

MEMORANDUM FOR RECORD

MAY 25, 1977

On this date, State Auditor William T. Putnam, as Secretary of the State Budget and Control Board, received a copy of a Summons In A Civil Action brought against the Richland County Department of Social Services and the State Department of Social Services alleging a pattern and practice of racial and sexual discrimination and denial of due process.

The referenced material has been retained in the files of the State Budget and Control Board.

William A. McInnis

William A. McInnis  
Assistant to State Auditor

SUMMONS IN A CIVIL ACTION

UNITED STATES DISTRICT COURT

FOR THE

DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION

FILED

MAY 17 1977

MILLER C. FOSTER, JR., CLERK

CIVIL ACTION FILE NO. 75-1188

EVA C. GOURDINE, FLORENIA MARSHALL BARTON, MATTIE R. )  
WILLIAMS, MARY CATHERINE TALLEY, GERALDINE ROBINSON, )  
EARNESTINE W. ROBINSON, ANNETTE R. MARBURY, BARBARA O. )  
CAMPBELL, SELETHA MOULTRIE, ESTELLE R. RANDOLPH, RONALD )  
RITTER, LILLIE WILLIAMS, BARBARA LUMPKIN, ALFRIEDA S. )  
ALSBROOKS, MAZETTA ALSTON, HELEN I. SIMS and JOANN B. )  
WAY, for themselves and for others similarly situated, )

Plaintiffs, )

-vs- )

R. ARCHIE ELLIS, State Commissioner, South Carolina )  
Department of Social Services; the Souther Carolina State )  
Board of Social Services; Mrs. T. K. McDONALD, Chairman, )  
DR. SAM H. SMITH, DR. AGNES H. WILSON, MRS. LACY THROWER, )  
RUSH L. BRADSHAW, FRED SCOTT and JOHN C. WILLIAMS )  
individually and in their official capacities as members of )  
the South Carolina State Board of Social Services; The )  
Richland County, South Carolina Board of Social Services; )  
COLLIE L. MOORE, Chairman, MRS. CATHERINE W. NORRIS, )  
REVEREND W. H. NEAL, DR. JAMES J. PIKE and ROBERT E. )  
ALEXANDER, individually and in their official capacities )  
as members of the Richland County South Carolina Board )  
of Social Services; BENJAMIN M. BLOCKER, successor to )  
Patricia J. Bouton, Director of Richland County, South )  
Carolina Department of Social Services; The South Carolina )  
State Budget and Control Board; JAMES B. EDWARDS, as Gover )  
nor and Chairman, and TOM MANGUM, REMBERT C. DENNIS, GRADY )  
PATTERSON and EARL MORRIS individually and in their )  
official capacities as members of the South Carolina )  
State Personnel Division; JACK S. MULLINS, individually )  
and as Director of the South Carolina State Personnel )  
Division; FRED B. HASKELL, individually and as Director )  
of the Single Cooperative Interagency Merit System; )  
THE SOUTH CAROLINA MERIT SYSTEM COUNCIL; DAISY JOHNSON, )  
J. E. BIRD, J. K. MORRIS, A. D. EDWARDS, ZACH WESTON, )  
T. E. McCUTCHEON, J. T. HUNGATE, G. H. FISCHER and )  
W. H. WESSON individually and in their official capacities )  
as members of the South Carolina Merit System Council, )

Defendants )

A M E N D E D  
S U M M O N S

RECEIVED  
MAY 24 8 33 AM '77  
UNITED STATES DISTRICT COURT  
COLUMBIA, S.C.

To the above named Defendants:

You are hereby summoned and required to serve upon Arthur C. McFarland, Esquire  
Plaintiff's attorney, whose address is 205 King Street, Suite 120  
Executive Office Building  
Charleston, S. C. 29401

an Answer to the Amended Complaint which is herewith served upon you, within -20- days  
after service of this Amended Summons upon you, exculsive of the day of service. If  
you fail to do so, judgment by default will be taken against you for the relief demanded  
in the Amended Complaint.

MILLER C. FOSTER, JR.

