

CONSENT DECREE TRAINING WORKSHOP

Office of the Affirmative Action Officer



Workshop Objectives

To Ensure Awareness of:

- Jefferson County's Consent Decree Background
- Jefferson County's Consent Decree Requirements
- The Affirmative Action Officer
- Jefferson County's EEO Policy



Brief History

In 1974 and 1975, lawsuits were filed against Jefferson County alleging discriminatory employment practices.

M. 6

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

JOHN W. MARTIN,
MAJOR FLORENCE,
IDA McGRUDER,
SAM COAR,
WANDA THOMAS,
EUGENE THOMAS, and
CHARLES HOWARD

individually and on
behalf of all others
similarly situated,

PLAINTIFFS,

v.

CITY OF BIRMINGHAM
GEORGE C. SEIBELS, JR., Mayor, City of
Birmingham; JEFFERSON COUNTY PERSONNEL
BOARD; JOSEPH L. CURTIN, Director of
the Jefferson County Personnel Board;
JEFFERSON COUNTY; TOM PINSON, W. COOPER
GREEN, TOM GLOOR, County Commissioners,
Jefferson County, Alabama

individually and as
officers of the City
of Birmingham or of
Jefferson County, and
their agents, assigns
or successors in
office,

DEFENDANTS.

PRELIMINARY STATEMENT

(Class action: Racially Discriminatory Employment)

1. This

CIVIL ACTION NO. _____
CA 74H17

FILED IN CLERK'S OFFICE
NORTHERN DISTRICT OF ALABAMA
JAN 7 1974
WILLIAM E. DAVIS
CLERK, U. S. DISTRICT COURT.
BY: *[Signature]*
DEPUTY CLERK.

COMPLAINT—CLASS ACTION



Brief History

In 1982, this litigation was resolved when the parties agreed to a **Consent Decree.**

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

UNITED STATES OF AMERICA,
Plaintiff,
v.
JEFFERSON COUNTY, et al.,
Defendants.
JOHN W. MARTIN, et al.,
Plaintiffs,
v.
CITY OF BIRMINGHAM, et al.,
Defendants.

FILED
DEC 29 1982
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
JAMES E. VANDEGRIFT, CLERK

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



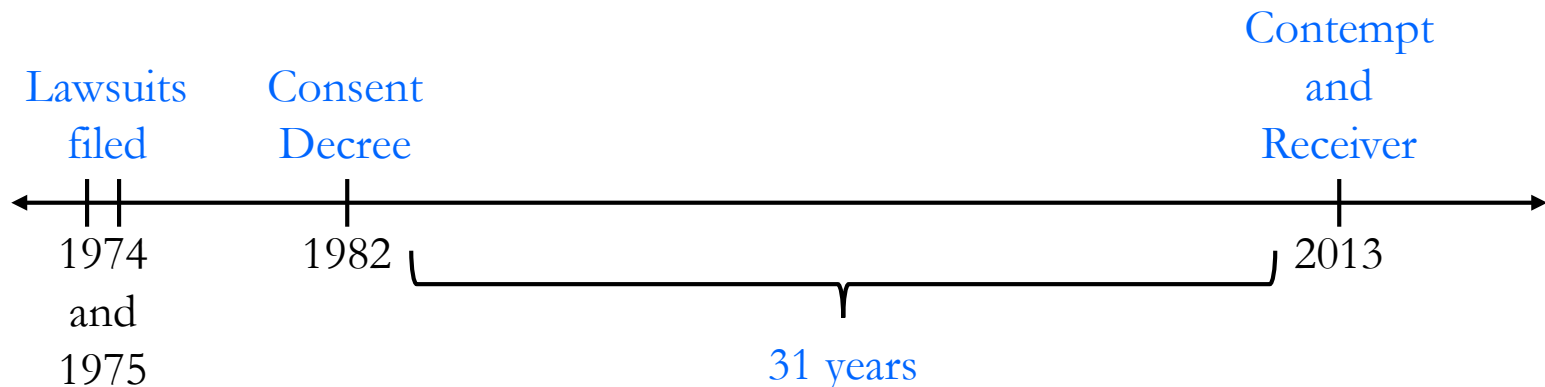
What is a “Consent Decree”?

- A **consent decree** is a court order expressing a voluntary agreement between parties to a suit.
- A **consent decree** generally requires a defendant (i.e., Jefferson County) to **stop doing** certain illegal activities, and to **start doing** other positive things, in exchange for an end to the lawsuit.
- The plaintiffs accepted the consent decree **in lieu of** taking their discrimination claims to trial.



Brief History

- The County failed to live up to its end of the bargain
 - August 20, 2013, the Court found the County in **civil contempt** for violating the 1982 consent decree
 - The Court appointed a **Receiver** to bring the County into compliance



The 1982 Consent Decree

- At its most general level, the consent decree **prohibits discrimination** against African-Americans and women.
- Three major themes:
 - “a process free of unlawful barriers” to employment
 - “a substantial increase in recruitment efforts directed toward blacks and women”
 - “fair and nondiscriminatory selection criteria”



Can I get a copy?

