

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

FILED

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U.S. DISTRICT COURT
N.D. OF ALABAMA

UNITED STATES OF AMERICA,)
 Plaintiff,)
 vs.)
 JEFFERSON COUNTY, ALABAMA, *et al.*,)
 Defendants.)
 _____)
 JOHN W. MARTIN, *et al.*,)
 Plaintiffs,)
 vs.)
 CITY OF BIRMINGHAM, ALABAMA, *et al.*,)
 Defendants.)
 _____)
 ENSLEY BRANCH OF THE N.A.A.C.P., *et al.*,)
et al.,)
 Plaintiffs,)
 vs.)
 GEORGE SEIBELS, *et al.*,)
 Defendants)

Civil Action No. CV-75-S-666-S *prh*

ENTERED

JUL 8 2002

Civil Action No. CV-74-S-17-S

Civil Action No. CV-74-S-12-S

ORDER

In accordance with the memorandum opinion entered contemporaneously herewith, the Personnel Board of Jefferson County, Alabama (the "Personnel Board" or "Board") is adjudged to be in contempt of this court for violating the terms of the December 19, 1995 order, extending and modifying the Board's 1981 Consent Decree, and the December 18, 2000 order, further extending the Board's 1981 Consent Decree and 1995 Modification Order. Pursuant to the court's inherent equitable powers and 28 U.S.C. § 1651, it is ORDERED, ADJUDGED, and DECREED as follows:

1. APPOINTMENT OF RECEIVER — Ronald R. Sims, Ph.D., Floyd Dewey Gottwald Senior Professor in the Graduate School of Business at the College of William and Mary in Williamsburg, Virginia, is appointed Receiver of the Personnel Board, effective immediately. The

Receiver shall serve at the pleasure of this court.

2. POWERS OF RECEIVER — The Receiver shall have and exercise all authority necessary to ensure that the Personnel Board fully, faithfully, and lawfully complies in a timely, efficient, and cost-effective manner with all functions and obligations required of the Personnel Board by the terms of the Board’s 1981 Consent Decree, as modified by the December 19, 1995 Modification Order, and Act No. 248, 1945 Acts of Alabama, as subsequently amended¹ (“Act No. 248”). To these ends, the powers vested in the Receiver include, but are not limited to, the following:

(a) full power to direct, control, operate, manage, and administer the property, funds, and employees of the Board;

(b) all powers vested by Act No. 248 in the three members of the Personnel Board and Personnel Director,² including the power to hire, promote, demote, transfer, and remove subordinates as necessary;

(c) the power to employ or appoint a person to serve as Deputy Personnel Director, without regard to the fifth sentence of section 11 of Act No. 248;³

¹ See, e.g., Act No. 17, 1951 Acts of Alabama; Act No. 332, 1953 Acts of Alabama, at 386-87; Act No. 560, 1959 Acts of Alabama, at 1404-05; Act No. 715, 1965 Acts of Alabama, at 1319-21; Act No. 591, 1967 Acts of Alabama, at 1366-78; Act No. 677, 1977 Acts of Alabama, at 1167-73; Act No. 679, 1977 Acts of Alabama, at 1176-79; Act No. 680, 1977 Acts of Alabama, at 1179-80; Act No. 684, 1977 Acts of Alabama, at 1183-1200; Act No. 782, 1977 Acts of Alabama, at 1347-51; Act No. 630, 1978 Acts of Alabama, at 893; Act No. 819, 1978 Acts of Alabama, at 1194-95; Act No. 80-730, 1980 Acts of Alabama, at 1475-76; Act No. 87-815, 1987 Acts of Alabama, at 1626-30; Act No. 89-739, 1989 Acts of Alabama, at 1467-68; Act No. 89-765, 1989 Acts of Alabama, at 1545-46; Act No. 89-805, 1989 Acts of Alabama, at 1605-06; and, Act No. 94-564, 1994 Acts of Alabama, at 1035-38. See also Act No. 284, 1935 Acts of Alabama, at 691-713.

²At some undetermined point, the occupant of this position began to be called “Executive Director” by the members of the three person Personnel Board, but the correct, statutory title remains either “Personnel Director” or “Director of Personnel.” See § 1 of Act No. 680 and § 4 of Act No. 684, 1977 Acts of Alabama (both amending § 12 of Act No. 248, 1945 Acts of Alabama, defining the “Duties of personnel director”).

³ Section 11 of Act No. 248, 1945 Acts of Alabama, has been twice amended: first by Act No. 17, 1951 Acts of Alabama; and, most recently, by Act No. 332, 1953 Acts of Alabama, 386-87. It currently reads as follows:

(d) the power to enter into contracts for the employment of outside consultants to (i) train the Board's employees in the development and implementation of lawful selection procedures, including, but not limited to, expertise in the disciplines of Industrial/Organizational Psychology and information technology, and/or (ii) assist the Board's employees in the development and implementation of lawful selection procedures for hiring and promotion in the classified services of the county, municipalities, and appointing authorities served by the Board, and/or (iii) develop and implement lawful selection procedures for hiring and promotion in the classified services of the county, municipalities, and appointing authorities served by the Board;

(e) the power to institute suit to recover any fees paid by the Board to outside consultants for the development and/or implementation of lawful selection procedures if such work does not, or on the date of its performance did not, conform to generally accepted standards in the field of Industrial/Organizational Psychology; and,

(f) the power to retain and employ attorneys to represent himself and the Personnel Board in connection with any proceedings addressed in paragraphs 2(e), 7, and 13 hereof, or all further proceedings herein.

