

Fire administration 4303

Student's Name

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Questions presented

Ricci v. DeStefano raised several questions regarding the measures that employers ought to take in situations avoiding to discriminate against one group of individuals may lead to discrimination of another. Some of the questions raised included:

1. The case raised as to whether the law could be used to reject the results and selected candidates if a valid exercise unintentionally led to the selection of a group of individuals which is racially disproportionate.
2. The question as to whether the law which prohibits employers from adjusting the scores of, apply varying cutoff scores, or alter results of candidates permit employers to nullify service selection processes that yielded racially disproportionate results.
3. If, the 42 U.S.C. §2000e-7 law permitted federal courts to relieve municipalities from complying with other existing laws relating to the concept of bias during appointments into public offices.

Issues

The central issues in the case focused on whether city officials violate the law when they refuse to implement test results with disproportionate representation of races, in an attempt to diversify departments in public offices, under Title VII or the Equal Protection Clause. Another significant issue touched on whether it is illegal, under the 42 U.S.C. § 2000E-2(1) law, for an employer, to refuse to apply test results with candidates from one ethnic background (McGinley, 2012). The population of candidates who had passed the test complained that the city's action in disregarding the tests violated the Equal Protection Clause. The clause required that an employer to have sufficient evidence to believe that it faces disparate-impact liability if it does not act upon a racial-bias claim, before engaging in intentional discrimination. In their argument, the city's

evidence was not strong enough to warrant a race-based rejection. The respondents were also accused of lacking an alternative approach to offer, which could be used to administer the tests and produce results with all races in equal proportions.

Facts presented by both parties

In 2003, New Haven administered examinations to promote firefighters to the lieutenant and captain positions. When the results came out, it was evidence that white candidates had performed better than candidates from minority groups and the issue initiated a public debate on the credibility of the results (McGinley, 2012). Some firefighters threatened to seek legal intervention should the fire department make promotions based on the results since they believed that the results evidenced discrimination in the department. Conversely, other firefighters claimed that the results were neutral and fair also threatened to sue the officials if they did not promote the candidates who had performed well. In the end, the city officials ignored the results based on the racial composition of the group. The candidates, whites, and Hispanics, who had passed the exams but could not be promoted, sued New Haven and respondent officials. Basing their claims on Title VII of the Civil Rights Act of 1964, they argued that the city had shown discrimination by nullifying the results based on their race (McGinley, 2012). In its defense, the city officials claimed to have disregarded the test results after certifying that they were likely to face Title VII liability for adopting a practice that impacted the minority firefighters negatively. The officials referred the issue to New Haven's Civil Service Board who assessed test results and certified eligible candidates for promotion. The Board provided evidence indicating the test results' disparate and adverse impact on minorities. The court issued a summary judgment for the defendants and the Second Circuit was affirmed.

Implications of the ruling

The ruling posed a challenge to employers and their practices. The case highlighted potential issues that are likely to arise as a result of the conflict between disparate treatment and disparate impact. The ruling implied that when an employer's actions seem to have a disparate impact, the employer violates Title VII until the employer can prove that the move was job-related, necessary for the business and that there existed no alternative which could cause a less disparate impact. The ruling highlighted the importance of employers developing employment procedures and selection approach, which adheres to the requirements of Title VII.

Necessity of communication

The review highlighted the importance of communication within an organization. Employers should give clear instructions and procedures to the employees regarding different practices in the firm (Austin & Pinkleton, 2015). Proper communication between the fire department and the firefighters would have helped the two parties to avoid a legal confrontation. The city should have appropriate promotional strategies that are free of ambiguity. Besides, in the case of disagreements, organizations ought to have dialogue measures in place which help avoid legal battles.

Compare and Contrast

Unlike in the case of the New Haven fire department, in our fire station promotions are based on competencies and not test exams. Staff members are evaluated on attendance and punctuality, past performance reviews, attitude, and leadership abilities. Candidates who have been in the department for a longer period have an added advantage. The department also sets the minimum education requirement for different positions.

Given the results of the New Haven case, I find it crucial that both the employers and the firefighters need to learn of the laws that govern their operations. Employees should understand

when their rights are being violated and know the necessary steps to handle the situation.

Conversely, employers need to learn when the laws like Title VII favor them, and when the laws are working against them.

References

Austin, E. W., & Pinkleton, B. E. (2015). *Strategic public relations management: Planning and managing effective communication campaigns*. Routledge.

McGinley, A. C. (2012). Cognitive Illiberalism, Summary Judgment, and Title VII: An Examination of Ricci v. DeStefano. *NYL Sch. L. Rev.*, 57, 865.