

JUN 26 1981

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

Amularam, CLERK

UNITED STATES OF AMERICA,

Plaintiff,

v.

CITY OF FARMINGTON, NEW MEXICO;
its MAYOR, Robert S. Culpepper;
its CITY COUNCILORS, Jimmy
Clayton, Thomas C. Taylor, Eric
A. Johnson, and James D.
Carpenter; its CITY MANAGER,
and its PERSONNEL OFFICER,
Karen Swyers, in their official
capacities,

Defendants.

BY _____ DEP. CLERK

CIVIL ACTION NO. 80-037-C

ENTERED ON DOCKET

6-29-81

ORDER CONDITIONALLY ENTERING CONSENT
DECREE AND SETTING FAIRNESS HEARING PROCEDURES

Having considered the unopposed motion of the United States for entry of the proposed Consent Decree which is filed herewith, and finding that the motion is well taken and should be granted,

It is hereby ORDERED, ADJUDGED and DECREED:

That the Consent Decree attached hereto as Appendix 1 is conditionally entered subject to a fairness hearing which will be held on October 2, 1981 and that the following procedures shall apply in order to afford potential claimants and other interested parties an opportunity to be heard concerning the terms and conditions of the Consent Decree and to determine whether the Consent Decree may properly be finally entered in settlement of this lawsuit and of individual claims asserted in this lawsuit.

I. Conditional Entry

1. The City shall immediately seek to implement the prospective relief required by the Consent Decree, not including paragraphs 18 through 21, but including the implementation of interim hiring goals and procedural changes pending final entry of the Consent Decree following the fairness hearing. If the Consent Decree is not finally entered, any prospective relief required by this paragraph shall terminate.

II. Notice

2. The following measures shall be taken to notify interested and affected persons:

(a) Individual Notice: A copy of the letter attached as Appendix 2 to this Order shall be sent by the United States to each person listed on Appendix C to the Consent Decree within ten days of the date of the entry of this Order. A copy of this Order and the Consent Decree shall be provided by either party upon written request by any person.

(b) Public Notice:

(i) A copy of this Order and the Consent Decree shall be posted in the City's Human Relations Office. Copies of the Consent Decree shall be available free to the public at the City Clerk's Office until the date of the fairness hearing.

(ii) The notice attached as Appendix 3 to this Order shall be advertised weekly by the City of Farmington in the Farmington Daily Times and Navajo Times for four weeks commencing one week after the date of the entry of this Order.

(c) Institutional Notice: A copy of the letter attached as Appendix 4 to this Order shall be sent by the City of

Farmington along with a copy of the Consent Decree to Local 611, International Brotherhood of Electrical Workers, at 2005 E. 11th Street, Farmington, New Mexico 87401, and 105 Texas S.E., Albuquerque, New Mexico 87108.

(d) The United States and the City may inform other organizations or individuals of the contents of the Consent Decree.

III. Settlement of Individual Claims

3. The Consent Decree proposes to settle all individual claims arising out of this lawsuit.

4. Under the Consent Decree the maximum individual award in settlement of this lawsuit shall not exceed three thousand dollars (\$3,000.00) to any one claimant. The total monetary relief to be offered to individuals in settlement of this lawsuit shall be three hundred thousand dollars (\$300,000.00).

5. The parties have agreed that the persons listed on Appendix C to the Consent Decree, attached hereto, should be offered the monetary relief set forth therein in settlement of this lawsuit. The minimum amounts listed therein may be increased by as much as fifty percent pursuant to the recalculation set forth in paragraph 7e below, subject to the limitations set forth in paragraph 4 above.

6. The amounts of monetary relief listed in Appendix C to the Consent Decree are based on a preliminary allocation of two hundred thousand dollars (\$200,000.00) to qualifying Indians, Hispanics and females.

7. A fund of one hundred thousand dollars (\$100,000.00), shall be initially reserved as follows for claims in addition

to or in excess of the awards listed in Appendix C of the Consent Decree:

(a) Any person (i) not listed on Appendix C to the Consent Decree who believes that he or she is entitled to a monetary award and/or priority consideration for future employment in this case or (ii) who is listed on Appendix C but who believes that he or she is entitled to additional relief thereunder, shall, by letter postmarked no later than forty (40) days after the date of entry of this Order, write to the attorney for the United States at the address given below and provide that attorney with the following information:

- (1) Name;
- (2) Address;
- (3) Phone number (if have access to telephone);
- (4) Race or national origin and sex;

(5) A statement of the reasons why the person believes he or she is entitled to a monetary award and/or priority consideration for future employment in this case, other than any relief for such person which is already set forth in Appendix C to the Consent Decree, if any. All such letters shall be addressed to the following attorney for the United States:

Thomas E. Stuen
Attorney
Civil Rights Division
Federal Enforcement Section
U.S. Department of Justice
Washington, D.C. 20530

The United States shall forward to the City copies of all letters received under this paragraph (a).

(b) The United States shall, within fifty (50) days after the date of entry of this Order, send the City a list of those persons described in paragraph 7(a) who the United States believes are entitled to be offered priority consideration for future employment and/or a monetary award in this case from the \$100,000.00 set aside for that purpose and the amount to be offered each, if any.

(c) After consultation with the City concerning the relief to be offered under paragraph 7(b) above, if the City desires such consultation, and within fifty-five (55) days of the date of entry of this Order, the United States shall notify each person who submitted a claim under paragraph 7(a) as to the relief, if any, proposed to be offered to such person under the Consent Decree by mailing him or her a letter in the form attached as Appendix 5 to this Order.

(d) The United States shall file a List of Awards with the Court within sixty (60) days of the date of entry of this Order which includes all relief to be offered under paragraph 7(c) of this Order and Appendix C to the Consent Decree.

(e) Any part of the \$100,000.00 set aside by the City for the purpose of making monetary awards to those persons described in paragraph 7(a) which is not awarded pursuant to paragraph 7(c) shall be offered by the City to those persons listed on Appendix C to the Consent Decree in amounts proportionate to the amounts listed for them in Appendix C to the Consent Decree. The amounts so calculated shall be listed on the List of Awards filed pursuant to paragraph 7(d).

(f) Any person who submitted a claim under paragraph 7(a) of this Order who, after receiving notice pursuant to paragraph 7(c), believes that the relief, if any, proposed to be

offered to him or her under paragraph 7(c) is inadequate shall serve a statement supporting his or her position on the Court and the parties hereto no later than seventy-five (75) days after the date of the entry of this Order.

8. Any person or organization seeking to challenge any provision of the Consent Decree other than individual awards of relief under paragraphs 18 through 21 of the Consent Decree shall serve upon the Court and the parties a statement of objections within forty (40) days of the date of entry of this Order.

9. The Court will not consider matters unless they are timely submitted in the manner set forth in paragraphs 7 and 8 of this Order.

DATED: June 26, 1981

SANTIAGO E. CAMPOS
UNITED STATES DISTRICT JUDGE

APPROVED:

Thomas E. Stuen

William B. Fenton
Thomas E. Stuen
S. Theodore Merritt
Clifford D. Johnson
Attorneys for Plaintiff
United States
U.S. Department of Justice
Washington, D.C. 20530
202/633-3816

Poole, Tinnin and Martin
A Professional Corporation

By: Nicholas J. Noeding

Nicholas J. Noeding
Lyman G. Sandy
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City of Farmington, et al.
Post Office Box 1769
Albuquerque, New Mexico 87103
505/842-8155

APPENDIX J

United States v. City of Farmington
Order Conditionally Entering Consent Decree
and Setting Fairness Hearing Procedures

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	CIVIL ACTION NO. 80-037-C
)	
v.)	
)	
CITY OF FARMINGTON, NEW MEXICO;)	CONSENT DECREE
its MAYOR, Robert S. Culpepper;)	
its CITY COUNCILORS, Thomas C.)	
Taylor, Jimmy Clayton, Eric A.)	
Johnson, and James D.)	
Carpenter; its CITY MANAGER;)	
and its PERSONNEL OFFICER,)	
Karen Swyers, in their official)	
capacities,)	
)	
Defendants.)	
)	

This action was brought by the United States of America against the City of Farmington, New Mexico, and its Mayor, City Councilors, City Manager and Personnel Officer in their official capacities (hereafter collectively referred to as the City), to enforce the provisions of Title VII of the Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972, 42 U.S.C. §2000e et seq., the State and Local Fiscal Assistance Act of 1972, as amended, 31 U.S.C. §1221 et seq., and the Omnibus Crime Control and Safe Streets Act of 1968, as amended, 42 U.S.C. §3789d(c)(3). In its Amended Complaint the United States alleges, inter alia, that the City has engaged in a pattern or practice of discrimination based on race, sex and national origin with respect to hiring, assignment and promotion opportunities within all City departments. This Consent Decree resolves all issues raised by the Amended Complaint, including the future effects of all past employment practices.