Consistent with the powers vested in the Receiver by sub-paragraph 2(b) above, it is specifically ORDERED that all powers, duties, and responsibilities vested by Act No. 248 in the

Section 11. Director of Personnel. There shall be a director of personnel for each county affected by this Act. The board shall appoint the director who shall hold office at the will of the Board, and his salary shall be an amount as fixed by the personnel board from time to time which shall not be greater than the highest salary paid to any employee holding a position in the classified service of a county or municipality subject to the jurisdiction of this Act. The director of personnel shall act as secretary at board meetings, and shall be the board's executive officer, but shall not have a vote in determining the board's policy. He shall perform such duties as are assigned to him by the board. *The director shall appoint one employee of the department to be his deputy.* In case of the absence of the director or his inability from any cause to discharge the powers and duties of his office, such powers and duties shall devolve upon his deputy. [Emphasis supplied.]

various members of the Citizens Supervisory Commission or the three members of the Personnel Board — with the sole exception of those functions addressed in paragraphs 10 and 11 below — be, and the same hereby are, suspended and, in lieu thereof, vested in the Receiver until further order of this court.

3. DUTIES OF RECEIVER — The Receiver shall perform the financial, contractual, legal, administrative, and personnel duties of the Personnel Director and Personnel Board. These duties include, but are not limited to, the following:

(a) preserve, protect, and administer all property, assets, and employees of the Board;

(b) assume responsibility for fulfillment and implementation of all terms of the Board's 1981 Consent Decree, as modified by this court's December 19, 1995 order, and supervise day-to-day compliance with the same by all employees of the Board;

(c) assume responsibility for fulfillment and implementation of all functions and obligations required of the Personnel Director and Personnel Board by Act No. 248, with the sole exception of those functions addressed in paragraphs 10 and 11 below, and supervise day-to-day compliance with the same by all employees of the Board;

(d) assess the knowledge, skills, abilities, and competencies of all employees of the Board;

(e) conduct an employee training and development needs analysis, and formulate individual development plans for all employees of the Board;

(f) implement employee training and development programs, including instruction designed to institutionalize expertise in the disciplines of Industrial/Organizational

Psychology and information technology, and, competence in the development and administration of lawful selection procedures for hiring and promotion in the classified services of the county, municipalities, and appointing authorities served by the Board;

(g) assess the present organizational structure of the Personnel Board, and design appropriate infrastructures, systems, and procedures that will institutionalize the ability to perform all functions — and particularly the functions of developing and administering lawful selection procedures for hiring and promotion in the classified services of the county, municipalities, and appointing authorities served by the Board — in an efficient, professional, and cost-effective manner;

(h) develop and implement a fast-track plan for performing the Personnel Director’s statutory obligation to grade and classify with respect to salary all job classifications of the county, municipalities, and appointing authorities served by the Board (the so-called “Five Year Survey Project”);⁴

(i) develop and implement a fast-track plan for developing and administering lawful selection procedures that will produce a register of persons eligible for promotion to the rank of sergeant within the Jefferson County Sheriff’s Department and the various municipal police departments served by the Board;

(j) develop and implement a plan for developing and administering lawful selection procedures that will produce within a reasonable period of time, not to exceed eighteen months, registers of persons eligible for appointment or promotion to all classifications still subject

⁴ Section 12 of Act No. 248, defining the duties of the Personnel Director, provides, in part: “At least once every five years, [the Personnel Director shall] grade and classify or direct the grading and classification of all positions in the county and in each city in the county and for each appointing authority with respect to salary to the end that each employee shall receive the same compensation as all other employees of the said county or city or appointing authority receive for the same grade and class of service.” Act No. 248, 1945 Acts of Alabama, as amended by Act No. 684, 1977 Acts of Alabama; *see also* Act No. 680, 1977 Acts of Alabama.

to the jurisdiction of this court;

(k) perform all other acts necessary to transform the Personnel Board into a strong and competent civil service agency with a clearly defined mission, the infrastructure, systems, and skills to support that mission, and, an agency that discharges all functions in an efficient, professional, and cost-effective manner in substantial compliance with all applicable federal and state laws and regulations; and,

(l) develop and present to the court for approval a plan for returning all powers, duties, and functions vested in the Receiver to the three-person Personnel Board, a Personnel Director to be selected by the three-person Board, and the Citizens Supervisory Commission at the conclusion of this litigation.

