

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION

FILED

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U.S. DISTRICT COURT  
N.D. OF ALABAMAUNITED STATES OF AMERICA,  
Plaintiff,

vs.

JEFFERSON COUNTY, *et al.*,  
Defendants.JOHN W. MARTIN, *et al.*,  
Plaintiffs,

vs.

CITY OF BIRMINGHAM, *et al.*,  
Defendants.ENSLEY BRANCH OF THE N.A.A.C.P., *et al.*,  
Plaintiffs,

vs.

GEORGE SEIBELS, *et al.*,  
Defendants.

Civil Action No. CV-75-S-666-S

ENTERED

DEC 18 2000

Civil Action No. CV-74-S-17-S

Civil Action No. CV-74-12-S

ORDER EXTENDING 1981 CONSENT DECREES  
AND 1995 MODIFICATION ORDERS

Upon consideration of the parties' submissions, filed in accordance with orders entered on September 25 and October 31, 2000, the court finds that good cause has been shown for extension of the terms of the 1981 consent decrees for the City of Birmingham and the Jefferson County Personnel Board, and, the December 1995 orders modifying those consent decrees.

The modification orders provide for termination of the consent decrees and modification orders five years from the date on which the modification orders were provisionally entered, *i.e.*,

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December 19, 1995,<sup>1</sup> unless extended by this court. The modification orders further provide that, when determining the appropriateness of dissolving the consent decrees, the court shall take into account whether and to what extent the purposes of the orders have been achieved, and whether there is any continuing unlawful employment discrimination or vestiges of prior unlawful discrimination prohibited by federal law.

The long term objectives of the 1981 consent decrees and 1995 modification orders are threefold: that is, "[1] to ensure that any and all alleged unlawful barriers to employment, assignment, and promotion that have existed for blacks and women are removed, [2] that any present effects of alleged past employment discrimination by the [City or] Personnel Board are fully remedied, and [3] that equal employment opportunities are available to all persons, regardless of race or sex, as required by Title VII of the Civil Rights Act of 1964, as amended."<sup>2</sup> Under the modification orders, the City and the Personnel Board were to use their best efforts to develop and implement lawful, non-discriminatory selection procedures for hiring and promotion within four years after the date on which the modification orders were provisionally entered.

Following exchanges of information between the Personnel Board and the other parties pursuant to the modification order, the Personnel Board agreed that, as to the nine public safety and

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<sup>1</sup> Chief Judge Sam C. Pointer, Jr., now retired, rendered an order in CV75-P-666-S, *United States v. Jefferson County, et al.*, on December 19, 1995, stating:

The two attached orders, the Order Modifying the Jefferson County Personnel Board Consent Decree and the Order Modifying the City of Birmingham Consent Decree, and the notive provision attached as Appendix A are hereby PROVISIONALLY APPROVED AND PROVISIONALLY EFFECTIVE as of this day, December 19, 1995. The effective dates contained therein shall begin running as of the date of this order. [Emphasis added.]

That order was stamped "filed" on the same date it was rendered, but not formally "entered" until the following day, December 20, 1995. See Bryan A. Garner, *A Dictionary of Modern Legal Usage* 755 (2d ed. 1995) (distinguishing *rendition of judgment* from *entry of judgment*).

<sup>2</sup> Order Modifying the Jefferson County Personnel Board Consent Decree ¶ 7, at 2; see also Order Modifying the City of Birmingham Consent Decree ¶ 5, at 2.

fifty-six non-public safety job classifications identified by one or more parties as having an adverse impact against blacks and/or women, it would conduct job analyses, develop and implement lawful selection procedures, and produce validation studies. Additionally, at least one party has identified selection procedures utilized by the City of Birmingham for the eleven job classifications listed in paragraph 9 of this order as having an adverse impact on the basis of race and/or gender.

The court finds that neither the City of Birmingham nor the Jefferson County Personnel Board have achieved the long term goals of the consent decrees and modification orders. It is undisputed that efforts to develop and implement lawful selection procedures for many job classifications either have not been initiated or are incomplete.

Good cause having been shown, therefore, it is ORDERED as follows:

**I. GENERAL PROVISIONS**

1. The 1981 City of Birmingham Consent Decree and the 1995 order modifying that decree are extended until June 30, 2002.
2. The 1981 Jefferson County Personnel Board Consent Decree and the 1995 order modifying that decree are extended until June 30, 2002.
3. This court retains jurisdiction of these actions for such further relief as may be appropriate, including enforcement of the court's orders and resolution of disputes that may arise among the parties.
4. The 1981 consent decrees pertaining to the City of Birmingham and the Jefferson County Personnel Board, together with the 1995 orders modifying those decrees, shall terminate on June 30, 2002, unless a further extension is ordered for good cause shown. Prior to such termination date, however, any party may move for the term of the consent decrees and modification orders to be further extended for good cause shown. In that event, this order,

as well as the 1981 consent decrees and 1995 modification orders, shall remain in effect until the court rules on the motion(s) for extension. In considering whether the consent decrees and modification orders should be dissolved under their extended terms, the court shall take into account whether and to what extent the purposes of the modification orders have been achieved, and whether there remains any continuing, unlawful, employment discrimination or vestiges of prior unlawful discrimination prohibited by federal law.