The City denies it has engaged in any pattern or practice of discrimination as alleged in the Amended Complaint; however,

the City agrees to take affirmative steps to increase its employment of qualified minorities and females and to increase the availability of qualified minority and female employees by recruitment, hiring, transfer and promotion, training, and other appropriate programs. The parties agree to the entry of this Consent Decree to avoid the delay and expense of contested litigation, which agreement shall not constitute an adjudication or an admission by any of the defendants of any violation of law.

The parties waive a hearing and findings of fact and conclusions of law on all issues raised by the Amended Complaint and consent to the Court's jurisdiction over the respective parties. The parties admit and assent to the following facts:

(a) The City's work force as of July 1 of each year from 1973 to 1980 was as shown in the table attached as Appendix A; and

(b) The City's applications for employment for the four years 1977 through 1980 has averaged about 30 percent Indian, 38 percent female, and 15 percent Hispanic.

It is therefore ORDERED, ADJUDGED AND DECREED:

I. GENERAL

1. The City and its employees, and all persons acting in concert with them or any of them in the performance of their official functions are subject to the terms of this Consent Decree and are hereby enjoined from:

(a) engaging in any act or practice which unlawfully discriminates against any employee of, or any applicant or potential applicant for employment with, the City because of such individual's race, sex or national origin; and

(b) otherwise discriminating against any individual employee or applicant for employment on the basis of race, sex, or national origin with respect to hiring, promotion, upgrading, training, assignment, discharge, compensation, or terms and conditions or privileges of employment.

All persons, organizations, associations or other entities, whether signatory or not to this Consent Decree, are hereby enjoined from engaging in any act or practice which has the purpose or effect of interfering with the City's compliance with the provisions of this Consent Decree.

2. In the event the entry of this Consent Decree generates, either through intervention or separate, collateral lawsuits, legal challenges to the appropriateness or sufficiency of any measures contained herein, to include actions claiming entitlement to damages against the City as a result of the ordering of any of the affirmative relief ordered herein, the City and the United States shall fully defend the lawfulness of any such measure. If any such collateral lawsuit arises in state court, then the City shall promptly seek to remove such action to this Federal District Court.

3. The measures contained in this Consent Decree are valid and appropriate methods for the City to use to comply with all applicable federal civil rights or equal employment laws, regulations or orders. The monetary relief to be offered under the Consent Decree and the apportionment of it is appropriate and is sufficient for purposes of this Consent Decree to remedy all individual claims relating to or arising out of the subject matter of this lawsuit. Actions and practices required or permitted by the terms of this Consent Decree to

effectuate and carry out its purposes shall not be deemed discriminatory within the meaning of any of the provisions of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e et seq., the State and Local Fiscal Assistance Act of 1972, as amended, 31 U.S.C. §1221 et seq., the Omnibus Crime Control and Safe Streets Act of 1968, as amended, 42 U.S.C. §3789d(c)(3), 42 U.S.C. §1981, 42 U.S.C. §1983, 42 U.S.C. §1985(3), or any other federal civil rights or equal employment laws, regulations or orders.

4. The following definitions shall govern the construction of this Consent Decree:

- (a) The term "minority" shall mean Indian, Hispanic, black or Asian persons as defined in EEOC Form 164;
- (b) The term "white" shall be defined as in EEOC Form 164;
- (c) The term "underutilized group" shall mean Indians, Hispanics or females;
- (d) The term "interim hiring goal" shall mean the goal by which to evaluate semi-annual compliance reports;
- (e) The term "recruit" shall mean any activities intended to promote the receipt by the City of bona fide applications for employment;
- (f) The term "hire" shall include any formal offer of employment to any qualified applicant who has not previously withdrawn his or her application; and
- (g) The term "application" shall mean bona fide application for employment.

II. AFFIRMATIVE RELIEF

5. The purpose of this Consent Decree is to ensure that minorities and females are not placed at a disadvantage by the

hiring, promotion and transfer policies of the City so that equal employment opportunities will be provided to all persons. In order to eliminate the effects of any past employment practice which may have disadvantaged Indians, Hispanics or females, the City shall adopt and seek to achieve as its long term goal the participation at all levels throughout its work force of qualified minorities and females in approximate proportion to their representation in the qualified labor force available to the City.

6. The City's yearly interim goals for recruiting qualified applicants shall be at least 35 percent Indian, 12 percent Hispanic and 35 percent female applicants totalled for all positions.

7. The interim hiring goals which the City shall adopt and seek to achieve shall be as follows:

(a) Definitions:

(i) The term "pay classification" shall mean one of the seven job groupings used in the City's 1980-1981 pay plan, abbreviated as follows: Union positions (U), Management positions (M), Electrical positions (E), Clerical-technical positions (C), Operative positions (O), Police Officers (P), and Firefighters (F).

(ii) The term "pay grade" shall mean one of the subgroups of positions within a pay classification, which positions all have the same beginning pay, e.g.: C4, O10, E2, M12, F2.

(iii) The term "job categories" shall mean the following groupings of pay grades for purposes of measuring the attainment of hiring goals: M10 through M13; M14 through

M20; all E pay grades; all Union pay grades; O3 and O4; O5; O6; O7; O8 and O9; O10 through O12; C1; C2 and C3; C4; C5; C6; C7 and C8; C9 and C10; P1 and P2; F1 and F2.

(iv) The term "average percentage" shall mean, for purposes of measuring compliance with hiring goals for any underutilized group, the percentage calculated for a particular job category as follows:

(1) For each job opening the percentage of the total applicants which belong to the underutilized group will be calculated and then multiplied by the number of offers of employment which were made to applicants for that job opening.

(2) The numbers calculated in (1) will be added for all of the job openings in the job category and divided by the total number of offers of employment for all of the job openings in the job category.^{1/}

^{1/} For example, in 1980 for the O5 position of temporary laborer the "average percentage" for Indians would be calculated as follows:

Step (1)

Job No.	Applicants	Indians	%Indian	Hires	Weight
38	5	2	40.0	1	40.0
81	35	9	25.7	8	205.6
97	18	9	50.0	3	150.0
133	16	6	37.5	1	37.5
148	12	7	58.3	2	116.7
186	1	0	0.0	1	0.0

Step (2)

Total Hires = 16

Total Weight = 549.8

Average Percentage = Total Weight divided by Total Hires = $\frac{549.8}{16}$
= 34.4%

(b) For all job categories excluding (P) and (F) the interim hiring goals shall be a percentage of the total hires equal to the average percentage for the corresponding underutilized group.^{2/}

(c) For job category (P), P1 and P2, the interim hiring goal shall be ten Indians, six Hispanics and six females out of the next thirty (30) hires and parity as in paragraph 7(b) above thereafter.

(d) For job category (F), F1 and F2, the interim hiring goal shall be five Indians, three Hispanics and three females out of the next twenty (20) hires and parity as in paragraph 7(b) above thereafter.

(e) Applications for temporary or part-time positions shall be aggregated and averaged separately within each job category as in paragraph 7(a)(iv) above. The interim hiring goals for temporary and part-time positions shall be parity as in paragraph 7(b) above for each job category.

(f) Persons who submit an employment application pursuant to paragraphs 11(c) and 21 of this Consent Decree shall be counted as applicants for each job opening for which they apply and where applicable counted as hires. Submission of a postcard pursuant to paragraph 21 of this Consent Decree shall not be deemed an employment application.

^{2/} For example, the interim hiring goal for Indians for temporary laborer for 1980 using the statistics from footnote one would be calculated as follows (note that the job category 05 may contain other temporary positions which must be added in to obtain an actual goal):

Interim hiring goal = average percentage = 34.4%.