4. REPORTS — The Receiver shall, not later than ninety days after accepting this appointment, submit to the court and the parties a twelve-month plan detailing the manner in which the Receiver intends to fulfill the duties described above. Such plan shall include a proposed budget. Thereafter, the Receiver shall submit to the court and the parties monthly status reports describing significant actions taken by the Receiver during the month.

5. ACCOMMODATIONS, EQUIPMENT, AND SUPPLIES — Defendant Jefferson County, Alabama is ORDERED to: provide suitable rooms and accommodations for the Receiver, his employees, consultants, and retained contractors, and cause the same to be furnished, heated, air-conditioned, and lighted in a manner conducive to the performance of the work of the Receiver hereunder; and, cause to be furnished and paid for by the county, in accordance with the provisions of paragraph 7 below, all necessary stationery, postage, printing, office supplies, computer hardware and software, and clerical assistance necessary for the performance of the work of the Receiver

hereunder upon his requisition of same.⁵

6. SCHEDULE AND COMPENSATION OF RECEIVER — Although the cost of the Receiver's services shall be charged to the Personnel Board and paid by defendant Jefferson County, Alabama in accordance with the provisions of paragraph 7 below, the Receiver shall have no contractual relationship with either the Board or Jefferson County, but shall instead be responsible solely to this court, and, shall serve at the court's pleasure. The Receiver shall be treated as an employee of the Jefferson County Personnel Board only for the purpose of computing and withholding all applicable federal, state, and local taxes or other deductions from gross pay as are required by law.

It is contemplated by the court that the Receiver's duties and obligations will be substantially completed in two years or less, but that the Receiver will continue functioning as a consultant to the Personnel Board and Personnel Director subsequently selected by the Board as needed until December 31, 2004, acting under the control of and reporting to this court. The Receiver shall devote such time as is necessary to accomplish the goals established by this order, but in no event shall he: in the first year, spend less than an average of four days per week in residence at the Jefferson County Personnel Board; in months 13 through 18, spend less than an average of three days per week in residence at the Personnel Board; and in months 19 through 24, spend less than an average of two days per week in residence at the Board. For purposes of the foregoing, the Receiver shall be credited with eight days of service during the first year following assumption of his duties because of prior commitments. Further, during the term of this order, the Receiver shall make himself readily available for consultation with the Board's staff on those days when he is not

⁵ See § 8 of Act No. 248, 1945 Acts of Alabama, at 387.

physically present in Birmingham, Alabama.

The Receiver shall be compensated for his first year's services in the amount of \$184,023.42, and for his second year's services in the amount of \$93,004.50, both payable in biweekly amounts in accordance with the provisions of paragraph 7 below. In the event the Receiver's services are terminated by this court for any reason, he shall be compensated only through the date of such termination.

7. ADMINISTRATIVE EXPENSES OF RECEIVER — The Receiver's compensation, the salaries of all employees of the Personnel Board, and all other administrative expenses of the Receiver arising under the provisions of this order, including the fees of any consultants or attorneys retained by him, shall be paid by warrants drawn by the Receiver, and countersigned by the Chief Magistrate Judge of this court, on the general fund of Jefferson County, Alabama. In the event any warrant is not paid within thirty days after submission, the Receiver shall institute an appropriate proceeding in this court. At the end of the county's fiscal year, Jefferson County shall prorate the total sum which the county has expended for the purposes of this order between itself and the various municipalities and appointing authorities served by the Board pursuant to Act No. 248, charging each with such part of the total sum so expended as the total number of employees of such county, city, or appointing authority who were subject to the provisions of Act No. 248 on the last day of the county's fiscal year bears to the total number of employees of all appointing authorities subject to the provisions of Act No. 248 on such last day of the county's fiscal year. The sum so arrived at by the county as the proper contribution of each shall be certified to the Receiver and, when approved by him in writing, shall become a liability of the respective county, cities, and appointing authorities, and shall be paid immediately to the county. In the event the salaries of a county, city, or an

appointing authority are paid in part from different treasuries, or different funds in the same treasury, the liability for this contribution shall accrue against such various treasuries or funds in the same proportion as the salaries of the employees of the county, city, or appointing authorities are paid therefrom. In the event any contribution levied hereunder shall not be paid within thirty days after approval by the Receiver, defendant Jefferson County is directed and authorized to bring suit for collection of same either in this court or any other court of competent jurisdiction, and any judgment so recovered shall be satisfied from any funds in such treasury or funds against which such contribution levy lies.⁶

8. DUTIES OF COUNTY OFFICIALS — It shall be the duty of all elected and appointed officials, employees, and attorneys of defendant Jefferson County, Alabama to aid in all proper ways in carrying into effect the provisions of this order, and the rules, regulations, and directives prescribed from time-to-time by the Receiver in the performance of his duties hereunder. These duties include, *but are not limited to*, those described in paragraphs 5 through 7 above, and prompt and reasonable accommodation of the Receiver’s request for the use of public buildings (together with necessary heat, air-conditioning, lights, other utilities and services) for the purpose of conducting examinations⁷ of applicants and investigations⁸ as required by this order and the terms of Act No. 248.⁹ In accordance with the discussion contained in Section IV.C of the memorandum opinion entered contemporaneously herewith, it is further ORDERED, ADJUDGED, and DECREED that defendant Jefferson County, Alabama, its elected and appointed officials, employees, agents, servants, employees, attorneys, and any other person acting in concert with the

⁶ See § 4 of Act No. 248, 1945 Acts of Alabama, at 380-81.

