

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA

FILED

DEC 29 1982

SOUTHERN DIVISION

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
JAMES E. VANDEGRIFT, CLERK

UNITED STATES OF AMERICA,

Plaintiff,

v.

JEFFERSON COUNTY, et al.,

Defendants.

JOHN W. MARTIN, et al.,

Plaintiffs,

v.

CITY OF BIRMINGHAM, et al.,

Defendants.

CIVIL ACTION NO.
75-P-0666-S

ENTERED

DEC 29 1982

CIVIL ACTION NO.
74-P-0017-S

CONSENT DECREE WITH JEFFERSON COUNTY

The plaintiffs filed their complaints in these consolidated actions against Jefferson County and others to enforce the provisions of Title VII of the Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972, 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. §1981, 42 U.S.C. 1983, and the Fourteenth Amendment to the Constitution of the United States. In their complaints, the plaintiffs alleged that Jefferson County and the other named defendants had engaged in a pattern or practice of discrimination based on race and sex with respect to recruitment, hiring, assignment, promotion, discipline, and other terms and conditions of employment. Jefferson County has denied the allegations in the plaintiffs' complaints.

The parties to this Consent Decree are the plaintiffs in the consolidated actions captioned above and defendants Jefferson County and Ben L. Erdreich, Ray Moore, and Chriss H.

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Doss, acting in their official capacities as the Commissioners of Jefferson County, and Melvin L. Bailey acting in his official capacity as Sheriff. By entering into this Consent Decree the parties express their desire to avoid the burdens and expense of any further litigation in these actions and to insure that any disadvantages to blacks and women that may have resulted from any past discrimination against them are remedied so that equal employment opportunities will be provided to all. The parties waive any findings of fact and conclusions of law on all outstanding issues solely pertaining to Jefferson County except for costs and attorneys' fees. The parties will seek to reach agreement on the amount of attorneys' fees and costs for the private plaintiffs in these consolidated actions. If agreement cannot be reached on the amount of such fees and costs, this matter shall be submitted to the Court for determination. The United States waives any entitlement it may have to recovery of costs. This Decree shall not constitute an adjudication or admission by Jefferson County or others signatory to this Decree of any violation of law, executive order or regulations. The parties accept this agreement as final and binding among the parties signatory hereto as to the issues resolved herein.

Now therefore, on the basis of the foregoing representations of the plaintiffs, Jefferson County and its Commissioners, and all trial proceedings and discovery filed herein to date, it is hereby ORDERED, ADJUDGED and DECREED as follows:

I. GENERAL INJUNCTIVE PROVISIONS

1. The defendant Jefferson County, and the Jefferson County Sheriff, their officials, agents, employees, and any other persons who participate in the hiring, firing, promotion or discharge of employees or applicants for employment with the County (hereinafter collectively referred to as "the County" or

"the defendant Jefferson County") are permanently enjoined and restrained from engaging in any act or practice which has the purpose or effect of unlawfully discriminating against any employee of, or any applicant or prospective applicant with, Jefferson County because of such individual's race, color or sex. The defendants have agreed that all hiring, promotion, upgrading, training, job assignments, discharge or other disciplinary measures, compensation, or other terms and conditions or privileges of employment shall be maintained and conducted in a manner which does not unlawfully discriminate on the basis of race, color or sex. Further, the County shall not retaliate against or in any way take action against any person because that person opposes or has opposed alleged discriminatory policies or practices in Jefferson County, or because of that person's participation in or cooperation with the investigation and trial of these actions, or in any proceedings therein.

2. Nothing herein shall be interpreted as requiring the County to hire unnecessary personnel, or to hire, transfer, or promote a person who is not qualified, or to hire, transfer or promote a less qualified person, in preference to a person who is better qualified based upon the results of a job related selection procedure. Nothing herein shall prohibit the County from discharging, disciplining or demoting employees for just cause in accordance with applicable law, nor shall it preclude the County from engaging in layoffs or rollbacks of employees pursuant to State law, provided however that any such actions are taken and executed without regard to race or sex.

3. Remedial actions and practices required by the terms, or permitted to effectuate and carry out the purposes, of this Consent Decree shall not be deemed discriminatory within the meaning of paragraph 1 above or the provisions of 42 U.S.C. 2000e-2(h), (j), and the parties hereto agree that they shall

individually and jointly defend the lawfulness of such remedial measures in the event of challenge by any other party to this litigation or by any other person or party who may seek to challenge such remedial measures through intervention or collateral attack. If any collateral lawsuit involving this Consent Decree arises in state court, then the County shall notify counsel for the plaintiffs and remove such action to the United States District Court.

4. In the event plaintiffs seek to enforce any provision of this Decree they shall provide notice of their intentions to: County Attorney, Jefferson County, 213 Jefferson County Courthouse, Birmingham, Alabama 35263. Such notice shall state, with reasonable particularity, the nature of the alleged violation and the relief sought. The parties shall have a period of thirty (30) days within which to resolve the matter informally. If the parties fail to resolve the matter plaintiffs may, upon expiration of the thirty-day period, apply to the Court for an appropriate enforcement order.

II. SPECIFIC INJUNCTIVE PROVISIONS

A. Accelerated Recruitment and Certification Procedures

5. One of the major purposes of this Decree is to insure that blacks and women are considered for employment by the County on an equal basis with whites and males and to correct for the effects of any alleged prior discriminatory employment practices by the County against blacks and women. In particular, the County shall seek in good faith to achieve the employment of qualified blacks and females in job vacancies in the classified service of the County in numbers approximating their percentage representation among persons on the eligibility lists for such jobs as determined by the Jefferson County Personnel Board under nondiscriminatory recruitment and selection procedures set forth in its Consent Decree (see Paragraph 6), and in job vacancies in laborer positions in the

unclassified service in numbers approximating their percentage representation among qualified applicants for such jobs as determined by the County under the provisions of this Consent Decree. It is recognized that the process of increasing the number of qualified black and female applicants for these jobs is facilitated by a process free of unlawful barriers to their entry, by a substantial increase in recruitment efforts directed toward blacks and women, and by the use of fair and nondiscriminatory selection criteria. The objectives of this Decree will be considered to be attained in entry level jobs when the percentage of qualified blacks and women employed by the County in each of the jobs identified in paragraphs 7, 8, and 11 and in Appendices A and B of this Decree approximates their respective percentages in the civilian labor force of Jefferson County as generally reflected by the 1970 Federal Census. The parties agree to recognize changes, if any, in those percentages which may come about as a result of final publication of the 1980 Census. For jobs that require a professional degree, license or certificate, and where it can be shown that blacks and/or women hold such degrees, licenses or certificates in percentage terms which are lower than their respective percentage representations in the civilian labor force of Jefferson County, the parties agree that the attainment of the objectives of this Decree for such jobs shall be based upon the best available information as to the availability of qualified blacks and women for such jobs. If the parties are unable to agree upon the data to be used for this purpose, the parties reserve the right to petition the Court to resolve such disagreement. If the County fails to meet these objectives in a particular job or jobs, it shall have the burden of demonstrating that it made a good faith effort to achieve such objectives, and that it otherwise complied with the affirmative recruitment and nondiscriminatory selection

requirements for such positions as set forth in Part II of this Decree.

6. The defendant Jefferson County also recognizes that the Jefferson County Personnel Board has entered into a separate Consent Decree with the plaintiffs in these actions. That Consent Decree was approved and entered by this Court on August 18, 1981. That Decree requires, inter alia, that the Personnel Board seek to achieve certain minimum certification rates of blacks and women from among the Board's pool of qualified applicants for various jobs within each of the jurisdictions served by the Board, including Jefferson County.

Blacks
⑦. The jobs within Jefferson County to which minimum rates of certifications by the Personnel Board apply for blacks are: Accountant, Account Clerk, Auditor, Automotive Mechanic, Construction Equipment Operator, Engineering Aide, Heavy Equipment Operator, Labor Supervisor, Public Works Supervisor, Revenue Examiner, Secretary, Intermediate Clerk, Senior Clerk, Stenographer, Truck Driver, and Waste Water Treatment Plant Operator.

Females
⑧. The jobs within Jefferson County to which minimum rates of certification by the Personnel Board apply for females are: Drafter, Engineering Aide, Engineering Drafter, Engineering Technician, Graduate Engineer, Deputy Sheriff, Revenue Examiner, Security Officer, Sr. Civil Engineer, Stores Clerk, Traffic Planning Technician.