5. Beginning in January 2001, the Jefferson County Personnel Board and the City of Birmingham shall each submit monthly written reports specifying their compliance with the requirements of this order. *Such reports shall be submitted at least one week prior to the status conferences scheduled by this court.* Unless otherwise scheduled by the court, status conferences will be held at 9:30 a.m. for two hours in Birmingham during the fourth week of each month. If any party believes additional time is needed for any status conference, counsel must request additional time in advance of the conference.
6. Each monthly report shall describe the party's efforts to develop selection procedures meeting the requirements of paragraph 8 of the City of Birmingham modification order<sup>3</sup> and

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<sup>3</sup> Paragraph 8 of the 1995 Order Modifying the City of Birmingham Consent Decree provides:

8. It shall be the City's responsibility to ensure that each selection procedure<sup>7</sup> required or used by the City shall either: (1) have no adverse impact on the basis of race or sex as defined by the *Uniform Guidelines on Employee Selection Procedures*, 29 C.F.R. § 1607 *et seq.* (1994), (hereinafter "the *Uniform Guidelines*"); or (2) be job related for the job classification(s) in question and consistent with business necessity, in accordance with Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e *et seq.*, the *Uniform Guidelines*[,] and other applicable Federal law.<sup>3</sup> If a selection procedure or combination of selection procedures is used by the City to rank candidates, the parties and the Court will consider the candidates' relative ranking and the actual effect of that ranking in determining whether the procedure has adverse impact for that use. In accordance with the *Uniform Guidelines*, as part of its consideration of the job relatedness and validity of any selection procedure, the City shall conduct a reasonable investigation of suitable alternative selection procedures and explore suitable alternative methods of using the selection procedures which have less adverse impact. Whenever the City or any party identifies a race and gender-neutral selection procedure that has less adverse impact than a selection procedure required by the City and that alternative procedure is also agreed by the parties to this Order to be job related for the job classification in question and consistent with business necessity [and] in accordance with applicable law, such alternative selection procedure

paragraph 12 of the Personnel Board modification order,<sup>4</sup> and, any other efforts to comply with the modification orders. The reports shall describe the progress made and the tasks accomplished since the last report, including an updated project time line, any areas of agreement and disagreement among the parties, any allegations of non-cooperation, and the efforts made to comply with any timetable(s) ordered by this court. *In the event that either*

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shall be used by the City, absent good cause shown. [Emphasis added; *emphasis* in original.]

Footnote 2 to paragraph 8 defines the term "selection procedure," and reads as follows:

"Selection procedure" as used in this Order is defined as any measure, combination of measures, or procedure used as a basis for any employment decision, including the full range of assessment techniques from traditional paper and pencil tests, performance tests, training programs, or probationary periods and physical, educational and work experience requirements through informal or casual interviews and unscored application forms. *See* Uniform Guidelines on Employee Selection Procedures, 29 C.F.R. § 1607.16(Q).

Footnote 3 to paragraph 8 states: "For all purposes relevant to this Order, adverse impact shall be defined as it is [in] the *Uniform Guidelines*. However, the fact that the initial determination of adverse impact is to be made pursuant to the methodology outlined in the *Uniform Guidelines* will not preclude a party's use of different methodology in any resulting litigation.

<sup>4</sup> Paragraph 12 of the 1995 Order Modifying the Jefferson County Personnel Board Consent Decree provides:

12. It shall be the Personnel Board's responsibility to establish that each selection procedure required or used by the Personnel Board, including each standard (including minimum qualifications used to determine which applicants are qualified or eligible to apply for a job or submit to a selection device), procedure, test, or other device, shall either: (1) have no adverse impact on the basis of race or sex, as defined by the *Uniform Guidelines on Employee Selection Procedures*, 29 C.F.R. § 1607 *et seq.* (1994), (hereinafter "the *Uniform Guidelines*"); or (2) be job related for the job classification(s) in question and consistent with business necessity, in accordance with Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e *et seq.*, the *Uniform Guidelines*[,] and other applicable Federal law.<sup>3</sup> If a selection procedure or combination of selection procedures is used by the Personnel Board to rank candidates, the parties and the Court will consider the candidates' relative ranking and the actual effect of that ranking in determining whether the procedure has adverse impact for that use. In accordance with the *Uniform Guidelines*, where there exists adverse impact in a selection procedure, as part of its consideration of the job relatedness and validity of any selection procedure, the Personnel Board shall conduct a reasonable investigation of suitable alternative selection procedures and explore suitable alternative methods of using the selection procedures which have less adverse impact. Whenever the Personnel Board, a jurisdiction served by the Personnel Board, or any party identifies a race [and gender]-neutral selection procedure that has less adverse impact than a selection procedure required by the Personnel Board and that alternative procedure is also agreed by the parties to be job related for the job classification in question and consistent with business necessity and in accordance with applicable law, such alternative selection procedure shall be used by the Personnel Board, absent good cause shown. [Emphasis added; *emphasis* in original.]