Clerk of Court

*Margaret Giacobbi*  
Margaret Giacobbi, Deputy Clerk

DATE: May 17, 1977

840



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION

ORIGINAL FILED  
MAY 17 1977  
MILLER C. FOSTER, JR.

-----x  
:  
EVA C. GOURDINE, FLORENIA MARSHALL BARTON,  
:  
MATTIE R. WILLIAMS, MARY CATHERINE TALLEY,  
:  
GERALDINE ROBINSON, EARNESTINE W. ROBINSON,  
:  
ANNETTE R. MARBURY, BARBARA O. CAMPBELL,  
:  
SELETHA MOULTRIE, ESTELLE R. RANDOLPH,  
:  
RONALD RITTER, LILLIE WILLIAMS, BARBARA  
:  
LUMPKIN, ALFRIEDA S. ALSBROOKS, MAZETTA  
:  
ALSTON, HELEN I. SIMS and JOANN B. WAY,  
:  
for themselves and for others similarly  
:  
situated,  
:

Plaintiffs,

- vs -

R. ARCHIE ELLIS, State Commissioner, South  
Carolina Department of Social Services; the  
South Carolina State Board of Social  
Services; Mrs. T.K. McDonald, Chairman,  
Dr. Sam H. Smith, Dr. Agnes H. Wilson,  
Mrs. Lacy Thrower, Rush L. Bradshaw, Fred  
Scott and John C. Williams individually  
and in their official capacities as mem-  
bers of the South Carolina State Board of  
Social Services; the Richland County,  
South Carolina Board of Social Services;  
Collie L. Moore, Chairman, Mrs. Catherine  
W. Norris, Reverend W.H. Neal,  
Dr. James J. Pike and Robert E. Alexander,  
individually and in their official capacities  
as members of the Richland County South  
Carolina Board of Social Services; Benjamin  
M. Blocker, successor to Patricia J. Bouton,  
Director of Richland County, South Carolina,  
Department of Social Services; the South  
Carolina State Budget and Control Board;  
James B. Edwards, as Governor and Chairman,  
and Tom Mangum, Rembert C. Dennis, Grady  
Patterson and Earl Morris individually and in  
their official capacities as members of the  
South Carolina State Personnel Division; Jack  
S. Mullins, individually and as Director of the  
South Carolina State Personnel Division; Fred  
B. Haskell, individually and as Director of the  
South Carolina Single Cooperative Interagency  
Merit System; the South Carolina Merit System  
Council; Daisy Johnson; J.E. Bird, J.K. Morris,  
A.D. Edwards, Zach Weston, T.E. McCutcheon,  
J.T. Hungate, G.H. Fischer and W.H. Wesson indiv-  
idually and in their official capacities as mem-  
bers of the South Carolina Merit System Council.

Defendants.

CIVIL ACTION  
: NO. 75-1188

AMENDED COMPLAINT

I.

JURISDICTION

This action is brought by plaintiffs to enjoin violations by the defendants of rights secured by the Fourteenth Amendment of the Constitution of the United States and Title 42 U.S.C. Sections 1981 and 1983. This action challenges a pattern and practice of racial and sexual discrimination and denial of due process by the defendants and their agents and employees in recruitment in hiring and promotion and assignment within the Richland County Department of Social Services (hereinafter "the County Department") and within the South Carolina State Department of Social Services (hereinafter "the State Department"). Injunctive and other equitable relief are sought.

2.

Jurisdiction of the Court is conferred by Title 23 U.S.C. Sections 11331 and 1343. The matter in controversy exceeds ten thousand (\$10,000.00) Dollars exclusive of interest and costs. The plaintiffs also seek declaratory relief pursuant to Title 23 U.S.C. Sections 2201 and 2202.

II.

PARTIES - 3a

The following individual plaintiffs in this action are all black women employees of the Richland County Department of Social Services: Florenia Marshall Barton, Eva C. Gourdine, Mattie R. Williams, Geraldine Robinson, Ernestine W. Robinson, Annette R. Marbury, Barbara O. Campbell, Seletha Moultrie, Estelle R. Randolph, Mary Catherine Talley, Sara Deas, Lillie Williams, Barbara Lumpkin, Alfrieda S. Alsbrooks, Mazetta Alston,



Helen I. Sims and JoAnn B. Way. Ronald Ritter is a black male employee of the aforementioned Department.

