

EXHIBIT 2

PROPOSED REMEDIAL PHASE TIMELINE

I. Phase I: Mailing and Return of Notice and Claim Form Documents (April – September 2012)

Can occur simultaneously with Phase II.

A. Conditions precedent to Phase I:

- **Tuesday, April 10** – Parties to submit notice, claim form, and proposed notice distribution order.
- **Thursday, April 12** – Parties to submit briefing on how to award retroactive seniority.
- Court approves notice and claim form documents, including proposed notice distribution order, and decides how to award retroactive seniority.

*For purposes of providing specific dates below only, we assume that the Court issues its approval and decision on **Friday, April 20**.*

B. Phase I includes:

- **Monday, April 23** – United States provides City with contact information for all black and Hispanic applicants who took Written Exam 7029 and/or Written Exam 2043.
- **Friday, May 4** (14 days after Court approves notice documents and decides retroactive seniority issue) – City mails notice and claim form documents to all black and Hispanic applicants who took Written Exam 7029 and/or Written Exam 2043.
- **Wednesday, May 9 through Wednesday, June 13** (5 days after mailing for a period of 5 weeks) – City to advertise notice and claims process.
- **Friday, May 25 and on a 2-week rolling basis thereafter** (3 weeks after mailing begins) – United States to provide other parties with copies of claim forms.
- **Monday, June 4** (14 days before claim form deadline) – United States to provide parties with list of applicants who have not yet returned claim forms.
- **Monday, June 18** (45 days after mailing) – Deadline for claim forms to be returned to the United States.
- **Wednesday, July 18** (30 days after claim form deadline) – United States to have completed initial eligibility determinations for everyone who returned a claim form. United States to provide initial eligibility determinations to the other parties.
- **On a rolling basis as claim forms arrive through Wednesday, July 18** (30 days after claim form deadline) – United States to request interim earnings from SSA for initially eligible claimants.

- **On a rolling basis as claim forms arrive through Monday, September 3** (45 days after final request to SSA, next business day) – SSA to provide interim earnings for initially eligible claimants.
- **On a 2-week rolling basis as SSA interim earnings arrive through Monday, September 17** (14 days after receipt from SSA) – United States to provide copies of SSA interim earnings to other parties.

C. Timing of Phase I

- April 2012-September 2012
- Duration: 5 months

II. **Phase II: Fairness Hearing I** (June – October 2012, with Fairness Hearing I in late October)
Can occur simultaneously with Phase I.

A. Condition precedent to Phase II:

- Court rules on the outstanding relief phase disputes that must be resolved before notice for Fairness Hearing I can be distributed, briefing of which will be completed by **Thursday, May 17:**
 - (a) Eligibility criteria for priority hires, including whether they must take Exam 2000;
 - (b) Claims process framework and role of special masters;
 - (c) Whether Exam 2500/2000 applicants are affected by a priority hiring remedy;
 - (d) Proposals regarding how to determine each claimant's backpay award and prejudgment interest; and
 - (e) Whether the City must pay the cost of obtaining interim earnings information from the SSA.

*For purposes of providing specific dates below only, we assume that the Court rules on all outstanding relief phase issues by **Monday, June 25.***

B. Phase II includes:

- **Monday, July 9** (14 days after Court rules on all outstanding relief phase issues) – Parties to submit proposed Fairness Hearing I notice documents to the Court.
- **Wednesday, July 25** (30 days after Court rules on all outstanding relief phase issues) – If desired by the Court, parties to submit Proposed Relief Order to the Court.
- **Wednesday, August 1** (7 days after parties submit Proposed Relief Order) – Court approves notice documents, provisionally enters the Proposed Relief Order (if sought from parties), and sets the date of Fairness Hearing I for October 30, 2012 (90 days later).
- **Monday, August 13** (10 days after Court sets date of Fairness Hearing I, next business day) – City to mail Fairness Hearing I notice documents.

- **Late-August through early-September** – City to advertise notice of Fairness Hearing I.
- **Wednesday, September 12** (30 days after mailing) – Objection deadline.
- **On a weekly rolling basis as objections are received through Monday, September 24** (10 days after objection deadline, next business day) – United States to provide copies of objections to other parties.
- **Monday, October 22** (28 days after United States provides objections) – United States to file objections with the Court, and parties to file responses to objections with the Court. *This time period may need to be revised depending on whether Exam 2000/2500 applicants are provided notice of and an opportunity to object at Fairness Hearing I.*
- **Tuesday, October 30** – The Court holds Fairness Hearing I.
- At or following Fairness Hearing I, the Court enters a Final Relief Order.

C. Timing of Phase II

- June 2012-October 2012 (assuming Court resolves all outstanding relief phase issues in June)
- Proposed date of Fairness Hearing I: late October 2012
- Duration: 4 months after Court rules on outstanding relief phase issues.

III. Phase III: Priority Hiring Determinations

Preparations for this phase can occur simultaneously with Phases I and II, above, but the majority of this phase cannot occur until after Fairness Hearing I (completion of Phase II).

Phase III is broken down into two tracks to occur simultaneously in order to feasibly allow priority hiring to take place within the same time period that the City plans to hire Exam 2000/2500 candidates. This phase is anticipated to take 6-8 months, which is similar to the 6 months the City requires to process enough candidates to fill one academy class. Once we know the claim form response rate and the number of claimants seeking priority hiring relief, which should be known by July 2012, we will likely need to revisit this process.

A. Track 1: Special administration of Exam 2000 to claimants seeking priority hiring relief and City processes those claimants who pass Exam 2000

1) Timing of Track 1 of Phase III

- Post-October 2012
- Duration: 6-8 months

B. Track 2: Recommendations regarding claimants eligible for priority hiring relief and approval by special masters and Court (concurrent with Track 1 of Phase III)

1) Timing of Track 2 of Phase III

- Post-October 2012
- Duration: 6-8 months, depending on volume of claimants

C. At the end of Phase III, the City may hire priority hire claimants at the same time as Exam 2000/2500 candidates.

IV. Phase IV: Determinations on Monetary Relief, Retroactive Seniority, and Noneconomic Damages

Can occur after completion of Phase II and simultaneously with Phase III, but Phase III (Priority Hiring Determinations) should be given precedence.

Phase IV involves recommendations regarding eligibility for relief and the amount of relief to be awarded, including monetary relief, retroactive seniority, and noneconomic damages, as well as approval by the special masters and the Court. The parties will propose details regarding Phase IV once the scope of mitigation discovery permitted by the Court and the volume of claimants seeking relief is known.

A. Timing of Phase IV:

- Duration: 9-21 months, depending on volume of claimants and scope of mitigation discovery