9. The defendant Jefferson County will insure that blacks and women are selected for appointment in the jobs identified in paragraphs 7 and 8 above in a nondiscriminatory manner, as provided in paragraphs 1 and 2 above, from the group of applicants certified by the Personnel Board. It is the expectation of the defendant Jefferson County and the plaintiffs, that such nondiscriminatory hiring pursuant to this Decree will result in the selection of qualified blacks and

women for these jobs in numbers approximating their overall representations on the certification lists received from the Personnel Board for such positions. Absent unusual circumstances, compliance with the provisions of this paragraph will be assessed on a semiannual basis in accordance with the reporting provisions set forth in paragraph 52 below.

10. Defendant Jefferson County also recognizes and agrees to support the remedial Order entered by this Court in these proceedings on January 10, 1977. That Order was entered after a trial of limited issues involving the Personnel Board. In an opinion filed on January 10, 1977, this Court found, inter alia, that the written tests administered by the Personnel Board for police officers, deputy sheriffs and firefighters had an adverse impact on black applicants and were not shown to be validated in accordance with the federal agency testing guidelines in effect during the times those tests were administered. 1/ The Court's Order, as it now applies to the Personnel Board, requires, in pertinent part, that the number of blacks certified for appointment in police officer, deputy sheriff and firefighter positions be representative of the number of black applicants for those jobs. This provision of the Court's Order is to remain in effect unless and until the Personnel Board institutes selection procedures for these jobs which it can demonstrate either have no adverse impact on blacks or are job related in accordance with applicable federal guidelines.

1/ At the time of the Court's January 10, 1977 Order, the federal agency testing guidelines referred to in that Order consisted of the Guidelines on Employee Selection Procedures issued by the Equal Employment Opportunity Commission, 29 C.F.R. §1697 et seq. (EEOC Guidelines), and the Federal Executive Agency Guidelines on Employee Selection Procedures issued by the U. S. Civil Service Commission and the Departments of Justice and Labor, 28 C.F.R. §50.14 (FEA Guidelines). Effective September 25, 1978, the EEOC Guidelines and the FEA Guidelines were superceded by the Uniform Guidelines on Employee Selection Procedures adopted by the EEOC, the U. S. Civil Service Commission (now the U. S. Office of Personnel Management) and the Departments of Justice and Labor, 43 F.R. 38290.

11. In order to carry out the purposes and intent of the January 10, 1977 Order, the defendant Jefferson County will insure that blacks are appointed to deputy sheriff positions in a nondiscriminatory manner as provided in paragraph 2 above from the group of applicants certified by the Personnel Board. 2/ It is the expectation of the defendant Jefferson County and the plaintiffs, that such nondiscriminatory hiring pursuant to this Decree will result in the selection of qualified black deputy sheriffs in numbers approximating their overall representation on the certification lists received from the Personnel Board. Compliance with this paragraph shall be assessed on a semi-annual basis in accordance with paragraphs 52 and 53 below.

12. Jefferson County also recognizes that blacks and women have not been hired into certain divisions and departments in the County in numbers reflective of their interest or potential interest in such employment. Those departments and divisions in which blacks have not been hired consistent with their expressed or potential interest in such employment are identified in Appendix A of this Decree. Those departments and divisions in which females have not been hired consistent with their expressed or potential interest in such employment are identified in Appendix B of this Decree.

13. In these departments and divisions, Jefferson County agrees that it will make a good faith recruitment effort, in accordance with its affirmative recruitment obligations under this Decree, to secure the number of black and female applicants in entry level (open competitive) jobs in those departments and divisions that is at least equivalent to the degrees of representation of blacks and women in the civilian labor force of Jefferson County. The parties preserve the right to

2/ Jefferson County does not employ police officers or firefighters.

adjust these recruitment goals through agreement and subject to the approval of the Court, where it can be shown that a professional degree, license or certificate is required to perform the duties of any particular job or jobs and that blacks and/or women hold such degrees, licenses or certificates in percentage terms in the relevant labor market which are inconsistent with these goals. The relevant labor market for the jobs identified on Appendices A and B will be Jefferson County, unless the parties agree or the Court requires that for a particular job or jobs some other labor market be used that will better serve the purposes of this Decree. For purposes of this paragraph, entry level jobs are those listed in Appendices A and B.

14. With respect to positions in the departments and divisions identified in Appendices A and B which in the past have been traditionally filled by promotion from lower classifications, and except for the jobs identified in paragraphs 7 and 8 above for which the Personnel Board has affirmative certification obligations under its Consent Decree, the County shall seek to secure the number of qualified black and female applicants for promotion to those jobs that is at least equivalent to their percentage representation in the applicant pool from which such promotions are made. The County shall request that the Personnel Board issue open competitive job announcements for positions in the Public Works Department if the parties to this Decree agree that such a request is necessary to increase the applicant pool of qualified blacks and females in this Department. In the event of any disagreement between the parties to this Decree on this matter, any such party may petition the court to resolve such disagreement.

15. With respect to appointments to future vacancies in the departments and divisions identified in Appendices A and B, the County will insure that such appointments are made in a

nondiscriminatory manner, as provided in paragraphs 1 and 2 above. It is the expectation of the defendant Jefferson County and the plaintiffs, that such nondiscriminatory hiring pursuant to this Decree will result in the selection of qualified blacks and women in accordance with their overall representations in the relevant applicant pools as set forth in paragraphs 9, 11, 13 and 14 above.

16. Except for unclassified laborer positions over which the County has sole recruitment responsibility under this Decree, if the recruitment efforts of the Personnel Board pursuant to its Consent Decree fail to supply sufficient applicants for the County to meet the objectives of this Decree, the County shall institute an affirmative recruitment program designed to inform blacks and women of job opportunities with the County. This recruitment obligation is intended to supplement but not duplicate the recruitment efforts of the Personnel Board, as required by the Consent Decree between plaintiffs and the Board. The County's recruitment activities shall be directed specifically at attracting qualified black and female applicants for the jobs identified in paragraphs 7, 8, and 11, and in Appendices A and B of this Decree. The recruitment program may include but shall not be limited to maintaining contacts with area high schools, technical and vocational schools, colleges, and organizations which have traditionally expressed an interest in providing minority and female applicants, or which indicate such interest in the future, and informing them of employment opportunities with the County. In addition, where appropriate, advertising of employment opportunities may be placed with or in advertising media primarily directed to black and female audiences for the purpose of emphasizing to blacks and women the availability of employment opportunities with the County. Utilization of the above described recruitment sources in accordance with this

paragraph shall constitute compliance by the County with the affirmative recruitment obligations required by this paragraph.

17. Subject to paragraph 2 and all other provisions of this Consent Decree, the County agrees to take appropriate and sufficient action to meet the employment expectations of the parties as set forth in paragraphs 9, 11, 13, 14, and 15 of this Decree.

B. Job Posting

18. The County shall inform its employees of all opportunities for promotion or transfer. The County shall insure that all written announcements received from the Personnel Board for hiring, promotion and training opportunities with the County are made available to all of its employees reasonably in advance of any scheduled examinations or training for such positions. Such announcements shall be posted in conspicuous places so that reasonable notice is given to the County's employees of such employment opportunities. Notices of job announcements within a department in either permanent, part-time or temporary positions shall be posted separately and in conspicuous places from notices of job announcements in other departments.

C. Sex Restrictions in Job Announcements and Certifications

19. Except for the position of Juvenile Detention Officer at the Jefferson County Family Court, the County shall not request that the Personnel Board restrict any job announcements or certifications on the basis of sex except where, pursuant to a proper validation study, gender is determined to constitute a bona fide occupational qualification within the meaning of Section 703(e) of Title VII for the job(s) listed in such announcements or certifications, and such determination is approved in writing by the United States. If such approval is not granted, the County reserves the right upon proper motion to petition the Court for approval of the determination. The

County may establish in consultation with the Personnel Board a special medical examination to be given to applicants for nurses aide and laundry worker positions. Such examination shall be used solely to determine whether applicants for such positions are physically qualified to perform the duties of those jobs, and it shall not be used to discriminate in purpose or effect against female applicants.

D. Height-Weight Requirements

20. The County shall not use or follow any minimum height or weight requirements that have an adverse impact against blacks or women as selection criteria for any position, nor shall it abide by any such requirements if they are instituted and administered by the Personnel Board.

E. Eligibility to Apply for Promotion to Certain Jobs

21. The County shall not require deputy sheriffs to serve more than three years uninterrupted service in rank (or two years uninterrupted service in rank for candidates who have two years of college credits) in order to be eligible to take the promotional examination for sheriff sergeant, nor shall it require sheriff sergeants to serve more than two years uninterrupted service in rank in order to be eligible to take the promotional examination for sheriff lieutenant. Employees who have obtained permanent status as sheriff lieutenant shall not be deemed ineligible for promotion to the next higher rank based upon any minimum length of service or time in rank. The term "uninterrupted service" shall include any time spent as a probationary employee.