- **YES!**
 - Complete copies of the Consent Decree will be posted in conspicuous locations throughout the County.
 - <http://jeffconline.jccal.org/AAO>
 - From Supervisor
 - From the Affirmative Action Officer
 - From Receiver/HR
- Also, look for our postings





The Affirmative Action Officer

Lourie A. Bradley

716 Richard Arrington Jr. Blvd. N.
Suite A640
Birmingham, AL 35203
(205) 583 - 8330

Affirmative_Action@jccal.org

Are you a Jefferson County employee or an applicant for employment with Jefferson County?

Are you aware that federal law protects you from employment discrimination based on:

Race, Color, Religion

Age (if 40 or older)

The Jefferson County Commission has an Affirmative Action Officer. If you have questions or concerns, or if you have been subject to discrimination, contact the Affirmative Action Officer.

The Affirmative Action Officer will investigate, and report the results to the Commission. The Affirmative Action Officer also provides assistance to private and community organizations and members who are interested in the Affirmative Action Program.

**The Office of the Affirmative Action Officer is located at the Jefferson County Justice Center.



Lourie A. Bradley
Affirmative Action Officer, Jefferson County, Alabama
716 Richard Arrington Jr. Blvd., North
Suite A640
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(205) 325-5249
affirmative_action@jccal.org
<http://jeffconline.jccal.org/AAO>

Office Hours: Monday - Friday
8:30 a.m. - 4:00 p.m.



Employee Rights

You have the right to be free from workplace discrimination including:

- Race Discrimination
- Sex/Gender Discrimination
- Age Discrimination
- Veteran Status Discrimination
- National Origin or Religious Discrimination
- Disability Discrimination
- Retaliation

If you believe that you have experienced discrimination in the workplace, please contact the Affirmative Action Officer (AAO) for an informal consultation, or to file a complaint. You may file a complaint by mail, email, or in person at the office and during the hours listed above. You have the right to be free from retaliation as a result of filing a complaint.

To learn more about the various types of workplace discrimination and the laws enforced by EEOC, contact the Affirmative Action Officer, please visit www.eeoc.gov.

What are the Requirements?

- Four Main Categories of Interest to County Employees:
 - Nondiscriminatory Hiring Procedures and Goals [¶5-17]
 - Training and Informational Requirements [¶18, 31, 33]
 - Recruiting Requirements [¶13, 14, 16]
 - Affirmative Action Officer [¶33]
- Plus Special Provisions Relating to the Sheriff



Nondiscriminatory Hiring Procedures



Nondiscriminatory Hiring Procedures

- “One of the major purposes of this Decree is:
 - to ensure 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.” [¶5]



Nondiscriminatory Hiring Procedures

- To that end, the consent decree prohibits “any act or practice which has the **purpose** or **effect** of unlawfully discriminating against” any employee or applicant. [¶1]



Nondiscriminatory Hiring Procedures

The following, “shall be maintained and conducted in a manner which **does not unlawfully discriminate** on the basis of race, color or sex”:

- Hiring
- Promotion
- Upgrading
- Training
- Job assignments
- Discharge or other disciplinary measures
- Compensation
- Other terms and conditions or privileges of employment



Nondiscriminatory Hiring Procedures

- “Goals”
 - Different from “quotas”
 - “Quotas” **require certain number** of persons to be hired
 - “Goals” suggest that, if nondiscriminatory selection procedures are in place, one would **expect the workforce over time to have similar demographic composition** (i.e., race, sex, etc.) as the pool of **qualified** applicants



Nondiscriminatory Hiring Procedures

- “Goals” require “good faith efforts”:
 - “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 . . . ” [¶5]



Training and Informational Requirements



Training and Information

- Consent Decree Training
 - Paragraph 33(a) requires the Affirmative Action Officer to “advise black and female employees of the terms of this decree”



Training and Information

- 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 [supervisory] personnel about their responsibilities** as they relate to carrying out the provisions of this Decree.”



Training and Information

- Supervisory Instruction [¶31]
 - “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...”



Training and Information

- Job Postings [¶18]
 - The County **must inform its employees** of all opportunities for promotion or transfer.
 - All written announcements received from the PBJC, promotion and training opportunities must be made available to all employees within a reasonable time in advance.
 - Posted in conspicuous places
 - Departmental postings



Recruiting Requirements



Recruiting

- A major purpose of the Consent Decree is to ensure that blacks and women are considered for employment by the County on an **equal basis** with whites and males.
- One way the decree seeks to achieve this goal is by recruitment efforts **specifically targeted** at increasing the number of **qualified** black and female applicants.