8. The hiring of a black or Asian shall count toward compliance with the interim hiring goals of the underutilized minority group for which the City otherwise most closely meets its goals for the job category into which the black or Asian is placed. The hiring of a minority female shall count toward compliance for both groups to which she belongs.

9. Compliance with the interim goals established pursuant to this Consent Decree shall be evaluated as of January 1 and July 1 of each year. Compliance with these goals shall be measured separately for each preceding six-month reporting period commencing July 1, 1981.

10. The City shall engage in affirmative recruitment activities consistent with its obligation to take all reasonable steps to reach the goals set forth in this Consent Decree, and to ensure that the City's policy of non-discrimination in hiring is emphasized to minorities and females. Employment opportunities shall be announced in mass media primarily directed to Indian audiences. In particular bi-weekly advertisements shall be placed in the Navajo Times advertising the City's commitment to equal employment opportunity and listing job openings then available for police, fire and skilled positions. One year after the date of this Consent Decree those advertised positions which have failed to result in any Indian applicants may be advertised in the Navajo Times at the discretion of the City. The City shall further attempt to attract qualified Indians by cooperating fully with referral agencies to which Indians routinely apply, including the Farmington and Shiprock offices of the Navajo Tribal Division of Labor, National Indian Youth Council, Bureau of Indian Affairs Employment Office, New

Mexico Employment Security Department, Farmington Intertribal Indian Organization, Shiprock Chapter House and Nataani Nez Chapter House. Notices of job vacancies shall be delivered to these referral agencies five calendar days before job closing.

11. The City shall make the following changes in its personnel procedures:

- (a) A standard application form shall be used for all positions including part-time or temporary positions.
- (b) Applicants shall be offered assistance to identify all positions for which they are interested and qualified.
- (c) Applications shall be considered for subsequent openings for the job title for which the application was submitted for at least 30 days after the initial application is made.
- (d) Applicants for employment shall not be disqualified solely on the basis of an arrest record. The police department may inform the personnel office, upon request, whether an applicant is wanted by any criminal law enforcement agency for any felony. The personnel office shall not collect reports from the National Crime Information Center or other reports containing arrest as well as conviction information. A record of criminal conviction may be provided by the police department and used to reject an applicant for positions in the police department, cashier, bookkeeper, meter reader, meter installer, custodian, parks ranger, parking meter attendant/electronics trainee, all court staff positions, and all nonclerical positions in the fire department, but only if the applicant has been

convicted of a felony or of a misdemeanor involving "moral turpitude" as the term is defined by law.

- (e) Records shall be maintained of all emergency hiring identifying all applicants as well as temporary employees by name, address, race and sex, date applied, date hired and date terminated. With respect to any job title in which more than six such hires occurred in 1980 the locations and schedule for such hiring shall be publicized at the personnel office and in all advertisements provided for under paragraph 10 of this Consent Decree.

12. The City has modified its job descriptions to conform to Appendix B.

13. The City may continue to use all written examinations, job qualifications and other selection criteria presently used for hire or promotion into any position, except it will follow the training, certificate and license standards set forth in Appendix B. However, no written examination, job qualification, agility test or other selection criterion shall constitute a basis or defense for failure to achieve any of the interim hiring goals set out in this Consent Decree unless the parties agree or the Court finds that the City has validated such criterion in accordance with the requirements of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e et seq., or the criterion is referred to in Appendix B, or the criterion does not have a disproportionate adverse impact on any underutilized group.

14. Nothing in this Consent Decree shall require the City to hire unnecessary personnel or to hire, transfer or promote a

person less qualified than another candidate under standards which are job related under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e et seq. Nothing herein shall prohibit the City from testing actual job skills, such as typing ability.

15. On the job training, if provided, shall be provided on a nondiscriminatory basis. Such training shall be designed to enable minority and female employees to advance into new positions.

16. The City recognizes that the abilities of its employees are enhanced by further education. Consequently, the City shall advise employees concerning and reimburse employees for job related educational classes. Possible promotion opportunities and skills needed for employees to advance shall be taken into consideration in determining which courses are job related. At least \$7,000.00 shall be made available by the City for job related educational classes each year. Appropriate measures shall be taken to ensure full participation by each underutilized group in the allocation of funds. Tuition shall be refunded upon completion of classwork and the furnishing of a certified copy of a grade report sheet or a letter from the employee's instructor indicating the grade received and the total course costs. Employees shall not be reimbursed for books, materials, equipment, or supplies needed for such classes. Reimbursement for tuition will be based on the following schedule according to the grade received by students.

"A" = 100 percent of tuition cost reimbursed

"B" = 75 percent of tuition cost reimbursed

"C" = 50 percent of tuition cost reimbursed

Pluses and minuses will not be taken into consideration in the determination of reimbursement rate.

III. SPECIFIC RELIEF

17. The United States and the City shall attempt to resolve within six months of the date of entry of this Consent Decree all Equal Employment Opportunity Commission charges that may be pending against the City on the date of its entry.

18. The maximum aggregate monetary relief in this case shall not exceed \$300,000.00 to remedy all individual harm asserted in this lawsuit, not including the amounts to be made available pursuant to paragraph 16 above.

(a) Of this total sum of \$300,000.00, the amount of \$200,000.00 shall be offered by the City to those persons and in those amounts set forth in Appendix C hereto.

(b) The remaining amount of \$100,000.00 shall be offered by the City as follows:

(i) The United States shall file within five days of the date of entry of this Consent Decree a List of Awards setting forth (1) all persons to be offered a monetary award or priority consideration for future employment pursuant to the public notice and fairness hearing procedures established by this Court's Order Conditionally Entering Consent Decree and Setting Fairness Hearing Procedures, and the amount of such monetary awards, if any, and (2) the total monetary award to each person listed on Appendix C which is calculated by adding the amount listed on Appendix C to the amount resulting from a redistribution among all persons on Appendix C proportionate shares of all of the \$100,000.00 fund which is not awarded under subparagraph 18(b)(i)(1) above.

(ii) The City shall offer the amounts stated in the List of Awards in the manner set forth in paragraph 20(a) below.

19. The maximum award to any person under this Consent Decree shall not exceed \$3,000.00.

20. Individual relief shall be offered in the following manner:

(a) The City shall within fifteen (15) days of the date of entry of this Consent Decree send a letter to each individual whose name appears on the List of Awards, containing the relevant paragraphs of Appendix D, which letter shall enclose a copy of the affidavit attached as Appendix F and the release attached as Appendix G. The payment shown on the List of Awards shall be made to each person so notified who within ninety days of the date of the entry of this Consent Decree either (1) appears in person at the City's Legal Department during regular office hours and signs a release in the form attached as Appendix G, or (2) who resides more than 250 miles from the City and who (i) submits a signed affidavit in the form attached as Appendix F showing the person's current address, telephone number, and his or her social security number, and (ii) a signed, notarized release in the form attached as Appendix G hereto, in which case payment shall be made by registered mail.

(b) Each unsuccessful applicant marked Y in the Priority Hire Column of Appendix C or on the List of Awards shall be sent by the City a postage-paid postcard enclosed with the Appendix D letter for the purpose of placement on priority hire lists. The postcard shall be addressed to the City's personnel director and shall appear as illustrated in Appendix E.

(c) The City shall include the following information in the appropriate semi-annual report to be provided to the Department of Justice: (i) A list of the recipients of all payments made pursuant to paragraph 20(a), identifying recipients by name, race, sex, address, date paid and amount paid; (ii) a list of any claimants under paragraph 20(a) whose claim was denied during the reporting period, with the reasons therefor, identifying the claimant by name, race, sex, address and date of claim; and (iii) a list of all persons, by pay grades, to whom employment was offered under paragraph 21 of this Consent Decree during the reporting period, showing whether or not the offer has been accepted.

(d) Any funds remaining after the ninety-first (91) day after the date of the final entry of this Consent Decree and unclaimed although offered to one or more individuals pursuant to this Consent Decree shall revert ipso facto to the City.

21. Priority in hiring shall be given by the City to each person identified pursuant to paragraph 20(b) above who states an interest in future employment with the City either by postcard or in person within 90 days of the date of entry of this Consent Decree. Such persons shall be placed on a priority list for the job title or its current equivalent which each originally sought with the City. Each such person shall be included among candidates referred to hiring authorities for the next opening for the job title which they originally sought, or its current equivalent. Notice by mail to priority candidates shall allow ten days for delivery and response.

