

3. Defendant Nassau County is a municipal corporation organized pursuant to the laws of the State of New York, and is a political subdivision of that state.

4. Defendant Nassau County is an employer within the meaning of 42 U.S.C. 2000e(b), as amended, and is a unit of local government within the meaning of 31 U.S.C. 1242(c) and 42 U.S.C. 3766(c)(3).

5. Defendant Nassau County employs approximately 3,847 police officers in its police department, of whom approximately 56(1.5%) are black, 26(0.7%) are Spanish-surnamed Americans, and 25(0.6%) are women.

6. Defendant Daniel Guido is the Commissioner of Police of the Nassau County Police Department. In that capacity he is responsible for the administration and operation of the Nassau County Police Department, including filling all positions and promoting and assigning within the department.

7. Defendants Gabriel S. Kohn, Edward S. Witanowski, and Edward A. Simmons are members of the Nassau County Civil Service Commission and as such are responsible for the administration and operation of the Civil Service Commission, including the examination of all persons seeking entrance into or promotion up to the rank of Captain within the Nassau County Police Department.

8. Defendant Nassau County Patrolmen's Benevolent Association (hereafter NCPBA) is an unincorporated association of persons engaged in law enforcement and employed by the Nassau County Police Department. The NCPBA has negotiated and entered into collective bargaining agreements with Nassau County governing the terms and conditions of employment of persons in the Nassau County Police Department.

9. Defendant NCPBA is a labor organization within the meaning of 42 U.S.C. 2000e(d), and is engaged in an industry affecting commerce within the meaning of 42 U.S.C. 2000e(e). Defendant NCPBA is named as a defendant in this action pursuant to Rules 19 and 20, Fed. R.Civ.P.

10. Defendant Nassau County has received revenue sharing funds from the United States Treasury pursuant to the State and Local Fiscal Assistance Act of 1972, as amended, and has funded the activities of the Nassau County Police Department in part with such Federal funds.

11. Defendant Nassau County has received funds pursuant to the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and has funded the activities of the Nassau County Police Department in part with such funds.

12. Defendants Nassau County and its officials have pursued and continue to pursue policies and practices that discriminate against blacks, Spanish-surnamed individuals and women with respect to employment opportunities within the police department. Defendants Nassau County and its officials have implemented these policies and practices, among other ways, by:

- a. Failing or refusing to recruit, hire, assign and promote blacks, Spanish-surnamed Americans, and women on an equal basis with white males.
- b. Utilizing qualifications, tests and other selection standards in its hiring and promotion for positions in the police department which have a disproportionately adverse impact on blacks, Spanish-surnamed Americans and women as compared to white males, despite the

fact that these qualifications, tests and selection standards have not been shown to be required by the needs of the police department or predictive of successful job performance.

- c. Failing or refusing to establish valid qualifications or other selection standards which are sufficiently objective to prevent continuing discrimination in hiring and promotion.
- d. Failing or refusing to take appropriate action to correct the present effects of past discriminatory policies and practices.

13. The Equal Employment Opportunity Commission

(hereafter EEOC) received charges alleging that defendant Nassau County Police Department has discriminated against women on account of their sex in hiring, testing and promotion. Pursuant to Section 706 of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e et seq., the EEOC investigated such charges, found reasonable cause to believe the allegations contained in such charges are true, and attempted, without success, to achieve a voluntary resolution of the charges through conciliation.

14. The acts and practices of defendants Nassau County and its officials described in paragraph 12 above constitute a pattern of resistance to the full enjoyment of the rights of blacks, Spanish-surnamed Americans, and women to equal employment opportunities in the Nassau County Police Department. This pattern is of such a nature and is intended to deny the full exercise of rights secured by Title VII of the Civil Rights Act of 1964, as amended,

by Section 122(a) of the State and Local Fiscal Assistance Act of 1972, as amended, 31 U.S.C. 1242, and by Section 518(c)(1) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, 42 U.S.C. 3766(c)(1), as well as rights guaranteed by the Fourteenth Amendment to the Constitution of the United States.

15. Defendants Nassau County and its officials have failed and refused to change the practices described above and to take reasonable steps to eliminate the effects of their past discriminatory policies and practices. Unless restrained by order of this Court, defendants Nassau County and its officials will continue to pursue policies and practices the same as or similar to those alleged in this complaint.

WHEREFORE, plaintiff United States prays that defendant Nassau County, its officials, agents, employees, and all persons and organizations in active concert or participation with them or any of them be preliminarily and permanently enjoined from engaging in any discriminatory employment practice, or in any employment practice which operates to continue the effects of past discriminatory employment practices based on race, national origin or sex in hiring, assignment and promotion for its police department, and further that they be preliminarily and permanently enjoined from:

- a. Failing or refusing to recruit, hire, assign and promote blacks, Spanish-surnamed Americans and women for its police department on an equal basis with white males.

- b. Failing or refusing to eliminate qualifications, tests and other selection standards which have not been shown to be job related and which disproportionately exclude blacks, Spanish-surnamed Americans and women from jobs in the police department.
- c. Failing or refusing to establish valid qualifications, tests or other selection standards which are sufficiently objective to prevent continuing discrimination in hiring and promotion for the police department.
- d. Failing or refusing to take appropriate measures to overcome the present effects of past discriminatory policies and practices including the following affirmative steps:
- (1) Conducting a recruitment program designed to inform blacks, Spanish-surnamed Americans and women of employment opportunities available in the police department;
 - (2) Adopting and implementing goals for the hiring and promotion of qualified applicants for positions in the police department in sufficient numbers to overcome the effects of past discrimination;
 - (3) Providing monetary compensation to any black, Spanish-surnamed or female applicant who has been unlawfully denied employment in the police department for the loss suffered as a result of such individual denial of employment;

(4) Providing monetary compensation to any black, Spanish-surnamed or female officer who has been unlawfully denied promotion in the police department for the loss suffered as a result of such unlawful denial of promotion; and

(5) Taking such other reasonable action as is necessary to overcome the present and future effects of past discriminatory actions and practices.

Plaintiff United States further prays for such other and further relief as the interests of justice may require, and for its costs and disbursements herein.

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