# Welcome to Jefferson County

Consent Decree Training

# Jefferson County's 1982 Consent Decree

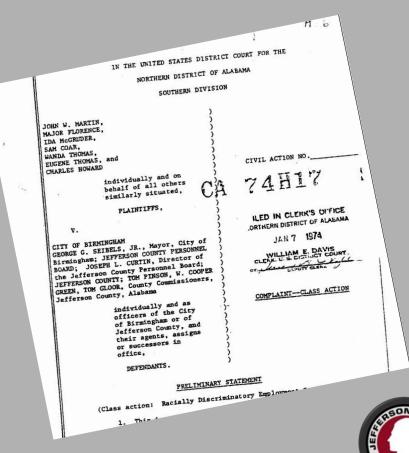
#### **Training Objectives**

#### To Ensure Awareness of:

- Jefferson County's Consent Decree Background
- Jefferson County's Consent Decree Requirements
  - Sheriff's Office Specific Provisions
- The Affirmative Action Officer
- Jefferson County's Employee Rules & Regulations: Equity and Inclusion

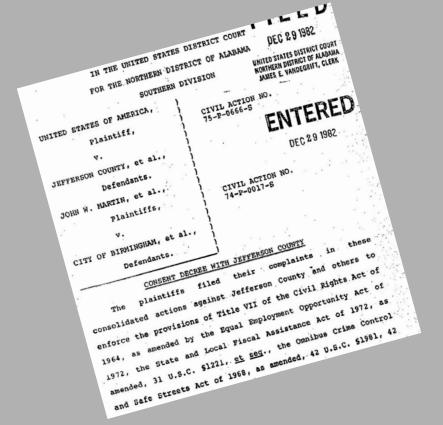
#### **Brief History**

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



#### **Brief History**

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

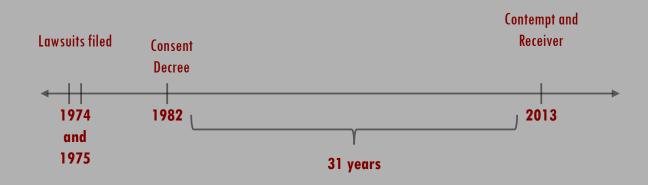


#### What is a "Consent Decree"?

- 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 <u>prohibits</u> <u>discrimination</u> 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.
- From Supervisor
- From the Equity and Inclusion Division (EID)
- From the Human Resources Department

#### What are the Requirements?

- Five Main Categories of Interest to County Employees:
  - 1. Nondiscriminatory Hiring Procedures and Goals [¶5-17]
  - 2. Training and Informational Requirements [¶18, 31, 33]
  - 3. Recruiting Requirements [¶13, 14, 16]
  - 4. Sheriff's Office Specific Provisions [¶21, 29, 30]
  - 5. Affirmative Action Officer [¶33]

- "Major purposes of this Decree are:
  - to ensure that blacks and women are considered for employment by the County on an **equal basis** with whites and males
  - and to <u>correct for the effects</u> of any alleged prior discriminatory employment practices by the County against blacks and women." [¶5]

To that end, the consent decree prohibits "any act or practice which has the <u>purpose</u> or <u>effect</u> of unlawfully discriminating against" any employee or applicant. [¶1]

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

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

#### • "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
- "Goals" require "good faith efforts"

#### **Training and Information**

- Consent Decree Training is a requirement.
  - 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."
  - "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

- A major purpose of the Consent Decree is to ensure that blacks and women are considered for employment by the County on an <u>equal basis</u> with whites and males.
- One way the decree seeks to achieve this goal is by recruitment efforts
   specifically targeted at increasing the number of <u>qualified</u> black and female applicants.
- "The County shall institute an **affirmative recruitment program** designed to inform blacks and women of job opportunities with the County." [¶16]

#### Recruiting

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

#### The Sheriff's Office

Certain provisions of the Consent Decree <u>apply only</u> to the Sheriff's Office, such as:

- Background investigation policy
- Deputy sheriff dismissal during probationary period
- Time in rank requirements for promotions

#### 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]
- As of July 2017, the **Equity and Inclusion Division** was created to shift beyond the mandates of the Consent Decree.
- The Division proactively fosters equity and inclusion throughout the County.

Dr. Lisa Burroughs

Jefferson County Chief Equity & Inclusion Officer

716 Richard Arrington Jr. Boulevard North
Suite A640
Birmingham, AL 35203
(205) 325-5249
Hours: Monday — Friday

8:00 a.m. — 5:00 p.m.

- Major functions of the office are to <u>receive</u>, <u>investigate</u>, and <u>conciliate</u> complaints of workplace discrimination and harassment.
- The office is a neutral party.
- All employee interactions with the office remain confidential.

- Some Duties of the Chief Equity & Inclusion 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

- How can you raise a concern with the Chief Equity & Inclusion Officer?
  - In Person
  - Equity & Inclusion Hotline (844-759-0034)
  - Equity & Inclusion Website (<u>www.jccal.ethicspoint.com</u>)
  - Anonymous Report
  - Informal Consultation
  - Formal Complaint

- The Consent Decree  $[\P 1]$  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. . ."

## Employee Administrative Rules & Regulations Equity and Inclusion

- The County continues to develop a work environment that is built on the premise of equity and inclusion that encourages and enforces:
  - Respectful communication and cooperation between all employees.
  - Teamwork and employee participation, permitting the representation of all groups and employee perspectives.
  - Work/life balance through flexible work schedules to accommodate employees' varying needs.
  - Employer and employee contributions to the communities we serve to promote a greater understanding and respect for diversity.

### Questions?