Footnote 2 to paragraph 12 states: "For all purposes relevant to this Order, adverse impact shall be defined as it is in the *Uniform Guidelines*.

*the City of Birmingham or the Personnel Board should fail to accomplish one or more tasks required to be accomplished during a particular month according to the compliance timetables established in paragraphs 8 to 16, and, 18 to 19 of this order, the report shall also include an explanation of why the party failed to timely complete the task(s) and shall include a proposed schedule for compliance. Any party may supplement that report.*

**II. CITY OF BIRMINGHAM**

7. The tasks remaining to be completed pursuant to the 1981 City of Birmingham Consent Decree and the 1995 order modifying that decree shall be completed according to the timetables specified in paragraphs 8 to 16 of this Order.
8. **Police Captain:** The City shall provide, on or before **December 20, 2000**, information concerning the adverse impact of its use of its selection procedure for Police Captain, for the period from January 1, 1990 through December 1, 2000, by certification and by eligible register, to this court, to opposing counsel, and to the Special Master, Dr. John Veres. The City also shall submit to this court, to opposing counsel, and to the Special Master on or before **December 20, 2000**, a report specifying what the City has done to comply with the court's order of May 20, 1998 — including its written job analysis, its revised procedures and other information demonstrating that the City's selection procedure for Police Captain is job-related and consistent with business necessity, and reduces or eliminates adverse impact. If the court determines that the City has not fully complied with the order of May 20, 1998, it will establish a further compliance schedule for the City's Police Captain selection procedure.
9. **Information Concerning Adverse Impact:** The City shall provide data to counsel for the United States, the Martin Plaintiffs/Bryant Intervenors, the Wilks Class, and to the Special



Master concerning each of the City's selection procedures for the eleven job classifications listed below, to permit the parties to determine whether the City's selection procedures have an adverse impact on the basis of race and/or sex. On or before the dates listed below, the City will provide all information required by paragraph 11 of its 1995 modification order<sup>5</sup> for the period January 1, 1996 through the present, as well as: (1) a description of the candidates and selectees (including race and gender) broken down by certification and by register; (2) a description of the current selection procedure, including each sub-part, and the date the procedure went into place; (3) copies of certifications and affirmative action forms for each selection; and (4) a description of any back-up documentation regarding the selection procedure not previously provided to the parties. The City shall also identify each selection procedure that it believes meets the standards of the modification order, in that the procedure has no adverse impact on the basis of race or sex, and shall provide the calculations upon which the City relies for its adverse impact determination.

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<sup>5</sup> The pertinent portion of paragraph 11 of the 1995 Order Modifying the City of Birmingham Consent Decree provides:

11. Within sixty (60) days of the parties' receipt of the City's submissions pursuant to paragraphs 9 and 10, including any supplemental submission pursuant to a request for additional information, the United States, the Martin/Bryant Plaintiffs and the Wilks Intervenors shall each submit to the City a list of up to twenty-five job classifications. Within ninety (90) days of its receipt of those lists, for each of those job classifications, the City shall provide the following information to the United States, the Martin/Bryant Plaintiffs and the Wilks Intervenors:

(a) whether or not a race or gender conscious goal was used by the City for any period since January 1, 1990 for that job classification and, if any goal was used, a description of the goal, the time during which it was in effect, and the authority for establishment of the goal (e.g., City Decree, City Affirmative Action Plan or other source); and

(b) the extent to which each selection procedure, or part thereof, that the City uses or has used for each job classification has had an adverse impact on the basis of race and/or sex (as defined by the *Uniform Guidelines*), from January 1, 1990 to the present, including the basis for its determination as to each job classification. ...

