

Witness: Edith Major

<p style="text-align: right;">1</p> <p>1 IN THE UNITED STATES DISTRICT COURT</p> <p>2 NORTHERN DISTRICT OF ALABAMA</p> <p>3 SOUTHERN DIVISION</p> <p>4</p> <p>5 BARBARA ANN WILSON,</p> <p>6</p> <p>7 Plaintiff,</p> <p>8</p> <p>9 VS. CIVIL ACTION</p> <p>10 NO. 2:10-CV-02386-KOB</p> <p>11</p> <p>12 THE CITY OF BIRMINGHAM;</p> <p>13 et al.,</p> <p>14</p> <p>15 Defendants.</p> <p>16</p> <p>17 DEPOSITION OF EDITH MAJOR</p> <p>18 JUNE 23rd, 2011</p> <p>19</p> <p>20 STIPULATIONS</p> <p>21 IT IS STIPULATED AND AGREED,</p> <p>22 by and between the parties, through</p> <p>23 their respective counsel, that the</p>	<p style="text-align: right;">3</p> <p>1 deposition is offered in evidence, or</p> <p>2 prior thereto.</p> <p>3 IT IS FURTHER STIPULATED AND</p> <p>4 AGREED that notice of filing of the</p> <p>5 deposition by the Commissioner is</p> <p>6 waived.</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p>
<p style="text-align: right;">2</p> <p>1 deposition of EDITH MAJOR may be taken</p> <p>2 before Mellie Phillips, Commissioner,</p> <p>3 State of Alabama at Large, at the</p> <p>4 offices of Adam Morel, 517 Beacon</p> <p>5 Parkway West, Birmingham, Alabama, on</p> <p>6 the 23rd day of June, 2011, commencing</p> <p>7 at or about 5:04 p.m.</p> <p>8 IT IS FURTHER STIPULATED AND</p> <p>9 AGREED that the reading and signature</p> <p>10 to the deposition by the witness is</p> <p>11 waived, said deposition to have the</p> <p>12 same force and effect as if full</p> <p>13 compliance had been had with all laws</p> <p>14 and rules of court relating to taking</p> <p>15 of depositions.</p> <p>16 IT IS FURTHER STIPULATED AND</p> <p>17 AGREED that it shall not be necessary</p> <p>18 for any objections to be made by</p> <p>19 counsel as to any questions, except as</p> <p>20 to form or leading questions, and that</p> <p>21 counsel for the parties may make</p> <p>22 objections and assign grounds at the</p> <p>23 time of the trial, or at the time said</p>	<p style="text-align: right;">4</p> <p style="text-align: center;">I N D E X</p> <p>3 EXAMINATION BY: PAGE NO.</p> <p>4 Mr. Adam Morel ----- 7 - 26</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p>

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1 BEFORE: Mellie Phillips
 2 Commissioner
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 4 APPEARING ON BEHALF OF THE PLAINTIFF:
 5 MR. ADAM MOREL, ESQ.
 6 Law Offices of Mr. Morel
 7 517 Beacon Parkway West
 8 Birmingham, Alabama 35209
 9
 10 APPEARING ON BEHALF OF THE DEFENDANT:
 11 MR. FREDRIC FULLERTON, II, ESQ.
 12 Department of Law
 13 710 North 20th Street
 14 City Hall/Room 600
 15 Birmingham, Alabama 35203
 16
 17 ALSO PRESENT:
 18 BARBARA WILSON
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1 I, Mellie Phillips,
 2 Commissioner, State of Alabama at
 3 Large, acting as commissioner, certify
 4 that on this date, in accordance with
 5 Rule 30 of the Alabama Rules of Civil
 6 Procedure and the foregoing
 7 stipulations of counsel, there came
 8 before me at the offices of Adam
 9 Morel, 517 Beacon Parkway West,
 10 Birmingham, Alabama, on the 23rd day
 11 of June, 2011, EDITH MAJOR witness in
 12 the above cause for oral examination,
 13 whereupon the following proceedings
 14 were had:
 15
 16 EDITH MAJOR,
 17 having been first duly sworn, was
 18 examined and testified as follows:
 19 THE COURT REPORTER: Usual
 20 stipulations?
 21 MR. MOREL: Yes. That's
 22 fine.
 23 MR. FULLERTON: Yes. That's