22. As a condition of payment under paragraph 20(a) the City may require a release and waiver, in the form attached as

Appendix G, of any claims for alleged employment discrimination on the basis of race, national origin or sex a recipient may have against the City.

IV. RECORDS

23. The City shall retain during the period of this Consent Decree necessary records to support the implementation of the Consent Decree, including all applications, interview notes, candidate assessment sheets, test results, disciplinary actions, evaluations and materials relating to recruiting activities and any complaints of discrimination in employment. The City shall make available for inspection and copying at the expense of the Department of Justice copies of specific documents within thirty days of any written request sent to the City's Attorney.

24. The City shall provide semi-annually the following information to the Department of Justice. All information shall be accurate as of the first day of July and January of each year for a reporting period covering the prior six months. Reports shall be mailed within 30 days of the reporting date and shall be addressed to the attention of Chief, Federal Enforcement Section, Civil Rights Division, Department of Justice, Washington, D.C. 20530.

- (a) The name, position title, pay grade, race or national origin, sex, department, Equal Employment Opportunity Commission job classification code, hire date, termination date, rate of pay, and last promotion date for each person employed by the City during the reporting period.

- (b) A list by job number of all applicants for employment with the City during the reporting period. The name, date of application, position title, race or national origin, sex, test score and date of hire or offer of employment, if any, shall be included for each applicant.
- (c) A list of all organizations, schools, chapter houses and media which were contacted pursuant to paragraph 10 showing the dates of publication of all advertisements.
- (d) A list of all promotions in the reporting period arranged by pay grade and listing for each the name, race, sex, national origin, date of hire of the employee promoted, date of the promotion, initial position and new position.
- (e) A copy of each of the eligibility lists maintained by the City during the reporting period.
- (f) A copy of all exit interviews of minority or female employees and a copy of all advertisements in the Navajo Times, not previously provided.
- (g) A report covering the training provided for in paragraphs 15 and 16, listing the name, race, sex and national origin of each person in each program during the reporting period, the dates and nature of each program, and the dates of promotion for each person who, having completed a promotional training program, was promoted during the reporting period into a vacancy in a position covered by that training.

- (h) A list of all new positions, eliminated positions and changes of job titles during the reporting period and a copy of any new job descriptions.
- (i) A list of each test used by the City during the reporting period and information showing for each test the number of applicants passing or failing by race, national origin and sex.
- (j) A list by job number of all persons who completed an application form but who are not listed under paragraph 24(b) above, showing for each the name, race or national origin, sex, date of submission or completion of the application form, position title, test score and reason the person was not included under paragraph 24(b).

25. Copies of this Consent Decree shall be available to the public upon request at the City Clerk's Office.

26. The parties shall attempt to resolve informally all disputes under this Consent Decree. If the parties are unable to reach agreement within 90 days after a matter has been brought to the attention of one of the parties by another party, the issue may be submitted to this Court for resolution.

27. The Court shall retain jurisdiction over this Consent Decree for the entry of such further orders as may be appropriate. It is the intent of the parties to achieve the objectives of this Consent Decree by December 31, 1985. The City may move the Court upon 45 days written notice to the United States for dissolution of the Consent Decree at any time after December 31, 1985. The City may move for modification of this Consent Decree at any time upon 45 days written notice to the

United States. In considering whether the Consent Decree should be dissolved, the Court will take into account, subject to a sufficient demonstration being made by the City, whether the basic objectives of the Consent Decree have been achieved or have been achievable.

28. Those persons named as defendants are retained as defendants only in their official capacities.

DATED: _____

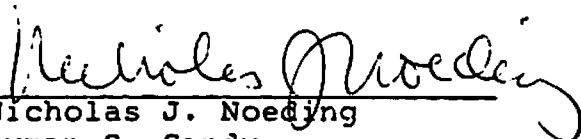
UNITED STATES DISTRICT JUDGE

APPROVED:



William B. Fenton
Thomas E. Stuen
S. Theodore Merritt
Clifford D. Johnson
Attorneys for Plaintiff United States
U.S. Department of Justice
Washington, D.C. 20530
202/633-3816

Poole, Tinnin and Martin
A Professional Corporation

By: 

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Lyman G. Sandy
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City of Farmington, et al.
Post Office Box 1769
Albuquerque, New Mexico 87103
(505) 842-8155

United States v. City of Farmington
Consent Decree
Appendix A
1973-1980 Work Force 1/

Year	All Employees	Non- S/M 2/	Non- O/C 3/	M	F	Non- O/C (F)	White M	White F	Black M	Black F	Hispanic M	Hispanic F	Non- S/M (H)	Asian M	Asian F	Indian M	Indian F
1973	386 100%	297 76.9%	316 81.8%	319 82.6%	67 17.3%	7 2.2%	253 65.5%	62 16.0%	2 0.5%	0 0%	49 12.6%	4 1.0%	18 6.1%	0 0%	0 0%	15 3.8%	1 0.2%
1974	408 100%	282 69.1%	337 82.5%	337 82.5%	71 17.4%	7 2.1%	261 63.9%	63 15.4%	2 0.4%	1 0.2%	55 13.4%	5 1.2%	17 6.0%	2 0.4%	0 0%	17 4.1%	2 0.4%
1975	421 100%	311 73.9%	342 81.2%	344 82.1%	75 17.8%	12 3.5%	263 62.7%	67 15.9%	2 0.4%	1 0.2%	55 13.1%	5 1.1%	28 9.0%	0 0%	0 0%	24 5.7%	2 0.4%
1976	474 100%	352 74.3%	379 80.0%	366 77.2%	108 22.7%	31 8.2%	277 58.4%	91 19.1%	2 0.4%	1 0.2%	64 13.5%	11 2.3%	40 11.4%	0 0%	0 0%	23 4.8%	5 1.0%
1977	761 100%	520 68.3%	623 81.9%	594 78.0%	167 21.9%	55 8.8%	396 52.0%	134 17.6%	4 0.5%	1 0.1%	111 14.5%	11 1.4%	58 11.2%	1 0.1%	0 0%	82 10.7%	21 2.7%
1978	584 100%	447 76.5%	483 82.7%	441 75.5%	143 24.5%	56 11.6%	330 56.5%	121 20.7%	3 0.5%	1 0.2%	73 12.5%	9 1.5%	40 8.9%	1 0.2%	0 0%	34 5.8%	12 2.1%
1979	705 100%	531 75.3%	584 82.8%	516 73.2%	189 26.8%	78 13.4%	394 68.7%	158 22.4%	4 0.6%	2 0.3%	72 10.2%	13 1.8%	38 7.2%	1 0.1%	0 0%	45 6.4%	16 2.3%
1980	658 100%	570 86.6%	562 85.4%	488 74.2%	170 25.8%	81 14.4%	375 57.0%	144 21.9%	3 0.5%	2 0.3%	69 10.5%	12 1.8%	52 9.1%	1 0.2%	1 0.2%	40 6.1%	11 1.7%

1/ From the City's EEO-4 reports, as of July 1 of each year.

2/ EEOC Classification "Service/Maintenance."

3/ EEOC Classification "Office/Clerical."

