

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA



UNITED STATES OF AMERICA, :
Plaintiff, :

CIVIL NO.

80-62890-AM

vs. :

CONSENT DECREE

CITY OF FORT LAUDERDALE,
et al.,

Defendants.

FILED BY AK
JUL 15 1980

The Plaintiff United States of America has filed its complaint in this action against the City of Fort Lauderdale, Florida, and its Police and Fire Departments alleging that the Police and Fire Departments are engaged in a pattern and practice of employment discrimination on the basis of race and sex in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. s2000e, et seq., as amended by the Equal Employment Opportunity Act of 1972 (Pub. L. 92-261, March 4, 1972); the State and Local Fiscal Assistance Act of 1972, as amended by the State and Local Fiscal Assistance Amendment of 1976 (pub. L. 94-488), 31 U.S.C. 1221, et seq.; and the Omnibus Crime Control and Safe Streets Act of 1968, as amended by the Crime Control Act of 1976 (Pub. L. 94-430), 42 U.S.C. 3701, et seq.

It now appears to the Court that the parties to this order have waived hearings and findings of fact and conclusions of law on all issues, and have agreed to the entry of this Decree which will resolve all issues raised by the complaint in this case. The consent of the parties shall not be construed as an admission by defendants of any violation of Title VII, or the State and Local Fiscal Assistance Amendment of 1976, or the Crime Control Act of 1976.

Now, therefore, be it ORDERED, ADJUDGED, AND DECREED:

I. GENERAL

The Defendants, their agents, officials, employees and successors (hereinafter collectively referred to as the City) are hereby enjoined against engaging in any act or practice which has the purpose or effect of discriminating against any employee of, or applicant or potential applicant for employment with, the Fort Lauderdale Police or Fire Departments because of any such individual's race or sex. Specifically, the City shall not take any action with respect to the hiring, promotion, training, assignment, discipline, or discharge of any individual as an employee or applicant for employment, or with respect to compensation, terms, conditions or privileges of employment, which is discriminating on the grounds of race or sex.

2. The City shall implement a recruitment program specifically designed to inform blacks and women of job opportunities with the Police and Fire Departments, and to seek to secure enough qualified applicants to enable the Departments to meet the hiring goals set out herein. The recruitment program shall include establishing contacts with local high schools, technical and vocational schools, colleges, newspapers, radio and television stations, and organizations which have an interest in informing blacks and women of employment opportunities. In addition, advertising for available employment opportunities shall emphasize the availability of employment opportunities for blacks and women and shall be placed in media with substantial black or female audiences. The City shall also implement a pre-examination training program for blacks or women, or both, if, in the City's opinion, it is necessary to do so in order to attain the hiring and promotional goals set forth herein.

II. GOALS

3. The City shall adopt the ultimate goal of employing, assigning and promoting blacks and women in sufficient numbers to eliminate possible discrimination. The City shall be in compliance with this provision with respect to employment of blacks when the sworn ranks of the Police and Fire Departments reach 11. black. When the 1980 census figures become available this ultimate goal may be adjusted proportionately to take into account any change in the black labor force figures for Fort Lauderdale's Standard Metropolitan Statistical Area.

4. In order to achieve this long term goal, and subject to the availability of qualified applicants, the City shall adopt and seek to achieve the goal of hiring blacks for approximately 30 per cent of all entry-level sworn Police and Fire Department jobs; women for approximately 30 per cent of all entry-level sworn Police Department jobs; and women in proportion to their applicant flow for entry-level sworn Fire Department jobs, over each year that this Decree is in effect.

5. The City shall adopt and seek to achieve the goal of promoting blacks and women in the Police and Fire Departments in proportion to their representation in the pool of those individuals who have successfully passed the applicable promotional examination if one is required by the City. However, if the proportion of blacks or women passing any such examination is less than 80% of the proportion of whites or men passing that examination, or, if no promotional examination is required, then blacks and women shall be promoted in proportion to their numbers among the eligible applicants who have taken that examination. The City's compliance with the requirements of this paragraph shall be measured by its compliance with these promotional goals averaged over two year periods, beginning with the entry of this Consent Decree, or upon motion by any party for dissolution of this Consent Decree.

6. In no event shall the City be required to hire or promote any person who is not qualified, or to displace any incumbent employee, or to hire or promote any unneeded employees, in order to meet a goal set out in this Decree.

