

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
and	)	
	)	
VIRGINIA O'HALPIN, GLADYS A. SHARSHON,	)	
MARGARET M. CAVANAGH and JEANETTE	)	
TURSELLINO,	)	
	)	
Applicants for Intervention	)	CIVIL ACTION NO.
as Plaintiffs,	)	77-C-1881
	)	
v.	)	
	)	
NASSAU COUNTY, et al.,	)	
	)	
Defendants.	)	
	)	
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ALICE WOODSON WHITE, et al.,	)	
	)	
and	)	
	)	
VIRGINIA O'HALPIN, GLADYS A. SHARSHON,	)	
MARGARET M. CAVANAGH and JEANETTE	)	
TURSELLINO,	)	
	)	
Applicants for Intervention,	)	CIVIL ACTION NO.
as Plaintiffs,	)	76-C-1869
	)	
v.	)	
	)	
NASSAU COUNTY POLICE DEPARTMENT, et al.,	)	
	)	
Defendants.	)	
	)	
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AFFIDAVIT OF MELISSA P. MARSHALL

I, Melissa P. Marshall, being first duly sworn, hereby depose and state that:

1. I am employed by the United States Department of Justice, Washington, D.C., as a Trial Attorney in the Department's Civil Rights Division, Federal Enforcement Section.

2. As an attorney with the Federal Enforcement Section, I am assigned to represent the United States in United States v. Nassau County, et al., Civil Action No. 77-C-1881 (E.D.N.Y.), an action brought by the Attorney General under Title VII of the Civil Rights Act of 1964, as amended, the State and Local Fiscal Assistance Act of 1972, as amended, the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and the Fourteenth Amendment to the Constitution of the United States, against Nassau County alleging a pattern or practice of discrimination against blacks, women, and Hispanics with respect to employment opportunities in the Nassau County Police Department (hereafter the "NCPD"). One of the unlawful practices which we alleged that Nassau County was engaged was the maintenance of a dual line of progression for men and women in the NCPD, such that all sworn positions were sex-segregated.

3. The record reflects that on March 18, 1972, the NCPD administered the identical written examination for four different positions in the NCPD: police patrolman (Exam No. 4716), police cadet (Exam No. 4717), policewoman (Exam No. 4718), and police cadette (Exam No. 4719). The minimum qualifications to take this examination for the positions of police patrolman and police cadet, as well as the minimum qualifications for appointment to

each of these positions are set forth in Attachments A and B hereto. In particular, age qualifications for police patrolman and police cadet were as follows:


a. Police patrolman. Candidates were required to be not less than 20 and not yet 29 years of age on March 18, 1972. Candidates for police patrolman were also required to be at least 21 years of age at the date of appointment to be eligible for appointment. Eligibility for appointment for candidates who became 29 years of age after the date of the written test was to remain in effect for the duration of the list.

b. Police cadet. Candidates had to be not less than 17 years of age and must not have reached their twentieth birthday on or before March 18, 1972. Eligibility for appointment would terminate when a candidate reached his twenty-first birthday.


4. I also reviewed the documents and information supplied by the Applicants for Intervention, Virginia O'Halpin, Gladys Sharshon, Margaret Cavanagh and Jeannette Tursellino, to the Department of Justice. Applicants were contacted by the Department of Justice to determine whether they met all of the criteria for appointment to the NCPD and would have been eligible for appointment except for their sex. These documents and information reflect that:

in accordance with Title VII law and consistent with the approach taken by the United States with respect to other individuals entitled to relief under the Decree, Cavanagh's relief was reduced to the extent that she successfully mitigated her damages. Therefore, her back pay award was determined to be \$6,080.00.

6. On the basis of this information and documentation provided by the Applicants, the United States determined that O'Halpin, Sharshon and Tursellino all failed to meet the age requirements for appointment to the NCPD and therefore were not entitled to relief under the April 21, 1982 Consent Decree.

  
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Melissa P. Marshall

Sworn and subscribed to before me,  
this undersigned authority on this  
16<sup>th</sup> day of August, 1983,  
to certify which witness my hand  
and seal of office.

  
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NOTARY PUBLIC

My Commission Expires March 14, 1985