**Ricci v. DeStefano Summary (taken from US Supreme Court Decision)**

**Background**

In late 2003, the New Haven Fire Department had seven openings for Captain and eight openings for Lieutenant. As such, it needed to administer civil service examinations to fill the open positions. The examinations consisted of two parts: a written examination and an oral examination.

The examinations were governed in part by the City of New Haven's contract with the firefighters' union (which stated that the written exam result counted for 60% of an applicant's score and the oral exam for 40%, and that a total score above 70% on the exam would constitute a passing score). The final selection would be governed by a provision in the City Charter referred to as the "Rule of Three", which mandated that a civil service position be filled from among the three individuals with the highest scores on the exam.

**Examinations**

The New Haven Department of Human Resources issued an RFP for these examinations, as a result of which I/O Solutions ("IOS") designed the examinations.[5] The examinations themselves were administered in November and December 2003; 118 firefighters took the examinations (77 took the Lieutenant exam and 41 took the Captain exam).

When the results came back, the pass rate for black candidates was approximately half that of the corresponding rate for white candidates:

• The passage rate for the Captain exam was: 16 (64%) of the 25 whites; 3 (38%) of the 8 blacks; and 3 (38%) of the 8 Hispanics.[8] Under the City Charter's "Rule of Three" the top 9 scorers would be eligible for promotion to the 7 open Captain positions; the top 9 scorers consisted of 7 whites, 2 Hispanics, and no blacks.

• The passage rate for the Lieutenant exam was: 25 (58%) of the 43 whites; 6 (32%) of the 19 blacks; 3 (20%) of the 15 Hispanics. Under the City Charter's "Rule of Three" the top 10 scorers would be eligible for promotion to the 8 open Lieutenant positions; the top 10 scorers were all white.

**Procedural history**

**Parties**

Ricci and sixteen other white test takers, plus one Hispanic, all of whom would have qualified for consideration for the promotions, sued the city including Mayor John DeStefano, Jr. The lead plaintiff was Frank Ricci, who has been a firefighter at the New Haven station for 11 years. Ricci gave up a second job to have time to study for the test. Because he has dyslexia, he paid an acquaintance $1,000 to read his textbooks onto audiotapes. Ricci also made flashcards, took practice tests, worked with a study group, and participated in mock interviews. He placed 6th among 77 people who took the lieutenant's test.

Lt. Ben Vargas, the lone Hispanic petitioner, was allegedly attacked by unknown black assailants in Humphrey's East Restaurant in 2004 and had to be hospitalized afterwards. He has since stated that he believes the attack was orchestrated by the black firefighters in retribution for bringing in the legal case; his account is vigorously disputed by some critics. Vargas quit the Hispanic firefighters' association, which includes Vargas's brother, after the group declined to support his legal case.

In addition to Ricci and Vargas the other firefighters were equally involved and were named plaintiffs: Steven Durand, Greg Boivin, Mark Vendetto, John Vendetto, Kevin Roxbee, James Kottage, Matthew Marcarelli, Edward Riordan, Sean Patten, Brian Jooss, Michael Christoforo, Timothy Scanlon, Ryan DiVito, Christopher Parker, Michael Blatchley, William Gambardella, Thomas Michaels, and Gary Carbone. The press dubbed the group the New Haven 20.

**Claims**

Among other things, the suit alleged that, by discarding the test results, the City and the named officials

discriminated against the plaintiffs based on their race, in violation of both Title VII of the Civil Rights Act of 1964, 78 Stat. 253, as amended, 42 U. S. C. §2000e et seq., and the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution. The City and the officials defended their actions, arguing that if they had certified the results, they could have faced liability under Title VII for adopting a practice that had a disparate impact on the minority firefighters.