

**FILE COPY**

**CHARGE OF DISCRIMINATION**

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented to: \_\_\_\_\_ Agency(ies) Charge No(s): \_\_\_\_\_

FEPA  
 EEOC

\_\_\_\_\_ and EEOC

State or local Agency, if any

Name (indicate Mr. Ms. Mrs.)

Gary Tinney, on behalf of himself and all others similarly situated

Home Phone

203-868-1578 / 203-440-2763

Date of Birth

8-31-67

Street Address

City, State and ZIP Code

660 North Colony Road

Meriden, Connecticut 06450

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

City of New Haven

No. Employees, Members  
500+

Phone No. (Include Area Code)

203-946-8339

Street Address

200 Orange Street

City, State and ZIP Code

New Haven, Connecticut 06510

Name

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

RACE  COLOR  SEX  RELIGION  NATIONAL ORIGIN  
 RETALIATION  AGE  DISABILITY  OTHER (Specify below.)

DATE(S) DISCRIMINATION TOOK PLACE  
 Earliest \_\_\_\_\_ Latest \_\_\_\_\_

CONTINUING ACTION


THE PARTICULARS ARE (If additional paper is needed, attached extra sheet(s)):

I am an African-American who is employed by the city of New Haven Fire Department and I believe that I have been discriminated against under both disparate impact and disparate treatment theories because:

1. I am a firefighter for the New Haven Fire Department;
2. I was qualified for and participated in the promotional examinations for the rank of Captain that were administered in November and December 2003; I completed the testing part of the selection process;
3. The testing part of the process consisted of two components: a written multiple-choice examination and a structured oral interview;
4. The testing part of the process is determined by some agreement between the Local IAFF union and the city;
5. This agreement also dictates the relative weights that each component was to receive: 60% attributed to the written component and 40% attributed to the oral component;
6. The component weights are not established by any scientific or professional methodology specific to the promotional examinations used;
7. 41 total candidates completed the testing portion of the process: 25 whites, 8 blacks and 8 Hispanics;
8. Of those, 34 total candidates passed: 25 whites, 6 blacks and 3 Hispanics;
9. The City of New Haven originally failed to certify the eligibility lists which resulted in protracted litigation that was finally resolved by United States Supreme Court decision on June 29, 2009;
10. Based upon that decision, it is likely that the City of New Haven will certify the eligibility lists from the promotional tests;
11. On October 15, 2009, The City has stated publicly that it intends to certify the eligibility lists for these promotional examinations and make promotions therefrom;
12. Promotion from those tests will have an adverse impact on blacks and Hispanic candidates;
13. It is believed that at least 10 promotions will be made from the promotional list for Lieutenant – all of these promotions will be white candidates;
14. The impact ratio will be less than 80%, or less than the 4/5s Rule as provided by the Uniform Guidelines on Employee Selection, 29 C.F.R. 1607, et seq.;

**Guidelines for Employee Selection, 29 C.F.R. 1607, et seq.;**

15. The promotional tests are not valid and cannot be validated as they do not sample the job domain for the rank of Captain on the New Haven Fire Department;
16. There are alternative measures that are available that are more effective at selecting promotional candidates and that have less adverse impact than that observed in these promotional examinations;
17. These type of promotional examinations have been used in New Haven since the 1980s per the agreement with the union and have had a documented history of adverse impact towards blacks and other minorities;
18. Despite this history of adverse impact and the fact that there are alternative measures that are routinely used in promotional examinations in fire service in other municipalities, the City has continued to discriminate by abiding by an agreement that it knows has a discriminatory effect on minorities while not promoting the most qualified candidates.

<p>I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.</p>	<p>NOTARY – <i>When necessary for State and Local Agency Requirements</i></p>
<p>I declare under penalty of perjury that the above is true and correct.</p> <p><u>09/27/02</u> Date</p> <p> Charging Party Signature</p>	<p>I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.</p> <p>SIGNATURE OF COMPLAINANT</p> <p>SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)</p>