

Unanimous Supreme Court Rules in Favor of Firefighters

On May 24, 2010 the Supreme Court issued a unanimous decision in the case [*Lewis v. City of Chicago*](#), that raised the question of timeliness of complaints. The Supreme Court ruled that under Title VII's disparate impact provisions, every time an employer uses a particular employment practice, it starts the clock running again.

The city of Chicago argued unsuccessfully that minority firefighters were time-barred from bringing a discrimination claim because they failed to file their claims within 300 days of the announcement of the test results. At issue is a firefighter entrance exam taken by 26,000 applicants in 1995. Test scores were grouped into three categories, "well-qualified," "qualified," and "not qualified." Only a small percentage of minority candidates made the well-qualified category and because of the large number of applicants, the city did not hire from the qualified category.

In the case, the city did not dispute that the test had a disparate impact on minorities. Rather, the city argued that the unsuccessful candidates waited too long to file their complaint – they waited until the city was hiring from the list instead of when the city announced the test results. The Supreme Court disagreed and distinguished disparate impact cases from disparate treatment cases.

In disparate impact cases, where an otherwise neutral practice has an adverse impact on a protected class, Title VII says that the clock begins to run when the employer applies the practice. In disparate treatment cases, where discriminatory intent is required, the employee must show that the discriminatory activity took place within the limitations period.