⁷ See *id.* § 16, at 391-92, as amended.

⁸ See *id.* § 13, at 389-90.

⁹ See *id.* § 7, at 387.

foregoing, directly or indirectly, and those persons who receive actual notice of this order by personal service or otherwise, be, and they hereby are, restrained and enjoined from taking any action, or failing or refusing to take any action, that has the effect of frustrating or delaying the Receiver in the performance of his duties hereunder.

9. DUTIES OF MUNICIPALITIES AND APPOINTING AUTHORITIES — It shall be the duty of all elected and appointed officials, employees, and attorneys of the municipalities and appointing authorities served by the Personnel Board and all others having notice of this order to aid in all proper ways in carrying into effect the provisions of this order, and the rules, regulations, and directives prescribed from time-to-time by the Receiver in the performance of his duties hereunder. These duties include, but are not limited to: prompt payment of the city's or appointing authority's pro-rata share of the Receiver's compensation and expenses at the end of the county's fiscal year, as specified in paragraph 7 above; and, prompt and reasonable accommodation of the Receiver's request for the use of public buildings (together with necessary heat, air-conditioning, lights, other utilities and services) for the purpose of conducting examinations of applicants and investigations as required by this order and the terms of Act No. 248.

10. FUNCTIONS RETAINED BY CITIZENS SUPERVISORY COMMISSION — The Citizens Supervisory Commission shall appoint a person to fill the Board seat vacated by the resignation of Robin Burrell on June 3, 2002, to serve as the third member of the Personnel Board. This appointment should occur as soon as possible, but not later than ninety days from the date of the entry of this order, unless extended for good cause shown. The Citizens Supervisory Committee should endeavor to appoint a person willing to become knowledgeable of, *e.g.*, generally accepted techniques and procedures for developing lawful selection procedures. In the event any other

vacancy on the Personnel Board should occur during the pendency of this order, the Citizens Supervisory Commission shall appoint a person to fill the seat within ninety days of vacancy, to enable the Board to fulfill its functions under paragraph 11 below.

11. FUNCTIONS RETAINED BY PERSONNEL BOARD — Until such date as this court orders otherwise, the members of the Jefferson County Personnel Board appointed by the Citizens Supervisory Commission in accordance with the foregoing paragraph and the final judgment in *Woods v. Florence*, No. CV82-PT-2272-S (N.D. Ala. Apr. 29, 1985) (Propst, J.), shall retain, and continue to perform in accordance with all applicable requirements of federal and state law and regulations, the functions described in: (i) section 22 of Act No. 248 and Rule 6 of the 1995 Rules and Regulations Adopted by the Personnel Board, and Approved by the Citizens Supervisory Commission, relating to hearing employee appeals of disciplinary actions; (ii) its role in reviewing denials of applications for “injury leave with pay,” as specified in Rule 7.24 of the 1995 Rules and Regulations Adopted by the Personnel Board, and Approved by the Citizens Supervisory Commission; and (iii) its limited role in “Step III” of the employee grievance procedure, as set forth in Rule 8.6 of the 1995 Rules and Regulations Adopted by the Personnel Board, and Approved by the Citizens Supervisory Commission.

Consistent with the powers vested in the Receiver by paragraph 2(b) above, however, the members of the Jefferson County Personnel Board shall *not perform* the foregoing functions with respect to employees of the Personnel Board. Instead, for the duration of the Receivership imposed by this order, (i) any employee of the Jefferson County Personnel Board holding permanent status, and who is subject to demotion, suspension, discipline, or termination at the instance of the Receiver, shall be entitled to a due process hearing before a magistrate judge of this court randomly drawn,

who shall apply the same standards of review as would otherwise be applied by the Personnel Board in such matters, but for the existence of this court's order. *See* 28 U.S.C. §§ 636(b)(3), 1651. Any employee wishing to avail himself of this procedure shall notify the Receiver in writing, and file a copy with the Clerk of this Court, within ten (10) calendar days after notification of the contested employment action. Within ten (10) calendar days thereafter, the Receiver shall file with the Clerk of this Court a copy of the written notice of the contested employment action and a written statement of the reasons for the action taken with respect to the employee. The Clerk shall draw at random a magistrate judge of the court, who shall conduct a hearing on the matter within ten (10) working days after the Receiver's statement of reasons. The hearing may be continued for not more than thirty (30) days on agreement of the parties or on motion for good cause shown. Upon completion of the hearing, the magistrate judge shall file his written findings of fact and conclusions of law, together with a recommendation for disposition of the appeal. Either party may file objections to the magistrate judge's findings and conclusions within ten (10) calendar days after they are entered, and this court shall thereafter enter such orders as may be appropriate. (ii) In like manner, any employee of the Board desiring to appeal a decision by the Receiver disallowing in whole or in part an application for injury leave with pay shall notify the Receiver in writing, and file a copy with the Clerk of this Court, within ten (10) calendar days after notification of the disallowance. Thereafter, the appeal shall be considered by a magistrate judge of this court randomly drawn, who shall apply the same standards of review as would otherwise be applied by the Personnel Board under Rule 7.24 of the 1995 Rules and Regulations Adopted by the Personnel Board, and Approved by the Citizens Supervisory Commission, but for the existence of this court's order. Either party may file objections to the magistrate judge's report and recommendation within ten (10) calendar days after they are

