

07-1428 RICCI V. DeSTEFANO

DECISION BELOW: 264 Fed. Appx. 106

LOWER COURT CASE NUMBER: 06-4996-cv

QUESTION PRESENTED:

This case presents recurring issues regarding proper application of Title VII and the Equal Protection Clause to the civil service. Petitioners, New Haven firefighters and lieutenants, qualified for promotion to command positions pursuant to job-related examinations and merit selection rules mandated by local law. Citing the race of the successful candidates and Title VII's "disparate impact" provision, city officials refused to promote the petitioners.

1. When an otherwise valid civil service selection process yields unintended racially disproportionate results, may municipalities reject the results and the successful candidates for reasons of race absent the demonstration required by 42 U.S.C. § 2000e- 2(k)?
2. Does 42 U.S.C. §2000e-2(l) which makes it unlawful for employers "to adjust the scores of, use different cutoff scores for, or otherwise alter the results of, employment related tests on the basis of race ... ," permit employers to refuse to act on the results of such tests for reasons of race?
3. If, citing the public interest in eradicating political patronage, racism and corruption in civil service, a state's highest court mandates strict compliance with local laws requiring race-blind competitive merit selection procedures, does 42 U.S.C. §2000e-7 permit federal courts to relieve municipalities from compliance with such laws?

**CONSOLIDATED WITH 08-328 FOR ONE HOUR ORAL ARGUMENT.
EXPEDITED BRIEFING SCHEDULE.**

CERT. GRANTED 1/9/2009