3-b

This action is also brought as a class action pursuant to Rule 23(a), (b)(2) of the Federal Rules of Civil Procedure. The action is instituted on behalf of all black employees of the County Department, all black employees similarly situated in other County Departments of Social Services in the State of South Carolina, black applicants for available positions in various County Departments and in the State Departments and all potential black applicants and employees who have successfully sought or who will in the future seek jobs, assignments and promotions within the various County Departments and within the State Department and those who have refused to seek such employment because of the racially discriminatory and arbitrary practices complained of herein. The class is so numerous that joinder of all its members is impracticable. There are questions of law and fact common to the members of the class. The claims of the plaintiff members are typical of the claims of the class. The plaintiffs will fairly and adequately protect the interests of the class. The defendants have acted and refused to act on grounds generally applicable to the class, thereby making appropriate final injunctive and declaratory relief with respect to the class as a whole.

4.

This action is brought by plaintiffs against defendants in their individual and official capacities as officials of the State and County Agencies.

5.

The South Carolina Board of Social Services is organized pursuant the laws of the State of South Carolina and has overall responsibility for the maintenance and operation of the South Carolina Department of Social Services and of the various County Departments of Social Services in the State. In the operation and administration of the aforesaid State Department and of the various County Departments, the Defendant members of the aforementioned Board have adopted and sanctioned racially discriminatory and arbitrary and capricious practices with respect to the requirement, employment and promotion of personnel which discriminate against the plaintiffs and members of their class on the basis of race or color.

Defendants Mrs. T.K. McDonald, Chairman, Dr. Sam H. Smith, John C. Williams, Dr. Agnes H. Wilson, Mrs. Lucy Thrower, Rush L. Bradshaw, and Fred Scott comprise the membership of the South Carolina Board of Social Services. They are each residents of the State of South Carolina. They are responsible under South Carolina law, for the operation and administration of the State and County Departments. They are sued in their individual and official capacities.

6.

Defendant, R. Archie Ellis, is the State Commissioner of the South Carolina Department of Social Services, appointed by the aforementioned State Board, and is authorized to propose and administer laws, regulations and policies pertaining to the recruitment, employment, assignment and promotion of employees of the State Department and of the various County Departments.



Pursuant to this authority, the defendant has adopted and administered rules and regulations for the recruitment, employment, assignment and promotion of personnel which discriminate against plaintiffs and the members of the class on the basis of race and color. He is resident of the State of South Carolina. He is sued in his individual and official capacities.

7.

Defendants Collie L. Moore, Chairman, Mrs. Catherine W. Norris, Reverend W. H. Neal, Dr. James J. Pike and Robert E. Alexander comprise the membership of the Richland County Board of Social Services. They are each residents of Richland County, South Carolina. They are responsible under South Carolina law for the operation and administration of the County Department. The Richland County Board of Social Services is appointed by the State Board or the State Commissioner and has overall responsibility for the maintenance and operation of the Richland County Department of Social Services. In the operation and administration of the said County Department, the defendant Board Members have adopted and sanctioned racially discriminatory and arbitrary and capricious practices with respect to the recruitment, employment and promotion of personnel which discriminate against the plaintiffs and the members of their class on the basis of race and color.

8.

The defendant Benjamin M. Blocker, is the Director of the Richland County Department of Social Services and is appointed by the above mentioned County Board. He is the successor - in - interest of Patricia J. Bouton, Former Director of the Richland County Department, who served in that position at the time when

the grievances complained of herein were initially sought to be redressed by plaintiffs through filing racial discrimination charges with the United States Equal Employment Opportunity Commission. Defendant Blocker as was his predecessor, is authorized to propose and administer laws, regulations and policies pertaining to the recruitment, employment, assignment and promotion of employees of the Richland County Department. Pursuant to this authority the predecessors of defendant Blocker, including Patricia Bouton, adopted and administered rules and regulations for the recruitment, employment assignment and promotion of personnel which discriminated against plaintiffs and members of their class on the basis of race and color. Plaintiffs are informed and believe that the aforesaid discriminatory rules and regulations continue in effect under the administration of defendant blocker. He is a resident of Richland County, South Carolina. He is sued in his individual and official capacities.