APPENDIX B

United States v. City of Farmington
Consent Decree

Positions Requiring Training,
License, or Certificate Standards

	<u>JOB #</u>	<u>JOB TITLE</u>	<u>REQUIREMENT*</u>
1.	01050	Administrative Aide	H.S. grad. or equiv.
2.	02040	Building Inspector, Chief	Bldg. Insp. Cert.
3.	02060	Building Inspector	Bldg. Insp. Cert.
4.	03080	Chemist	B.S. Chemistry
5.	03100	City Attorney	J.D. and N.M. License
6.	03120	City Attorney, Asst.	J.D. and N.M. License
7.	03180	City Engineer	B.C.E. and N.M. Reg.
8.	03200	City Manager	B.A. Public Admin.
9.	03260	Civic Center Dir.	Cert. Facilities Mgmt.
10.	03280	Civic Center Dir., Asst.	Related College Courses
11.	03300	Civilian Services Sup.	Related College Courses
12.	03400	Computer Operator	Related College Courses
13.	03440	Computer Programmer	
		Trainee	Related College Courses
14.	03500	Construction Insp., Chief	Level II Cert. in Waste Water Treatment
15.	03520	Construction Inspector	Level II Cert. (WW)
16.	03220	City Manager, Asst.	B.A. Bsns. Admin.
17.	03460	Construction Supt.	H.S. Grad. or equiv.
18.	03480	Construction Supt. Asst.	H.S. Grad. or equiv.
19.	04180	Drafter, Design	Related technical courses
20.	04200	Drafter, Senior	Related technical courses
21.	04210	Drafting Sup.	Related technical courses
22.	05040	Electric Utility Dir.	B.S. E.E. and N.M. Reg.
23.	05080	Electric Eng., Chief	B.S. E.E. and N.M. Reg.
24.	05100	Electrical Engineer	B.S. E.E.
25.	05105	Electrical Insp., Chief	Electrical Insp. Cert. and ICBO Cert.
26.	35020	Electrician	Journeyman Electrician
27.	05020	Electronic Technician	F.C.C. License
28.	05125	Employee Benefits Dir.	B.S. Insurance
29.	05140	Energy Mgmt. Coord.	Cert. in Phys. Sci. or Eng.
30.	05180	Estimator	H.S. grad. or equiv.
31.	06040	Fed./St. Aid Coord.	Related College Courses
32.	06060	Finance Director	B.A. Bsns. Admin.
33.	06140	Fire Chief	A.A. in Fire Science
34.	08060	Human Relations Dir.	B.A. in Human Relations
35.	09050	Internal Audit Officer	B.A. Bsns. Admin. or Acct.
36.	40020	Journeyman Lineman	Journeyman Lineman
37.	12040	Land Surveyor	Reg. Land Surveyor
38.	12050	Librarian, Branch	M. Library Science
39.	12100	Library Director	M. Library Science
40.	12120	Library Dir., Asst.	M. Library Science
41.	12160	Lifeguard I	L.S.C.
42.	12180	Lifeguard II	W./W.S.I.
43.	13080	Mechanic III	N.I.A.S.E. Cert.
44.	13040	Mechanical Inspector	Mech. Insp. Cert. or Licensed Contractor
45.	16160	Parks Supt.	B.S. Ag. Science

* Or proof of equivalent education or experience.

APPENDIX B (continued)

<u>JOB #</u>	<u>JOB TITLE</u>	<u>REQUIREMENT*</u>
46. 16140	Parks and Rec. Dir.	B.A. Rec. or Park Mgmt.
47. 16260	Personnel Director	B.A. Pub. Admin.
48. 16300	Planner, Associate	B.A. Urban Planning
49. 16320	Planner, Principal	B.A. Urban Planning
50. 16340	Planner, Senior	B.A. Urban Planning
51. 16360	Planner, Asst.	B.A. Urban Planning
52. 16400	Planning Director	M.A. Urban Planning
53. 16450	Plant Maint. Foreman	Level III Cert.
55. 16480	Plant Operator I	Level I Cert.
56. 16500	Plant Operator II	Level II Cert.
57. 16520	Plant Operator III	Level III Cert.
58. 16540	Plant Operator IV	Level IV Cert.
59. 16580- 620	Police Captain	Related College Courses
60. 16640	Police Chief	B.A. in Police Science
61. 16660	Police Corporal	Law Enf. Academy Cert.
62. 16670	Police Detective	Law Enf. Academy Cert.
63. 16680	Police Lieutenant	Law Enf. Academy Cert.
64. 16760	Police Sergeant	Law Enf. Academy Cert.
65. 16780	Pool Director	W.S.I. Cert.
66. 16800	Pool Director, Asst.	W.S.I. Cert.
67. 16840	Power Plant Supt.	B.M.E.
68. 16860	Power Plant Supt., Asst.	H.S. grad. or equiv.
69. 16920	Project Engineer	B.C.E.
70. 16965	Public Works Dir.	B.A. Bsns. Admin.
71. 01270	Public Works Dir., Asst.	B.A. Bsns. Admin.
72. 16970	Purchasing Director	B.A. Bsns. Admin.
73. 18180	Relay Technician	A.A. Electronic Tech.
74. 18200	Relay Tech. Helper	A.A. Electronic Tech.
75. 20120	Transportation Dir.	B.C.E.
76. 19380	Staff Accountant	H.S. grad. or equiv.
77. 19620	Systems Operations Eng.	B.E.E.
78. 21020	Utilities Accountant	B.A. Bsns. Admin.
79. 23060	Wastewater Treatment Plant Supt.	Level IV Cert.
80. 23080	Wastewater Treatment Plant Supt., Asst.	Level IV Cert.
81. 23180	Water and Sewer Maint. Supervisor	Level II Cert.
82. 23200	Water and Sewer Maint. Supervisor, Asst.	Level II Cert.
83. 23220	Water Treatment Plant Supt.	Level IV Cert.
84. 23240	Water Treatment Plant Supt., Asst.	Level IV Cert.
85. 53100	Working Foreman (Line)	Journeyman Lineman
86. 03220	Assistant City Manager, City Treasurer	B.B.A.
87. 05060	Electrical Inspector	Elect. Inspector Cert. and ICBO Cert.
88. 13220	Meterman	Related College Courses
89. 23160	Water and Sewer Utilities Dir.	B.A. in related field

APPENDIX C

United States v. City of Farmington

CONSENT DECREE

PERSONS TO BE OFFERED COMPENSATION

<u>Name</u>	<u>Compensation*</u>	<u>Priority Hire**</u>
Ahkeah, Laverna	D	Y
Alcon, Virginia	D	Y
Alvarez, Bernado	E	Y
Amarilla, Nalita	D	Y
Andersen, Penny	E	N
Anthony, Lucien	E	Y
Archuleta, Anthony	D	Y
Archuleta, Rick	C	N
Archuleta, Ruby (Riley)	D	Y
Ashihi, Albert	E	N
Aspaas, Karla	E	N
Atcitty, Raymond	E	N
Athey, Beth	E	N
Attson, Michael	E	Y
Atwood, Shirley	D	Y
Augustine, Cathy	D	Y
Baca, Carol	D	N
Baca, Orlando Celso	D	Y
Bailon, Francisco	D	Y
Baldwin, Louise	D	Y
Barber, Andrew	E	Y
Barber, Johnny	D	Y
Barber, Raymond	D	Y
Barbone, Troy	E	Y
Becenti, Thomas	E	Y
Bee, Johnson	E	Y
Bee, Sam	E	N
Begay, Alice B.	D	Y
Begay, Bennie	D	Y
Begay, Bobby R.	E	Y

* A = \$2,449; B = \$1,633; C = \$1,230; D = \$816; E = \$408.

** Y means eligible; N means ineligible

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Begay, Irene	D	Y
Begay, Jerry	E	Y
Begay, Joe, Jr.	D	Y
Begay, Lorenzo	E	Y
Begay, Marie	D	Y
Begay, Phyllis	E	Y
Begay, Robert Tso, Jr.	D	Y
Begay, Roger	E	Y
Begay, Wesley	D	Y
Begaye, Colleen N.	E	N
Begaye, Helen	E	Y
Begaye, Nora	E	Y
Benale, Bobby	E	Y
Benally, Charles D.	C	Y
Benally, Ernest	E	Y
Benally, James C.	E	Y
Benally, James F.	E	Y
Benally, James W.	D	Y
Benally, Marilyn	E	Y
Benally, Michael	E	N
Benally, Perry	E	N
Bennally, Curtis	E	Y
Betoni, Irene	D	Y
Betsuie, Esther	E	Y
Beyale, Evelyn (Benally)	E, E	Y
Bia, Carol C.	D	Y
Billey, Wilfred	E	N
Billy, Wilson	E	Y
Bitsuie, Joe W.	E	Y
Black, Tulley	D	Y
Blaylock, Elizabeth	D	Y
Blueeyes, Simon	E	Y
Bodley, Gloria	B	N
Bonney, Emma	D	Y
Bonney, Paul	D	Y
Bordy, Johnson	E	Y
Bowman, Everett	D	Y
Briggs, Georgia	A	N
Bright, Jessie	E	Y
Brightman, Diane	D	Y
Brown, Johnny L.	B	N
Brown, William	D	Y
Buck, Lawrence	D	N
Burns, Bruce	E	Y
Calrey, Cynthia	E	Y
Calvin, Etta	D	Y
Cambridge, Charles	A	N

