

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	CIVIL ACTION
THE SHERIFF OF LANCASTER COUNTY,	)	NO.
a Constitutional Officer of the	)	
Commonwealth of Virginia and	)	
elected under the laws of the	)	
Commonwealth,	)	
	)	
Defendant.	)	
_____	)	

CONSENT DECREE

The United States filed this action against the Sheriff of Lancaster County, alleging, inter alia, that the Sheriff of Lancaster County was engaged in policies and practices that discriminate against women and that deprive or tend to deprive women of employment as Field Deputies in the Lancaster County Sheriff's Department (the "LCSD"), in violation of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e, et seq. ("Title VII").

The Sheriff of Lancaster County expressly denies that he is presently, or in the past has been, engaged in policies and practices that discriminate against women or that deprive or tend to deprive women of employment as Field Deputies in the LCSD, as alleged by the United States. However, the Sheriff of Lancaster County realizes that the fact that the LCSD never had a woman employed as a Field Deputy until December 1982, former Sheriff Garland Forrester's publicized view that he would not consider employing women in the rank of Field Deputy because he did not think that they could perform the duties of Field Deputy, and the Sheriff of Lancaster County's rejection of Deborah Lamb for appointment as a Field Deputy in the LCSD, may give rise to an inference that discrimination has occurred.

The United States and the Sheriff of Lancaster County - desirous of avoiding the burden, expense and uncertainty of contested litigation, and desirous of eliminating any disadvantage to women that may have resulted from any alleged unlawful past practices with respect to the employment of Field Deputies in the LCSD - hereby agree and consent to the entry of this Decree.

The parties signatory hereto, by agreeing and consenting to the entry of this Decree, stipulate to the jurisdiction of the Court over this action, and waive a hearing and the entry of findings of fact and conclusions of law on all issues

involved herein. However, this Decree shall constitute neither an admission by the Sheriff of Lancaster County nor an adjudication by this Court on the merits of the allegations of the United States.

Lastly, this Decree is final and binding between the parties signatory hereto and their successors as to the issues resolved herein, as well as upon Deborah Lamb.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

I
GENERAL

1. The major purpose of this Decree is two-fold: to ensure that women are considered for employment by the Sheriff of Lancaster County as Field Deputies in the LCSD on an equal basis with men, and to ensure that the present effects of the Sheriff of Lancaster County's policies and practices that are alleged unlawfully to have discriminated against women and to have deprived or tended to deprive women of employment in the rank of Field Deputy are corrected. In particular, the Sheriff of Lancaster County adopts, and shall seek in good faith to achieve, the objective of employing women in the rank of Field Deputy in the LCSD in numbers which approximate their respective interest in and ability to qualify for such employment under non-discriminatory selection procedures and criteria. It is recognized that the process of increasing the number of women applicants for appointment to the rank of Field Deputy

in the LCSD is facilitated by a process free of unlawful barriers to their entry and by a substantial increase in recruitment efforts by the Sheriff directed toward women.

2. The Sheriff of Lancaster County, and his officials, employees, agents and all persons in active concert or participation with them, hereafter are enjoined from engaging in any act or practice with respect to the recruitment, hire or appointment of applicants for employment in the LCSD, or the training, assignment, transfer, promotion, discipline, retention, compensation, or terms and conditions of employment of employees in the LCSD, which has either the purpose or the effect of unlawfully discriminating against women on the basis of sex.

3. The Sheriff of Lancaster County hereafter shall not engage in any employment policy or practice with respect to pregnancy, childbirth or any other related medical condition affecting applicants for employment or employees in the LCSD which unlawfully discriminates against employees on account of pregnancy, childbirth or related conditions. In particular, an employee disabled by pregnancy or childbirth or a related medical condition shall be treated no less favorably than employees disabled by other causes.

4. The Sheriff of Lancaster County shall immediately adopt and implement an active and continuing recruitment program directed toward increasing substantially the numbers of

qualified women applicants for appointment to the rank of Field Deputy in the LCSD in accordance with the purpose and objective of this Decree, as set forth in Paragraph 1, supra.

5. Within thirty (30) days from the date of entry of this Decree, the Sheriff of Lancaster County shall cause to be placed in the Rappahannock Record and the Richmond Times-Dispatch a notice which:

- (1) Emphasizes that the Sheriff is an Equal Employment Opportunity employer;
- (2) Emphasizes the Sheriff's active and continuing recruitment program on behalf of women for appointment to the rank of Field Deputy in the LCSD;
- (3) Summarizes the qualifications required for that rank;
- (4) Provides information as to the method by which application for appointment to that rank must be made; and
- (5) Specifically invites women, as well as men, to apply for that rank, and states the name, address and telephone number of the official or employee in the LCSD to which inquiries and requests for applications may be made.

Such notice shall be not less than three inches square in size, shall be placed in the main sections of both newspapers for not less than four consecutive days, and shall be approved as to both substance and form by the United States prior to its placement by the Sheriff.

II
INDIVIDUAL RELIEF

6. The parties agree that: Deborah Lamb first sought employment with the Sheriff of Lancaster County as a Field Deputy in the LCSD in August 1976; Ms. Lamb was not appointed as a Field Deputy in the LCSD; and, had she been appointed as a Field Deputy in the LCSD following her August 1976 application, such appointment would have occurred at least by December 6, 1976.

