Welcome to Jefferson County

Consent Decree Training

Jefferson County's 1982 Consent Decree

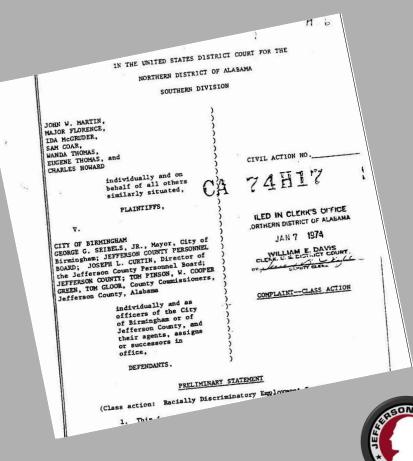
Training Objectives

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 EEO Policy

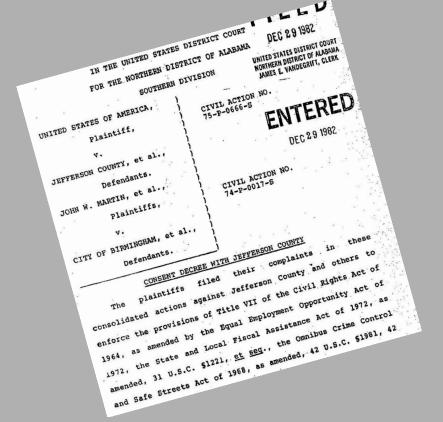
Brief History

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.**

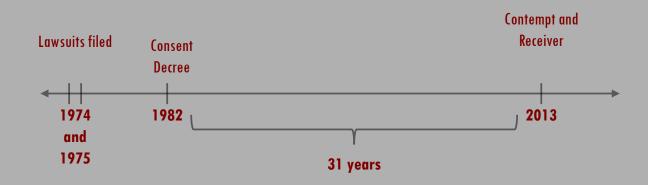


What is a "Consent Decree"?

- 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 <u>stop doing</u> certain illegal activities, and to <u>start doing</u> 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.
- http://jeffconline.jccal.org/AAO
- From Supervisor
- From the Equity and Inclusion Division
- From Receiver/HR

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 $[\P 13, 14, 16]$
 - 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

8:30 a.m. — 4:00 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
 - By phone
 - By email
 - Anonymously
 - Informal consultation
 - Formal complaint

(205) 325-5249 affirmative action	Dicoas	AND HARASSMENT ounty, Alabama		
Hours: Monda	ny - Friday m 4:00 p.m. ION OF THE RECEIVER OF THE FERSON COUNTY, ALABAMA	HUMAN RESOURCE Employee Number: Job Title:	TIME/DATE S	TAMP.
Immediate Supervisor: Which of the following do you bel I believe I was discriminated again Race Age I believe I was retaliated against bec I helieve I was harassed in the workhir	religion ☐ Sex ☐ Nat	Department: Building/Job Site: Department Supervisor: k all that apply. ional Origin	□ Veteran Status	

- 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. . ."

 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

- General Statement of Policy:
 - "Jefferson County is an Equal Opportunity Employer. The County <u>prohibits</u> discrimination and harassment on the basis of race, color, religion, sex, national origin, age, disability, veteran status, or any other basis prohibited by law.
 - <u>Retaliation</u> 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."

- Any potential violations (including harassment) should be reported to the Chief Equity & Inclusion Officer immediately.
- Special note for supervisors
 - Supervisors are required to report actual and suspected violations of the EEO policy to the Affirmative Action Officer (Chief Equity & Inclusion Officer) immediately.

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

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

http://jeffconline.jccal.org/AAC

Questions?

Forward Thinking

Moving Beyond

the

Consent Decree & Receivership