

Local Government

Joseph F. Zimmerman and Thomas D. Wilson, Editors

Can Civil Rights Employment Cases Be Settled by Consent Decrees?

VARIOUS organizations, including the National League of Cities and the United States Department of Justice, have filed briefs with the United States Supreme Court in the case of *Local No. 93 v. City of Cleveland*. The key issue is whether cases alleging employment discrimination in violation of the Civil Rights Act of 1964 (Title VII) can be settled by means of consent decrees establishing targets and timetables for the promotion of protected minority members.

In 1980, a group of black and Hispanic firemen sued the city, alleging systematic discrimination in promotion practices. Only 4.5 percent of the supervisory positions in the fire department were held by minorities, which constituted 47 percent of the city's population. Fourteen percent of the members of the fire department were minorities.

Under court-supervised negotiations, the city, minority firemen and the firemen's union reached agreement on a four-year plan setting totals of 10 to 25 percent for minority representation in the supervisory ranks in 1987. The union membership rejected the agreement, which was upheld by the United States District Court as a consent decree. The union appealed to the United States Court of Appeals, which rejected the argument that Title VII forbids courts from using "race-conscious" criteria which may adversely affect non-minority departmental

members' opportunities for promotion to supervisory ranks.

The United States Department of Justice filed a brief contending that the Supreme Court's decision in *Firefighters Local Union No. 1784 v. Stotts* in 1984 requires that the court find the Cleveland consent decree to be illegal under Title VII. In *Stotts*, the high court ruled that the district court could not unilaterally amend a consent decree to protect minority employees from layoffs, and that the consent decree violated a collective bargaining agreement stipulating that layoffs would be based on seniority.

Justice Sues Suburbs On Residency Laws

On March 12, the United States Department of Justice filed civil suits challenging the residency requirement of three **Chicago** suburbs as unlawfully excluding blacks from municipal government jobs.

Simultaneously, the department obtained a consent decree requiring the village of **Dolton**, one of eight suburbs previously sued, to abolish its one-year residency requirement for government employment.

The new suits charged the villages of **Franklin Park** (179 employees), **Oak Lawn** (328 employees) and **Worth** (171

employees) in Cook County with violating the federal Civil Rights Act of 1964 by requiring municipal job applicants to be residents of the villages, thus excluding virtually all black applications. None of the employees in the villages are black. The suits seek preliminary and permanent injunctions prohibiting residency requirements and requiring the villages to adopt vigorous recruitment campaigns to attract qualified blacks to apply for jobs and become residents.

The consent decree with Dolton requires it to substitute a one-year move-in requirement for the residency requirement, to recruit qualified blacks, to designate employees or members of village boards to serve as community liaisons and recruitment officials, and to maintain employment records for five years to enable the Justice Department to monitor compliance.

New Charter Law For Mass. Counties

Massachusetts counties may adopt their own charters specifying the form of government under a new law signed by the governor in January. Providing the means for greater public control of county programs, it is a companion reform to the law which in 1981 transferred county budgetary power from the state legislature to county advisory boards.

The law establishes procedures for the election of a county charter commission to study and propose changes in the form of government. The charter commission may propose any form of government or it may choose from among three models described in the act: an elected county commission with an executive elected at

large, an appointed county manager, or the chairman of the county commission as chief executive. Any nonstandard plan proposed by the charter commission must be approved by the legislature; other plans may be adopted through a county-wide referendum.

D.L.

Chicago Holds Election With New Districts

As the result of a December 30 federal court order, special elections for alderman and ward committeeman were held March 18 (the date of the Illinois primary) in seven Chicago wards where boundaries have been changed to increase the voting strength of blacks and Hispanics, so that several officials no longer lived in the wards they represented.

Three wards had gained substantial Hispanic majorities; black voting strength has been increased in three others; and one lost Hispanic voting strength but remains predominantly Hispanic.

Judge Charles Norgle approved new boundaries for the wards after four years of litigation in which lawyers for black and Hispanic groups contended that an earlier map was designed to weaken minority group voting strength.

Groundwater Management Critical on Long Island

In its 1985 *Progress Report*, the New York State Legislative Commission on Water Resource Needs of Long Island (State Office Building, Veterans Memorial Highway, Hauppauge 11787) assigns the highest priority to protection of the

remaining critical watershed land because open space for replenishing clean water is being lost to development. In addition, the commission recommended maximum recharge of high quality water, minimum pollutant loadings from improper land uses, and lower consumption of groundwater.

