

on a temporary basis without opening the positions to a competitive application process. The white employees gain the necessary knowledge and skills needed to enter the position and then allowed to hold the position due to the unfair advantage bestowed upon them over Plaintiff and other African-American employees forced to apply for open positions that defendants have already unofficially filled with white employees.

16. Defendants violated, their own policies and procedures for posting and selection of candidates for job vacancies for the purpose of preventing African-American employees the opportunity to seek promotion and advancement within the DEPARTMENT.

17. During the tenure of defendant Chief of Police, RONALD TEACHMAN, four non-minority officers were promoted to the rank of Sergeant to Lieutenant within the Detective Bureau. Plaintiff possessed greater seniority and superior qualifications to each of the non-minority employees promoted to Lieutenant.

18. On February 7, 2014, defendants issued a notice to all Sergeants and Lieutenants in the South Bend Police Department seeking applicants for promotion or lateral transfer to the position of day-shift Lieutenant within the Detective Bureau. This opening was created by the retirement of Lt. Sherry Taylor (an African-American).

19. Plaintiff did not apply for the opening created by the retirement of Sherry Taylor because he knew that Lieutenant Marcus Wright, an African-American and a Lieutenant within the Detective Bureau, had applied for transfer from the afternoon-shift to fill the new opening for day-shift Lieutenant. Additionally, the DEPARTMENT only notified applicants of a single opening as day-shift Lieutenant. If Defendant had known that the DEPARTMENT intended on promoting three people to the rank of Lieutenant, he would have applied for one of the positions.