Recruiting

- “[T]he County shall institute an **affirmative recruitment program** designed to inform blacks and women of job opportunities with the County.”
- “The County’s recruitment activities shall be **directed specifically** at attracting **qualified** black and female applicants. . .” [¶16]



Recruiting

- Examples [¶16]:
 - Area High Schools
 - Vocational/Technical Schools
 - Colleges
 - Organizations
 - Media



Recruiting

- General Recruitment Requirements
 - **Entry-Level Jobs:** to secure applicants at least equivalent to representation in the **civilian labor force** of Jefferson County [¶13]
 - **Promotional Jobs:** to secure applicants at least equivalent to the percentage representation in the **eligible applicant pool** [¶14]



The Affirmative Action Officer



The Affirmative Action Officer

Lourie A. Bradley

Jefferson County Affirmative Action Officer

716 Richard Arrington Jr. Blvd. North
Suite A640

Birmingham, AL 35203

(205) 325-5249

Hours: Monday – Friday

8:30 a.m. – 4:00 p.m.



The Affirmative Action Officer

- A specific provision of the consent decree requires Jefferson County to employ an **Affirmative Action Officer** and provides the AAO specific roles and duties. [¶33]



The Affirmative Action Officer

- One of our major functions is to **receive**, **investigate**, and **conciliate** complaints of workplace discrimination and harassment.
- Our office is a **neutral party**.
- All employee interactions with our office remain **confidential**.



The Affirmative Action Officer

- Some Duties of the Affirmative Action Officer
 - **Teach employees** about the decree
 - Receive, investigate, and conciliate complaints of race and sex discrimination
 - Meet with department heads to **reinforce EEO principles and assess progress**
 - Review hiring decisions every six months
 - Report semiannually to the County Commission



The Affirmative Action Officer

- How can you **raise a concern** with the Affirmative Action Officer?
 - In person
 - By phone
 - By email
 - Anonymously
 - **Informal consultation**
 - **Formal complaint**



EMPLOYMENT DISCRIMINATION AND HARASSMENT COMPLAINT FORM

Office of the Affirmative Action Officer, Jefferson County, Alabama
 716 Richard Arrington Jr. Blvd. North
 Suite A640
 Birmingham, AL 35203
 (205) 325-5249
affirmative_action@iccal.org

Office Hours: Monday – Friday
 8:30 a.m. - 4:00 p.m.

UNDER THE DIRECTION OF THE RECEIVER OF THE HUMAN RESOURCE
 FUNCTIONS OF JEFFERSON COUNTY, ALABAMA

TIME/DATE STAMP

Full Name:			Employee Number:		
Mailing Address:			Job Title:		
Telephone Number:			Department:		
Immediate Supervisor:			Building/Job Site:		
			Department Supervisor:		

Which of the following do you believe apply to your complaint? Check all that apply.

I believe I was discriminated against because of my:

Race Age Religion Sex National Origin Disability Veteran Status

I believe I was retaliated against because of a complaint of discrimination or harassment.

Yes No

I believe I was harassed in the workplace:

Yes No



The Affirmative Action Officer

- The Consent Decree [¶1] contains a non-retaliation provision:
 - “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. . .”



The County's EEO Policy



The County's EEO Policy

- Effective June 10, 2014, the Receiver approved a new Equal Employment Opportunity Policy for the County.
- Main topics:
 - Anti-Discrimination
 - Anti-Harassment
 - Anti-Retaliation
 - Violations: how to report, and what happens



The County's EEO Policy

- General Statement of Policy:
 - “Jefferson County is an Equal Opportunity Employer. The County **prohibits discrimination and harassment** on the basis of race, color, religion, sex, national origin, age, disability, veteran status, or any other basis prohibited by law.
 - **Retaliation** against any employee for making a good faith claim or report of discrimination or harassment is also prohibited.
 - This policy applies to recruiting, hiring, promotions, compensation, benefits, training, facilities, assignments, discipline, working conditions, and all other terms and **conditions of employment.**”



The County's EEO Policy

- Any potential violations (including harassment) should be reported to the Affirmative Action Officer immediately:

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The County's EEO Policy

- Special note for supervisors
 - Supervisors are **required** to report suspected violations of the EEO policy to the Affirmative Action Officer **immediately**.



The County's EEO Policy

- Participating in Investigations:
 - Employees are required to **participate truthfully**
 - Employees are guaranteed freedom from reprisal



The County's EEO Policy

The County's EEO Policy can be accessed on the
Intranet at:

<http://jeffconline.jccal.org/AAO>



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NEWS AND EVENTS

News Items Coming Soon

ABOUT US

The Affirmative Action Officer is a Neutral Party, whose major function is to receive, investigate, and remedy complaints of employment discrimination and harassment. Feel free to contact the Affirmative Action Officer by phone, email, or in person**.

There, you may schedule a private and confidential consultation with the Affirmative Action Officer or a staff member who is willing and capable of assisting you.



Are you a Jefferson County employee or an applicant for employment with Jefferson County?

Are you aware that federal laws protect you
from employment discrimination on grounds of:

Race, Color, Religion, Sex, or National Origin
Harassment
Disability
Age (if 40 years old or older)
Genetics
Retaliation



Thank You for Participating!