9.

Defendants, James B. Edwards, as Governor and Chairman and Tom L. Mangum, Rembert C. Dennis, Grady Patterson and Earl Morris comprise the State Budget and Control Board. They are responsible for the administration of the State Personnel Division. They are each residents of the State of South Carolina. They are sued in their individual and official capacities. The defendant State Budget and Control Board is an agency of the State of South Carolina within the meaning of 42 U.S.C. 2000e (a). It is charged by South Carolina Law with the responsibility for the supervision of the State Personnel Division.



10.

Defendant Jack S. Mullins is the Director of the South Carolina State Personnel Division. He is a resident of Richland County, South Carolina. He is responsible, under South Carolina law, for administering the policies and procedures set forth by the State Budget and Control Board. He is sued in his individual and official capacities. The South Carolina State Personnel Division is an agency of the State of South Carolina within the meaning of 42 U.S.C. 2000e (a). The South Carolina State Personnel Division and the South Carolina Single Cooperative Interagency Merit System are charged with the responsibility for administering the Interagency Merit System under which employees of the State of South Carolina are selected and hired. The South Carolina Merit System Council is charged by South Carolina law with the responsibility for the supervision of the South Carolina Single Cooperative Interagency Merit System. Fred B. Haskell is the Director of the South Carolina Single Cooperative Interagency Merit System. He is sued in his individual and official capacities.

11.

Defendant Merit System Council is an agency of the State of South Carolina within the meaning of 42 U.S.C. 2000e (a). It is charged by South Carolina Law with the responsibility for operating a South Carolina Single Cooperative Interagency Merit System under which employees of "grant-aided" agencies are selected and hired.

Defendants Daisy Johnson, J.E. Bird, J.K. Morris, A.D. Edwards, Zack Weston, T.E. McCutcheon, J.T. Hungate, G.H. Fischer and W.H. Wesson comprise the membership of the Merit System Council. They are each residents of the State of South Carolina.

They are responsible, under South Carolina Law for formulating the policies of the Merit System Council. They are sued in their individual and official capacities.

III.

STATEMENT OF FACTS

12.

The defendants and their agents and employees have discriminated and are continuing to discriminate on the basis of race and color against black employees within and applicants for employment with the Richland County Department, the State Department and the various other County Departments. Black applicants are denied employment and those who are hired are placed at the lowest levels of employment while whites with comparable backgrounds are placed at higher levels. Blacks are denied opportunities for advantageous assignments and for promotions.

13.

Black employees are under-represented in all grades of employment. There is only one black County Director and few blacks in positions of administrative responsibility in the State Department or in the various County Departments.

14.

In order to secure employment with the various County Departments or the State Department, an applicant must first successfully pass a written "Merit Examination" and interview. The defendants and their agents and employees discriminate on the basis of race against black applicants for positions in the various County Departments and in the State Department by utilizing the following practices among others:



a. Written tests used as a prerequisite for employment exclude a disproportionately high number of black applicants for employment as compared to white applicants and have not been professionally developed nor validated to establish any predictive or reasonable predictive validity that the tests measure job performance or relation;

b. The background investigation and interviews exclude a disproportionately high number of black applicants for employment, as compared with white applicants because;

- i numerous illegitimate factors are used to deny employment to blacks;
- ii illegitimate factors are used to deny employment to blacks which are not related to job performance;
- iii arbitrary discretion is vested in the defendants to decide whether or not to employ an applicant:  
  
this arbitrary discretion has been used by the defendants to deny employment to a high proportion of black applicants as compared with white applicants; and
- iv many black applicants have been denied employment by the defendants pursuant to the racially discriminatory and arbitrary practices as described above; and

c. As a result of the practices set forth above, the percentage of black applicants denied employment by defendants is greatly disproportionate to white applicants.

15.