22. In order to be eligible to apply to take the promotional examinations for the positions of public works supervisor or construction supervisor, an employee must have permanent status as a truck driver, labor supervisor, heavy equipment operator or construction equipment operator.

23. Any employee who has worked full-time in an unclassified labor position for twelve consecutive months shall be eligible to apply to take the promotional examinations for the following classifications: semi-skilled laborer, truck driver, equipment service worker, automotive mechanic helper, shop helper and service station attendant.

24. Any employee who has obtained permanent status as a semi-skilled laborer or truck driver shall be eligible to apply to take the promotional examinations for the following classifications: truck driver, labor supervisor, heavy equipment operator, equipment service worker, automotive mechanic helper.

25. Any employee who has obtained permanent status as a truck driver, heavy equipment operator, or labor supervisor shall be eligible to apply to take the promotional examination for the classification of construction equipment operator.

F. Promotional Potential Ratings

26.. The County may continue to use the Personnel Board's current promotional potential rating system in departments where it is shown to have no adverse impact. The County shall discontinue the use of the Personnel Board's current promotional potential rating system in the following departments in which such ratings have been demonstrated to have had an adverse impact on blacks: Cooper Green Hospital, General Services.

27. The County further agrees to discontinue the use of the Personnel Board's current promotional potential rating system to determine eligibility for promotion in any other department where, based upon any two successive rating cycles (one cycle consisting of 6 months), there is adverse impact against blacks. In determining adverse impact under this subpart the parties agree to rely upon section 4D of the

Uniform Guidelines of Employee Selection Procedures, 29 C.F.R.
1607, et seq.

G. Background Investigations

28. Background investigations shall be utilized in such a manner so as not unlawfully to discriminate on the basis of race or sex.

29. The Sheriff shall establish a written policy concerning background investigations within the Sheriff's Department within 90 days after this Decree is entered. As part of that policy, the Sheriff's Department shall provide applicants who have been rejected on the basis of the background investigation written notice of the specific reason(s) for their rejection. Such notice shall not require the Sheriff to disclose the identity of any person or employer who supplies information to the Sheriff's Department in confidence during an applicant's background investigation and who requests in writing that such information be kept confidential. An applicant who has received such notice shall be allowed ten (10) days to respond in writing and to provide relevant information concerning the basis of rejection. The Sheriff shall insure that such written response and relevant information is reviewed by an individual(s) who did not participate in the applicant's initial background investigation, and that this review shall occur before the rejection becomes final. If the Sheriff needs to fill a vacancy in a deputy sheriff's position prior to the completion of a review of the applicant's background investigation as set forth in this paragraph, or as may occur pursuant to the provisions of paragraph 33(f) below, the Sheriff may fill such vacancy with another applicant. If upon completion of such review the applicant is found otherwise qualified for a deputy sheriff position he or she will be placed and appropriately ranked on the certification list for the first deputy sheriff vacancy that arises subsequent to the

completion of that review. If the Sheriff determines that blacks or women are not being employed in deputy sheriff positions in accordance with the objectives of paragraphs 9 and 11 above, and that the background investigation for this job is a factor that is precluding the Sheriff from meeting such objectives, the Sheriff shall require that the Sheriff Department review its background investigation policy to insure that it is administered in a nondiscriminatory manner. In this regard, the Sheriff shall seek to insure that, if as a result of such review it is determined that any component, aspect or element of the background investigation process results in a disproportionate disqualification of blacks or women, that such component, aspect or element will either be eliminated or shown to be job related in accordance with the requirements of Title VII.

H. Dismissals of Deputy Sheriffs During Probationary Periods

30. The Sheriff agrees that prior to the dismissal of any deputy sheriff during his or her initial twelve month probation period, it will notify any such person in writing of the specific reason(s) for such dismissal, and he or she shall be given an opportunity to respond in writing to the specific reason(s) for such dismissal. Such response shall be made within five (5) days of the issuance of the notice of dismissal, provided however that such period shall be extended upon reasonable request to responsible officials of the Sheriff's Department with respect to any matter pertaining to such dismissal. The Sheriff shall insure that such person is fairly advised of his or her rights under this paragraph. Copies of any correspondence, notes, memoranda or recordings concerning any matters covered by this paragraph shall be retained by the Sheriff and shall be available for inspection by attorneys for the plaintiffs upon request.

I. Supervisory Instruction

31. The County shall inform supervisory personnel that the County shall not discriminate against or harass any employee or potential employee on the basis of race or sex. In addition, the County will instruct such personnel about their responsibilities as they relate to carrying out the provisions of this Decree. Supervisory personnel will be evaluated, in part, on the basis of their compliance with these instructions as well as their cooperation with the Affirmative Action Officer identified in paragraph 33 below.

J. Facilities

32. Jefferson County hereby agrees to insure that all bathroom, locker, and similar facilities are available for use by County employees without regard to race.

K. Affirmative Action Officer

33. The County shall appoint an Affirmative Action Officer who shall have the following responsibilities:

(a) Advise black and female employees of the terms of this decree;

(b) Post his or her office hours and location and copies of this Decree in conspicuous places within each department or operational unit of the County;

(c) Receive and investigate oral or written complaints of race and sex discrimination and conciliate such complaints when appropriate, and notwithstanding any other provisions of law, establish a written procedure which shall govern such complaints;

(d) Meet periodically with department heads to assess their progress in meeting the objectives of this Decree;

(e) Maintain a complete record of all actions taken in pursuit of the duties prescribed herein,

including all correspondence directed to or from the County with respect to any complaints or investigations undertaken pursuant to this Consent Decree and any investigatory files.

(f) If within any six month reporting period prescribed by paragraphs 37 and 39 below, the County determines that it is failing to meet any of the objectives contained in Part II, subpart A of this Decree, the County shall require the Affirmative Action Officer to review the future selection decisions of the appointing authority in the job(s) and Department(s) in which such objectives were not met in order to insure compliance with this Decree. As part of this review the Affirmative Action Officer shall review the appointing authority's written justification for failure to select certified black or female applicants in the jobs for which the objectives of the Decree were not met, and shall submit his or her written comments together with the appointing authority's written justification to the County Attorney. Appointments may be made in the job(s) and Department(s) under review while such review is pending before the Affirmative Action Officer or the County Attorney, provided, however, that blacks or women who are found to have been improperly denied employment or consideration for employment during the period covered by the review shall be eligible for recertification and employment in a future vacancy in the jobs to which they were originally certified, with all rights, benefits and compensation that they would otherwise be entitled to under the provisions of paragraphs 1 and 2 of this Decree.

(g) The Affirmative Action Officer shall report at least semiannually to the County Commissioners his findings with respect to any investigations undertaken pursuant to his above described responsibilities.

(h) The Affirmative Action Officer referred to herein shall be appointed by the County within thirty (30) days after final approval of this Decree. The County shall inform the plaintiffs of any changes in the identity of the Affirmative Action Officer.

III. INDIVIDUAL RELIEF

34. The County agrees to pay the sum of \$298,000 in full and complete settlement of the claims against the County for monetary relief in these consolidated actions. Any back pay awards to be made from such sum shall be subject to income tax withholding and the employee's share of social security. No individual monetary awards shall be made under this Decree until at least thirty (30) days after the date the Court grants final approval to the Consent Decree. Within seven (7) days after provisional approval of the Consent Decree by the Court, or final approval of the Decree by the Court, whichever occurs first, the County agrees to pay the sum of \$298,000 to be deposited in separate trust accounts bearing interest at commercial rates as follows:

a. A fund in the total amount of \$10,000 shall be set aside for the individual private plaintiffs in the Martin action. Within ten (10) days after the date this decree is given final approval by the Court, the Clerk shall pay the following amounts to the following named plaintiffs, together with the interest accrued thereon. These amounts shall be in full satisfaction of all claims of the named

plaintiffs against the County in these consolidated actions.

Eugene Thomas	\$ 2,500
Wanda Thomas	4,000
Ida McGruder	3,500

b. A fund in the total amount of \$69,696 for those women identified in Appendix C who were certified and not hired allegedly because of their sex in the jobs listed next to their names in that appendix. 3/

c. A fund in the total amount of \$15,840 for those blacks identified in Appendix E as subclass 1 who took the written test for the job of Deputy Sheriff that resulted in eligibility lists for that job in effect between April 25, 1975, and January 10, 1977, (the date of this Court's Remedial Order referred to in paragraph 10 above), who have not been hired as Deputy Sheriffs, or who, subsequent to the entry of the Court's January 10, 1977 Order, were hired by the County as Deputy Sheriffs, but who may have been hired earlier but for their rank on such eligibility lists.

d. A fund in the total amount of \$202,464 for those blacks identified in Appendix F as subclass 2 who were certified by the Jefferson County Personnel Board and not hired by the County to the jobs and departments during the time periods set forth in that appendix. This fund shall also be used to compensate those blacks identified in Appendix D who have individual claims of race discrimination in hiring

3/ The United States is the only party in these consolidated actions that has alleged discrimination on the basis of sex by the defendant Jefferson County.

but who are not members of subclass 2 as defined in Appendix F.