**Submission Dates**

**Job Classifications**

December 20, 2000

Police Captain  
Fire Lieutenant  
Fire Captain  
Fire Battalion Chief  
Fire Apparatus Operator

January 5, 2001

Public Safety Dispatcher II  
Engineering Aide  
Gardener  
Heavy Equipment Operator

January 15, 2001

Police Officer  
Firefighter

10. The parties' responses to the City's data as to adverse impact shall be made, in writing, with a copy to the Special Master, no later than **thirty (30) days** after the parties receive such information.<sup>6</sup> Each response shall list any job classification that the party contends employs a selection procedure that has an adverse impact on the basis of race and/or sex, together with an explanation of the basis for the party's contention, including a copy of any calculations upon which the party relies. The parties may discuss with the Special Master the method of calculation, any particular calculation, or any other issue related to whether any such selection procedure has an adverse impact. If there is disagreement among the parties, the Special Master shall review the relevant materials and provide a recommendation to the parties and the court by **March 1, 2001**, as to whether he believes the selection procedure(s) at issue do, or do not, have an adverse impact on the basis of race and/or sex.
11. The City will notify the court, in writing, by **March 16, 2001**, as to whether the parties agree

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<sup>6</sup> *Nota bene:* At several junctures in this order, the parties are directed, as in the textual sentence to which this note relates, to submit responsive documents within a specified number of days following receipt of information. *In the absence of compelling evidence to the contrary, this court shall presume that information is "received" by a party on the same date it is electronically transmitted by e-mail or facsimile device, provided such transmission occurs during normal working hours of a work day, or within three business days after posting via the United States Mail.*



that its selection procedures for each classification listed in paragraph 9 of this order have no adverse impact on the basis of race and sex. If, in responding, none of the parties contend that any selection procedure for a job classification has an adverse impact on the basis of race and/or sex, the City will be deemed to have met the requirements of paragraph 8 of the City's 1995 modification order<sup>7</sup> with regard to that job classification. Any party may submit any disagreement as to the adverse impact of any selection procedure for these eleven job classifications to the court for resolution, *provided such disagreement is presented to the court, in writing, within thirty (30) days after March 16, 2001.*

12. **Job-Relatedness and Business Necessity:** For each classification listed in paragraph 9 above for which the parties have not agreed in writing that the City's selection procedures have no adverse impact based on race and/or sex, unless the court has determined that the selection procedure at issue does not have an adverse impact based on race and/or sex, the City will, on or before **July 16, 2001**, provide the parties with all information it has concerning whether its selection procedures are job-related, consistent with business necessity and otherwise meet the requirements of paragraph 8 of the City's 1995 modification order, including for each job classification a written job analysis and the information required by paragraph 31 of the City's 1995 modification order.<sup>8</sup>
13. The responses from the United States, the Martin Plaintiffs/Bryant Intervenors, and the Wilks Class to the City's submission as to the job-relatedness of its selection procedures

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<sup>7</sup> See *supra* note 3.

<sup>8</sup> Paragraph 31 of the 1995 Order Modifying the City of Birmingham Consent Decree provides that:

31. The City shall make all data concerning the development, adverse impact, use and job relatedness of each selection procedure used or proposed to be used by the City, including but not limited to, test scores, job analyses, expert reports and validation studies, promptly available to counsel for the parties upon written request. This data will be provided to the parties to this Order in a machine readable form as well as hard copy to the extent that it exists in that form.

pursuant to paragraph 12 of this Order, shall be made, in writing, with a copy to the Special Master, *no later than ninety (90) days after their receipt<sup>9</sup> of the City's submission*. Each party's response to the City shall include a list of any specific selection procedures, by job classification, that the party contends do not meet the requirements of paragraph 8 of the City's 1995 modification order and an explanation of the basis of its contention(s).

14. By **October 31, 2001**, the City shall report to the court, in writing, with copies to counsel and the Special Master, as to the selection procedures and the job classifications, if any, that any party has identified in its response to the City's paragraph 12 submission as failing to meet the requirements of paragraph 8 of the City's 1995 modification order. If, in responding, no party identifies any selection procedure for a particular job classification as not meeting the requirements of paragraph 8 of the City's 1995 modification order, the City shall have no further obligation to demonstrate that its selection procedures for that job classification comply with paragraph 8 of the City's 1995 modification order.
15. Following the parties' responses to the City's paragraph 12 submission, the parties shall, at the request of any party, meet with the Special Master to discuss the City's submission and the parties' responses.
16. After **December 1, 2001**, any party may submit to the court for resolution any disagreement as to whether any of the City's selection procedures previously identified as having adverse impact on the basis of race and/or sex meet the requirements of paragraph 8 of the City's 1995 modification order.

### **III. THE JEFFERSON COUNTY PERSONNEL BOARD**

17. The tasks remaining to be completed pursuant to the 1981 Jefferson County Personnel Board

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<sup>9</sup> See *supra* note 6.

consent decree and the 1995 modification order shall be completed according to the timetables specified in paragraphs 18 to 19 of this Order.

18. **Firefighter:** On or before **December 18, 2000**, the Personnel Board shall deliver a written job analysis, a validation report, information concerning the Personnel Board's proposed selection procedure for firefighter, a description of the Personnel Board's proposed use of the selection procedure, and the information described in paragraph 30 of the Personnel Board's 1995 modification order<sup>10</sup> to counsel for the parties to that order.
19. On or before the dates set out below, the Personnel Board shall take the following actions:

**JOB CLASSIFICATIONS**

**ACTION**

**Traffic Maintenance Worker**

Job analysis and test plan completed.  
Selection procedure administered.

