

08-328 RICCI V. DeSTEFANO

DECISION BELOW:264 Fed. Appx. 106

LOWER COURT CASE NUMBER: 06-4996-cv

QUESTIONS PRESENTED:

This case presents the question whether Title VII and the Equal Protection Clause allow a government employer to reject the results of a civil-service selection process because it does not like the racial distribution of the results. Specifically:

1. When a content-valid civil-service examination and race-neutral selection process yield unintended racially disproportionate results, do a municipality and its officials racially discriminate in violation of the Equal Protection Clause or Title VII when they reject the results and the successful candidates to achieve racial proportionality in candidates selected?
2. Does an employer violate 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," when it rejects the results of such tests because of the race of the successful candidates?

CERT. GRANTED 1/9/2009

CONSOLIDATED WITH 07-1428 FOR ONE HOUR ORAL ARGUMENT.
EXPEDITED BRIEFING SCHEDULE.