

JUSTICE NEWS

CASE #

3:12-CV-451-J-99

Department of Justice

Office of Public Affairs

FOR IMMEDIATE RELEASE

Monday, April 23, 2012

Justice Department Files Lawsuit Against the City of Jacksonville, Florida's Fire and Rescue Department for Race Discrimination

The Justice Department today filed a lawsuit against the city of Jacksonville, Fla., alleging that the city is engaged in a pattern or practice of employment discrimination against African-Americans in its fire and rescue department in violation of Title VII of the Civil Rights Act of 1964. The lawsuit challenges the fire department's use of written examinations for the promotion of firefighters to four ranks – Lieutenant, Captain, and District Chief, all in the suppression line, and Engineer.

"This complaint should send a clear message to all public employers that employment practices that have the effect of excluding qualified candidates on account of race will not be tolerated," said Thomas Perez, Assistant Attorney General for the Civil Rights Division. "At best, these tests measure only a slice of what is necessary to be a supervisor, but they stand in the way of qualified African-Americans advancing in the fire department. The Justice Department will take all necessary action to ensure that such discriminatory practices are eliminated and that the victims of such practices are made whole."

The United States' complaint alleges that the examinations impact African-American candidates in two ways. First, African-American candidates for promotion to the four positions pass the examinations at significantly lower rates than white candidates. Second, even those African-Americans who pass the examinations are rarely promoted because the fire department selects candidates for promotion in descending rank-order based primarily upon each candidate's written examination score and African-American candidates score significantly lower than whites.

Title VII prohibits employment practices that result in a disparate impact on the basis of race unless the employer can prove that such practices really test for what the job requires—are "job related and consistent with business necessity." The complaint alleges that the City's examinations do not meet this standard and, thus, qualified African-Americans have been kept out of the promotional ranks unnecessarily.

The Justice Department seeks a court order that would require the city to stop using the challenged examinations, develop selection procedures for promotions that comply with Title VII and provide make-whole relief, including offers of promotion, back pay and retroactive seniority, to individual African-Americans who have been harmed as a result of the city's use of the examinations.