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1 fine.
 2 EXAMINATION BY MR. MOREL:
 3 Q. State your name for the
 4 record, please.
 5 A. Edith Major.
 6 Q. And who are you employed by?
 7 A. Birmingham Public Library.
 8 Q. For how long have you been
 9 employed by the Birmingham Public
 10 Library?
 11 A. 28 years.
 12 Q. What is your present title?
 13 A. Personnel Officer.
 14 Q. And for how long have you
 15 held that title?
 16 A. Since November of 2008.
 17 Q. What are your duties in that
 18 position?
 19 A. Assist employees with
 20 personnel issues. And personnel
 21 needs. Also, I'm in charge of
 22 payroll. We have 280 plus employees.
 23 So I'm in charge of payroll also. And

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1 help employees interpret Policies and
 2 Procedures.
 3 Q. Are you the highest ranking
 4 Human Resources Officer or person at
 5 the Birmingham Public Library?
 6 A. Yes. And it's only myself.
 7 And I should have an assistant soon.
 8 Q. Well let me make sure I get
 9 my answer correct. And then I'm going
 10 to ask you all about that.
 11 A. Okay.
 12 Q. Since you've been in the
 13 position, you're the highest ranking
 14 Human Resources Officer for the
 15 Birmingham Public Library?
 16 A. Yes.
 17 Q. The whole system?
 18 A. Yes.
 19 Q. All right. And how many
 20 people are in your department?
 21 A. Right now, just me. But
 22 two.
 23 Q. Just you or two?

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1 A. Right at the present today,
 2 two -- one. Just me. Just me.
 3 Q. Okay. I'm confused.
 4 A. I just hired somebody
 5 yesterday.
 6 Q. Oh, okay.
 7 A. I just hired somebody
 8 yesterday.
 9 Q. You just hired somebody
 10 yesterday?
 11 A. Yes.
 12 Q. And what's that person's
 13 title going to be?
 14 A. Personnel Assistant.
 15 Q. Okay. When's the last time
 16 you had somebody in your department to
 17 work with you?
 18 A. Last year in May.
 19 Q. All right. And what was
 20 that person's name?
 21 A. Alisha Johnson.
 22 Q. All right. And so from May
 23 of 2010 until now, you've been the

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1 highest ranking Human Resources
 2 Department Officer for the entire
 3 Birmingham Public Library system?
 4 Just you in the whole department, no
 5 one else until today?
 6 A. We hired somebody June 6,
 7 she worked for three days and got
 8 offered another job. And then our
 9 rehire hired somebody yesterday.
 10 Q. So other than those three
 11 days and yesterday since May of last
 12 year until now, you've been the entire
 13 staff of the Human Resources
 14 Department for the whole Library
 15 system?
 16 A. Correct.
 17 Q. What about prior to May of
 18 2010?
 19 A. It was Alisha Johnson.
 20 Q. And she was your Assistant?
 21 A. Yes.
 22 Q. And for how long was she
 23 your Assistant?

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1 A. Let's see, probably, April
 2 2009. Not long.
 3 Q. So from roughly April 2009
 4 'till May of 2010; is that about
 5 right?
 6 A. Um-hmm.
 7 Q. You've got to answer out
 8 loud.
 9 A. I'm sorry. Yes.
 10 Q. And did you have an
 11 Assistant prior to her?
 12 A. Yes. Crystal Morton.
 13 Q. And was she immediately
 14 prior, or was there a gap when you
 15 didn't have anybody?
 16 A. Let's see, Crystal. It
 17 might have been a small gap. Not a
 18 large gap.
 19 Q. Since you've had the
 20 position, have you ever had more than
 21 one person in your department to
 22 assist you?
 23 A. No.

