

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

UNITED STATES OF AMERICA,  
Plaintiff, vs.

Civil Action No. \_\_\_\_\_

CITY OF GARLAND, TEXAS,  
Defendant.

COMPLAINT

Plaintiff, United States of America, alleges:

1. This action is brought on behalf of the United States to enforce the provisions of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, *et seq.*
2. This Court has jurisdiction of this action under 42 U.S.C. § 2000e-6, 28 U.S.C. § 1331, and 28 U.S.C. § 1345.
3. Defendant City of Garland is a corporate, governmental body created pursuant to the laws of the State of Texas.
4. Defendant is a person within the meaning of 42 U.S.C. § 2000e(a) and an employer within the meaning of 42 U.S.C. § 2000e(b).
5. Defendant City of Garland maintains Police and Fire Departments.
6. Defendant City of Garland is responsible for the hiring of all sworn positions in its Police and Fire Departments.
7. Blacks have represented about 13.5% of the applicants for entry-level police officer positions with Defendant from 1988 to 1995, yet they represent only about 3% of the sworn officer workforce. During the same period, the Hispanic applicant rate was about 7.8%, while Hispanics comprise only about 4% of the sworn workforce in the Police Department.
8. Blacks have represented an estimated 11.8% of the applicants for entry-level fire fighter positions with Defendant from 1990 to 1995, yet they represent only about 2.2% of the sworn workforce. During the same period, the Hispanic applicant rate was an estimated 5%, while Hispanics comprise only about 1.3% of the sworn workforce in the Fire Department.
9. Defendant has pursued and continues to pursue policies and practices that have discriminated against Blacks and Hispanics and that have deprived or tended to deprive Blacks and Hispanics of employment opportunities on the basis of race and/or national origin.
10. Defendant has implemented these policies and practices in its Police and Fire Departments, among other ways, as follows:
  - a. by failing or refusing to recruit and/or hire Blacks and Hispanics for entry-level police officer and fire fighter positions on the same basis as whites;

- b. by using hiring procedures for entry-level police officer and fire fighter positions that disproportionately exclude Blacks and Hispanics from employment, although these procedures have not been shown to be job-related for the position in question and consistent with business necessity;
- c. by providing Black and Hispanic employees with terms, conditions or privileges of employment less favorable than those provided to white employees; and
- d. by failing or refusing to take appropriate action to eliminate the discriminatory policies and practices and to correct the present effects of those policies and practices.

11. The United States, through the Department of Justice, has investigated the employment practices of Defendant, has notified Defendant of the results of the investigation and the policies and practices described in paragraph 10 above, and has unsuccessfully attempted to eliminate those policies and practices through negotiation and settlement.

12. The policies and practices of Defendant, described in paragraph 10 above, constitute a pattern or practice of resistance to the full enjoyment by Blacks and Hispanics of their right to equal employment opportunities without discrimination based on race or national origin. The pattern or practice is of such a nature that it is intended to deny the full exercise of the rights secured by Title VII of the Civil Rights Act of 1964, as amended.

13. Unless restrained by order of this Court, Defendant will continue to pursue policies and practices that are the same as or similar to those alleged in this Complaint.

Wherefore, plaintiff United States prays for an order enjoining the Defendant, its officers, agents, employees, successors, and all persons in active concert or participation with them from discriminating on the basis of race or national origin with respect to employment practices in its Police and Fire Departments and specifically from:

- a. discriminating against Blacks and Hispanics in recruitment and/or hiring;
- b. using hiring procedures that disproportionately exclude Blacks and Hispanics from employment, although these procedures have not been shown to be job-related for the positions in question and consistent with business necessity;
- c. providing Black and Hispanic employees with terms, conditions or privileges of employment less favorable than those provided white employees;
- d. failing or refusing to provide make-whole relief, including back pay with interest, offers of employment and retroactive seniority, to individuals who have suffered loss or will suffer loss as a result of the discriminatory employment policies and practices in the Police and Fire Departments alleged in this Complaint; and
- e. failing to take other appropriate measures to overcome the present effects of past discriminatory policies and practices in the Police and Fire Departments.

Plaintiff United States prays for such additional relief as justice may require, together with its costs and disbursements in this action.

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By:

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