entered, and this court shall thereafter enter such orders as may be appropriate. (iii) Finally, with respect to any employee of the Board who files a grievance that proceeds to “Step III” of the employee grievance procedure, his or her right of appeal of the decision rendered by either a hearing officer or a grievance committee shall lie to a magistrate judge of this court, randomly drawn, who shall apply the same standards of review as would otherwise be applied by the Personnel Board under Rule 8.6 of the 1995 Rules and Regulations Adopted by the Personnel Board, and Approved by the Citizens Supervisory Commission, but for the existence of this court’s order. The aggrieved employee shall file a notice of appeal with the Clerk of this Court within ten (10) calendar days of the announced decision. Either party may file objections to the magistrate judge’s report and recommendation within ten (10) calendar days after they are entered, and this court shall thereafter enter such orders as may be appropriate.

12. IMMUNITY — The Receiver shall have the status of an officer and agent of this court and, as such, shall be vested with such immunities as by law vest with this court. The Personnel Board and defendant Jefferson County, Alabama shall indemnify the Receiver for liabilities, damages, and losses incurred, and shall pay, upon a certification of expenses approved by the court, all expenses reasonably incurred in defending any lawsuit or administrative proceeding in which the Receiver is named as a party, either personally or as the Receiver, or in which liability may otherwise attach to him, if such suit or proceeding is based on or arises out of any action taken within the scope of the Receivership as defined above.

13. LEGAL SERVICES — If this order or its enforcement by the Receiver shall be called into question in any judicial proceeding, or if any person, county, municipality, or appointing authority served by the Personnel Board shall fail or refuse to comply with the lawful rules,

regulations, or directives of the Receiver, or if defendant Jefferson County should fail or refuse for any reason to comply with its duties and responsibilities under paragraphs 5 through 8 of this order (or any other provision of Alabama law pertaining to the functions of the Personnel Board), or if any elected or appointed official, employee, or attorney of municipality or appointing authority served by the Board should fail or refuse to comply with the duties imposed by paragraph 9 of this order (or any other provision of Alabama law pertaining to the functions of the Personnel Board), then, in any of such events, the Receiver may call upon the Jefferson County Attorney, or the attorney for any municipality or appointing authority served by the Personnel Board, or (as empowered by state law¹⁰ and the provisions of paragraph 2(f) above) employ independent counsel to represent him in the performance of his duties and the enforcement of obligations imposed hereunder. In the event independent counsel is retained by the Receiver, the compensation of such independent counsel shall be paid as all other administrative expenses of the Receiver are paid, as provided in paragraph 7 above.

14. **RELATIONSHIP BETWEEN RECEIVER AND SPECIAL MASTER** — As both the Receiver and Special Master serve at the pleasure of this court, the Receiver may call upon the Special Master for any information, advice, or counsel required to discharge the Receiver’s duties hereunder.

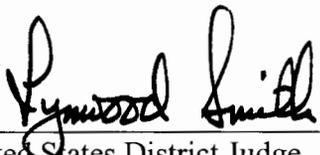
15. **MODIFICATION** — This order may be modified as necessary to assure the success of the receivership and, eventually, to return operation of the Personnel Board to the three member Board and Citizens Supervisory Commission.

16. **NOTICE** — To ensure that each non-party governmental entity having responsibilities

¹⁰ See § 9 of Act No. 248, 1945 Acts of Alabama, at 387.

and duties to the Personnel Board under Alabama law receives actual notice of the provisions of this order, and particularly paragraphs 7 and 9 hereof, the Clerk of this court is directed to send copies of this order and the accompanying memorandum opinion by certified mail, return receipt requested, to each appointing authority and to the mayor and president of the city council of each municipality served by the Personnel Board, with the exception of the City of Birmingham, Alabama, which remains a party to this action.

DONE and ORDERED this 8th day of July, 2002.



