

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION

FILED
DISTRICT COURT
DISTRICT ARKANSAS
OCT 15 1998

UNITED STATES OF AMERICA

JAMES W. MCLOHMANN, CLERK
by: *J. Bell*
plaintiff
DEP. CLERK

v.

C.A. No. LR-C-95-543

STATE OF ARKANSAS; ARKANSAS
DEPARTMENT OF CORRECTION, an
Agency of the State of
Arkansas; and LARRY B. NORRIS, in
his official capacity as Director
of the Arkansas Department of
Correction

Defendants

ORDER

On June 19, 1997, after a fairness hearing, this Court provisionally entered a Consent Decree between plaintiff United States and defendants State of Arkansas, et al., in the above-styled action. Final approval and entry of the Decree was reserved by the Court subject to the notification and opportunity to object provisions of the Consent Decree, which have been accomplished. On August 4, 1998, the parties filed a Joint Disposition of claims in which they agreed that 848 hiring claimants and 70 promotion claimants receive remedial relief, and requested the Court's approval of the agreement. Subsequently, pursuant to the provisions of Paragraphs 35 and 36 of the Consent Decree, 314 individuals filed timely objections to the remedial relief agreed to by the parties. In response, the parties submitted a joint memorandum addressing these objections and revising the relief previously proposed for seven (7) claimants. The Court heard argument of counsel for the parties and

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considered objections made by the various claimants at a back-end fairness hearing on October 8, 1998. The Court having considered the parties' submissions, argument of counsel for the parties and the various objections pending, it is hereby ORDERED:

1. The relief proposed for seven (7) claimants is REVISED as follows: Debra Coleman's backpay award is REVISED from \$11,739 to \$10,157; Joyce Shepard's backpay award is REVISED from \$11,383 to \$8,962; Sandra Washington's backpay award is REVISED from \$13,043 to \$4,899; and Patricia Banks, Sheila Williams, Inez Walker and Mary Wilson are DENIED relief.

2. The objections of the 20 individuals whose claim forms were not received by the Department of Justice are DENIED. The list of these 20 objectors is attached to this ORDER as Attachment 1.

3. The objections of 17 claimants, including Pamela Jenkins, who objected to denial of relief because their claims were postmarked after the August 18, 1997 deadline for submitting a claim are DENIED. The list of these 17 claimants is attached to this ORDER as Attachment 2.

4. The objections of 55 claimants whose written objections were not received by the Court by the September 18, 1998, deadline are DENIED, including Bulah Hampton, Neathia Cartwright, Gladys Johnson, Mable Tart, Jane Kauffman, and Mary Tripplett-Thomas.

5. The objections of 132 of the 139 claimants who filed objections based on the denial of relief due to a lack of vacancies or shortfall of female hiring at the facility(s) to which they applied are DENIED. The list of the 139 claimants in this category is attached to this ORDER as Attachment 3. Of the 139 objectors, the parties agreed that six (6) presented objections that have merit and, thus, should be granted relief. Accordingly, the objections of Rosie Benton, Claudette Denton, Tonya Ento, Cynthia Jackson, D'Juana Johnson and Gloria Collins are GRANTED. The objections of the remaining 132, including Alvertena Glover, Darlana Haywood, Natalie Jones, Kathy Moore, Shawyna Polk, Cheryl White-Parker, and Valarie Young are DENIED.

6. The objections of 13 of the 25 claimants, including Phyllis Smith, Carolyn Day, Aundrea Massey, and Kay Wade, who objected to the amount of back-pay they were awarded are DENIED. The list of these 25 claimants is attached to this ORDER as Attachment 4. The parties agree that two (2) objectors in this category, Jamie Johnson and Marilyn Ashley, presented objections that had merit and, thus, should be granted. Accordingly, the parties' proposed increase in backpay for Ms. Johnson from an estimated \$13,237 to an estimated \$27,350 is GRANTED, and backpay for Ms. Ashley's promotion claim shall be readjusted from an estimated \$1,573 to an estimated \$13,514 (representing a change in promotional relief from 6/27/89 - 12/31/89 to 1/25/90 - 12/31/96) is GRANTED.

