not submit a Claim Form to be eligible to receive a settlement payment.

## THE LAWYERS REPRESENTING YOU

### 10. Do I have a lawyer in this case?

The Court has appointed the lawyers at Outten & Golden LLP, Lawyers' Committee for Civil Rights Under Law, Public Interest Law Center, and Willig, Williams & Davidson to represent you and all Class Members. Together, these lawyers are called "Class Counsel." Unless you elect to exclude yourself from the Settlement, you will continue to be represented by Class Counsel in connection with the implementation of the Settlement throughout the duration of the terms of the Settlement at no cost to you.

If you have questions about the proposed Settlement, you can get free legal help by contacting Class Counsel:

Ossai Miazad  
Christopher M. McNerney  
Jared W. Goldman  
Outten & Golden LLP  
685 Third Avenue, 25th Floor  
New York, NY 10017  
212-245-1000  
SEPTASettlement@outtengolden.com

Jon Greenbaum  
Dariely Rodriguez  
Lawyers' Committee for Civil Rights Under Law  
1401 New York Ave., NW  
Washington, DC 20005  
(202) 662-8600

Benjamin D. Geffen  
Claudia De Palma  
Public Interest Law Center  
1709 Benjamin Franklin Parkway, 2d Floor  
Philadelphia, PA 19103  
(267) 546-1308

Ryan Allen Hancock  
Jessica Brown  
Willig, Williams & Davidson  
1845 Walnut Street, 24th Floor  
Philadelphia, PA 19103  
(215) 656-3679

### 11. How will the lawyers be paid?

Class Counsel will ask the Court to approve payment of up to \$1,200,000.00 for their attorneys' fees (i.e. one third of the Total Settlement Amount), plus reimbursement of actual litigation expenses and costs. The Court may award less than these requested amounts.

## EXCLUDING YOURSELF FROM THE SETTLEMENT

If you want to be able to sue SEPTA for these claims on your own, then you must exclude yourself from the Class. The process is also sometimes referred to as "opting out."

**12. How do I opt out of the Settlement?**

To exclude yourself from the Settlement, you must send a letter by First Class U.S. Mail stating the following: “I opt out of the SEPTA Applicant Settlement.” Be sure to include your name, address, email address, telephone number, and your signature. Your exclusion request must be postmarked no later than [EXCLUSION/ OBJECTION DEADLINE] and must be mailed to:

*Long, et al. v. SEPTA Settlement Administrator*

[Address]

If you asked to be excluded, you will not receive a settlement payment (or be considered for priority hiring), and you cannot object to the Settlement, but you will be able to separately sue SEPTA. If you wish to exclude yourself in order to file an individual lawsuit against SEPTA, you should speak to a lawyer as soon as possible because your claims are subject to statutes of limitations.

**OBJECTING TO THE SETTLEMENT**

You can tell the Court that you do not agree with the settlement or some part of it.

**13. How do I tell the Court that I do not like the Settlement?**

You can object to the Settlement if you do not like any part of it. To object, you must send a letter via First Class U.S. Mail saying that you object to *Long v. Southeastern Pennsylvania Transportation Authority*, No. 16 Civ. 1991 (E.D. Pa.). Be sure to include your name, address, email address, telephone number, and all reasons why you object to the Settlement. Any reasons not included in your settlement will not be considered. Mail the objection to:

*Long, et al. v. SEPTA Settlement Administrator*

[Address]

Your letter must be postmarked no later than [EXCLUSION/ OBJECTION DEADLINE]

**THE COURT’S FAIRNESS HEARING**

The Court will hold a fairness hearing on **XX** at **XX**, at the United States District Court for the Eastern District of Pennsylvania, James A. Byrne U.S. Courthouse, 601 Market Street, Philadelphia, PA 19106, Courtroom **XX**. You do not need to attend the hearing but you may attend if you would like at your own expense. Please be advised that the Court may choose to conduct the Fairness Hearing via video conference in lieu of an in-person hearing. Please visit the Court’s website or the case website in advance of the Fairness Hearing to confirm whether the hearing will take place in person or via video conference.

At this hearing the Court will consider whether the Settlement is fair, reasonable, and adequate. If there are objections, the Court will consider them. After the hearing, the Court will decide whether



to approve the Settlement. We do not know how long the Court's decision will take.

DATED: [MAILING DATE]

*LONG, ET AL. V. SOUTHEASTERN PENNSYLVANIA TRANSPORTATION AUTHORITY*  
No. 16 Civ. 1991 (E.D. Pa.)

## **CLAIM FORM**

*Your entitlement to relief from the Settlement depends on the information you submit on and together with this Claim Form – Please read the Claim Form carefully and remember to complete all applicable sections.*

**Part I – CHRIA & FCRA Claims:** You **must** sign here to recover from the settlement.

I applied for employment in a covered position (as defined in Section 3 of the Notice) at SEPTA sometime between April 27, 2010, and August 26, 2018, and to the best of my knowledge was not hired based in whole or in part on criminal drug conviction(s).

To the extent that I applied for employment at SEPTA between April 27, 2011, and August 26, 2018, to the best of my knowledge, I did not receive a copy of my background check report, an adverse action letter, and/or a summary of my rights under the FCRA prior to SEPTA's denial of employment.

\_\_\_\_\_  
Full Legal Name (print)

\_\_\_\_\_  
Signature

**Part IIA – CHRIA: Priority Hiring:** check this box if you would like to be considered for priority hiring.

- I am interested in employment with SEPTA within the next year in the position for which I previously applied (or a substantially similar position) and was disqualified based on a criminal drug conviction.

**Part IIB – CHRIA: Enhanced Payment:** check this box if you would also like to be considered to receive an Enhanced CHRIA payment.

- In one or more years since my denial by SEPTA, I believe that I may have earned less in annual wages than the yearly entry level salary for the job for which I previously applied at SEPTA and was disqualified based on my criminal drug conviction(s).

**REMEMBER THAT YOU MUST SUBMIT WITH THIS CLAIM FORM**  
**DOCUMENTATION OF YOUR ANNUAL WAGES FOR EACH RELEVANT**  
**YEAR**

Examples of appropriate documentation include: W-2 forms, yearly tax returns, pay statements showing total annual wages, and other employment paperwork establishing your rate of pay and start and end dates in the position. If you have questions about what types of documentation are sufficient, you should contact the Settlement Administrator using the contact information in Section 7.

By checking this box, you understand that the Settlement Administrator will make the final determination regarding whether you have submitted sufficient documentation to establish your entitlement to additional settlement monies for the CHRIA portion of the lawsuit, and that the Settlement Administrator may require you to submit additional documentation if it deems the documents you have submitted insufficient.

### **Part III – Additional Information**

While the following information is not necessary to submit a claim form, it will help us be able to contact you with updates on the case:

\_\_\_\_\_  
Maiden or other names worked under

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
City, State and Zip Code

\_\_\_\_\_  
Cell Phone Number

\_\_\_\_\_  
Home Telephone Number

\_\_\_\_\_  
E-mail Address