Defendants, their agents and employees, discriminate on the basis of race against black employees in promotions within the State Departments by a series of practices which include but are not limited to:

a. The use of a written test as a prerequisite for promotion, which excludes a disproportionately high number of black applicants for promotion, relative to white applicants. The tests have not been professionally developed or shown by validation studies or otherwise to predict with reasonable accuracy job performance or job relevance;

b. The reliance on subjective evaluations of performance as a factor in determining eligibility for promotion which operates on a systematic basis to disadvantage black applicants for promotion, relative to white applicants for promotion and which have not been shown to and do not in fact actually predict job performance;

c. The discriminatory assignment of blacks to positions which afford little change for promotion; and

d. The use by defendants of subjective factors in determining whether to promote in a manner which discriminates against and is arbitrary, violates the rights of black employees.

16.

The conditions and practices herein alleged constitute deprivation of rights secured by the Constitution and laws of the United States. Additionally, defendants are aware of the racially discriminatory practices herein alleged. Nevertheless, the defendants have not remedied the practices herein complained of and have knowingly and intentionally continued them in effect.

17.

The defendants have failed to establish an effective administration system to prevent and to remedy unlawful racial discrimination in the State, Richland County and other County Departments of Social Services.

18.

The defendants have failed to adopt an affirmative hiring and promotion program that would overcome the continued racially discriminatory effects of defendants practices as set forth herein.

#### IV.

#### VIOLATIONS OF LAW

The actions and omissions of defendants, their agents and employees alleged herein violate the rights of black applicants and employees as secured by the Fourteenth Amendment to the Constitution of the United States and Title 42 U.S.C. Sections 1981 and 1983.



V.

RELIEF PRAYED

WHEREFORE, plaintiffs pray that this Court:

- a. Issue a declaratory judgment that the employment practices and conditions set forth above are violative of the rights secured by the equal protection and due process clauses of the Fourteenth Amendment to the Constitution of the United States and Title 42 U.S.C. Sections 1981 and 1983;
- b. Issue a preliminary and permanent injunction:
  - i. prohibiting the defendants, their successors, agents and employees and those acting in concert with with them from engaging in any of the practices set forth above or in any other practice shown to be racially discriminatory or arbitrary and capricious;
  - ii. prohibiting the defendants from using as conditions or criteria for employment and promotion tests or other factors which are not professionally developed or properly validated unless the tests or other employment criteria are modified in a manner that ceases to disqualify or to disadvantage a higher proportion of black applicants for hiring and black employees for promotion than white applicants and employees similarly situated;
  - iii. requiring that the defendants immediately award promotions to black employees on the basis of seniority unless valid, non-discriminatory employment criteria for promotion are developed and administered by defendants; and
  - iv. requiring the defendants, their agents and employees;
    - a. As a remedy for past discrimination, to fill all vacant positions only with qualified black applicants until such time

as the racial compositions of the State, Richland County and other County Departments reflects the same racial proportions of blacks in the State and in the respective Counties; and

b. As a remedy for past discrimination, to promote to the next available high positions only qualified black applicants until such time as the racial composition of employees above the entry level positions reflects the same racial proportion of black employees within the respective State, Richland County and other County Departments;


v. requiring the defendants to immediately institute an affirmative hiring and promotion program to eliminate the effects of past racially discriminatory practices;

c. Award such other and further relief as may be necessary and proper;

d. Allow the plaintiffs herein their costs and reasonable attorneys' fees;

e. After a prompt hearing of this action according to law, issue an order retaining jurisdiction of this claim until such time as this Court is assured from the activity of the defendants and their agents that the violations of rights complained of herein have ceased and are no longer threatened and that the effect of past violations have been remedied.

Respectfully submitted,

  
ARTHUR C. McFARLAND  
205 King Street, Suite 120  
Executive Office Building  
Charleston, S. C. 29401



-13-

JACK GREENBERG  
BARRY L. GOLDSTEIN  
O. PETER SHERWOOD  
CLYDE E. MURPHY  
10 Columbus Circle  
Suite 2030  
New York, New York 10019

JOHN R. HARPER, II  
Attorney at Law, P.A.  
1302 Harden Street  
P. O. Box 843  
Columbia, S. C. 29401

ATTORNEYS FOR PLAINTIFFS

May 13, 1977

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION

ORIGINAL FILED  
MAY 17 1977  
JAMES C. FOSTER, JR.