Job analysis results, test plan and selection procedure results delivered to counsel and the Special Master by **January 5, 2001**.

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<sup>10</sup> Paragraph 30 of the 1995 Order Modifying the Jefferson County Personnel Board Consent Decree provides that:

30. The Personnel Board shall make [available to counsel for all parties] all data concerning the development of any selection procedures used or proposed to be used by the Personnel Board, including but not limited to, the adverse impact of the selection procedure when used by the Personnel Board, or if applicable, by other users, the effect of the selection procedure on the composition of eligibility registers for the job classifications at issue, the effect of the use of the selection procedure on the composition of certification lists for the job classifications at issue, job analyses, expert reports and validation studies.... This information shall be provided to all parties by the Personnel Board on the dates set out in paragraph 19 of this Order [N.B.: see below]. This information shall be provided in machine-readable form to the extent it exists in that form.

Further, within fourteen (14) days of its receipt of a written request from any party, the Personnel Board shall provide the requesting party with copies of any additional information concerning the adverse impact or job relatedness of the job classification at issue in the possession or control of the Personnel Board but not provided by the Personnel Board pursuant to the dates set out in paragraph 19 of this Order [N.B.: see below]. However, if an examination is in progress for the job classification for which additional information is requested, the Personnel Board may defer providing information about the current examination process for fourteen (14) days after the examination process is completed.

***Nota bene:*** The dates set out in paragraph 19 of the 1995 Order Modifying the Jefferson County Personnel Board Consent Decree have been superceded by the dates specified in paragraphs 18 and 19 of the present order.

Validation report and the information described in paragraph 30 of the 1995 Order Modifying the Personnel Board Consent Decree (*i.e.*, "paragraph 30 information"<sup>11</sup>) delivered to counsel and the Special Master by **February 16, 2001.**

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**Juvenile Detention Officer**

Job analysis and test plan completed.

Job analysis results and test plan delivered to counsel and the Special Master.

Selection procedure administered by **December 23, 2000.**

Selection procedure results delivered to counsel and the Special Master by **February 16, 2001.**

Validation report and paragraph 30 information delivered to counsel and the Special Master by **April 20, 2001.**

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**Guard**

Job analysis begun by **March 2, 2001.**

Job analysis to be completed by **April 27, 2001.**

Test plan to be completed by **June 15, 2001.**

Job analysis results and test plan delivered to counsel and the Special Master by **June 22, 2001.**

Selection procedure administered by **August 24, 2001.**

Selection procedure results delivered to counsel and the Special Master by **September 28, 2001.**

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<sup>11</sup> See the immediately preceding footnote.

Validation report and paragraph 30 information delivered to counsel and the Special Master by **November 30, 2001.**

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**Mains Service Worker**

Job analysis and test plan completed.

Job analysis results and test plan delivered to counsel and the Special Master by **January 15, 2001.**

Selection procedure administered by **September 28, 2001.**

Selection Procedure results delivered to counsel and the Special Master by **October 31, 2001.**

Validation report and paragraph 30 information delivered to counsel and the Special Master by **November 30, 2001.**

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**Telecommunications Technician**

Job analysis begun by **February 2, 2001**

Job analysis to be completed by **April 20, 2001.**

Test plan completed by **June 15, 2001.**

Job analysis results and test plan delivered to counsel and the Special Master by **June 22, 2001**

Selection procedure administered by **July 13, 2001**

Selection procedure results delivered to counsel and the Special Master by **August 3, 2001.**

Validation report and paragraph 30 information delivered to counsel and the Special Master by **August 31, 2001.**

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ACCOUNTING JOB FAMILY

- Accounting Assistant I
- Accounting Assistant II
- Accountant/Auditor
- Senior Accountant

Job analysis begun.

Job analysis to be completed by **March 23, 2001**

Test plan to be completed by **April 16, 2001.**

Job analysis results and test plan delivered to counsel and the Special Master by **April 23, 2001.**

Selection procedure administered by **June 15, 2001.**

Selection procedure results delivered to counsel and the Special Master by **July 13, 2001.**

Validation report and paragraph 30 information delivered to counsel and the Special Master by **August 31, 2001.**

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GENERAL CLERICAL JOB FAMILY

- Administrative Assistant I
- Administrative Assistant II
- Administrative Assistant III
- Administrative Assistant IV
- Administrative Coordinator
- Legal Secretary
- Senior Court Clerk
- Principal Court Clerk

Job analysis begun. Task and KSA ratings completed.