35. Except for those individuals described below, the amount of back pay relief, if any, to be awarded to the individuals identified in Appendices C, D, E and F whose claims have yet to be reviewed by the plaintiffs shall be determined based upon the submission proof of claim forms in accordance with the provisions of paragraph 37 below. Those blacks identified in Appendix E (the Deputy Sheriff test class) who have previously submitted proof of claim forms under the Consent Decree with the Jefferson County Personnel Board shall not be required to submit another proof of claim form to be eligible for back pay relief under this Decree.

36. The amounts allocated to each of the back pay funds described in Paragraph 34 above have been determined by a calculation of the relative economic injury suffered by each group or subclass described therein. The determinations of individual back pay awards for the members of the groups or subclasses described in Paragraph 34(b)(c) and (d) will be made under the following general guidelines:

a. Sex discrimination claims (Paragraph 34(b)). Back pay will be determined for these claimants by counsel for the United States based on an evaluation of the merits of each individual claim. Factors that may be considered in making these determinations are the date the claimant was certified for the position, the number of claimants certified for a particular position, the pay rate for that job, and the claimant's willingness or ability to have accepted an offer of employment in that job at the time(s) of certification.

b. Race discrimination claims (testing)
(Paragraph 34(c)). All subclass members eligible for relief will share equally in the back pay allocated to this subclass.

c. Race discrimination claims (hiring)
(Paragraph 34(d)). Back pay will be determined for these claimants by counsel for the United States and the Martin plaintiffs based on an evaluation of the merits of the individual claim. The amount of back pay for a claimant may vary depending upon the date the claimant was certified for the position, the number of claimants certified for a particular position, the pay rate for the job, the claimant's willingness or ability to have accepted an offer of employment in that job at the time(s) of certification, and the number of additional vacancies in that job that plaintiffs allege would have been filled by blacks during the relevant time periods, absent alleged discrimination.

37. Within ten (10) days after the Court gives final approval to the Consent Decree, written notice will be given by the County by certified mail, return receipt requested, to each of the individuals identified in Appendices C, D, E and F who are required to submit proof of claim forms in order to be eligible for individual relief under this Decree. Notice to such individuals will be sent to their last known address. The form of the notice is attached as Appendix G. Proof of claim forms (attached as Appendices H and I) will be included with the notice to these individuals, and they shall have sixty (60) days from the date of mailing to respond to their notice and to file their proof of claim forms with the Clerk of the Court.

38. Within ninety (90) days after receipt of all timely proof of claim forms by the Clerk of the Court, counsel for the

plaintiffs will submit to the Court and counsel for the County a report identifying each person who, in their view, is entitled to participate in the individual relief provisions of this Consent Decree. In preparing this report, counsel for the plaintiffs shall be allowed access to the County's records and files after reasonable notice of no less than three (3) days, and any review of such records and files shall occur during normal working hours. Plaintiffs shall include a description of the job offer and remedial seniority, if any, to be offered by the County to such individual and the back pay relief, if any, to be afforded by the County to such person. In no event will the sum of the individual monetary awards to be paid by the County under this Decree exceed the sum of \$298,000, plus any interest accrued thereon.

39. Set forth in Appendix L is a listing of the jobs, Departments and number of job vacancies for which the individuals identified in Appendices C, D and F will be eligible to present a claim for priority employment under the procedures set forth in paragraph 46 below. In no event will the number of remedial job offers to be made under part III of this Decree exceed the number of vacancies identified in Appendix L.

40. The County shall have twenty (20) days from receipt of the plaintiffs' report on individual relief to notify, in writing, counsel for the plaintiffs of any objections it may have to the job offer and/or seniority dates for the individuals identified in such report, except that such period may be extended for a reasonable period of time not to exceed thirty (30) days for good cause shown. If there are any such objections, the parties shall first attempt to reach a voluntary resolution of the objections. In the event the parties are unable to resolve such objections, they may petition the court to resolve them. The County agrees not to

challenge any of the individual back pay awards to be made under this Consent Decree.

41. Remedial County seniority date, as that term is used in this Decree, shall mean the employee's seniority for purposes of promotion, vacation as accrued, sick leave, and longevity pay, but such date shall not be utilized for pension purposes. Adjusted classification seniority, as that term is used in this Decree, shall mean the employee's seniority for layoff and recall in the jobs to be offered to individuals under Part III of this Decree. In no event shall a remedial county seniority date or adjusted classification seniority date be earlier than March 24, 1972, the date Title VII was amended to include State, County and local governments.

42. Upon final determination by the parties of the awards of individual relief to be made under this Decree, the County shall within five (5) days thereafter notify such persons by certified mail of their proposed awards of relief, if any, as set forth in the plaintiffs' report submitted to the Court. This notice shall also inform each of these individuals of their right to object to the relief, if any, as contained in the report, and that they must file their objections in writing with the Clerk of the Court within fifteen (15) days of their receipt of this notice.

43. If any such objections are filed, the Court shall thereafter, and as soon as practicable, schedule a hearing at which it will rule upon any objections to the report which have been timely filed. At the conclusion of such hearing the Court shall determine whether to give final approval or disapproval to the awards of individual relief.

a. Implementation of Individual Relief

44. Immediately upon final approval by the Court of the awards of individual relief to be made under this Decree, the

County will begin to implement Part III of this Decree as described herein.

45. Any person entitled to individual relief (including the named private plaintiffs), in order to obtain such relief, must sign a notarized release which will be provided that person by the County (Appendix J) and return such notarized release to the County within thirty (30) days of that person's receipt thereof. Any such individual who either does not sign such a notarized release or, alternatively, and absent good cause, does not return such signed notarized release to the County within thirty (30) days of that person's receipt thereof, shall be deemed to have waived his or her entitlement to such relief. Such release shall provide that the relief to which that person is entitled under Part III of this Decree, if accepted, shall be in full and final settlement of any and all claims against the County based upon allegations of race or sex discrimination occurring prior to the date such release is signed. .

46. The County shall send a notice to each of the persons entitled to individual relief informing them that the Court has given final approval of their right to such relief under this Decree. This notification shall be in writing, be made by certified mail, return receipt requested, and shall be approved as to substance and form by the plaintiffs prior to mailing. With respect to those individuals who are eligible for consideration to fill a future vacancy in a classified service position, the notice shall clearly and specifically inform such persons of the qualification requirements they will have to meet in order to be appointed to that position. Such notification also shall state that if the recipient has any questions about the notice, he or she may contact the Affirmative Action Officer, or counsel for the plaintiffs whose names,

addresses and phone numbers shall be listed in the notice, or their own counsel.

47. As the County receives releases from the named private plaintiffs and individuals entitled to a back pay award under this Decree, it shall apply to the Court for Orders directing the Clerk of the Court to issue checks to such persons in the amount of his or her back pay award.

48. Each of the persons who are determined to be entitled to an offer of employment with the County pursuant to the plaintiffs' report as set forth in paragraph 38, shall be entitled to priority appointments to future vacancies in such positions in the order provided in plaintiffs' report. Such persons shall be required satisfactorily to demonstrate his or her qualifications for the job to be offered in accordance with the current qualification requirements for the job as established by the County and the Jefferson County Personnel Board, provided that such requirements are administered in a nondiscriminatory manner, do not unlawfully discriminate either in purpose or effect against blacks or women, and do not otherwise conflict with the provisions of paragraph 1 of this Decree. The County agrees to waive any age requirements which may currently bar any such individual from obtaining employment with the County if such individual met such age requirements at the time of original application as identified in the plaintiffs' report. These individuals shall also not be required to take any test administered by the Personnel Board for the job to be offered under this Decree if such individual took and passed such test at the time of original application as identified in the plaintiffs' report.