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1 Q. Is that adequate?
 2 A. Yes.
 3 Q. How many employees are in
 4 the Birmingham Public Library system
 5 that you are responsible for in terms
 6 of Human Resources?
 7 A. Right now 280 plus.
 8 Q. And is that about what the
 9 number's been for the last several
 10 years, somewhere in the 280 range?
 11 A. It was a little over 300.
 12 But 25 retired in December.
 13 Q. And you're the one
 14 responsible for compliance with EEO
 15 issues; correct?
 16 A. Correct.
 17 Q. For interpreting Birmingham
 18 Public Library Rules and Regulations
 19 and Guidelines for its employees;
 20 correct?
 21 A. Could you clarify that a
 22 little more?
 23 Q. If an employee has a

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1 question about a Birmingham Public
 2 Library Policy, you're the one that is
 3 ultimately responsible for
 4 interpreting that for them or giving
 5 them guidance about the Policy; is
 6 that right?
 7 A. Yes.
 8 Q. Are you responsible as the
 9 Human Resources or Personnel Officer
 10 for addressing allegations of sexual
 11 harassment at the Library?
 12 A. Along with the Associate
 13 Director and the Director. Yes.
 14 Q. Okay. When did you first
 15 become aware of Ms. Wilson's
 16 complaints about sexual misconduct in
 17 the Library?
 18 A. October of 2009.
 19 Q. And when did you say you
 20 begin in the position?
 21 A. November 2008.
 22 Q. So if Ms. Wilson made
 23 complaints in writing about sexual

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1 misconduct in the Library prior to
 2 October of 2009 and going back to the
 3 date you started, you were not made
 4 aware of any of those?
 5 A. No, sir.
 6 Q. Is that true?
 7 A. That's true.
 8 Q. Do you think that's a
 9 problem?
 10 A. I can't answer that.
 11 Q. Well do you think that the
 12 Head of Human Resources ought to know
 13 when one of the organizations
 14 employees is alleging sexual
 15 misconduct at work?
 16 A. Yes.
 17 Q. Do you find it a problem
 18 that you didn't know from the time you
 19 started November of 2008 until October
 20 of 2009?
 21 A. I can't answer that.
 22 Q. Why not? I mean, do you see
 23 it as a problem?

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1 A. Well, there's a -- I guess a
 2 chain of command.
 3 Q. But don't you expect though
 4 to be brought into the loop at some
 5 point, when one of the Library
 6 employees is alleging sexual
 7 misconduct at work?
 8 A. Yes.
 9 Q. All right. But nobody
 10 brought you into the loop at any time,
 11 regarding Ms. Wilson's complaints from
 12 the time you started in the position
 13 until October of 2009; is that right?
 14 A. No, sir.
 15 Q. That's true?
 16 A. That's true.
 17 Q. And October of 2009 would
 18 have been just after she filed her
 19 charges of discrimination with the
 20 Equal Employment Opportunity
 21 Commission; is that right?
 22 A. Yes.
 23 Q. All right. Was that the

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1 first time that you were made aware
 2 that she was making such complaints
 3 when you were made aware of that
 4 charge?
 5 A. Yes.
 6 Q. And who told you about the
 7 charge?
 8 A. It might have been the
 9 Director.
 10 Q. Are you able to take steps
 11 to address potential sexual harassment
 12 at the Library, if you don't know that
 13 there's a complaint being made about
 14 it?
 15 A. Repeat the first part.
 16 Q. Yeah. Are you able to as
 17 the Human Resources Officer or as the
 18 Personnel Officer take any steps to
 19 address possible sexual harassment of
 20 the Library, if you've never been made
 21 aware of the complaints?
 22 A. No. No, sir.
 23 Q. Have you ever conducted any

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1 investigation of any claim of sexual
 2 misconduct in the Library made by any
 3 library employee?
 4 A. No, sir.
 5 Q. Have you ever thought that
 6 you should?
 7 A. Barbara's is the only one
 8 that I was made aware of.
 9 Q. Do you believe that you
 10 should have conducted an investigation
 11 of her complaints? I mean, had you
 12 known of them?
 13 A. Yes.
 14 Q. All right. I mean, do you
 15 agree with me, that if you could do it
 16 the way it ought to be done as a Human
 17 Resources person, that you would have
 18 been made aware of the very first
 19 complaint and you would have been
 20 involved in investigating the
 21 complaint?
 22 That's the way it's supposed
 23 to work, isn't it?

