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City to pay \$30 million, hire 111 black firefighters

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Chicago will hire 111 bypassed black firefighters by March 2012 and pay at least \$30 million in damages to some 6,000 others who will never get that chance, under a court order expected to be approved Wednesday by a federal judge.

Last year, the U.S. Supreme Court unanimously agreed that African-American candidates did not wait too long before filing a lawsuit that accused the city of discriminating against them for the way it handled a 1995 firefighter's entrance exam.

A federal appeals court affirmed that ruling in May and remanded the case back to the trial court to implement a hiring remedy the city had been stalling.

Now, both sides have agreed on that plan and how it should be implemented.

"We're extremely pleased that, after all these years, this long-running legal fight is coming to an end," said plaintiffs' attorney Matt Piers.

Noting that Chicago taxpayers are liable for an additional \$500,000 in back pay for every month the hiring is delayed, Piers said, "The attitude of the Emanuel administration has been to attempt to resolve this as quickly as possible."

The court order, to be presented to U.S. District Judge Joan Gotschall on Wednesday, calls for the city begin by sending postcards to all 6,000 black bypassed black candidates.

Those who indicate they are still interested in becoming Chicago firefighters will be entered into a "jobs lottery" to identify 750 candidates who will take a physical abilities test in October and undergo background checks, drug tests and medical exams.

From that group, the city will select 111 candidates who will enter the fire academy for training by the end of March 2012.

Would-be firefighters who have moved on to other careers or choose to bypass the jobs lottery for other reasons will receive cash awards of at least \$5,000 per person. Chicago taxpayers will also be

on the hook for \$10 million to \$20 million in back pension contributions for those who get jobs. That means the total cost could approach \$50 million.

The Chicago Fire Department's age limit for new hires is 38, but that will not apply to the 111 black firefighters because the discrimination occurred before the cut-off was established.

"I don't think we'll have a problem coming up with 111 who still want the job and are fully qualified to have it," said Joshua Karsh, another attorney representing the plaintiffs.

"Some of these people are older than 38. But, better than half the department is older than 38."

When results from the 1995 entrance exam were disappointing for minorities, the city established a cut-off score of 89 and hired randomly from the top 1,800 "well-qualified" candidates.

In 2005, a federal judge ruled that the city's decision had the effect of perpetuating the predominantly white status quo, since 78 percent of those "well-qualified" candidates were white.

Currently 19 percent of Chicago's 5,000 firefighters and paramedics are African-American. The force is 68 percent white and 11 percent Hispanic.

"By comparison to the Police Department, African-Americans are dramatically under-represented. There will [now] be 111 additional African-Americans. That's a very good thing," Karsh said.

He added, "This is the remedy for violating the law. Hopefully, this will deter the city from ever violating the law in this fashion again."