IV. NOTICE AND FAIRNESS HEARING

49. Within ten (10) days after provisional approval of this Consent Decree by the Court, notice, in the form attached as Appendix K, will be issued by publication in the Sunday

edition of the Birmingham News for two consecutive weeks, and in the Birmingham Times on one weekday directed to all interested persons informing them of the general provisions of this Decree and of their right to review a copy of the Decree which will be on file with the Clerk of the Court. Within this same ten (10) day period, individual notice in the form attached as Appendix K will also be mailed by the County to each of the persons identified in Appendices C through F. The cost of mailing and publication of any notices to be made under this decree shall be paid by the County. Both the notices by publication and the individual notices shall inform persons to whom such notices are directed of their right to be heard and to file objections, if any, to this Decree. Such objections must be filed with the Clerk of the Court by a date to be set by the Court in its Order granting provisional approval to this Decree. The Court shall thereafter, and on a date(s) to be fixed by the Court in its Order granting provisional approval to the Decree, schedule a fairness hearing at which those persons who file timely objections to the Decree will be heard. At the close of such hearing, or as soon as practicable thereafter, the Court shall rule upon such objections and grant final approval or disapproval to this Consent Decree. The Court shall, however, withhold final approval of the awards of individual relief to be made under this Decree until those individuals who are identified in the plaintiffs report on individual relief are notified of their individual awards, if any, and are afforded an opportunity to be heard and to file any objections they may have to those awards.

V. RECORDKEEPING

50. To the extent that records referred to herein are not retained by the Personnel Board pursuant to its Consent Decree, the County shall retain during the period of this Decree necessary records concerning the implementation of this Decree.

These records shall be made available to the plaintiffs for inspection and copying upon written request.

51. The County's records shall include the following:

(a) A list of all organizations and schools which are contacted for recruitment purposes, showing the date that any notice of job opportunity was mailed to them, the title of the job and number of positions within that job to be filled from that notice, and the date through which applications would be received for the job. A summary or compilation of all other recruitment efforts aimed at minorities and women shall also be maintained, together with the date and nature of the efforts and the names and job title of the County employees involved.

(b) All written applications and related records for all persons seeking employment with the County, including applications for transfer or promotion within or among departments, for a period of at least five (5) years, which applications shall include identification by the County of the applicant by race and sex. Such record shall also contain a statement signed by the appropriate County official, setting forth the reasons why any applicant was found not to be qualified for the position(s) applied for.

(c) With respect to any applicant who is certified for hire or promotion and who is not selected for the vacancy for which that applicant is certified, the County shall record in writing, signed by the appropriate County official, the reasons for the applicant's not being selected for that vacancy. Also, the County shall record and maintain any other written records or comments on an applicant for

certification in accordance with paragraph 32(e) above.

(d) All written communications between the County and applicants for employment, transfer and promotion.

(e) All written communications between the County and employees concerning discipline and discharge, as well as all written reports concerning these matters.

VI. REPORTING

52. On or before April 21, 1983 and thereafter semi-annually, the County shall insure that reports are made to the plaintiffs, containing the following information:

(a) A summary showing the total number of current employees by race and sex in each job classification for each department of the County in both the classified and unclassified service.

(b) A list of all probational appointments for permanent full-time positions, by job classification and department, during the six month reporting period indicating the race and sex of the persons hired or promoted.

53. On or before April 21, 1983 and thereafter annually, the County shall report to the plaintiffs the following information:

(a) A list of all persons, by job classification, department, race and sex, to whom positions have been offered with an indication thereon of whether or not the position was accepted.

(b) A list of all promotions to permanent full-time positions in the classified service, by job classification and department, during the twelve

month reporting period indicating the race, sex, date of initial hire in the classified service and date of the promotion.

(c) A breakdown of the applicant flow for employment with the County which indicates by race and sex the number of applicants for each department and job classification in the classified and unclassified service, and the number of applicants hired, rejected and pending for each job classification and department. Applicant hires shall be separately identified as to Comprehensive Employment Training Act (CETA) positions.

(d) A summary report of the recruiting activities conducted by the County and the results of those activities.

(e) A report of the County's implementation of the individual relief provisions of this Decree. This report shall include a statement of the monetary payments, if any, that have been made to individuals entitled to such relief. This report shall further identify each individual who has been offered a job with remedial seniority under this Decree, and whether the job offer was accepted or rejected. For any individual who was disqualified from an offer of employment under Part III of this decree, a specific statement of the reasons for disqualification shall be included in this report.

(f) A list of the sworn personnel terminated from the Sheriff's Department and of employees terminated from the Public Works and Building Services Departments identifying each individual by race, sex, date of hire, date of termination, probational or permanent status, and rank. In

addition, the report shall explain the reason or reasons for each individual why his or her employment was terminated.

(g) Within thirty (30) days of establishment or revision, a copy of the written policy concerning background investigations required by paragraph 29.

VII. EFFECT OF COMPLIANCE

54. Compliance with the terms and conditions of this Consent Decree shall constitute compliance by the County with all obligations arising under Title VII of the Civil Rights Act of 1964, as amended, the State and Local Fiscal Assistance Act of 1972, as amended, the Omnibus Crime Control and Safe Streets Act of 1968, as amended, the Civil Rights Act of 1866 and 1871, 42 U.S.C. §1981 and §1983, and the Fourteenth Amendment to the Constitution of the United States as raised by the plaintiffs' complaints. Insofar as any of the provisions of this Consent Decree or any actions taken pursuant to such provisions may be inconsistent with any state or local civil service statute, law or regulation, the provisions of this Consent Decree shall prevail in accordance with the constitutional supremacy of federal substantive and remedial law.

VIII. RETENTION OF JURISDICTION

55. The Court retains jurisdiction of this action for such further relief or other orders as may be appropriate. At any time after six (6) years subsequent to the date of the entry of the Consent Decree, any party may move the Court upon forty-five (45) days notice to the others, to dissolve this Consent Decree. In considering whether the Consent Decree shall

be dissolved, the Court will take into account whether the purposes of this Consent Decree have been substantially achieved.

Continued
Entered and Ordered this 29th day of *December*, 1982.

Sam C. Porter
UNITED STATES DISTRICT JUDGE

AGREED AND CONSENTED TO:

For Plaintiff United States

DATED:

Richard D. Ritter

December 28, 1982

For the Plaintiffs in Martin,
et al. v. City of Birmingham,
et al.

James W. Reeves
Hipshin Deputy

December 28, 1982

December 28, 1982

For the Defendant Jefferson
County and Ben L. Erdreich,
Ray Moore and Chriss H. Doss
in their official capacities
as Commissioners of Jefferson
County

Chris H. Doss

December 29, 1982

For the Defendant Jefferson
County Sheriff

Willie Bailey

December 29, 1982

APPENDIX A+

Group I - Administration and Planning

Departments: (1) County Commission
(2) Budget Management
(3) Planning
(4) Risk Management
(5) Data Processing
(6) Printing
(7) Purchasing

Entry Level Jobs

Stenographer
Computer Operator
Programmer
Senior Programmer
Systems Analyst
Data Processing Supervisor
Data Operations Supervisor
Phototype Setter
Microphotographer
Assistant Print Shop Supervisor
Public Information Officer
Administrative Analyst
Statistician
Housing Rehabilitation Specialist
Architect
Planner
Accountant
Personnel Officer
Principal Personnel Officer
Buyer
Purchasing Agent

Group II - Finance

Departments: (1) Comptroller (Accounting)
(2) Comptroller (Sewer Billing)
(3) Revenue
(4) Board of Equalization
(5) Tax Assessor
(6) Tax Collector
(7) Treasurer

Entry Level Jobs

Clerical Assistant
Stenographer
Property Appraisal Assistant
Accountant
Principal Accountant
Comptroller
Auditor
Principal Auditor
Revenue Examiner
Tax Agent

+ Except for the jobs identified in paragraphs 7 and 8 of the accompanying text, jobs in the departments identified in this Appendix or Appendix B that are not specifically identified as entry level jobs may be considered promotional jobs for purposes of this Consent Decree.

