



UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

JUDGMENT IN A CIVIL CASE

UNITED STATES of AMERICA,  
Plaintiff,

VS

CV-96-374(FB)

NEW YORK CITY BOARD OF  
EDUCATION, et. al.,  
Defendants.

IT IS ORDERED AND ADJUDGED for the reasons stated in the Memoranda and Orders of September 11, 2006, April 20, 2007, May 28, 2008 and July 30, 2008, the Court makes the following declarations in Case No. 96-CV-374 regarding paragraphs 13-16 of the Settlement Agreement between the United States and the New York City Board of Education (“the Agreement”):

1. As a remedy for testing discrimination, the awards of retroactive seniority to black and Hispanic Offerees for purposes of layoff protection violates Title VII and the Fourteenth Amendment, except insofar as the awards provide make-whole relief to actual victims of testing discrimination.
2. As a remedy for recruiting discrimination, the awards of retroactive seniority to female Offerees for purposes of layoff protection violates Title VII.
3. As a remedy for recruiting discrimination, the awards of seniority – both retroactive and based on permanent-appointment date – to black, Hispanic and Asian male Offerrees for purposes of transfers, TCAs and layoff protection violates the Fourteenth Amendment.
4. Ciro Dellaporte is not a member of a protected class and, therefore, not entitled to any relief.
5. Except as stated above, the relief provided by the Agreement comports with Title VII and the Fourteenth Amendment.

The two schedules appended to this judgment set forth the retroactive seniority dates that comport with Title VII and the Fourteenth Amendment for (1) transfers and TCAs and (2) layoff protection. Schedule A covers Offerees who received relief under the testing claim; Schedule B covers Offerees who received relief under the recruiting claim. The schedules refer only to retroactive seniority and do not affect seniority accruing by virtue of permanent appointment. Any Offeree who does not appear on either schedule is not entitled to retain any retroactive seniority received under the Agreement for any purpose.

All parties have agreed that the foregoing declarations are to apply in Case Nos. 02-CV-256 and 06-CV-2921. The transfers at issue in those cases comported with Title VII and the Fourteenth Amendment. Accordingly, the complaints in both cases are dismissed with prejudice.

The time for filing applications for attorney's fees and costs is extended to a date thirty (30) days from the completion of appellate proceedings.

8/18/08.  
DATE

ROBERT C. HEINEMANN  
CLERK OF THE COURT

  
(By) DEPUTY CLERK

**Schedule A: Testing-Claim Offerees**

Name	Seniority Date Comporting with Title VII/14th Amendment, E.O. 12813, and P.C.A.S.	Seniority Date Comporting with Title VII/14th Amendment, Layoff Protection
Arroyo, Pedro	4/13/90	10/8/92
Bailey, Lloyd	10/8/92	10/8/92
Casado, José	6/16/95	10/27/97
Christie, Joseph	1/23/89	1/23/89
Cordero, Ricardo	1/23/89	1/23/89
Fernandez, Celestino	5/8/95	10/27/97
Fields, Thomas	1/23/89	None
LaFaye, Kevin	4/13/90	10/8/92
Lambert, Carla	1/23/89	None
Lashley, Belfield	1/23/89	1/23/89
Lopez, Steven	11/6/95	2/23/00
Maldonado, Anibal	6/16/95	10/3/97
Marshall, Vernon	4/13/90	6/7/90
Martinez, James	2/12/96	10/27/97
McGraw, Wilbert	4/13/90	10/8/92
Ortega de Green, Silva	6/16/95	10/27/97
Pagan, Angel	1/23/89	None
Pantelides, Anthony	1/23/89	None
Pantelides, Nicholas	1/23/89	10/27/97
Rivera, Gilbert	1/23/89	1/23/89
Rivera, Sean	11/7/95	2/4/00
Robertin, Peter	1/23/89	1/23/89
Torres, Felix	1/23/89	1/23/89
Torres, Luis	10/8/92	None
Zaphrini (Citron), Mayla	1/23/89	1/23/89

**Schedule B: Recruiting-Claim Offerees**

Name	Seniority Date Comporting with Title VII/14th Amendment, Transfers and TGA's	Seniority Date Comporting with Title VII/14th Amendment: Layoff Protection
Caldero, Janet	1/23/89	None
Calderon, Celia	11/7/94	None
Chellemi, Martha	11/7/94	None
D'Alessio, Kristen	6/28/96	None
Daniele, Laura	1/23/89	None
DiDonato, Charmaine	1/23/89	None
Ellis, Dawn	12/3/93	None
Farr, Elaine	8/30/93	None
Gabrielson (McMahon), Margaret	9/23/94	None
Jarrett, Marcia	11/7/94	None
Kachadourian, Mary	1/23/89	None
Leubkert (Falzarano), Kathleen	12/3/93	None
Manousakis, Mariane	6/20/94	None
Morton, Sandra	1/30/95	None
Quinn, Maureen	1/30/95	None
Sullivan (McGreal), Adele	11/9/92	None
Tatum, Kim	1/23/89	None
Wolkiewicz, Irene	6/20/94	None