United States District Judge

RONALD R. SIMS
(Biographical Sketch)
1 July 2002

RONALD R. SIMS is the Floyd Dewey Gottwalld Senior Professor in the Graduate School of Business at the College of William and Mary where he teaches Organization Behavior, Leadership, Business Ethics, Change Management and Human Resource Management. He received his PhD in Organizational Behavior from Case Western Reserve University. Professor Sims is the author or co-author of twenty books and more than seventy-five articles that have appeared in a wide variety of scholarly and practitioner journals. His most recent books are: *Organizational Success through Effective Human Resources Management* (2002), *Changing the Way We Manage Change* (2002), *Managing Organizational Behavior* (2002), *Teaching Business Ethics for Effective Learning* (2002), *The Challenge of Front-line Management: Flattened Organizations in the New Economy* (2000), *Keys to Employee Success in the Coming Decades* (1999), *Administration* (1999), *Reinventing Training and Development* (1998), and *Accountability and Radical Change in Public Organizations* (1998). His research focuses on a variety of topics to include leadership and change management, human resources management, employee training and management development, learning styles, experiential learning, and business ethics.

Professor Sims recently retired as a Lieutenant Colonel from the U.S. Army Reserves after twenty-four years of active duty and reserve service. Dr. Sims has provided consultation in the areas of change management, human resources management, and employee and leadership development to organizations in the private, public, and not-for-profit sectors over the past twenty-one years.

VITA - RONALD R. SIMS
Floyd Dewey Gottwald, Sr. Professor
July 1, 2002

EDUCATION

Ph.D. 1981, Department of Organizational Behavior, Weatherhead School of Management, Case Western Reserve University, Cleveland, Ohio

M.S.W. 1972, School of Social Work & Community Planning, University of Maryland, Baltimore, Maryland

B.A. Sociology, 1971, University of Steubenville (Franciscan University), Steubenville, Ohio

ACADEMIC POSITIONS

1992-present - Floyd Dewey Gottwald Sr. Professor (with tenure), School of Business Administration, College of William and Mary.

1994-1995 - Director of Masters in Business Administration (MBA) Program and Floyd Dewey Gottwald Sr. Professor of Business Administration, College of William and Mary.

1986-1992 - Associate Professor (with tenure), School of Business Administration, College of William and Mary, Williamsburg, VA. 23185.

1981-1986 - Assistant Professor of Management, School of Business, Auburn University at Montgomery, Montgomery, AL. 36193.

1983-1984 - Adjunct Professor, Alabama State University, College of Business Administration, Montgomery, AL. 36195.

NON-ACADEMIC POSITIONS

1981-present - Organization and Management Consultant, Ronald R. Sims & Associates - providing organization change and human resource management consultation to private, public and not-for-profit organizations.

1995-present - Associate with TRI Corporation, an organization and change management consulting firm that specializes in designing and implementing leadership and organizational development business simulation programs and interventions.

1998-present - Board of Directors -- BoundlessNetworks and 3Tango, computer technology

firms in U.S. and Barcelona, Spain.

1972-1997 - U.S. Army and Army Reserves, MSC, Social Work Officer, retired LTC -- August 1997.

1978-1980 - Central National Bank, Internal Organization Development Consultant, Cleveland, Ohio.

1977-1980 - Crisis Intervention Center, Social Worker, Cleveland, Ohio

1975-1977 - Ohio Department of Mental Retardation, Director of Social Work Services, Cleveland, Ohio.

HONORS, PRIZES AND AWARDS

Editorships, editorial boards, & journal review activities

Editorial review board of Teaching Business Ethics - 1996; editorial review board for Review of Business - 1988 to present; contributing reviewer for Journal of Business Ethics - 1991 to present; reviewer for Internet Encyclopedia - 2003; present; consulting reader for Psychological Reports - 1992 to 1995; contributing reviewer for MIS Quarterly - 1991 to 1993.

Teaching awards

State Council on Higher Education in Virginia 2000 Outstanding Faculty Award; Executive MBA Teaching Excellence Award (1995); MBA Teaching Award (1991).

COURSES TAUGHT

Undergraduate: Organization Behavior, Organization Theory, Leadership, Human Resources Management, Leadership, Business and Society

Graduate: Organization Behavior, Leadership and Planned Change, Human Resources Management, Organization Theory, Business Ethics

FELLOWSHIPS AND GRANTS

Summer and faculty research assignments received from William and Mary

Semester Research Grant (1997-98) - A cross-cultural study of learning styles; Summer Research Grant (1987) - An exploratory examination of the convergence between the

Learning Style Questionnaire and the Learning Style Inventory; Semester Research Grant (1988) - The relationship between learning styles and adaptive styles