Group III - Courts

Departments: (1) Board of Registrars
(2) District Attorney - Birmingham
(3) District Attorney - Bessemer
(4) Probate Court

Entry Level Jobs

Legal Secretary
Stenographer
Court Reporter
Programmer
Mapper
Photo Camera Operator
Microphotographer
Accountant

Group IV - General Services

Departments: (1) General Services

Entry Level Jobs

Telephone Operator
Stores Clerk
Voting Machine Mechanic
Locksmith
Carpenter
Plumber
Refrigeration/Heating Mechanic
Electrician
Maintenance Repair Worker
Truck Driver*

Group V - Law Enforcement

Departments: (1) Sheriff
(2) Jails
(3) Coroner

Entry Level Jobs

Deputy Sheriff
Stenographer
Medical Secretary
Medical Transcriber
Public Safety Dispatcher
Truck Weight Inspector
Communications Service Clerk

Group VI - Public Works - Administration and Design

Divisions: (1) General Administration
(2) Design
(3) Inspection Services
(4) Land Development
(5) Right of Way

Entry Level Jobs

Graduate Engineer
Sr. Civil Engineer
Drafter
Engineer Drafter
Mapper
Zoning Inspector
Computer Operator
Electrical Inspector
Plumbing Inspector
Gas Inspector
Building Inspector
Plans Examiner

Group VII - Public Works - Highway Maintenance

Divisions: (1) Highway Maintenance and
Construction
(2) Bessemer
(3) Ketona
(4) Shops
(5) Traffic
(6) Landfill

Entry Level Jobs

Clerk Typist
Intermediate Clerk
Stores Clerk
Senior Stores Clerk
Administrative Intern
Maintenance Mechanic
Auto Body Worker*
Automotive Mechanic
Carpenter
Engineering Aide
Truck Driver*
Semi-skilled Laborer*
Service Station Attendant*
Equipment Service Worker*
Guard*
Shop Helper*
Auto Mechanic Helper*
Disposal Site Attendant*
Graduate Engineer
Senior Civil Engineer
Engineering Technician
Drafter
Traffic Planning Technician
Traffic Control Technician
County Traffic Engineer
Traffic Signal Maintenance Worker*
Traffic Striping Machine Operator*
Unclassified Laborer Positions

*Jobs listed in this Appendix by an asterisk have in the past been filled by promotions of employees in lower rated jobs. If the County is unable to fulfill the affirmative recruitment objectives in these jobs as set forth in paragraph 13 of this Consent Decree, future vacancies in such positions will be announced on an open competitive basis as provided by paragraph 14 of the Consent Decree.

Group VIII - Public Works - Sanitation and Sewerage

Divisions: (1) 8410
(2) 8420
(3) Sanitation/Sewer Plants
(4) Barton Laboratory

Entry Level Jobs

Clerk Typist
Intermediate Clerk
Graduate Engineer
Sewer Service Representative
Tap Machine Operator
Sewer Line - T. V. Equipment
Technician
Waste Water Treatment Plant Operator
Painter
Electrician
Engineering Aide
Truck Driver*
WWTP Maintenance Worker*

APPENDIX B+

Group I - Administration and Finance

Departments: (1) County Commission
(2) Revenue
(3) Board of Equalization
(4) Tax Collector
(5) Printing

Entry Level Jobs

Senior Administrative Intern
Public Information Officer
Auditor
Principal Auditor
Accountant
Revenue Examiner
Property Appraiser
Senior Property Appraiser
Senior Accountant
Tax Agent
Offset Printing Operator
Assistant Print Shop Supervisor

Group II - General Services Department

Entry Level Jobs

Voting Machine Mechanic
Locksmith
Carpenter
Plumber
Refrigeration/Heating Mechanic
Electrician
Painter
Maintenance Repair Worker

Group III - Sheriff Department

Deputy Sheriff
Sheriff Sergeant

Entry Level Jobs

Deputy Sheriff

+ Except for the jobs identified in paragraphs 7 and 8 of the accompanying text, jobs in the departments identified in this Appendix or Appendix A that are not specifically identified as entry level jobs may be considered promotional jobs for purposes of this Consent Decree.

Group IV - Public Works - Administration and Design

- Divisions: (1) General Administration
(2) Design
(3) Inspection Services
(4) Land Development
(5) Right of Way

Entry Level Jobs

Graduate Engineer
Engineering Technician
Drafter
Traffic Planning Technician
Traffic Control Technician
County Traffic Engineer
Maintenance Mechanic
Automotive Mechanic
Carpenter
Engineering Aide
Unclassified Laborer Positions

Group V - Public Works - Highway Maintenance

- Divisions: (1) Highway Maintenance and
Construction
(2) Bessemer
(3) Ketona
(4) Shops
(5) Traffic
(6) Landfill

Entry Level Jobs

Graduate Engineer
Engineering Technician
Drafter
Traffic Planning Technician
Traffic Control Technician
County Traffic Engineer
Maintenance Mechanic
Automotive Mechanic
Carpenter
Engineering Aide
Semi-skilled Laborer*
Unclassified Laborer Positions

* The job of semi-skilled laborer has in the past been filled by promotion of employees in the unclassified service. If the County is unable to fulfill the affirmative recruitment objectives in this job as set forth in paragraph 13, future vacancies in such positions will be announced on an open competitive basis as provided by paragraph 14.

Group V - Public Works - Sanitation and Sewerage

Divisions: (1) 8410
(2) 8420
(3) Sanitation/Sewer Plants
(4) Barton Laboratory

Entry Level Jobs

Graduate Engineer
Sewer Service Representative
Tap Machine Operator
Sewer Grout Specialist
Sewer Line - T. V. Equipment
Technician
Waste Water Treatment Plant Operator
Painter
Electrician
Engineering Aide
Semi-skilled Laborer*
Unclassified Laborer Positions

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APPENDIX C

23-657-02
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DEPARTMENT	JOB	NAME	CERTIFICATION
DE	PR STNDR CLK	SARANT, DEBBIEA (NIGHT)	701112
CG	PAULIFF	SMITH, DONA	741227
CM	STOKES, JEREN STOKES, CLARK	AMBERSON, PATRICIA (MORNING) MORSE, STEPHEN	741220 741220
CM	PAULIFF	ROBINSON, ILLIN	750130
CT	ACCOUNTANT	WHISSEMAN, I. VERN	730724
DA	REV EXAM	COVIL, NANCY ANGELA	740717
DA	REV EXAM	SMITH, MARSHA	740702
DA	REV EXAM	MURPHY, LORRIE	730801
DA	REV EXAM	WILSON, MELBA	740717
FM	ENG AIDF	MACLEIGH, CAROLYN (LAMP)	750807
FM	ENG AIDF	WILSON, ADRIAN	730216
FM	ENG AIDF	SMITH, ALAN	731004
FM	ENG AIDF	THOMAS, HELEN	740830
FM	ENG AIDF	THOMAS, ANITA (AIDF)	740819
FM	ENG AIDF	WILLIAMS, J. ANN	730503
PM	SEW PTY OPER	MCCELLIGRO, JUDITH	740805

FFIDELAL EM OHCENWI NRTIUM
A P P E N D I X

23-SEP-82
PAGE 2

DEPARTMENT

JOB

NAME

DATE
OF
CERTIFICATION

PM

SA. STORLS CLK SAKENI, BRUCEA (MICHIG)

740420

PM

STORES CLERK LICHAKI, MARK

730207

PM

STORES CLERK MAMU, FET, MICHIG

740724

PM

STORES CLERK PILLATO, VIRGINIA

750103

PM

STORES CLERK SMITH, JOHNNIE MAE

730213

PM

TRUCK DRIVER DONALD, DONALD

730720

PM

WIR P.N. INSP MADDY, ALANITA

730410

PM

WIR P.N. INSP JOHNSON, AN LO

740100

PM

WIR P.N. INSP PRESCOTT, ANN (MICHIGAN)

730410

PM

WIR P.N. INSP MICHIGAN, LINDA

730510

PM

WIR P.N. INSP LEEB, TONIA

730724

SD

DEP SHERIFF ALLEN, SHIRLEY

751215

SD

DEP SHERIFF AMIN, SHIRLEY

740120

SD

DEP SHERIFF BASSEL, LYNN

750304

SD

DEP SHERIFF BILLS, SARINA

751017

SD

DEP SHERIFF BOLDEN, LINDA

751017

SD

DEP SHERIFF CAMERON, VICKIE

740270

SD

DEP SHERIFF CROUCH, CAROL E

750710

SD

DEP SHERIFF ELAM, PATRICIA

750710

SD

DEP SHERIFF HEDDER, KIMMY

740270

SD

DEP SHERIFF MILL, ALAN

740330

SD

DEP SHERIFF JUVIN, MARY

740720

SD

DEP SHERIFF JAYNE, CHAKI E

751002

SD

DEP SHERIFF LASKER, SARAH

740220

SD

DEP SHERIFF MANN, JANIS

751017

SD

DEP SHERIFF MICHIGAN, LINDA

740304

SD

DEP SHERIFF MICHIGAN, LINDA

740427

SD

DEP SHERIFF MICHIGAN, LINDA

740427

TC

TAX AGENT TAYLOR, MARY

750117

END OF REPORT

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APPENDIX D

Name	Department	Job	Claim	Date of Application or Certification
Alicia P. Andrews	Tax Collector	Int Clerk	race	1/9/76
Willie Austin	Tax Collector	Int Clerk	race	6/22/73
Mamie Bickerstaff (Stove)	Print	Int Clerk	race	1974
Josh Chappell	Public Works	Civil Eng	race	10/22/76
Amy DeLoach	County Home	Head Cook	race	11/73
Gordon Fears	Public Works	Water Pollu- tion Insp.	race	8/3/73
Cleophus Evans	Public Works	Sewage Plant Operator	race	1975
Viola Fritz	Criminal Court	Int Clerk	race	5/7/75
Vendetta Humphrey	Tax Assessor	Int Clerk	race	4/1/76
Mary LaVert	County Home	Head Cook	race	11/73
Jane Moore	Tax Assessor	Intermediate Clerk	race	1/28/75
Walter Pickett	Public Works	Watchman	race	2/28/72
Willie Sargent	Inspection Services	Building Inspector	race	
Moses Suggs	Building Services	Maintenance Repair Worker	race	3/28/72
Deborah Terry	Sheriff	Communications Serv.	race	9/16/76
Tyrone Tolbert	Public Works	Watchman	race	8/2/73