----- x

EVA C. GOURDINE, ET AL., :

Plaintiffs, :

- vs - :

R. ARCHIE ELLIS, ET AL., :

Defendants. :

----- x

CIVIL ACTION NO.

75-1188

PLAINTIFFS' INTERROGATORIES TO DEFENDANTS

PLEASE TAKE NOTICE that plaintiffs request, pursuant to Rule 33 of the Federal Rules of Civil Procedure, that defendant answer separately and fully in writing, under oath, within thirty (30) days after service, the following written interrogatories, and identify in a manner suitable for use as a description in a subpoena all sources of information (whether documentary, human or otherwise) and all records maintained by defendants or any other person or organization which pertain or relate to the information called for by the interrogatory.

These interrogatories shall be deemed to be continuing so as



to require plaintiffs reasonably to supplement or amend their answers thereto in accordance with Rule 26(e) of the Federal Rules of Civil Procedure.

1. Are there any agency or governmental handbooks describing the procedures to be used with respect to terms and conditions of employment such as promotions, transfers, merit increases, leaves, etc. or setting forth guidelines governing such matters? If the answer to the above question is in the affirmative, please attach copies of such document(s) to your answers to these interrogatories.

2. State in detail how an application for employment is processed, describing the various administrative steps and/or actions taken with respect to such applications between the time the application is received and the date the applicant is either hired or rejected.

3. State the shortest, longest, and average length of time it takes to process an applicant through the procedures in question number 2.

- a. Does the time period vary as between "qualified" and "unqualified" applicants? If so, state the time difference and why such difference occurs.
- b. Does the time period vary as between blacks and white applicants? If so, state the time difference and why such difference occurs.

4. Describe what actions or procedures are taken with respect to the applications of applicants who are rejected.

5. Are applications held for any length of time if no positions are open? If the answer to this question is in the affirmative, state the length of time and describe the relevant procedures.

6. Is every applicant given a test or series of tests as part of the hiring process? Further, state:

- a. Jobs for which an examination is mandatory;
- b. Jobs for which examination of the applicant is at the discretion of the employer;
- c. For each test that is discretionary, describe the criteria used for determining whether an applicant will be required to take an examination.

7. If tests are given to applicants for hire, please provide the following information for every test used:

- a. Name of test;
- b. Author;
- c. Copyright date;
- d. Whether there are manuals, booklets, or other written or oral guides or instructions for the development of examinations by Merit System personnel. If so, please attach copies to your answers to these interrogatories.
- e. Job(s) for which each test is used.
- f. If the tests have been validated, for each validation provide the following:
  - i Date of validation
  - ii Who performed the study
  - iii State the results and attach a copy of each validation study

8. For each test in question 7 state whether there are any manuals or instructions issued by either the state, county, or



authors of the test concerning the grading procedures and/or administration of the test. If so, please attach copies of these to your answers to these interrogatories.

9. For each test in question 7 state whether the test is scored by machine, manually, or other system.

a. If scored manually, state whether the scorer sees the applicant or in any way knows the race of the applicant before the test is scored.

b. If scored by other system, describe it in detail.

10. Who administers the test given to applicants?

11. Who monitors these tests? Please provide the number of monitors by sex and race.

12. What training is given to these monitors.

13. State the date of the testing requirement was first adopted.

14. State whether incumbent employees as of the date the testing requirement was adopted were required to take or pass the test in order to retain their jobs.

15. State the passing score (if any) of each test, in terms of absolute score, not in terms of percentiles; or the range considered adequate if there is no cut-off score.

16. State the number of whites and the number of blacks who have passed each of the tests subsequent to its initial adoption, and the scores for each such person by race, if there is an absolute score.

17. State the name, job title, race and address of each company official and each outside professional consultant who participated in any way in the decision to adopt the test, and in the decision to perform a validation study.

18. If the use of any test was ever discontinued, or if the

manner in which such test was used has been altered, state the reasons and dates of these changes, the nature and effect of these changes, and the name, title and race of the State and/or County Official, outside consultant or agency who made, approved, or recommended the decision to discontinue or modify the test's use.