The commission emphasized prevention of degradation of the quality and quantity of the groundwater system, noting that the most direct and important aspect of its management—promoting purity and cleanliness—is a regulatory power that generally rests with local governments. In many instances, the commission has served as a bridge by making recommendations to coordinate intergovernmental activities.

The commission also examined the Suffolk County industrial pretreatment program, the Industrial Materials Recycling Act of 1981, and the federal and New York State pesticide registration programs. The section on solid waste management examines the problem of organized crime and garbage collection, updates the plans of 13 towns, and recommends, among other things, the phasing out of land burial of solid waste over groundwater recharge areas and implementation of the Long Island ashfill law.

The concluding section includes a model conservation program and a review of a comprehensive education program.

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Housing America Awards

The United States Department of Housing and Urban Development has an-

nounced a national awards program for local government projects furthering the United Nations' 1987 international year of shelter for the homeless program (contact HUD User, P.O. Box 280, Germantown, Maryland 20874, (301) 251-5154). Utilizing the theme "Housing America: Freeing the Spirit of Enterprise," the awards program seeks to identify projects that clearly improve the shelter or neighborhoods of low-income citizens by 1987, emphasize public/private partnerships, and can be replicated in other nations.

From the Census Bureau

The United States Census Bureau has issued its *Census Catalog and Guide: 1985* (apply Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402, GPO S/N 003-024-06331-0, \$13). Designed to help people understand and locate data available from the bureau, the directory lists sources of information within and outside the agency.

The only single source describing all bureau products and services, the guide for the first time includes programs in business, housing and governments to help data users understand how the statistics are collected, issued and productively used. It also pinpoints specific subjects—air pollution and unemployment, for example—and geographic areas as local as the neighborhood.

Prices and sources are listed for printed reports, microfiche and maps, as is availability for computers, including tapes and the bureau's new online service, and diskettes for personal computers.

Directory services include a listing with telephone numbers of about 200 bureau specialists by subject; names and phone numbers for contacts within each state data center and their approximately 1,200 affiliates; and public and private organizations that offer data products and services. It also lists about 1,500 libraries, including federal and census depository libraries.

The household growth rate has outstripped the population growth rate in every state except **Utah** and **Wyoming** in the 1980s, according to *Estimates of Households for States: 1981 to 1984* (apply GPO, P-25, No. 974, GPO S/N 003-001-91471-9, \$1.00).

Nationally, the 1980-1984 household increase was an estimated 7.0 percent, compared with 4.2 percent for the resident population. The more rapid household growth occurred primarily because of changes in the age structure and people's living arrangements.

The population age 18 and over grew by 6.6 percent over the period, while those under age 18 declined by 1.7 percent, dropping from 28.1 percent to 26.5 percent of the total.

States with the largest populations also ranked high in total households as of July 1, 1984. The top 10 were **California**, **New York**, **Texas**, **Pennsylvania**, **Florida**, **Illinois**, **Ohio**, **Michigan**, **New Jersey** and **North Carolina**.

The 10 states with the highest household growth rates were **Alaska**, **Nevada**, **Florida**, **Arizona**, **Texas**, **New Mexico**, **Colorado**, **Utah**, **Georgia** and **Hawaii**. Alaska was first and Nevada second in both household and population growth.

The nation has about three pension income recipients for every 10 workers, according to *Economic Characteristics of Households in the United States: Third Quarter 1984* (apply GPO, Series P-70, No. 5). The survey showed 34.2 million recipients of at least one of the pensions covered, with monthly income averaging \$590. Recipients included retirees and those on disability, as well as dependents or survivors.

About 30.2 million persons received Social Security payments, of whom 20 million had no other source of pension income. The survey showed that 7.9 million persons received private pension payments, with 82 percent of them also receiving Social Security. Of the 2.9 million persons who received state and local government pensions, 70 percent also received Social Security. Federal pensions went to 1.8 million persons, and 1.3 million received military retirement payments. About one-half of federal recipients and 20 percent of military retirees also received Social Security.

Part E, Urban and Rural Housing Characteristics for the United States and Regions: 1983 (apply GPO, Series H-150-83, GPO S/N 003-024-06343-3, \$9.50) covers source of water, kitchen facilities, value, rent, occupant income and ratings of dwellings and neighborhoods. The report also has data on mobile homes and trailers, new construction units, units removed from the inventory since 1973, recent movers and vacant units.

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