RESEARCH AND OTHER SCHOLARLY WORK

Books written

- Sims, R.R. Changing an organization's culture: Restoring reputation after the fall (working title). (Expected February 2003). Praeger Press, Westport, CT.
- Sims, R.R. Managing organizational behavior: The ultimate management challenge. (In press - Expected July 2002). Greenwood Publishing Group, Inc., Westport, CT.
- Sims, R.R. Organizational success through effective human resource management. (In press - Expected July 2002). Quorum Books, Westport, CT.
- Sims, R.R. Teaching business ethics. (2002). Greenwood Publishing Group, Inc., Westport, CT.
- Sims, R.R., (Veres, J.G., Jackson, K., and C. Facticeau). The challenge of front-line management: Flattened organizations in the new economy. (2001), Quorum Books, Westport, CT.
- Sims, R.R. Administration. (1999), BOMI Institute, Arnold, MD.
- Sims, R.R. Reinventing training and development. Praeger Press, Westport, CT. (1998).
- Sims, R.R. and (Sims, S.J.) Changes and challenges for the human resource management professional. Greenwood Press, Westport, CT. (1994).
- Sims, R.R. Ethics and organizational decision making: A call for renewal. Quorum Books, Westport, CT. (1994).
- Sims, R.R. Training enhancement in government. Quorum Books, Westport, CT. (1993).
- Sims, R.R., (Donald D. White and David A. Bednar). Readings in organizational behavior. Allyn & Bacon, Boston, MA. (1992).
- Sims, R.R. An experiential learning approach to employee training systems. Quorum Books, Westport, CT. (1990).

Edited volumes

- Sims, R.R. Changing the way we manage change in the new economy: Quorum Books (2002).

- Sims, R.R. and (J.G. Veres, III). Keys to employee success in the coming decades. Greenwood Press, Westport, CT. (1999).
- Sims, R.R. Accountability and radical change in public organizations. Quorum Books, Westport, CT. (1998).
- (Sims, S.J.) and Sims, R.R. Eds. Total quality management in higher education: Is it working? Why or why not? Praeger Press, Westport, CT. (1995).
- Sims, R.R. and (Sims, S.J.) Eds. The importance of learning styles: Implications for learning, education, and course design. Greenwood Press, Westport, CT. (1995).
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- Sims, R.R. Who should teach business ethics? An interdisciplinary team focus. (Under review Teaching Business Ethics).
- Sims, R.R. Business ethics teaching: Building an effective classroom learning environment. (Under review Teaching Business Ethics).
- Sims, R.R. Toward an understanding of why unethical behavior occurs in organizations. (under review Journal of Business Ethics)

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Sims, R.R. Toward a model of outcomes assessment in teaching business ethics efforts. (To be submitted to Teaching Business Ethics).

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Other scholarly activity, including papers presented at professional meetings and publications of abstracts

- Sims, R.R. "Stakeholder sensitive business ethics teaching." Hawaii Conference on Business, Honolulu, (June 2001).
- (Mea, W., Carney, C.) and Sims, R.R. "Changing the way we change in the digital economy." 2nd Annual Conference of the CISS/ISA International Conference, Washington, D.C.

- Sims, R.R. "Teaching counseling skills to management students" at the National Association for Business Simulations and Experiential Learning Meeting, Hilton Head, S.C. in March 1987.
- Sims, R.R., (Karl Kuhnert and Dale Palmer). "Job security and employee health" at the Southern Management Association Annual Meeting in Atlanta, GA. in November 1986.
- Sims, R.R. Discussant on a paper entitled "Labeling stress in instant organizations: A stress reduction intervention" at the Academy of Management National Meeting in Chicago, IL. August 1986.
- Sims, R.R., (and Karl Kuhnert and Dale Palmer). "Job security, employee health and attitudes: Some preliminary findings" at the Southeastern Psychological Association Annual Meeting in Orlando, FL. in March 1986.
- Sims, R.R. Discussant on a paper entitled "Management education: Suggestions for curriculum improvements" at the Southern Management Association Meeting in Atlanta, GA. in November 1983.

COMMUNITY SERVICE

College community service

Board member of Big Brothers Big Sisters of Williamsburg, 2002; Executive Board member and former President of the Black Faculty and Staff Forum at the College of William and Mary, 1987-present; Equal Opportunity Committee, 2001; Director of Human Resources Management Search Committee, 2001; School of Business Administration Faculty Affairs Committee, 1999-present; College-wide Procedural Review Committee, 1999-present; College-wide Public Policy Committee, 1999-present; BBA Business Partners Financial Support Committee, 2000; Dean, School of Business Search Committee, 1997-98; Curriculum Committee, 1993-95 & 1997-1998; Dean of Arts & Science Search Committee, 1996-97; Assistant Director of Career Services Search Committee, 1996-97; Greek Life Task Force, 1996; Salary and Equity Committee, 1995-1996; Environmental Science and Policies Feasibility Study Committee, 1995; Associate Provost Search Committee, 1995; AACSB School of Business Self-Study Committee, 1994-95; William and Mary Self Study -- Institutional Purpose Committee, 1993-94; Director of Personnel Services Evaluation Committee, 1993-94; Professional Resource Committee, 1993; Vice Provost for Multicultural Affairs Evaluation Committee, 1992-93; School of Business Dean's Evaluation Committee, 1992-93; Assistant to the President for Affirmative Action Search Committee, 1992-93; Provost Search Committee, 1992-93; Admissions Office Personnel Search Committee, 1992; Professional Resources, 1986-87; Affirmative Action Committee, 1986-1987, 1989-1990; School of Business Appointments Committee, 1987-92; 93; 94; Undergraduate Curriculum Committee, 1987-1993; Research Committee, 1987-1988, 92; School of Business Dean's Search Committee,