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Appendix E

Subclass No. 1

This subclass consists of all black persons who took the written test for the job of Deputy Sheriff that resulted in eligibility lists for that job which were in effect between April 25, 1975 and January 10, 1977, who have not been hired as Deputy Sheriffs by the County, or who, subsequent to January 10, 1977, were hired as Deputy Sheriffs by the County but who may have been hired earlier in that job but for their rank on such eligibility lists.

The individuals identified below are members of this subclass who previously filed proof of claim forms under the Consent Decree with the Jefferson County Personnel Board and who indicated in their proof of claim forms that they were interested in employment with the County as Deputy Sheriffs. These individuals will not be required to submit another proof of claim form under this Decree in order to be eligible for back pay relief.

Addie, Harry
Allen, III, Lewis
Austin, Frederick L.
Baldwin, Eugene
Bell, Joyce A.
Belle, Sr., Frank
Bolden, Catherine
Bradford, James E.
Cannon, Charles Edwin
Carlton, Laura
Clark, James Edward
Davis, Kenneth A.
Davis, Michael E.
Desmond, Pearlle
Donald, James R.
Drish, Charles Andrew
Dunning, Bosnaza Lee
Echols, Sammy L.

English, Dedrick C.
Fields, Leon William
Forte, Eldrick
Fritz, Viola Parker
Gay, Jr., Chappell

Gillespie, Jr., Homer
Grayson, James Bernard
Green, Alma Elaine
Grider, Jessie K.
Grider, Willie Frank
Hall, Mrs. Carol A.
Halloway, Delphine
Hampton, Mildred
Hicks, Frederick D.
Hogan, Annie Mae
Horne, Jr., Ira
Hunter, Robert
Jackson, Dwight
Jackson, Jr., Ira
Jenkins, Jr., Benjamin
Johnson, Berneeda

Jones, III, Cleveland
Jones, Donald R.
Jones, Geraldine
Kendricks, Angelia B.
Lambert, Daniel
Lanier, Walter Edwin
Lillie, James Darnell
Maze, Alfonzo
McClure, Rickey Lane
McElroy, Linda Joyce
Miles, Randy Lynn
Montgomery, Isaac L.
Neuburn, David Edwards
Nichols, Freddie
Patton, Langford
Pearson, Gemetra
Perdue, Willie Hugh
Perkins, Joe L.
Perry, Latricia Ann
Pollard, Mary Alice (Kimbrough) (Spann)
Sanders, DeWayne E.
Scott, Jr., David W.
Sherrod, Otha R. N. Duffie
Smith, Larry Jerome
Suttle (Hatcher), Eloise
Sutton, Eddie
Thomas, Wanda Gayle
Wallace, Oscar D.
Ward, Bob W.

Washington, Carl Jeffrey
Wedgeworth, Otis
Welch, Joe Nathan
Whitehead, II, Ned
Williams(Nation), Cynthia Ann
Williams, Gwendolyn
Williams, James A.
Williams, Sylvester James
Williams, Patricia A.
Wilson, Willie
Young, Doris Jean

Appendix F

Subclass No. 2

This subclass consists of all black persons who were certified by the Personnel Board and not hired by the County from certifications to the following jobs and departments, during the following periods of time:

<u>Department</u>	<u>Job</u>	<u>Time Period</u>
a. Board of Equalization (BE)	Clerk Typist	March 24, 1972-December 31, 1976
	Intermediate Clerk	March 24, 1972-December 31, 1976
b. Building Services (BU)	Electrician	March 24, 1972-December 31, 1976
	Voting Machine Mechanic	March 24, 1972-December 31, 1976
	Watchman/Guard	March 24, 1972-December 31, 1976
c. Circuit Court (CC)	Clerk Typist	March 24, 1972-December 31, 1976
d. Criminal Court (CM)	Clerk Typist	March 24, 1972-December 31, 1976
e. Data Processing (DP)	Keypunch Operator	March 24, 1972-December 31, 1976
f. Public Works (PW)	Engineering Aide	March 24, 1972-December 31, 1978
	Clerk Typist	March 24, 1972-December 31, 1976
	Intermediate Clerk	March 24, 1972-December 31, 1976
	Intermediate	
	Stenographer	March 24, 1972-December 31, 1976
	Stores Clerk	March 24, 1972-December 31, 1976
	Truck Driver	March 24, 1972-December 31, 1976
	Sewage Plant Operator	March 24, 1972-December 31, 1976
	Public Service Aide	March 24, 1972-December 31, 1976
g. Revenue (DR)	Clerk Typist	March 24, 1972-December 31, 1976
	Intermediate Clerk	March 24, 1972-December 31, 1976
	Computer Operator	March 24, 1972-December 31, 1976
	Keypunch Operator	March 24, 1972-December 31, 1976
h. Sheriff (SD)	Deputy Sheriff	March 24, 1972-December 31, 1978
	Intermediate Clerk	March 24, 1972-December 31, 1978
	Watchman	March 24, 1972-December 31, 1976
	Food Service Supervisor	March 24, 1972-December 31, 1976
	Stenographer	January 1, 1977-December 31, 1978

Attached hereto is a listing of the subclass members currently known to the plaintiffs.

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APPENDIX G-1

Notice To [Individuals on Appendix E]

Dear Mr. (Ms.) _____:

This notice is to inform you of your right to present a claim for back pay relief under a Consent Decree between the plaintiffs and Jefferson County in the consolidated actions of: John W. Martin, et al. v. City of Birmingham, C.A. No. 74-P-0017-S; and United States of America v. Jefferson County, et al., C.A. No. 75-P-0666-S.

If you wish to present a claim for back pay relief in these cases, please fill out the enclosed proof of claim form and mail it to the Clerk of the Court for the Northern District of Alabama. Enclosed for your use is an unstamped envelope containing the mailing address of the Clerk of the Court.

Your proof of claim form must be received by the Clerk of the Court no later than _____ P.M. on _____, 1982. If you do not file this proof of claim form with the Clerk of the Court by that date then, absent good cause shown, you will be deemed to have waived your right to present a claim for back pay relief under the Consent Decree.

After your proof of claim form is filed, it will be reviewed by attorneys for the plaintiffs who will make a recommendation to the Court whether your claim merits an award of back pay under the Consent Decree. The County has agreed not to contest any of the individual back pay determinations.

After final determinations have been made of the back pay awards to be made under this Consent Decree, you will be notified of your individual award, if any. If you are not offered a back pay award under the Consent Decree, or if you are not

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satisfied with the amount of back pay provided to you, you will have the right to file an objection to the resolution of your claim with the Clerk of the Court. That objection will be subsequently ruled upon by the District Court. The procedures for filing any such objections will be explained to you in the notice you will receive informing you of your award of relief, if any.

If you have any questions with respect to this notice, the Consent Decree, or the procedures for filing your proof of claim form, you may call or write any of the attorneys listed below:

Attorneys for the United States:

Richard J. Ritter
United States Department of Justice
Civil Rights Division
Washington, D. C. 20530
(202) 633-3895

Caryl Privett
Assistant United States Attorney
Northern District of Alabama
200 Federal Courthouse
Birmingham, Alabama 35203
(205) 254-1785

Attorneys for the Plaintiffs in Martin, et al. v. the City of Birmingham:

Stephen L. Spitz
Lawyers Committee for Civil Rights Under
Law
Suite 520
733 Fifteenth Street, N. W.
Washington, D. C. 20005
(202) 628-6700

Susan Reeves
Reeves & Still
2027 First Avenue North
Suite 400
Birmingham, Alabama 35203
(205) 322-7479

APPENDIX G-2

Notice To [Individuals on Appendix F]

Dear Mr. (Ms.) _____:

This notice is to inform you of your right to present a claim for individual relief under a Consent Decree between the plaintiffs and Jefferson County in the consolidated actions of: John W. Martin, et al. v. City of Birmingham, C.A. No. 74-P-0017-S; and United States of America v. Jefferson County, et al., C.A. No. 75-P-0666-S.