Job analysis to be completed by **March 2, 2001.**

Test plan completed by **March 23, 2001.**

Job analysis results and test plan delivered to counsel and the Special Master by **March 30, 2001.**

Selection procedure administered by **May 31, 2001.**

Selection procedure results delivered to counsel and the Special Master by **June 30, 2001.**

Validation report and paragraph 30



information delivered to counsel and the Special Master by **August 31, 2001**

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CLERICAL STORES JOB FAMILY

- **Stores Clerk**
- **Senior Stores Clerk**

Job analysis and test plan complete.

Job analysis results and test plan delivered to counsel and the Special Master by **January 16, 2001.**

Selection procedure administered by **March 30, 2001.**

Selection procedure results delivered to counsel and the Special Master by **April 30, 2001.**

Validation report and paragraph 30 information delivered to counsel and the Special Master by **May 31, 2001.**

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COMMUNICATIONS JOB FAMILY

- **Public Safety Dispatcher I**
- **Public Safety Dispatcher II**

Job analysis begun.

Job analysis to be completed by **January 29, 2001.**

Test plan to be completed by **February 16, 2001.**

Job analysis results and test plan delivered to counsel and the Special Master by **February 23, 2001**

Selection procedure administered by **May 18, 2001.**

Selection Procedure results delivered to counsel and the Special Master by **June 15, 2001.**

Validation report and paragraph 30 information delivered to counsel and the

Special Master by **July 27, 2001.**

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COMMUNITY SERVICE JOB FAMILY

- **Community Resource Representative**
- **Housing Rehabilitation Specialist**

Begin Job analysis by **February 16, 2001.**

Job analysis to be completed by **March 30, 2001.**

Test plan to be completed by **April 20, 2001.**

Job analysis results and test plan delivered to counsel and the Special Master by **April 27, 2001**

Selection procedure administered by **June 29, 2001.**

Selection procedure results delivered to counsel and the Special Master by **July 31, 2001.**

Validation report and paragraph 30 information delivered to counsel and the Special Master by **October 31, 2001.**

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HORTICULTURE JOB FAMILY

- **Gardener**
- **Semi- Skilled Laborer**

Begin job analysis by **February 16, 2001.**

Job analysis to be completed by **May 4, 2001.**

Test plan to be completed by **June 1, 2001.**

Job analysis results and test plan delivered to counsel and the Special Master by **June 8, 2001.**

Selection procedure administered by **July 31, 2001.**

Selection procedure results delivered to counsel and the Special Master by **August 31,**

**2001.**

Validation report and paragraph 30 information delivered to counsel and the Special Master by **September 28, 2001.**

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**INSPECTIONS JOB FAMILY**

- **Gas Inspector**
- **Zoning Inspector**
- **Revenue Examiner**

Begin job analysis by **March 2, 2001.**

Job analysis to be completed by **June 1, 2001.**

Test plan to be completed by **July 13, 2001.**

Job analysis results and test plan delivered to counsel and the Special Master by **July 20, 2001.**

Selection procedure administered by **September 28, 2001.**

Selection procedure results delivered to counsel and the Special Master by **October 31, 2001.**

Validation report and paragraph 30 information delivered to counsel and the Special Master by **November 30, 2001.**

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**MECHANICAL AND AUTO JOB FAMILY**

- **Automotive Technician**

Job analysis begun.

Job analysis completed by **January 26, 2001.**

Test plan to be completed by **February 23, 2001.**

Job analysis results and test plan delivered to counsel and the Special Master by **March 9, 2001.**

Selection procedure administered by **April 27, 2001.**

Selection procedure results delivered to counsel and the Special Master by **May 25, 2001.**

Validation report and paragraph 30 information delivered to counsel and the Special Master by **July 27, 2001.**

- **Shop Helper**

Job analysis begun.

Job analysis completed by **February 23, 2001.**

Test plan to be completed by **March 9, 2001.**

Job analysis results and test plan delivered to counsel and the Special Master by **March 16, 2001.**

Selection procedure administered by **September 28, 2001.**

Selection procedure results delivered to counsel and the Special Master by **October 31, 2001.**

Validation report and paragraph 30 information delivered to counsel and the Special Master by **November 30, 2001.**

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**BUILDING MAINTENANCE JOB FAMILY**

- **HVAC/Refrigeration Technician**
- **Maintenance Repair Worker**
- **Painter**
- **Sign Painter**

Begin job analysis by **March 9, 2001.**

Job analysis to be completed by **June 8, 2001.**

Test plan to be completed by **July 6, 2001.**

Job analysis results and test plan delivered to counsel and the Special Master by **July 13, 2001.**

Selection procedure administered by **October**

**31, 2001.**

Selection procedure results delivered to counsel and the Special Master by **November 30, 2001.**

Validation report and paragraph 30 information delivered to counsel and the Special Master by **December 21, 2001.**

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**PROPERTY APPRAISAL JOB FAMILY**

- **Appraisal Assistant**
- **Property Appraiser**

Begin job analysis by **March 2, 2001.**

Job analysis to be completed by **April 13, 2001.**

Test plan completed by **May 11, 2001.**

Job analysis results and test plan delivered to counsel and the Special Master by **May 18, 2001.**

Selection procedure administered by **June 29, 2001.**

Selection procedure results delivered to counsel and the Special Master by **July 27, 2001.**

Validation report and paragraph 30 information delivered to counsel and the Special Master by **September 28, 2001.**

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**PUBLIC WORKS – GENERAL JOB FAMILY**

**SUPERVISORY POSITIONS:**

- **Construction Supervisor**
- **Labor Supervisor**
- **Public Works Supervisor**

Job analysis begun.