7. Measurement by Plaintiff of City's progress in achieving these interim goals shall not occur until at least twenty-four (24) months after the date of execution of this Consent Decree. For purposes of Plaintiff's initial review of City's progress, the percentages of blacks and women hired and promoted during the first and second years of the term of this Consent Decree shall be added together and considered in the aggregate. City's progress in meeting its hiring goals during years three, four and five may be measured separately for each year.

III. SELECTION PROCEDURES

8. The City shall consider applications for employment and promotion in the Police and Fire Departments from any person who meets the applicable criteria for any given position, without regard to the applicant's race or sex.

9. The City shall continue its efforts to develop valid job criteria in accordance with the Uniform Federal Guidelines on Employee Selection Procedures, 28 C.F.R. 50.14.

10. Pending the introduction of selection criteria and procedures which the parties agree or the court finds either (1) have no adverse impact on black or female applicants, or (2) have been validated in accordance with the Uniform Federal Guidelines on Employee Selection Procedures, supra, the City may use selection criteria and procedures it deems appropriate including written or oral tests. No selection procedure, however, that has not been validated in accordance with the Guidelines may be used in

a manner that interferes with the City's ability to meet the goals set out herein. The City agrees that the time-in grade eligibility requirements for Police Sergeant shall not exceed the following:

1) Four (4) continuous full years as a police officer;
or

2) Three (3) continuous full years as a police officer and possession of a one (1) year certificate for police science or any police science related course of study when such related course of study has been approved by the personnel director before the commencement of studies; or

3) Two (2) continuous full years as a police officer and possession of an Associate's degree or its equivalent in hours in a police related field or leading to a Bachelor's or Master's degree in the law enforcement field. An equivalent shall be the minimum number of semester hours required in an approved major subject area commensurate with the degree sought. Major subject area means coursework directly concentrated in Police Science, Police Administration, etc. but excludes such other subject matter as English, history, health, mathematics, etc. The minimum number of directly oriented core courses shall not be less than thirty-three semester hours.

IV. SPECIFIC RELIEF

11. Black and female applicants for entry-level sworn Police and Fire jobs since April 1972 shall not now be disqualified from reapplying because of age or because of past failure to be employed by the Department.

V. REPORTING

12. In order to promote the implementation of this agreement, the following records, summaries thereof, or statistics therefrom, if requested, shall be made available to the Department of Justice for inspection, or copies of such records, summaries, or statistics shall be furnished to the Department of Justice, upon written request:

(a) Documentation of all recruitment efforts directed towards blacks and women.

(b) All written applications and related records for all persons seeking employment with the Departments, including such applications' identifications of the applicants by race and sex.

(c) Pass/fail results by race and sex for all selection procedures and tests administered by the City pertaining to the Police and Fire Departments and the selection results.

(d) Any departmental records relating to promotion, assignment, discipline, or discharge of sworn employees.

13. Within 90 days after the entry of the agreement, and following June 30 and December 31 of each of the subsequent two years, the City shall provide the United States, to the attention of Chief, Federal Enforcement Section, Department of Justice, Washington, D.C. 20530, the following information on the sworn force of the Police and Fire Departments:

(a) A summary showing the total racial and sexual makeup of the Department, by rank.

(b) A report showing the sworn positions in the Department for which blacks have applied, and whether or not such applications were successful.

(c) The number of newly hired employees, indicating the race and sex of the employees hired since the last report was filed.

(d) The number of promotions in the Police and Fire Departments, by rank, by race, and by sex.

VI. APPLICABILITY

14. Insofar as the provisions of this Decree may be inconsistent with any state or local civil service statute, law, regulation, or collective bargaining agreement, the provisions of this Decree shall prevail in accordance with the Constitutional supremacy of federal substantive and remedial law.

VII. JURISDICTION

15. The Court retains jurisdiction of this action for such further orders as may be appropriate upon motion of any party to this action. At any time after five years subsequent to the entry of this Consent Decree, the City may move the Court, upon 60 days notice to the Plaintiff, for dissolution of this Decree. In considering whether the Decree should be dissolved, the Court will take into account whether the City has substantially complied with this Decree and whether the basic objectives of the Decree have been achieved.

Dated this 17th day of June, 1930.

Oliver L. Hastings
U. S. DISTRICT JUDGE

APPROVED ON BEHALF OF THE CITY OF
FORT LAUDERDALE:

E. CLAY SHAW
Mayor-Commissioner

DONALD R. HALL
City Attorney

APPROVED ON BEHALF OF THE UNITED
STATES OF AMERICA:

MAIMON SCHWARZSCHILD
Attorney
U.S. Department of Justice