

cwealf

SUSAN R. MEREDITH, Executive Director
PHYLLIS GELMAN, Hartford Office Director
CAROLE JOHNSON, Educational Coordinator

Board of Directors

Kay Bergin
Susan Bucknell
Shirley Bysiewicz
Jerry Davidoff
Anthony DeMayo
Thomas I. Emerson
Jack Giamette
Betsy Gilbertson
Ann C. Hill
Denise Janha
Elise Maclay
Ruth Mantak
Judith Maynes
Judith Mears
Rocco Orlando
Tirsa Quiñones
Doris Roldan
Catherine Roraback
Marilyn Seichter
Catherine Smith
Mary Moers Wenig
Stephen Wizner
Karen Wynn

June 24, 1977

John F. Clancy, Esq.
Clancy, Kenney & Scofield
City Trust Building
965 Main Street
P.O. Box 1103
Bridgeport, Conn. 06604

Re: Lea Dickson, Barbara Hall vs. Board of Education
of Stratford, Conn.

Dear John:

The following is a compilation of our clients' minimum demands for settlement of their case against the Stratford Board of Education.

Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000-e -5(g), entitles claimants under the Act to recover back pay beginning two years before the date of the filing of a charge with the E.E.O.C. Since Ms. Hall and Ms. Dickson filed charges under Title VII with the E.E.O.C. on November 7, 1975, they are entitled to back pay dating from November 7, 1973 under the provisions of that Statute.

Our clients, however, are not limited by the provisions of Title VII. Their complaint is also brought under the Civil Rights Act of 1871, 42 U.S.C. 1983. This older statute provides a completely independent cause of action and back pay awards under it are not subject to Title VII's two year limitation period. Rather, such awards are governed by the most closely analogous state statute of limitations. Johnson v Railway Express Agency 421 U.S. 454, 460, 95 S.Ct. 1716, 1720, (1975); Johnson v. Goodyear Tire and Rubber Co., 491 F.2d 1364 (5 Cir. 1974). See also, E.E.O.C. v Enterprise Association of Steamfitters, 524 F.2d 579, 590 (2d Cir. 1976). In this

Connecticut Women's Educational and Legal Fund, Inc.

614 Orange Street
New Haven, CT 06511
(203) 865-0188

57 Pratt St.—Suite 410
Hartford, CT 06103
(203) 247-6090

case the applicable Connecticut Statute of limitations would be that governing simple contracts, Conn. Gen. Stat. 52-576 which provides for a six year limitation. Ms. Hall and Ms. Dickson are, therefore, entitled to back pay beginning from the Spring of 1973, the date they were first employed as coaches by the Stratford Board of Education.

Additionally, the Equal Pay Act, 29 U.S.C. 216 (b) provides for liquidated damages in an amount equal to the amount due as back pay. The award of back pay under this statute is, however, limited to two years before the filing of a lawsuit. Since the complaint was filed on January 31, 1977, our clients are entitled to liquidated damages beginning with January 31, 1975.

Additionally our clients are entitled to reasonable attorney's fees under the provisions of Title VII, 42 U.S.C. 2000 -e -5(k).

The computations of these amounts are as follows:

I. Back Pay

A. Barbara Hall

<u>Activity</u>	<u>Time Period</u>	<u>Ms. Hall's Salary</u>	<u>Male Salary</u>	<u>Difference</u>
Swimming	Spring 1973	200	625	425
"	Fall 1973	225	750	525
Basketball	1973-74	200	650	450
"	1974-75	801	870	69
"	1975-76	941	1,150	209
			Total =	<u>1,678</u>

B. Lea Dickson

<u>Activity</u>	<u>Time Period</u>	<u>Ms. Dickson's Salary</u>	<u>Male Salary</u>	<u>Difference</u>
Basketball	1973-74	200	650	450
"	1974-75	801	870	69
"	1975-76	941	1,150	209
Softball	Spring, 1973	200	625	425
"	1974	225	825	600
			Total =	<u>1,753</u>

Total Back Pay = \$3,431.00

II. Liquidated Damages

A. Barbara Hall

<u>Activity</u>	<u>Time Period</u>	<u>Ms. Hall's Salary</u>	<u>Male Salary</u>	<u>Difference</u>
Basketball	1/31 - 6/75	801	870	34.50**
"	1975-76	941	1,150	<u>209.00</u>
				243.50

B. Lea Dickson

<u>Activity</u>	<u>Time Period</u>	<u>Ms. Dickson's Salary</u>	<u>Male Salary</u>	<u>Difference</u>
Basketball	1/31 - 6/75	801	870	34.50**
"	1975-76	941	1,150	<u>209.00</u>
				243.50

Total Liquidated Damages = \$487.00

** One half of \$69.00 pro-rated for 1/2 year.

III. Attorney's Fees

For the period from 10/24/74 - 6/23/77.
67.7 hours @ \$70 per hour = \$4,739.00

IV. Total Settlement Proposal

Back pay	3,431.00
Liquidated damages	487.00
Attorney's fees	<u>4,739.00</u>
Total =	8,657.00

I hope this proposal will meet with the Board's approval.

Sincerely,

Susan Meredith, Esq.

SM:rr
cc: Dickson, Hall, C.E.A.