19. State who determines that an applicant is unsatisfactory? State the race of such person(s).

20. Is the test the sole basis for the determination that an applicant is unsatisfactory? If the answer to this is in the negative, describe the other factors or criteria for such determination and the weight given to each?

21. Is a personal interview part of the process for determining whether an applicant will be employed or rejected. If so, state:

- a. Job title(s) of interviewers and their race.
- b. Criteria used for the personal evaluation and the weight given to each criterion.
- c. Weight accorded to conclusions of interview.
- d. Whether an opportunity is given to the applicant to challenge the interviewer's determination.

22. Please attach to your answers to these interrogatories copies of all tests administered to applicants along with a statement of how each section of such tests is weighed.

23. For each test in question 7 give the following information:

- a. What score is considered satisfactory?
- b. Whether an applicant scoring below a satisfactory score is afforded an opportunity to retake the exam.



- i If the answer to question b is in the affirmative, state:
  - a. Whether the opportunity to retake the exam is a matter of right or whether it rests upon the discretion of the employer. If discretionary, state the factors used for this determination and the weight given to each?
  - b. Time period subsequent to the initial examination during which an applicant can or must retake the examination?
  - c. Whether an applicant scoring above a satisfactory grade but lower than 80 is afforded an opportunity to retake the test. If the answer to this is in the affirmative, provide the information requested in ia and b above.

24. Who determines that an employee is performing unsatisfactorily? State: a. The job title(s) and race(s) of such person(s) b. Criteria used for such determination and the weight accorded to each.

25. When an employee is found to be working unsatisfactorily, what steps, if any, are taken to improve his performance?

26. Please describe the procedures governing transfers, promotions, and disciplinary actions stating the following for each:

- a. Factors considered and weight accorded to each.
- b. Persons (job title and race) making preliminary and ultimate decisions with respect to these matters.
- c. Whether and how these person's determinations can be challenged by the employee.

27. Is there a review of appeal board for any or all employees who are put on probation or terminated. If the answer to this is in the affirmative, please describe the review or appeal process and give the names, occupations, and race of the persons who comprise this board.

28. Are continuing education programs or on-the-job training programs available to some or all employees? As of the date of these interrogatories please provide the following:

- a. The number of participants, by race, in these programs?
- b. Requirements for entering these programs.

29. Give the name(s) of any person(s) (and their job title) who supplied information used in answering these interrogatories.

30. State whether persons referred or recommended by incumbent employees have ever been granted hiring preference over other applicants. If so, specify when, how much, and for what jobs.


31. For the period July 2, 1965 to December 30, 1965 and for each calendar year since 1966, state:

1. The total number of black applicants;
2. The total number of white applicants;
3. The number of blacks hired;
4. The number of whites hired;
5. The number of black hirees placed into each of the jobs, departments or agencies;
6. The number of white hirees placed into each of the jobs, departments or agencies.

32. Specifically identify by title, date, effective dates, author, and present custodian, every document, rule, memorandum, written policy, report or study which sets forth or reflects the information sought in the preceeding interrogatories.

Respectfully submitted this 13 day of May, 1977.



  
ARTHUR C. MCFARLAND  
205 King Street, Suite 120  
Executive Office Building  
Charleston, S. C. 29401

JACK GREENBERG  
BARRY L. GOLDSTEIN  
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JOHN R. HARPER, II  
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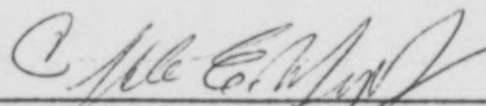
CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing  
PLAINTIFFS' INTERROGATORIES TO DEFENDANTS upon counsel for  
defendants by directing a copy of same to the below listed  
attorneys of record, at the addresses shown:

JULIAN H. GIGNILLIAT, ESQ.  
of Counsel  
1202 Barringer Building  
Columbia, South Carolina 29201

EDWARD POLIAKOF, ESQ.  
GEORGE BEIGHLEY, ESQ.  
Staff Attorneys, Office of the  
Attorney General of South Carolina  
Columbis, South Carolina 29201

On this the 13 day of May, 1977.

  
ATTORNEYS FOR PLAINTIFFS

E N D