Job analysis to be completed by **March 2, 2001.**

**NON-SUPERVISORY POSITIONS:**

- **Refuse Truck Driver**
- **Truck Driver**
- **Skilled Laborer**

Test plan to be completed by **April 13, 2001.**

Job analysis results and test plan delivered to counsel and the Special Master by **April 20, 2001.**

Selection procedure administered by **June 15, 2001.**

Selection procedure results delivered to counsel and the Special Master by **July 13, 2001.**

Validation report and paragraph 30 information delivered to counsel and the Special Master by **September 9, 2001.**

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**PUBLIC WORKS – CONSTRUCTION JOB FAMILY**

- **Construction Equipment Operator** Job analysis begun.
  - **Heavy Equipment Operator** Job analysis to be completed by **February 23, 2001.**
  - **Street Paving Supervisor**
  - **Public Works Coordinator** Test plan to be completed by **March 23, 2001.**
- Job analysis results and test plan delivered to counsel and the Special Master by **March 30, 2001.**
- Selection procedure administered by **June 29, 2001.**
- Selection procedure results delivered to counsel and the Special Master by **July 31, 2001.**
- Validation report and paragraph 30 information delivered to counsel and the Special Master by **August 31, 2001.**

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**PUBLIC WORKS – UTILITIES JOB FAMILY**

- **Waste Water Treatment Plant Operator** Job analysis begun
- **Waste Water Treatment** Job analysis to be completed by **April 6,**



- **Maintenance Worker  
Water Pollution Control  
Technician**

**2001.**

Test plan complete by **May 11, 2001.**

Job analysis results and test plan delivered to counsel and the Special Master by **May 18, 2001.**

Selection procedure administered by **August 31, 2001.**

Selection procedure results delivered to counsel and the Special Master by **September 28, 2001.**

Validation report and paragraph 30 information delivered to counsel and the Special Master by **November 9, 2001.**

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**PUBLIC WORKS – ENGINEERING JOB FAMILY**

- **Senior Engineering Aide**
- **Senior Engineering Inspector**

Job analysis begun

Job analysis to be completed by **April 27, 2001.**

Test plan to be completed by **June 1, 2001.**

Job analysis results and test plan delivered to counsel and the Special Master by **June 8, 2001.**

Selection procedure administered by **August 31, 2001.**

Selection procedure results delivered to counsel and the Special Master by **September 28, 2001.**

Validation report and paragraph 30 information delivered to counsel and the Special Master by **October 31, 2001.**

PUBLIC WORKS – TRAFFIC JOB FAMILY

- **Traffic Control Technician**
- **Traffic Signs and Marking Supervisor**
- **Traffic Maintenance Worker**

Job analysis begun.

Job analysis completed by **May 18, 2001**.

Test plan completed by **June 22, 2001**.

Job analysis results and test plan delivered to counsel and the Special Master by **June 29, 2001**.

Selection procedure administered by **July 31, 2001**.

Selection procedure results delivered to counsel and the Special Master by **August 31, 2001**.

Validation report and paragraph 30 information delivered to counsel and the Special Master by **October 31, 2001**.

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RECREATION JOB FAMILY

- **Senior Recreation Leader**

Job analysis begun by **February 9, 2001**.

Job analysis to be completed by **April 6, 2001**.

Test plan to be completed by **May 18, 2001**.

Job analysis results and test plan delivered to counsel and the Special Master by **May 25, 2001**.

Selection procedure administered by **June 29, 2001**.

Selection procedure results delivered to counsel and the Special Master by **July 27, 2001**.

Validation report and paragraph 30 information delivered to counsel and the Special Master by **August 31, 2001**.

