

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

UNITED STATES OF AMERICA, **CA 75 P0666S**  
Plaintiff,

v.

JEFFERSON COUNTY, and BEN L. ERDREICH,  
THOMAS W. GLOOR, CHRISS H. DOSS,  
Commissioners; JEFFERSON COUNTY  
PERSONNEL BOARD, and JAMES B. JOHNSON,  
HENRY P. JOHNSTON, HIRAM Y. MCKINNEY,  
members and JOSEPH W. CURTIN, Director;  
THE JEFFERSON COUNTY DEPARTMENT OF  
PUBLIC HEALTH and GEORGE E. HARDY, M.D.,  
Health Officer; THE CITY OF BESSEMER,  
and ED PORTER, Mayor; THE CITY OF  
BIRMINGHAM, and GEORGE G. SEIBELS, JR.,  
Mayor; THE CITY OF FAIRFIELD, and  
LAWRENCE G. SIDES, Mayor; THE CITY OF  
FULTONDALE, and NELSON ARNOLD, Mayor;  
THE CITY OF GARDENDALE, and G. WILLIAM  
NOBLE, Mayor; THE CITY OF HOMEWOOD, and  
ROBERT G. WALDROP, Mayor; THE CITY OF  
HUEYTOWN, and L. W. JACKSON, Mayor;  
THE CITY OF MIDFIELD, and RAY R. PARMER,  
Mayor; THE CITY OF MOUNTAIN BROOK, and  
LEE MCGRIFF, Mayor; THE CITY OF PLEASANT  
GROVE, and BOBBY R. PATRICK, Mayor; THE  
CITY OF TARRANT, and D. EVAN VEAL, Mayor;  
THE CITY OF VESTAVIA HILLS, and J. T.  
SCATES, Mayor; and THE BIRMINGHAM PARK  
AND RECREATION BOARD, and FRANK A. WAGNER,  
Director;

CIVIL ACTION  
NO.

COMPLAINT

Defendants.

FILED IN CLERK'S OFFICE  
NORTHERN DISTRICT OF ALABAMA

MAY 27 1977

WILLIAM E. DAVIS  
CLERK, U.S. DISTRICT COURT  
BY: Linda C. Phillips  
DEPUTY CLERK

Plaintiff, United States of America, alleges:

1. This action is brought by the Attorney General on behalf of the United States to enforce the provisions of Title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e, et. seq.), as amended by the Equal Employment Opportunity Act of 1972 (Pub. L. 92-261, March 24, 1972), and the Omnib Crime Control and Safe Streets Act of 1968, as amended, 42 U.S.C. 3766(c); to enforce the nondiscrimination provision of the State and Local Fiscal Assistance Act of 1972 (31

U.S.C. 1242); and for the purpose of protecting and enforcing rights guaranteed by the Fourteenth Amendment to the Constitution of the United States and 42 U.S.C. 1981.

2. This Court has jurisdiction of this action under 31 U.S.C. 1242, 42 U.S.C. 2000e-6(b), 3766(c)(3), and 28 U.S.C. 1345.

3. Defendant Jefferson County is a political subdivision of the State of Alabama and is an employer within the meaning of 42 U.S.C. 2000e(b), as amended.

4. Defendants Ben L. Erdreich, Thomas W. Gloor, and Chriss H. Doss, are County Commissioners for Jefferson County, Alabama and are responsible for the administration and operation of the county government of Jefferson County, including the hiring, assigning, and promoting of employees of the County.

5. Defendant Jefferson County Personnel Board is an agency of Jefferson County established pursuant to the laws of the State of Alabama, is an employer within the meaning of 42 U.S.C. 2000e(b), as amended, and is engaged in the procuring and screening of applicants and certification of eligibles for appointment with defendants named in paragraphs 3, 7, 9, and 11 and in the administration of a civil service system for such defendants.

6. Defendants James B. Johnson, Henry P. Johnston and Hiram Y. McKinney are members, and Joseph L. Curtin is Director of the Jefferson County Personnel Board, and as such they are responsible for its administration and operation, including the procuring and reviewing of applicants and certification of eligibles for appointment with defendants named in paragraphs 3, 7, 9 and 11.

7. Defendant Jefferson County Health Department is an agency of Jefferson County established pursuant to the laws of the State of Alabama and is an employer within the meaning of 42 U.S.C. 2000e(b) as amended.

8. Defendant George E. Hardy, M.D., is the Health Officer of Jefferson County, Alabama and is responsible for the administration and operation of the Health Department, including the hiring, assigning, and promoting of employees of the Department.

9. The cities of Bessemer, Birmingham, Fairfield, Fultondale, Gardendale, Homewood, Hueytown, Midfield, Mountain Brook, Pleasant Grove, Tarrant, and Vestavia Hills are political subdivisions of the State of Alabama incorporated pursuant to the laws of that State.

10. Defendants Edward Porter, George G. Seibels, Lawrence G. Sides, Nelson Arnold, G. William Noble, Robert C. Waldrop, L. W. Jackson, Ray R. Farmer, Lee McGriff, Bobby R. Patrick, D. Evan Veal, and J. T. Scates are the respective Mayors of the municipalities named in paragraph 9, and are responsible for the administration and operation of their municipal governments, including the hiring, assigning, and promoting of employees of their respective municipalities.