- Sims, R.R. "Toward a systematic evaluation of training" at the Association of Management National Meeting in Lake Buena Vista, FL in August 1990.
- Sims, R.R. "Developing training climates" at the Association of Management National Meeting in Lake Buena Vista, FL in August 1990.
- Sims, R.R. "Managing change in organizations" at the Academy of Management National Meeting, Washington, D.C. in August 1989.
- Sims, R.R. "Developing codes of ethics in organizations" at the National Association for Business Simulations and Experiential Learning Annual Meeting in Orlando, FL in March 1989.
- Sims, R.R. and (Jeanne Lindholm). "Using the performance appraisal to improve managerial competence: A case study" at the International Simulation and Gaming Association Annual Meeting in Utrecht, The Netherlands in August 1988.
- Sims, R.R. and (Jeanne Lindholm). "Improving competence in nurses entering practice: An experiential learning approach" at the International Simulation and Gaming Association Annual Meeting in Utrecht, The Netherlands in August 1988.
- Sims, R.R. (Jeanne Lindholm). "Developing a course on leadership and planned change" at the National Organizational Behavior Teaching Review Meeting in Los Angeles, CA. in June 1988.
- Sims, R.R. "First class ideas: Kolb's experiential learning model" at the Eastern Academy of Management Meeting in Washington, D.C. in May 1988.
- Sims, R.R. Chaired a session entitled "Technology and organizations" at the National ORSA/TIMS Conference in Washington, D.C. in April 1988.
- Sims, R.R. and (John G. Veres). "The impact of technology on today's employees" at the National ORSA/TIMS Conference in Washington, D.C. in April 1988.
- Sims, R.R. and (John G. Veres). "Introducing technology in the form of office automation" at the National ORSA/TIMS Conference in Washington, D.C. in April 1988.
- Sims, R.R. "The role of experiential learning in decision making" at the National Association for Business Simulation and Experiential Learning Annual Meeting in San Diego, CA. in March 1988.
- Sims, R.R. Discussant on a paper entitled "Diffusing dissatisfaction in organizational change" at the 1988 Academy of Management National Meeting in Long Beach, CA. in August 1988.

- (August 2000).
- (Bordas, R., Facteau, J.D., Facteau., C.L., Podsakoff, P.M., MacKenzie, S.M.), and Sims, R.R. "Structured interviews to assess organizational citizenship behaviors: Predicting who will be most likely to demonstrate citizenship in a team based environment" presented at the 15th annual conference of the Society for Industrial and Organizational Psychology, New Orleans, Louisiana (April 2000).
- Sims, R.R., (Erickson, E., and Erickson, J.). "Enterprise information portals and global communications" at the CISS/ISA International Conference, Paris, August, 1999.
- Sims, R.R. and (Dennehy, R.). "Diversity and difference challenges in organizations" at the 1999 Organization Behavior Teaching Conference in Las Cruces, New Mexico, May.
- Sims, R.R. "Role plays as a tool for experiential learning" as part of a session for new PhDs teaching symposium at the 1999 Academy of Management Conference, August.
- Sims, R.R. "Accountability and change in public organizations" as part of the Best Books on Change Management session at the 1999 Academy of Management meeting, San Diego, August.
- (Gosslein, D.,) and Sims, R.R. "Learning styles and accounting students" presented at the Mid-Atlantic Accounting Association Meeting, Arlington, VA., March 1996.
- Teegen, H., Cheng, H.K., and Sims, R.R. "Software piracy: An international comparison of pricing intentions" presented at the 5th Annual Quality of Life Conference Academy of Marketing Science and the International Society of Quality of Life in Williamsburg, November 1995.
- Cheng, H.K., Sims, R.R., and Teegen, H. "To purchase or pirate software: An empirical study" presented at the 1995 TIMS conference in Singapore, August 1995.
- Sims, R.R. and (Robert F. Dennehy). "Americans with Disabilities Act and its implications for experiential learning" at the National Association for Business Simulations and Experiential Learning in San Diego, California in March 1994.
- Sims, R.R. and (Robert F. Dennehy). "Debriefing international experiential learning exercises" at the National Association for Business Simulations and Experiential Learning in Savannah, Georgia in March 1993.
- Sims, R.R. and (Robert F. Dennehy). "Power and ethnicity: An experiential learning exercise (How to sensitize students to diversity)" at the National Association for Business Simulations and Experiential Learning Annual Meeting in Las Vegas, Nevada in March 1992.

1989-1990; Faculty Advisor for Phi Kappa Tau Fraternity, 1987-1989; Faculty Advisor for Minority Student Outreach Coalition, 1988-1989; Freshmen Advisor, 1987.

Other professional service

Former member of the executive board of the Organization Development and Change Division of the Academy of Management, 1999-2001; Member of the Committee of Visitors (COV) evaluation committee for National Science Foundation's "Innovation and Organizational Change" program.