7. The United States contends that Ms. Lamb was qualified for appointment to the rank of Field Deputy in the LCSD when she first sought that job in August 1976 and at all times thereafter, and that the Sheriff of Lancaster County failed or refused to appoint her as a Field Deputy solely on account of her sex.

8. Without admitting to the contentions of the United States as set forth in Paragraph 7, supra, and in settlement of the claim of the United States for relief on behalf of Deborah Lamb, as well as Ms. Lamb's individual claim, the Sheriff of Lancaster County agrees, and it is hereby ordered, that the Sheriff shall:

a. Within five (5) days from the date of entry of this Decree, appoint Mrs. Lamb as a full-time Field Deputy in the LCSD, with all of the emoluments of that rank, including but not limited to retroactive seniority for all purposes in that rank as of December 6, 1976;

b. Upon appointment, provide Ms. Lamb with that on-the-job training which the Sheriff has routinely and historically provided to new employees appointed as Field Deputies in the LCSD; and

c. Subject to and upon the payment by Ms. Lamb to the State-administered pension fund of that sum of money sufficient to satisfy fully and completely all employee contributions to that fund had she been employed as a Field Deputy in the LCSD since December 6, 1976, immediately pay into that pension fund on her behalf that sum of money sufficient to satisfy fully and completely all employer contributions to such fund since December 6, 1976; and the Sheriff of Lancaster County, through the Virginia Retirement System, thereafter shall provide Ms. Lamb with full and complete pension benefits as though she had been appointed as a Field Deputy in the LCSD on December 6, 1976, and thereafter employed continuously in that rank in the LCSD, and as though the Sheriff and she regularly, timely and fully had contributed to such fund on her behalf. That sum of money already paid by Ms. Lamb into such pension fund during the course of her employment, since December 6, 1976, with employers covered by such pension fund shall, to the extent not withdrawn from such fund by her, be used to offset her obligations under this subparagraph 8c.

9. The Sheriff of Lancaster County shall not retaliate or in any respect adversely affect Deborah Lamb because of either her filing of EEOC charges against the Sheriff or her participation in or cooperation with this action.

III
REPORTING AND RECORDKEEPING

10. The Sheriff of Lancaster County shall submit to the United States annually by service upon the undersigned counsel for the United States, commencing within twenty (20) days after the first annual anniversary of entry of this Decree, a report which sets forth the total number of personnel (sworn and non-sworn, full and part-time) employed in the LCSD as of the end of that twelve-month period, with a numerical breakdown by rank (if sworn), job (if non-sworn), and sex.

11. The Sheriff of Lancaster County shall retain during the life of this Decree, and shall make available to the United States for inspection and copying upon written request, all documents, records or other memoranda pertaining to the recruitment, selection, hire, assignment, transfer, promotion, demotion, discipline and termination of all personnel in the LCSD.

12. In addition, the Sheriff of Lancaster County shall retain during the life of this Decree, and shall make available to the United States for inspection and copying upon written request, all reports, documents, records or other memoranda pertaining to the Sheriff's compliance with this Decree.

IV
COSTS

13. The United States and the Sheriff of Lancaster County shall bear their own costs of this action, and the Sheriff of Lancaster County shall bear all court costs.

V
RETENTION OF JURISDICTION

14. This Court shall retain jurisdiction of this action for the purpose of entering all orders, judgments and decrees which may be necessary to implement that relief provided herein. Any time after four (4) years following the date of entry of this Decree, the Sheriff of Lancaster County may move the Court, upon ninety (90) days notice to the United States, for a dissolution hereof. The Sheriff of Lancaster County shall be entitled to such dissolution of this Decree, if it has complied with this Decree in all material respects.

ENTERED this _____ day of _____, 1983, in Richmond, Virginia.

UNITED STATES DISTRICT JUDGE

AGREED AND CONSENTED TO:

On behalf of plaintiff United States of America,

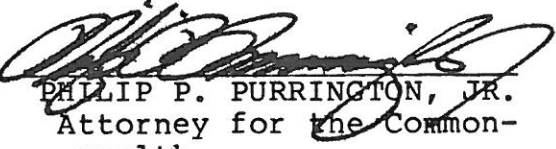
By: _____

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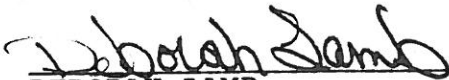
On behalf of defendant Sheriff of Lancaster County,

By: 
PHILIP P. PURRINGTON, JR.
Attorney for the Common-
wealth
Lancaster County
Lancaster Courthouse
Lancaster, Virginia 22503


JOHN H. HAMMELL
Sheriff
Lancaster County Sheriff's
Department
Lancaster, Virginia 22503

I, Deborah Lamb, upon the entry of this Decree, hereby accept that relief to which I am entitled under Paragraph 12 of this Consent Decree, in full and final settlement of any and all claims against the Sheriff of Lancaster County, his officials, officers or employees, based upon discrimination with respect to job opportunities in the LCSD in violation

of any Federal, state or local equal employment opportunity laws, statutes, regulations or ordinances, occurring prior to the date of entry of this Decree.


DEBORAH LAMB

Sworn and subscribed
to me this 25th day
of February 1983.


NOTARY PUBLIC