11. Defendant Birmingham Park and Recreation Board is an independent agency of the City of Birmingham, is an employer within the meaning of 42 U.S.C. 2000e(b), as amended and is responsible for the care and maintenance of the public grounds and parks of the city of Birmingham.

12. Defendant Frank A. Wagner is the Director of the Birmingham Park and Recreation Board and is responsible for the administration and operation of the Board, including the hiring, assigning and promoting of the employees of the Board.

13. The defendants enumerated in paragraphs 3 and 9 are recipients of revenue sharing allocations from the United States Treasury pursuant to the provisions of the State and Local Fiscal Assistance Act of 1972 (31 U.S.C. 1221 et seq.), and recipients of funds from the United States Department of Justice pursuant to the Omnibus Crime Control and Safe Street Act of 1968, as amended (42 U.S.C. 3701 et. seq.)

14. The defendant public employers have followed a policy of hiring and assigning their employees on the basis of race, color and sex with black and female employees being hired for and assigned to the less desirable and generally lower-paying jobs with the least opportunity for advancement and with white male employees being hired for and assigned to the more desirable and generally higher-paying jobs with the greatest opportunity for advancement.

15. The defendant public employers have and are engaged in additional acts and practices which discriminate against minority persons with respect to their compensation, terms, conditions and privileges of employment and which limit, segregate and classify their black and female employees in ways which deprive or tend to deprive them of employment opportunities or adversely affect their status as employees because of their race or sex. The defendants have implemented these policies and practices, among other ways, by:

- a. Failing or refusing to recruit, hire, assign and promote blacks and females on an equal basis with white males;
- b. Denying blacks and females the same terms, conditions, and privileges of employment as provided white males;
- c. Discharging blacks from employment on an unequal basis with whites;

- d. Segregating blacks in work assignments;
- e. Utilizing qualifications, tests and other selection standards in their hiring and promotion practices which have a disproportionately adverse impact on blacks and females as compared to white males, despite the fact that these qualifications, tests and selection standards have not been shown to be predictive of successful job performance.

16. The defendants' acts and practices described in paragraphs 16 and 17 constitute a pattern and practice of resistance to the full enjoyment of the rights of blacks and females to equal employment opportunities within their jurisdictions and under their supervision and control. This pattern and practice is of such a nature and is intended to deny the full exercise of rights secured by Title VII of the Civil Rights Act of 1964, as amended, and is in violation of the obligations imposed by the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and the State and Local Fiscal Assistance Act of 1972, as well as rights guaranteed by the Fourteenth Amendment to the Constitution of the United States and by 42 U.S.C. §1981. Unless restrained by order of this Court, the defendants will continue to pursue policies and practices the same as or similar to those alleged in this complaint.

WHEREFORE, the plaintiff prays that defendants, their officials, agents, employees, and all persons in active concert or participation with them be preliminarily and permanently enjoined from engaging in any discriminatory employment practice based on race or sex, and specifically from:

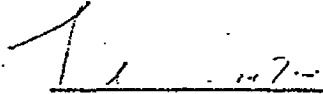
- a. Failing or refusing to recruit, hire, assign and promote black applicants and employees on an equal basis with white applicants and employees;
- b. Failing or refusing to recruit, hire, assign and promote female applicants and employees on an equal basis with male applicants and employees;
- c. Failing or refusing to eliminate qualifications, tests and other selection standards which have not been shown to be job related and which disproportionately exclude blacks and females;
- d. Failing or refusing to take appropriate measures to overcome the present effects of past discriminatory policies and practices including, but not limited to the following affirmative steps:
  - (1) conducting a recruitment program designed to inform potential black and female employees of employment opportunities available with the defendant county, cities and agencies;
  - (2) establishing valid qualifications, tests or other selection standards which are sufficiently objective to prevent continuing discrimination against blacks and females in hiring and promotion;
  - (3) hiring qualified black and female

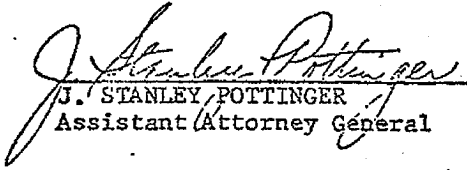
overcome the effects of past discrimination; and

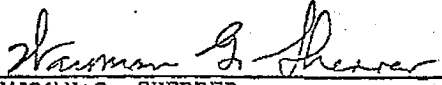
(4) assigning and promoting qualified blacks and females to jobs formerly closed to them in sufficient numbers to overcome the effects of past discrimination; and


e. Failing and refusing to provide monetary compensation to any black or female applicant or employee, present or former, who has been harmed by the defendant's unlawful practices;

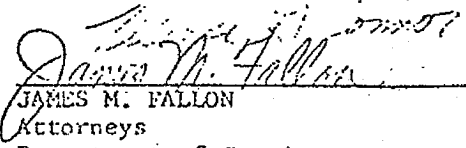
Plaintiff further prays for such other and reasonable relief as the interests of justice may require, and for its costs and disbursements herein.

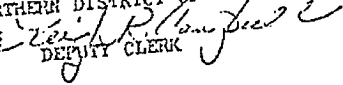
  
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A TRUE COPY  
WILLIAM E. DAVIS, CLERK  
UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA  
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