**Ricci et al. v. Destefano et al.**

<https://www.supremecourt.gov/opinions/08pdf/07-1428.pdf>

Circumstances Surrounding the Case:

The city of New Haven, Connecticut used a very thoroughly developed test to determine which firefighters in the city would be promoted. The test was found to have adverse impact on non-white candidates, and, after receiving backlash, the city invalidated the results. A group of white and Hispanic firefighters that passed the test, and would have been promoted if the results were not thrown out, sued.

The Legal Question at Hand:

This case examined whether it is permissible to engage in disparate treatment of one group due simply to the fear of a disparate impact lawsuit of another group. Put more simplistically: Is it okay to intentionally discriminate against one group to try to remedy the unintentional discrimination of another?

Court’s Decision:

The majority of the court decided that no, it was not permissible, citing the City violated Title VII of the Civil Rights Act when they invalidated the test results. The court decided that a simple statistical difference in performance was not strong enough evidence of a possible disparate impact lawsuit.

Subsequent Precedent:

Employers cannot invalidate a selection system’s results due to adverse impact, as that would effectively be engaging in disparate treatment.