If you wish to present a claim for individual relief, please fill out the enclosed proof of claim form and mail it to the Clerk of the Court for Northern District of Alabama. Enclosed for your use is an unstamped envelope containing the mailing address of the Clerk of the Court.

Your proof of claim form must be received by the Clerk of the Court no later than _____ P.M. on _____, 1982. If you do not file this proof of claim form with the Clerk of the Court by that date then, absent good cause shown, you will be deemed to have waived your right to present a claim for individual relief under the Consent Decree.

After your proof of claim form is filed, it will be reviewed by attorneys for the plaintiffs who will make a recommendation to the Court whether your claim merits an award of individual relief under the Consent Decree based on various factors including the date of certification by the Personnel Board, the pay rate for the job, and the reasons asserted for your not being selected for the job. Such an award may include a job offer or promotion with the County, remedial seniority and/or back pay. The County has reserved the right to

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review and to object to any individual job offers and/or remedial seniority dates proposed by counsel for the plaintiffs on your behalf which have not been previously agreed upon by the parties under the Consent Decree. The County has agreed not to contest any of the individual back pay determinations. If any objections are raised by the County to any proposed job offers and/or remedial seniority for you, and if the parties are unable to resolve such objections, then the Court will determine the appropriate relief, if any, for you under this Consent Decree.

After final determinations have been made of the individual awards of relief to be made under this Consent Decree, you will be notified of your individual award, if any. If you do not receive an award of individual relief under the Consent Decree, or if you are not satisfied with the amount of relief provided to you, you will have the right to file an objection to the resolution of your claim with the Clerk of the Court. That objection will be subsequently ruled upon by the District Court. The procedures for filing any such objections will be explained to you in the notice you will receive informing you of your award of relief, if any.

If you have any questions with respect to this notice, the Consent Decree, or the procedures for filing your proof of claim form, you may call or write any of the attorneys listed below:

Attorneys for the United States:

Richard J. Ritter
United States Department of
Justice
Civil Rights Division
Washington, DC 20530
(202) 633-3895

Caryl Privett
Assistant United States
Attorney
Northern District of Alabama
200 Federal Courthouse
Birmingham, Alabama 35203
(205) 254-1785

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Attorneys for the Plaintiffs in Martin, et al.
v. the City of Birmingham:

Stephen L. Spitz
Lawyers Committee for
Civil Rights Under Law
Suite 520
733 Fifteenth Street, N.W.
Washington, DC 20005
(202) 628-6700

Susan Reeves
Reeves & Still
2027 First Avenue North
Suite 400
Birmingham, Alabama 35203
(205) 322-7479

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APPENDIX H

Proof of Claim Form

Please list your:

Name: _____

Race: _____

Current Address: _____

Current Telephone Number: _____

Please check the box below if the statement listed next to the box applies to you and you wish to present a claim for relief under the Consent Decree with Jefferson County.

☐ I am a black person who took a written test administered by the Personnel Board of Jefferson County for a job as a Deputy Sheriff with Jefferson County. I wish to present a claim for relief under the Consent Decree with Jefferson County.

Please sign and date this proof of claim form and return it to the Clerk of the Court in the enclosed self-addressed envelope.

Signature

Date: _____

Social Security Number

018732

APPENDIX I

Proof of Claim Form

If you wish to present a claim for individual relief under the Consent Decree with Jefferson County please sign and date this proof of claim form and furnish the information requested below. This information will be reviewed by counsel for Jefferson County for the purpose of determining the relief to be provided to you, if any, under the Consent Decree.

1. Please list your:

Name: _____

Race: _____

Current Address: _____

Current Telephone Number: _____

2. Records obtained from the Jefferson County Personnel Board indicate that you were certified and not hired for the job(s) of _____ in the Department(s) of _____ of Jefferson County on or about _____ (date(s)).

Please indicate in the space provided below in as much detail as possible and to the best of your recollection the following information. If you need more space to supply this information you may attach additional sheets of paper to this proof of claim form.

(i) Please list your mailing address and telephone number at or around the time you were certified for the job(s) listed above, and indicate whether you were living at that address at that time.

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper appears to be a standard notebook page.

3. Please indicate whether at any time subsequent to your being certified for the job(s) in the department(s) listed in paragraph 2 above, you were ever offered employment by Jefferson County in another job. If so, please identify: (1) the job(s) you were offered, (2) the departments (if known) in which that job existed, (3) the approximate date(s) of the offer, (4) whether you accepted such offer, and your approximate dates of employment in that job(s).

4. Please indicate whether at any time subsequent to your being certified for the job(s) in the department(s) listed in paragraph 2 above, you were ever offered employment by the City of Birmingham, or the Jefferson County Health Department, or any of the following municipalities: Bessemer, Fairfield, Fultondale, Gardendale, Homewood, Hueytown, Midfield, Mountain Brook, Pleasant Grove, Tarrant, or Vestavia Hills. If so, please identify: (1) which of the above cities, departments or municipalities offered you employment, (2) the job that you were offered, (3) whether you accepted such offer and your approximate date(s) of employment in that job(s).

Please sign and date this proof of claim form and return
it to the Clerk of the Court in the enclosed self-addressed
envelope.

Signature

Date: _____

Social Security Number

018736

APPENDIX J

RELEASE

For and in consideration of the sum of [sum spelled out] Dollars (\$) and all other relief to be provided me by Jefferson County pursuant to the provisions of the Consent Decree with Jefferson County entered by the Honorable Sam C. Pointer, Jr., United States District Judge, on [date] in the consolidated actions of United States v. Jefferson County, et al., C. A. No. 75-P-0666-S, and John W. Martin, et al., v. City of Birmingham, et al., C.A. No. 74-8-0017-S, I [full name of claimant], for myself and for my heirs, executors, administrators and assigns hereby release and discharge Jefferson County, its officials, agents, and employees of and from all legal and equitable claims arising out of the subject matter of these consolidated actions or any other legal, equitable or administrative claims or causes of action arising out of alleged discrimination on the basis of either race or sex by Jefferson County, in violation of any Federal, state or local equal employment opportunity laws, statutes, regulations or ordinances occurring prior to the date of the execution of this release.

I understand and agree that none of the parties hereby released, nor any other party, admits that I have any just claim against them or anyone else in respect to my said employment with Jefferson County, or application thereof, and that none of the parties hereby released, nor any other party, admits or has admitted liability to me or anyone else on account of any payment herein recited to have been made to me, or otherwise.

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I carefully have read this Release as well as the accompanying Consent Decree entered [____date____]. I fully comprehend and understand that by signing this Release I am releasing my claim for back pay, and that I am entitled to no other payment of monies for any claim of employment discrimination prior to the date this Release is executed from Jefferson County except as recited herein.

I further certify and warrant that I have had the opportunity to consult an attorney prior to execution of this Release; that I am of lawful age; and, that I am signing this Release of my own free act and deed.

Signed this _____ day of _____, 1982.

(Signature)

Social Security Number _____

Subscribed and sworn to before me
this undersigned authority on this
____ day of _____, 1982, to
certify which witness my hand and
seal of office.

NOTARY PUBLIC

018738

APPENDIX K

NOTICE OF PROPOSED SETTLEMENT AGREEMENTS

AND CONDITIONAL CLASS CERTIFICATION

There is currently before the United States District Court for the Northern District of Alabama a proposed settlement agreement with Jefferson County in the following consolidated employment discrimination actions: John W. Martin, et al. v. City of Birmingham, et al. (C.A. No. 74-2-17-S), and United States of America v. Jefferson County, et al. (C.A. No. 75-P-0666-S).

The proposed settlement agreement is in the form of a Consent Decree. The Consent Decree will resolve all of the plaintiffs' claims of employment discrimination against blacks and women by Jefferson County.

On _____, 1982 the District Court entered an Order granting provisional approval to the Consent Decree, subject to further hearings. In that Order the Court withheld final approval of the Consent Decree until after hearing any objections which may be filed to it, as further explained in Part II of this Notice.

I.

Class Certification Ruling

On _____, 1982 the District Court entered an Order pursuant to Rule 23(b)(2) of the Federal Rules of Civil Procedure in the Martin action. In that Order the Court conditionally certified for purposes of this settlement agreement the following classes of black individuals who may be eligible to present a claim for back pay and other relief under the Consent Decree.