

Example of letter to the editor term paper

[Law](#), [Criminal Justice](#)



This paper focuses on the 2009 case on Ricci v. DE Stefano, and the decisions made by the Supreme Court based on the hearings of the case. This case also had a big impact on how employers and employees relate in their work settings. This case's decision turned out to be a dangerous outcome for employers in terms of testing and hiring of employees. This is in relation with the United States' anti-discrimination law. This case can be analyzed using two legal theories of civil rights. They include the adverse impact theory and the disparate treatment theory. The two theories have the fundamental procedural and substantive principles in the laws of civil rights. They influence the relationship between employers and employees.

Summary of the Decision made by the Supreme Court in Ricci v. De Stefano

This important case was brought to court because the New Haven city in Connecticut totally disregarded the promotion test outcomes for firefighters where a minority group had performed poorly. Some of the city officials felt that if they did not disregard the outcomes, the few employees who failed the test would have sued the city of New Haven for disparate impact. In this same city in 2003, 23 black, 19 Hispanic and 58 white firefighters undertook tests to establish those employees who would qualify for promotions to be captains and lieutenants. After the test results were released, 19 employees qualified and were eligible to get promotions. Surprisingly, out of the 19 qualified individuals, there were only two Hispanics and no black employees. The available promotion slots were only 15.

With the results showing clear skewness, New Haven civil service board declined to certify the outcomes hence; the individuals who had qualified did

not get the promotions. 17 white and one Hispanic candidate sued for disparate treatment. They claimed their statutory rights under the Civil Rights Act and the Equal Protection under the constitution had been violated. With Frank Ricci as the main plaintiff, the firefighters lost the case at district level and at the court of appeal. However, the verdict was reversed when the case was heard by the Supreme Court in favor of the firefighters. This verdict had major implications on the use of tests in organizations.

Ethical issues

There were several ethical implications associated with this case. The case was decided on the basis of the 1964 Civil rights Act. Therefore, it was decided from a federal statute perspective, and not the constitution. Usually, the constitution must always take center stage when deciding a case. The judges were torn between using the Equal Protection Act of the constitution or the doctrine of disparate impact. The interpretation of these two parts of the law shows how the legal systems affect the ethical values in organizations. The disparate doctrine tries to protect citizens, especially workers in organizations, from being denied what they deserve. However, the Equal Protection Act advocates for indiscriminate processes, especially in the civil service. This case is one where the ethical and legal principles clash.

The decision taken by the New Haven board was a sign that minority groups get preference when it comes to processes like promotion and hiring. This is a demonstration that organizations the issue of discrimination in organizations is a sensitive one and must be handled carefully. Most governmental and legal systems believe that minority groups should be

given equal opportunity as other groups regardless of the test outcomes. This is why the board rejected to approve the list of successful individuals. The ethical lesson is that tests carried out in organizations must be conducted in a transparent way so that the outcomes are a clear indication of individual ability and performance. From these results, the employer must stick to the results when making decisions on whom to promote or hire. All people, regardless of race, sex or age must be given equal opportunity to take part in organizational tests as long as they are eligible. This is only ethical and also in line with the Equal Opportunities Act in the constitution. Employers must avoid disparate impact lawsuits by individuals who do not perform well in organizational tests. This is because the employer must be impartial, provide the test and only select the individuals who pass the tests regardless of them being minorities or majorities. To achieve this, the employer should ensure the test is entirely job related. They must also ensure the tests use nondiscriminatory and valid test criteria. This is because the discrimination law can cause employers problems whether the minority groups or the majority groups are selected based on test results. The Ricci v. De Stefano case reveals that the use of tests and any other kind of procedure, policy and standard to rank evaluate and sort potential or current employees must be done cautiously. Using tests is still the best way to make promotional or hiring decisions as long as ethical aspects of organizational testing are adhered.

References

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