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## CONSENT DECREE TRAINING WORKSHOP

### Brief History

- 1974 and 1975: Lawsuits were filed against Jefferson County alleging discriminatory employment practices
- 1982: Litigation was resolved when the parties agreed to a Consent Decree
- August 20, 2013: The Court found the County in civil contempt for violating the 1982 consent decree and appointed a Receiver to bring the County into compliance

### 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 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

### 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”
- Where to find copies of the Consent Decree:
  - Throughout County: available in every department and job site
  - From the Equity and Inclusion Division (EID)/Compliance Department
  - From the Chief Compliance Officer (Affirmative Action Officer) and/or HR

### Consent Decree Requirements

- Nondiscriminatory hiring procedures and goals [¶5-17]
  - “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]
  - The consent decree prohibits “any act or practice which has the purpose or effect of unlawfully discriminating against” any employee or applicant. [¶1]
  - “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” [¶1]

- Non-Retaliation Provision [¶1]
  - “[T]he 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. . . .” [¶1]
- Training and Informational Requirements [¶18, 31, 33]
- Recruiting Requirements [¶13, 14, 16]
- Affirmative Action Officer [¶33]
  - Specific provision of the consent decree
  - Neutral Party
  - **Receive, investigate, and resolve** complaints of workplace discrimination
- Sheriff's Office
  - Establish and implement a written policy concerning background investigations
  - Dismissal of Deputy Sheriffs During Probationary Period
    - Prior to the dismissal of any deputy sheriff during his or her twelve (12) month probationary period, the Sheriff must notify the deputy in writing of the specific reason(s) for dismissal and the deputy shall be given an opportunity to respond.
  - Time in Rank Requirements
    - Deputy Sheriff to Sergeant: At least three (3) years uninterrupted service in rank (or two (2) years uninterrupted service in rank for candidates who have two (2) years college credits)
    - Sergeant to Lieutenant: At least two (2) years uninterrupted service in rank.

### **Equity and Inclusion Employee Administrative Rule & Regulation**

- 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.
- EEOC
  - Filing a complaint with the Chief Compliance Officer **is not a substitute** for filing a complaint with the EEOC. To learn more about the various types of discrimination prohibited by the laws enforced by EEOC and investigated by the Chief Compliance Officer (Affirmative Action Officer), please visit the following website: <http://www.eeoc.gov/laws/types/index.cfm>