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Cantu, Billy	C	Y
Carroll, Marlene	D	Y
Carpenter, Edith Pauline	D	Y
Charley, Bruce	D	Y
Charley, Phillip J.	D	Y
Chavez, Bernice	E	Y
Chavez, Carl	E	Y
Chavez, Samuel	D	Y
Chee, Boyd	E	Y
Chief, Zelma	E	Y
Cly, Herbert	E	Y
Coffey, Natasha	D	Y
Collins, Clarence	E	N
Cordova, Arthur	D	Y
Cordova, Lydia	E	Y
Cordova, Rene	D	N
Cram, Glenda	D	Y
Crispin, Theda	D	Y
Curley, Tom	E	Y
Danford, Bryan	E	Y
Davila, Israel	E	Y
Dawes, Eleanor	E	Y
Dayish, Virginia	D	Y
De Jesus, Ralph	E	Y
Delgado, Manuel	E	N
Delgado, Rosabel	E	Y
Denetclaw, Paul	D	Y
Denetsone, Andrea	E	N
Dick, Lee	D	Y
Dixon, Virgil	E	Y
Drews, Patricia	E	Y
Duncan, Vincent	E	N
Ellison, Caroline	D	N
Erickson, Patricia	E	Y
Escarcega, Thomas	E	Y
Eskins, Katherine (Smith)	C	Y
Espinoza, Eli	E	Y
Esquibel, Alan	E	Y
Esquivel, Modesto	D	Y
Etcitty, Herman	E	N
Filbert, James T.	E	Y
Foster, Johnny	E	Y
Foster, Louise R.	E	Y
Francis, Mary A.	E	Y
Francisco, Rubio	E	Y
Frank, Ernest	E	Y

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Funston, Alice	D	Y
Gaines, Terri R.	D	N
Garcia, Juan	D	Y
Garcia, Martha	D	Y
Garcia, Phillip	D	Y
Garcia, Virginia	D	Y
Garnenez, Lorenzo	D	N
Garza, Alicia	D	Y
Goldtooth, Gloria	E	Y
Goodluck, Clement	E	Y
Gordo, Paddy	E	Y
Gutierrez, Michael	E	Y
Hadley, Floyd	E	Y
Harding, Nelson	D	Y
Harris, Tyler	D	Y
Harrison, Bobby	D	Y
Harrison, Joe	E	Y
Harrison, Leo	E	Y
Harrison, Ralph	D	Y
Harrison, Robert	D	Y
Hatch, Frederick	D	N
Hayes, Wallace	E	Y
Henderson, Larry	E	Y
Herrera, Mitchell	C	Y
Hogue, Henry	E	Y
Hoskie, Jim	D	Y
Hosteen, Taft W.	E	N
Hunt, Calvin	E	Y
Jacquez, Lester	E	Y
Jaquez, Anna	D	Y
Jim, Barbara	D	Y
Jim, Raymond	D	Y
Jim, Sarah	D, E	N
John, Darlene	D	Y
John, Herman H.	E	Y
John, Howard	E	Y
John, Jimmie	E	Y
John, Julius	E	Y
John, Laverna	D	N
Johnson, Dorothea	D	Y
Johnson, Janice	D	Y
Johnson, Peterson	E	Y
Jones, Alvin	D	Y
Jones, Charles	D	Y
Jones, Roberta	E	Y
Kaibetoney, Larry	D	Y
Keedah, Shirley	D	N
Keith, Henry	E	Y

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Kellywood, Gary	E	Y
Keplin, Linus	E	Y
Largo, Jimmy	E	N
Lee, Albert	E	Y
Lee, Darlene	E	Y
Lee, Jesse	E	Y
Lee, Johnny	E	Y
Lee, Kenneth	E	Y
Lee, Laura	D	Y
Lee, Leonard	E	Y
Lee, McDonald	E	Y
Lee, Rebecca	E	Y
Lewis, Treva	E	Y
Lobato, Carmen C.	D	Y
Lopez, Cody	E	N
Lopez, Daniel	D	Y
Lopez, Frank A.	C, D	Y
Lopez, Glorieta	E	Y
Lopez, Raymond	E	Y
Lovato, Beverly	E	Y
Lucano, Steve	D	Y
Lucero, Sharon K.	E	Y
Manuelito, Jerry	D	Y
Manus, Peggy	C	Y
Manygoat, Thomas	D	Y
Manygoats, Dennis	E, D	N
Manygoats, Peterson	E	Y
Manymules, Ester	E	Y
Manzanares, Francis A.	D	Y
Mark, Larry	E	Y
Marquez, Dolores	D	Y
Martin, Benjamin	E	Y
Martin, Gloria	D	Y
Martinez, Daniel	E	Y
Martinez, Emiliano	E	Y
Martinez, Juan	E	Y
Martinez, Marcella	B	N
Martinez, Paula	D	Y
Martinez, Ronnie	D	N
Mason, John	D	Y
Matchers, Victoria	C	Y
McDaniel, Casey	E	Y
McGee, Barbara	A	N
McManus, Ellen	D	Y
Medina, Lorenzo	E	N
Montano, Eloy	C	N
Montoya, Priscilla	D	Y
Moore, Marlene	E	Y
Morgan, Alyce	E	Y

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Morgan, Robert	E	Y
Nakai, Mary	D	Y
Natonabah, Alfred	D	Y
Newman, Freddie	E	Y
Nez, Diana R.	D	Y
Nez, Loretta	E	Y
Ochoa, Diana	D	Y
Ondelacy, Daniel J.	D	Y
Paul, Alvin	D	Y
Paul, Henry	E	Y
Perry, Dona	D	Y
Pesata, Leroy	D, D	N
Peshlakai, William	E	N
Pete, Francis	E	Y
Pine, Peter	E	Y
Pinnecoose, Laverna	D	Y
Pioche, Juanita	E	Y
Pioche, Lorenzo	E	Y
Provance, Donald	D	Y
Redhair, Alvin	D	N
Redhouse, Francis	E	Y
Reyes, Joe	E	Y
Rodriguez, Phillip	E	Y
Royston, Lavone	D	Y
Russell, Leonard	E	Y
Russell, Stanlee	E	Y
Salazar, Michael	D	Y
Sam, Harold	E, E	Y
Sanchez, Freddy	E	Y
Sandoval, Charles	D	Y
Sandoval, Danny	E	Y
Sandoval, Henry	E	Y
Sandoval, Nelson	B	N
Sandoval, Theresa	E	Y
Scott, Gilbert	D	Y
Seiferle, Marybeth (Hirsh)	C	Y
Shepherd, Emma Lee	E	Y
Shippentower, Margaret	D	N
Silva, Teresa	D	Y
Simpson, Bennett	E	Y
Simpson, Freddie	E	Y
Singer, Linda	E	Y
Sleeper, Rose	D	Y
Smith, Marjorie	C	Y
Smith, Robert	D	Y
Stevenson, John	E	Y
Tapahonso, Marie	D	N

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Terrazas, Viola	D	Y
Thompson, Veronica	E	Y
Toehe, Ann	D, E	Y
Toledo, William	E	Y
Tolino, Irene	E	Y
Tracey, Phillis	E	Y
Trujillo, Genevieve	D	N
Tsinniginnie, George	D	Y
Tso, Harris	E	Y
Tso, Mike	B	N
Tso, Paul	E	Y
Tso, William D.	C	Y
Tsosie, Carbert	E	Y
Tsosie, Genevieve	D	Y
Tsosie, Howard	E	Y
Valdez, Ricky	D	Y
Velasquez, Willie	E	Y
Villa, George	D	Y
Wadsworth, Dennison	E	Y
Washburn, Harrison	E	Y
Weber, Joyce	D	Y
Werito, Phillip	E	N
Werito, Ted	E	Y
Wero, Herbert	D	Y
White, Harry	E	Y
Willie, Albert	D	Y
Willie, Marjorie	E	Y
Wilson, Willie	E	Y
Woody, James	E	Y
Yazzie, David F.	E	Y
Yazzie, Ellen	E	Y
Yazzie, Elsie M.	D	Y
Yazzie, Herman	E	N
Yazzie, Leroy	E	Y
Yazzie, Mary Rose	D	Y
Yazzie, Presley R.	E	Y
Yazzie, Rodger	E	Y
Zapata, Carlos	E	Y
Zohnie, William	E	Y

APPENDIX D

United States v. City of Farmington

CONSENT DECREE

NOTICE LETTER

[Date]

[Name]

[Address]

[City and State and zip]

Dear [Name]

Under the terms of the Consent Decree of [DATE], 1981, entered in the case United States v. City of Farmington, et al., Civ. No. 80-037-C (D.N.M. January 10, 1980) you are being offered \$(sum) on the following condition. If you accept this payment, the City will require you to release it from all employment discrimination claims you may presently have against the City based on race, sex or national origin. The Release and Affidavit are enclosed. If you have questions concerning this settlement you may contact Thomas Stuen at 202/633-3816 at the United States Department of Justice or the City of Farmington Legal Department at 505/327-7701 at Farmington City Hall.