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**SOCIAL SERVICES JOB FAMILY**

- **Clinical Counselor**
- **Senior Social Worker**

Job analysis begun by **March 2, 2001.**

Job analysis to be completed by **May 11, 2001.**

Test plan to be completed by **June 8, 2001.**

Job analysis results and test plan delivered to counsel and the Special Master by **June 15, 2001.**

Selection procedure administered by **August 31, 2001.**

Selection procedure results delivered to counsel and the Special Master by **September 28, 2001.**

Validation report and paragraph 30 information delivered to counsel and the Special Master by **November 30, 2001.**

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20. On the date the Personnel Board submits the results of its use of selection procedures for a particular job classification to the parties and the Special Master, the Board shall also state in its submission whether the Personnel Board believes that each selection procedure for that job classification meets the requirements of paragraph 12 of the 1995 Personnel Board modification order,<sup>12</sup> in that the selection procedure does not have adverse impact on the basis or race or sex, and provide the calculations upon which it relies. If, in advance of the date specified in paragraph 19 of this order for the Board to submit its validation report and paragraph 30 information for a particular job classification, all parties to the 1995 Board modification order state, in writing, that the Personnel Board's revised selection procedure

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<sup>12</sup> See *supra* note 4.

for a classification listed in paragraph 19 meets the requirements of paragraph 12 of the 1995 Board modification order, the Personnel Board will have no further obligation to demonstrate that the selection procedure meets the requirements of paragraph 12, including providing a validation report and the other information required by paragraph 30 of the Personnel Board modification order.

21. As required by paragraph 20 of the 1995 Personnel Board modification order,<sup>13</sup> within ~~ninety (90)~~ <sup>sixty (60)</sup> days after receiving the Personnel Board's validation report and test development material for each job classification,<sup>14</sup> including the information described in paragraph 30 of that order,<sup>15</sup> each party shall advise the Personnel Board, all other parties, and the Special Master, in writing, of any proposed selection procedure that the objecting party contends lacks sufficient evidence to demonstrate that it meets the requirements of paragraph 12 of the Personnel Board modification order.<sup>16</sup> Any such response shall state *with particularity* the basis for each such contention.
22. If there is disagreement among the parties, pursuant to paragraph 21 of this order, as to whether a selection procedure proposed for use by the Personnel Board meets the

modified  
Per  
5/24/01  
order

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that:  
<sup>13</sup> Paragraph 20 of the 1995 Order Modifying the Jefferson County Personnel Board Consent Decree provides

20. Within ninety (90) days of receiving the Personnel Board's proposal as to selection procedures for any job classification pursuant to its obligations under paragraphs 18 and 19, including all information described in paragraph 30 of this Order, each party shall advise the Personnel Board, and all other parties, in writing, of any selection procedure so proposed for use by the Personnel Board that the party contends lacks sufficient evidence to demonstrate that it meets the requirements of paragraph 12 of this Order and shall state with particularity the bases for each such contention that the selection procedure does not meet the requirements of paragraph 12. If, after an additional sixty (60) days, the parties cannot reach agreement on whether a selection procedure proposed by the Personnel Board for any particular job classification meets the requirements of paragraph 12 of this Order, any party may submit that matter to the Court for resolution.

<sup>14</sup> See *supra* note 6.

<sup>15</sup> See *supra* note 10.

<sup>16</sup> See *supra* note 4.

requirements of paragraph 12 of its 1995 modification order, the Special Master shall review the relevant materials and provide a written recommendation to the parties and to this court.

23. If no party contends in its response pursuant to paragraph 21 of this order that any selection procedure for the job classification does not meet the requirements of paragraph 12 of the 1995 modification order, the Personnel Board will have met the requirements of paragraph 12 with regard to that job classification.

24. If after <sup>thirty</sup>~~sixty~~ days following the date of an objection by any party, pursuant to paragraph 21 of this Order, the Personnel Board and the objecting party cannot reach agreement on whether a selection procedure proposed for use by the Personnel Board for any particular job classification meets the requirements of paragraph 12 of the Board's 1995 modification order, any party may submit that matter to the court for resolution.


#### IV. JOINDER OF ADDITIONAL PARTIES

25. Each of the non-party public employers served by the Jefferson County Personnel Board is under a statutory duty to cooperate with the Personnel Board in the accomplishment of its duties. (See § 7 of Act No. 248 of the 1945 Regular Session of the Alabama Legislature.) In the event that any non-party public employer fails to comply, fully and timely, with any request of the Personnel Board, including that it provide personnel and space to assist the Personnel Board in developing or validating selection procedures for job classifications as required by the 1995 Personnel Board modification order or other orders of this court, the court may, upon motion of any party and appropriate notice to the non-party public employer, add such non-party as a defendant under Rule 19 of the Federal Rules of Civil Procedure. The Jefferson County Personnel Board is DIRECTED to cause copies of this order to be served on each of the non-party jurisdictions served by the Personnel Board: to

modified  
per 5/24/01  
order

wit, the Jefferson County Commission, the Jefferson County Department of Health, the Jefferson County Emergency Management Agency, and the municipalities of Bessemer, Fairfield, Fultondale, Gardendale, Homewood, Hueytown, Irondale, Leeds, Midfield, Mountain Brook, Pleasant Grove, Tarrant, Vestavia Hills, Graysville, Trussville, and Warrior.

DONE this 18<sup>th</sup> day of December, 2000.

  
United States District Judge