

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 NEW CASTLE COUNTY; NEW CASTLE)
 COUNTY DEPARTMENT OF PUBLIC)
 SAFETY; NEW CASTLE COUNTY)
 POLICE DEPARTMENT; and NEW)
 CASTLE COUNTY DEPARTMENT)
 OF PERSONNEL,)
)
 Defendants.)
)
 _____)

CIVIL ACTION NO. 85-692-

COMPLAINT

Plaintiff, United States of America, alleges:

1. This action is brought by the Attorney General on behalf of the United States to enforce the provisions of Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e, et seq., as amended.
2. The Court has jurisdiction of this action under 42 U.S.C. §2000e-5(f) and 28 U.S.C. §1345.
3. The defendant New Castle County is a county created pursuant to the laws of the State of Delaware.
4. The defendant New Castle County Department of Public Safety is a department of the defendant County of New Castle and is responsible for the administration and operation of public safety within the County.

5. The defendant New Castle County Police Department is a component of the defendant New Castle County Department of Public Safety.

6. The defendant New Castle County Department of Personnel is a department of the defendant County of New Castle and is responsible for the testing and qualifications of applicants for positions with the New Castle County Police Department and the certification of candidates for hire by the Police Department.

7. Each and every defendant is an employer and/or an agent of an employer within the meaning of 42 U.S.C. §2000e(b), as amended.

8. The defendant New Castle County employs approximately 198 sworn police officers in its Police Department. Of that number, six (6), or 3.0%, are female.

9. The defendants have pursued employment policies and practices which discriminate against women on the basis of their sex:

a. By failing to recruit and hire women on the same basis as men;

b. By adopting and using as a selection procedure a physical agility test which disproportionately excludes women from consideration for police officer positions, although the test has not been validated to demonstrate that it is job related;

c. By failing to take appropriate action to correct for the effects of their prior discriminatory policies and practices.

10. A timely charge was filed by Beverly Tomlinson (hereinafter "complainant") with the Equal Employment Opportunity Commission ("EEOC") which stated that the defendant New Castle County Police Department discriminated against complainant and other women on grounds of sex.

11. Following the filing of complainant's charge, the EEOC conducted an investigation and found reasonable cause to believe that the allegation was true. After issuing its determination and failing at its conciliation efforts, the EEOC referred the matter to the Department of Justice.

12. The acts and practices of the defendants described in paragraph 9 above constitute a violation of complainant's rights and the rights of similarly situated women to equal employment opportunities without discrimination based on sex. The acts and practices are intended to be and are of such a nature that they deny the full exercise of rights secured by Title VII of the Civil Rights Act of 1964, as amended. Unless restrained by this Court, the defendants will continue to pursue policies or practices which are the same as or similar to those alleged in this complaint.

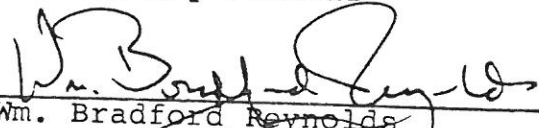
WHEREFORE, the plaintiff prays for an order preliminarily and permanently enjoining the defendants, their officers, agents, employees, successors, and all persons in active concert or participation with them from engaging in unlawful discriminatory employment practices based upon sex in the New Castle County Police Department and specifically from:

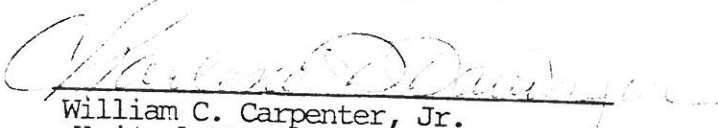
- a. Discriminating on the basis of sex in the recruitment and hiring of police officers;
- b. Failing to eliminate all qualifications and standards for hiring that discriminate unlawfully on the basis of sex;
- c. Failing to hire, to make compensatory payments, and to award retroactive seniority to complainant and to other female applicants qualified for employment but discriminatorily rejected; and
- d. Failing to take other appropriate measures to overcome the past discriminatory policies and practices.

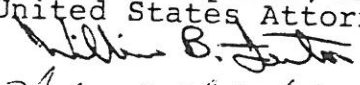
Plaintiff prays for such other additional relief as justice may require and its costs and disbursements in this action.

Edwin Meese III
Attorney General

By:


Wm. Bradford Reynolds
Assistant Attorney General


William C. Carpenter, Jr.
United States Attorney


7/12/97
William B. Fenton
Melissa P. Marshall
Attorneys

Civil Rights Division
Department of Justice
Washington, DC 20530
(202) 633-3861

CERTIFICATE OF SERVICE

I, Charlene D. Davis, Assistant United States Attorney for the District of Delaware, and a member of the Bar of the United States District Court for the District of Delaware, hereby certify that I caused a copy of the foregoing Complaint to be hand delivered on November 27, 1985 to:

Scott A. Green, Esquire
New Castle County Law Department
City/County Building, 8th Floor
Wilmington, Delaware 19801


Charlene D. Davis
Assistant United States Attorney