If you presently live within 250 miles of the City of Farmington, in order to collect the payment you must appear in person at the Legal Department at City Hall between 8:30 a.m. and 5:30 p.m. any weekday before [DATE], 1981. Bring your social security card and other identification with you. You will at that time be asked to sign the enclosed affidavit and the enclosed formal release of any pending employment discrimination claims against the City based on race, sex or national origin which you may have.

If you presently live more than 250 miles from the City of Farmington, you may obtain payment by completing and returning the enclosed Release, together with the enclosed Affidavit, to the City of Farmington at the following address: Post Office Box 900, Farmington, N.M. 87401. The Release and Affidavit must be received by the City on or before (Date), 1981. Both the Release and Affidavit must be signed and notarized. Payment will be forwarded to you by registered mail.

(Where applicable) The City of Farmington has also agreed to give you priority consideration in hiring to the position(s) of [POSITION NAMES] to which you previously applied when such position(s) becomes available. In order to be eligible for priority consideration you must mail the enclosed postcard indicating you are interested in the position(s). In order to receive consideration for priority in employment, the postcard

must be received by the City on or before (Date), 1981. The City will notify you when a vacancy occurs.

Sincerely,

[City Representative]

APPENDIX E

United States v. City of Farmington

CONSENT DECREE

NOTICE CARDS

The postcards shall show the following mailing addresses on one side:

Karen Swyers
Personnel Director
City of Farmington
Post Office Box 900
Farmington, New Mexico 87401

The reverse of each postcard shall appear as follows:

Name: _____

Mail Address: _____

City State Zip

Telephone: _____

Date: _____, 1981.
Month Day

APPENDIX F

United States v. City of Farmington

CONSENT DECREE

AFFIDAVIT

STATE OF _____)
COUNTY OF _____) ss.

_____, being first duly sworn, deposes
and says as follows:

1. My name is _____. I
presently live at the following address: _____
_____. My telephone number is () _____.

2. I applied for employment with the City of Farmington,
New Mexico in the year or years _____.
At the time of my application my residence address was to the
best of my knowledge: _____
_____.

3. [IF YOU HAVE CHANGED YOUR NAME SINCE APPLYING FOR EM-
PLOYMENT WITH THE CITY OF FARMINGTON:] At the time I applied
for employment with the City of Farmington my name was _____
_____.

4. My social security number is _____.

I HAVE READ THIS AFFIDAVIT AND UNDERSTAND THE CONTENTS
THEREOF AND THE SAME IS TRUE AND CORRECT TO THE BEST OF MY
KNOWLEDGE.

Signed this _____ day of _____, 1981.

[SIGNATURE]

[FULL NAME TYPED]

SUBSCRIBED AND SWORN TO before me this _____ day of
_____, 1981.

Notary Public

My commission expires:

APPENDIX G

United States v. City of Farmington

CONSENT DECREE

RELEASE OF ALL CLAIMS AND RECEIPT

STATE OF _____)
COUNTY OF _____) ss.

I hereby acknowledge the receipt and sufficiency of the sum of [sum spelled out] Dollars (\$_____). For and in consideration of the payment of the said sum (and priority consideration for future employment) [where applicable] pursuant to the provisions of the Consent Decree entered by the Honorable Santiago E. Campos, United States District Judge, on [DATE] in United States v. City of Farmington, et al., Civil Action No. 80-037-C (D.N.M.), I, [full name of claimant], hereby release and forever discharge the City of Farmington, and its current, former and future officials, employees and agents, of and from all legal and equitable claims arising out of that action or other legal, equitable or administrative claims or causes of action arising out of any alleged discrimination on the basis of race, national origin or sex with respect to hiring, promotion or benefits by the City of Farmington in violation of any Federal, state or local equal employment opportunity laws, statutes, regulations or ordinances occurring before the date of the execution of this Release. I further agree to discontinue any pending claim or action, whether legal, equitable or administrative, which I may have against the City of Farmington, or any current or former officials, employees or agents of the City, alleging race, national origin or sex discrimination with respect to hiring, promotion or benefits arising out of any relationship or course of dealings which I may have had with the City of Farmington.

I understand that the payment made to me does not constitute an admission by any of the parties released of the validity of any claim raised by me, or on my behalf.

This Release constitutes the entire agreement between the City of Farmington and myself, without exception or exclusion.

I acknowledge that a copy of the Consent Decree in this action has been made available to me.

I HAVE READ THIS RELEASE AND UNDERSTAND THE CONTENTS THERE-OF AND I EXECUTE THIS RELEASE OF MY OWN FREE ACT AND DEED.

Signed this _____ day of _____, 1981.

[SIGNATURE]
[FULL NAME TYPED]

Social Security Number _____

Other Identification _____

SUBSCRIBED AND SWORN TO before me this _____ day of _____, 1981.

Notary Public

My commission expires:

APPENDIX 2

United States v. City of Farmington

Order Conditionally Entering Consent Decree
and Setting Fairness Hearing Procedures

NOTICE LETTER

[Date]

[Name]

[Address]

[City and State and zip]

Dear [Name]

There is now pending in the United States District Court for New Mexico a civil action brought by the Attorney General of the United States against the City of Farmington. The complaint alleges that the City of Farmington has discriminated in its employment practices against Indians, Hispanics, and females in violation of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e et seq., The State and Local Fiscal Assistance Act of 1972, as amended, 31 U.S.C. §1221 et seq., and The Omnibus Crime Control and Safe Streets Act of 1968, as amended, 42 U.S.C. §3789d(c)(3). The City of Farmington has denied the allegations of the complaint.

The United States and the City of Farmington have reached a complete settlement of this action and have submitted a Consent Decree for the Court's approval and entry. The Consent Decree requires the City of Farmington to take certain specific steps concerning the hiring of Indians, Hispanics and females. It also provides for the settlement of individual claims of discrimination by awarding monetary relief.

Under the terms of the Consent Decree filed in the case captioned United States v. City of Farmington, et al., CIV No. 80-037-C (D.N.M. January 10, 1980) you will be offered at least \$[sum] on the following condition. If you accept this payment, the City will require you to release it from all employment discrimination claims you may presently have against the City based on race, sex or national origin. You may also be offered up to \$(sum) as a share of a fund initially reserved for additional claimants. (You will be given priority consideration for future employment as well.) [persons marked Y on Appendix C]

If you have questions concerning this settlement you may contact Thomas Stuenkel at 202/633-3816 at the United States Department of Justice or the City of Farmington Legal Department at 505/327-7701 at Farmington City Hall. A copy of the proposed Consent Decree will be sent to you if you request it in writing from the City or the United States. You may also obtain a copy of the proposed Consent Decree at the Legal Department at Farmington City Hall.

If you believe that you should be offered additional relief under Appendix C to the Consent Decree, you must send a written statement to Thomas Stuen at the Civil Rights Division, Federal Enforcement Section, U. S. Department of Justice, Washington, D.C. 20530 by [date forty days after the date of entry of the Order] stating the following:

- (1) Name;
- (2) Address;
- (3) Telephone (if have access to a telephone);
- (4) Race or national origin and sex;
- (5) A statement of the reasons why you believe you are entitled to additional relief under Appendix C to the Consent Decree other than that set forth in this letter.

A hearing on the Consent Decree will be held on [Date], 1981 in the courtroom of the Honorable Santiago E. Campos in the United States Courthouse, Santa Fe, New Mexico beginning at [TIME].