7. The objections of 15 claimants who objected to the denial of relief based on the determination that Arkansas Department of Correction (ADC) records do not show these claimants applied for a Correctional Officer position including Ruby Green, are DENIED. The parties agree that the objection of Terri Grigsby has merit and the court finds that her objection should be GRANTED. The list of these 15 claimants is attached to this ORDER as Attachment 5.

8. The objections of 66 of the 74 claimants who objected to the denial of relief because of the parties' determination that a candidate with more seniority or better qualifications was selected including the objections of Essie Cabelton, Irma Doggett, Sherrion Fortner, Trina Fortner-Ashcraft, Ruthie Johnson, Aundrea Massey, Jimmie Pendleton, Maureen Reppond-Duffy, Freddie Sheard and Dollie Tillman are DENIED. The list of the 74 claimants who filed such claims is attached to this ORDER as Attachment 6. Of these 74, the parties agree that objections filed by Lisa Earls-Bass, Margie Hobbs, Wanda Witherspoon, Carla Wren have merit and, thus, should be granted. Accordingly, the parties' proposed relief for these claimants, shown below, are GRANTED. Additionally, the court finds that the claim of Juanita Stephens for back-pay should be granted in this category based upon the evidence presented. The Court has reserved a determination upon the objections of three of the claimants: Carolyn Haller, Sharon McGlothlin, and Beatrice Ruff, who have

until October 16, 1998, to set forth their objections, including any additional information in writing to the court.

9. The objections of 26 of the 27 claimants, including Patricia Piper and Thelma Tripp, who objected to the parties' determination that their claim did not meet the eligibility requirements for obtaining relief under the terms of the Consent Decree are DENIED. The objection of Beatrice Ruff is reserved as discussed above. The list of these 27 claimants is attached to this ORDER as Attachment 7.

10. The objections of Stephanie-Wilson Clark and Joyce Stennis, who objected to being denied backpay relief but who were, in fact, awarded backpay relief, are DENIED.

11. The revised remedial relief awards are as follows:

<u>Claimant's Name:</u>	<u>Revised Relief</u>
Marilyn Ashley	Promotion from CO-I to Sergeant; backpay from 1/25/90 to 12/31/96; retroactive seniority adjusted accordingly.
Lisa Earls-Bass	Promotion from CO-I to CO-II; backpay from 11/15/88 to 12/31/96; retroactive seniority adjusted accordingly.
Rosie Benton	Backpay from 9/15/84 to 3/6/96.
Gloria Collins	Backpay from 7/1/84 to 12/31/96.
Claudette Denton	Revised backpay from 7/1/86 to 12/31/96; retroactive seniority adjusted accordingly.
Tonya Ento	Backpay from 7/1/87 to 12/31/96.
Terri Grigsby	Backpay from 6/15/87 to 3/11/91;

retroactive seniority adjusted accordingly.

Margie Hobbs	Promotion from CO-I to CO-II; revised backpay from 12/24/89 to 12/31/96; retroactive seniority adjusted accordingly.
Cynthia Jackson	Backpay from 7/1/84 to 12/31/96.
D'Juana Johnson	Backpay from 5/15/84 to 12/31/96.
Jamie Johnson	Backpay increased from \$13,237 to \$27,350. No revised seniority date.
Juanita Stephens	Promotion from CO-II to Sergeant starting on 7-15-85, ending 12/31/96. Backpay and seniority dates to be adjusted accordingly.
Wanda Witherspoon	Promotion from Co-I to CO-II starting 2/11/94, ending 12/31/96. Backpay and seniority dates to be adjusted accordingly.
Carla Wren	Promotion from CO-I to CO-II from 9/25/94, ending 12/31/96. Backpay and seniority dates to be adjusted accordingly.

IT IS FURTHER ORDERED that the backpay computation for the claimants listed above whose objections have been granted shall be calculated using same method used by the United States in determining relief for all other claimants who were determined by the parties to be entitled to relief.

Entered this 15th day of October, 1998.

THIS DOCUMENT ENTERED ON
DOCKET SHEET IN COMPLIANCE
WITH RULE 58 AND/OR 79(a) FRCP
ON 10-16-98 BY J. Ball

Harold Thomas Eisele
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS

*Exhibits Attached
to Original
Document in
Court's Case File*