Sincerely,

[City Representative]

Thomas E. Stuen
Attorney
Civil Rights Division
Federal Enforcement Section
U.S. Department of Justice
Washington, D.C. 20530

APPENDIX 3

United States v. City of Farmington

Order Conditionally Entering Consent
Decree and Setting Fairness Hearing Procedures

NOTICE IN NEWSPAPER

NOTICE OF PROPOSED CONSENT DECREE

IF YOU ARE AN AMERICAN INDIAN AND EITHER APPLIED FOR EMPLOYMENT WITH THE CITY OF FARMINGTON, NEW MEXICO, OR WORKED FOR THE CITY OF FARMINGTON, AT ANY TIME SINCE JULY 28, 1973 TO THE PRESENT, YOUR INTERESTS MAY BE AFFECTED BY THIS LAWSUIT.

IF YOU ARE EITHER HISPANIC OR FEMALE AND APPLIED FOR EMPLOYMENT WITH THE CITY OF FARMINGTON, NEW MEXICO, OR WORKED FOR THE CITY OF FARMINGTON, AT ANY TIME SINCE OCTOBER 5, 1977, YOUR INTERESTS MAY BE AFFECTED BY THIS LAWSUIT.

By Order of The Honorable Santiago E. Campos, United States District Judge, please take notice:

There is now pending in the United States District Court for New Mexico a civil action brought by the Attorney General of the United States against the City of Farmington. The complaint alleges that the City of Farmington has discriminated in its employment practices against Indians, Hispanics, and females in violation of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e et seq., The State and Local Fiscal Assistance Act of 1972, as amended, 31 U.S.C. §1221 et seq., and The Omnibus Crime Control and Safe Streets Act of 1968, as amended, 42 U.S.C. §3789d(c)(3). The City of Farmington has denied the allegations of the complaint.

PROPOSED CONSENT DECREE

The United States and the City of Farmington have reached a complete settlement of this action and have submitted a Consent Decree for the Court's approval and entry. The Consent Decree requires the City of Farmington to take certain specific steps concerning the hiring of Indians, Hispanics and females. It also provides for the settlement of individual claims of discrimination by awarding monetary relief.

If you are Indian and applied for employment with, or worked for the City of Farmington at any time since July 28, 1973; or if you are Hispanic or female and applied for employment with or worked for the City of Farmington at any time since October 5, 1977, your interests may be affected by the terms of the proposed Consent Decree.

FAIRNESS HEARING

By Order of the Court, a hearing will be held in the courtroom of the Honorable Santiago E. Campos in Santa Fe, New Mexico on [Date], 1981, commencing at [Time] for the purpose of determining whether the proposed settlement shall be approved by the Court. If you are satisfied with the proposed settlement, you need not appear at the hearing.

If you believe that you have a claim of discrimination against the City of Farmington which is not being compensated in the Consent Decree you must send a written statement to Thomas Stuen at the address below by [date forty days after entry of the Order] stating the following: (1) Name; (2) Address; (3) Telephone number (if you have access to a telephone); (4) Race or national origin and sex; and (5) a statement of the reasons why you believe you are entitled to relief other than that being offered you, if any.

If you have an objection to the proposed consent decree other than the relief being offered you, if any, you must send a written objection to the Court, and to the City and the United States, including a notice of intention to appear, and all grounds for any objections, together with supporting papers, before [Date forty (40) days after entry of this Order] at the address of the Court listed below. All such documents should refer to the name and number of the action "United States v. City of Farmington, et. al.," Civ. Action No. 80-037-C. All documents required to be filed with the Court in this litigation should be addressed to:

Lucy Gonzales, Clerk
United States District Court
Post Office Box 2384
Santa Fe, New Mexico 87501

The postmark on your envelope will determine if the document it contains has been timely filed with the Court.

If you do not file an objection in the manner provided in this Notice you may be deemed to have waived any objection you may have to the proposed consent decree.

ADDITIONAL INFORMATION REGARDING THIS NOTICE

If you have any questions which you want to raise concerning the matters dealt with in this Notice, or to obtain a copy of the Consent Decree, please direct your inquiries to:

Thomas E. Stuen, Esq.
Civil Rights Division
Department of Justice
Washington, D. C. 20530
(202) 633-3816

OR Legal Department
City Hall, P. O. Box 900
Farmington, New Mexico
(505) 327-7701

The pleadings and other records in this action may be examined at any time during the regular office hours at the office

of the Clerk of the United States District Court at the United States Courthouse in Santa Fe, New Mexico.

Dated: _____, 1981

United States District Judge

Appendix 4

United States v. City of Farmington

Order Conditionally Entering Consent
Decree and Setting Fairness Hearing Procedures

Institutional Letter

[Date]

[Name]

[Organization]

[City, State, Zip]

Dear [Name]

There is now pending in the United States District Court for New Mexico a civil action brought by the Attorney General of the United States against the City of Farmington. The complaint alleges that the City of Farmington has discriminated in its employment practices against Indians, Hispanics, and females in violation of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e et seq., The State and Local Fiscal Assistance Act of 1972, as amended, 31 U.S.C. §1221 et seq., and The Omnibus Crime Control and Safe Streets Act of 1968, as amended, 42 U.S.C. §3789d(c)(3). The City of Farmington has denied the allegations of the complaint.

The United States and the City of Farmington have reached a complete settlement in the case, captioned United States v. City of Farmington, Civil No. 80-037-C (D.N.M. January 10, 1980). A Consent Decree has been filed which provides for specific steps in hiring and related personnel practices. The Consent Decree also provides for settlement of individual claims of discrimination by awarding appropriate monetary relief as well as priority consideration for future employment.

Copies of the Consent Decree and related Order are attached for your information. If you have any questions concerning the Consent Decree please direct your inquiries to the Legal Department, Farmington City Hall, Post Office Box 900, Farmington, New Mexico 87401 or to Thomas Stuen, Civil Rights Division, Federal Enforcement Section, United States Department of Justice, Washington, D.C. 20530.

A hearing concerning the Consent Decree will be held on [Date], 1981 in the courtroom of the Honorable Santiago E. Campos in the United States Courthouse in Santa Fe, New Mexico beginning at [Time]. If your organization wishes to be heard concerning entry of the Consent Decree you must send a written statement to the Court, including notice of intention to appear, and all grounds for any objections, together with supporting papers, before [Date forty (40) days after entry of this Order] to the Clerk of Court at the following address:

Lucy Gonzales, Clerk
United States District Court
Post Office Box 2384
Santa Fe, New Mexico 87501

Sincerely,

[City Representative]

Appendix 5

United States v. City of Farmington

Order Conditionally Entering Consent
Decree and Setting Fairness Hearing Procedures

Letter to Claimants

[Date]

[Name]
[Address]

Dear [Name]:

We have considered the statement you have furnished concerning your request for monetary relief (and priority consideration for future employment) [where applicable] under the Consent Decree conditionally entered on [Date] in the case United States v. City of Farmington, Civil No. 80-037-C (D.N.M. January 10, 1980).

We have determined that you

[One of A:]

are entitled to an award of (\$ Sum and priority consideration for future employment) [where applicable]

[or B:]

are not entitled to an award of monetary compensation or priority consideration for future employment

under the Consent Decree. If you are satisfied with the proposed settlement, you need not appear at the hearing which will be held to determine the fairness of the proposed settlement.

The hearing to determine the fairness of the Consent Decree will be held on [Date] in the courtroom of the Honorable Santiago E. Campos in the United States Courthouse in Santa Fe, New Mexico beginning at [Time]. If you wish to challenge the adequacy of your award, if any, you must send to the Court and the parties by [Date 75 days after entry of the Order] a written notice of intention to appear stating the reasons you feel the award is inadequate together with supporting papers. All documents for the Court should be sent to the following address:

Lucy Gonzales, Clerk
United States District Court
Post Office Box 2384
Santa Fe, New Mexico 87501

The postmark on your envelope will determine if the document it contains has been mailed on time.

If you have any questions concerning this letter or the Consent Decree, please contact Thomas Stuen at 202-633-3816.

Sincerely,

James P. Turner
Acting Assistant Attorney General

By

Thomas E. Stuen
Attorney
Civil Rights Division
Department of Justice
Washington, D.C. 20530