18

1 A. Yes.
 2 Q. But that's not the way it
 3 worked in this case; isn't that right?
 4 A. I don't know. I can't say.
 5 Q. Well you know that you
 6 weren't told about any of her
 7 complaints until October of '09 when
 8 she filed her EEOC charge; correct?
 9 A. Correct.
 10 Q. And you know that you never
 11 were involved in any investigation of
 12 any of her complaints; correct?
 13 A. Not from the beginning. No.
 14 Q. All right. Well were you
 15 ever involved in any investigation of
 16 any of Ms. Wilson's complaints?
 17 A. I've been in, sat in on a
 18 meeting with her with the Director.
 19 We met with her about transfers. But
 20 as far as investigation, no, sir.
 21 Q. And when was that transfer
 22 meeting?
 23 A. November of 2010.

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1 Q. And so prior to 2010, you
 2 weren't involved in anything that
 3 could even remotely be called an
 4 investigation of any complaint made by
 5 Barbara Wilson of sexual misconduct at
 6 the Library; is that right?
 7 A. I don't recall any.
 8 Q. And that's the kind of thing
 9 you would recall sitting here today
 10 given your position; right?
 11 A. Right.
 12 Q. Do you go to lunch on a
 13 fairly regular basis with Mike Lee?
 14 A. Yes.
 15 Q. All right. How would you
 16 describe y'all's relationship?
 17 A. It's personal.
 18 Q. Is it romantic?
 19 A. It's personal.
 20 Q. Is it romantic?
 21 A. It's personal.
 22 Q. What do you mean when you
 23 say "it's personal," that you don't

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1 want me to ask about it or something
 2 else?
 3 A. I guess both.
 4 Q. So one thing you mean, is
 5 you would rather me not ask about it?
 6 A. Right.
 7 Q. Okay. What else, when you
 8 say "a little of both," what else do
 9 you mean? When you say "it's
 10 personal," what is it you're trying to
 11 tell me?
 12 A. I'm entitled to a lunch
 13 hour. And where I go and who I go
 14 with is at my discretion.
 15 Q. Well that question wasn't
 16 really about your lunch hour. That
 17 question was about how you would
 18 describe your relationship with Mr.
 19 Lee. And your answer was "it's
 20 personal." What do you mean by that?
 21 A. We're friends.
 22 Q. Isn't it -- you realize
 23 you're under oath; right?

21

1 A. Right.
 2 Q. Okay. And you know that you
 3 could be subject to perjury if you lie
 4 under oath; right?
 5 A. Right.
 6 Q. All right. Isn't it true
 7 that your relationship with Mr. Lee
 8 has at times been romantic?
 9 THE WITNESS: Do I have to
 10 answer that, Fred?
 11 MR. FULLERTON: Yeah. But
 12 it's not -- its not really neither
 13 here nor there, I mean.
 14 THE WITNESS: Yes.
 15 Q. (BY MR. MOREL) All right.
 16 And I'm not going to get into the
 17 details of your relationship, except
 18 for a couple of general questions.
 19 A. Okay.
 20 Q. All right. When was the
 21 first date roughly speaking when it
 22 became romantic?
 23 A. I don't remember.

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1 Q. Give me your best estimate.
 2 A. I don't remember.
 3 Q. Well it wasn't yesterday,
 4 was it?
 5 A. No.
 6 Q. Okay. And it wasn't ten
 7 years ago, or was it ten years ago?
 8 A. No.
 9 Q. Okay. So rather than me --
 10 and I don't want to ask a bunch of
 11 questions. All I want to know is when
 12 -- I just want to know the time
 13 period, then I'm going to leave it
 14 alone.
 15 A. Okay.
 16 Q. So tell me when it started
 17 becoming romantic. I'm not going to
 18 ask any questions about how it did or
 19 why or anything else.
 20 A. Years. A couple years ago.
 21 I just don't remember when.
 22 Q. Was it prior to 2009?
 23 A. Yes.

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1 Q. Was it prior to 2008?
 2 A. No.
 3 Q. So your best estimate, is it
 4 became romantic sometime in 2008; is
 5 that right?
 6 A. Right.
 7 Q. And it's remained that way
 8 until today?
 9 A. Right.
 10 Q. Okay. I won't ask anymore
 11 about that.
 12 A. Okay.
 13 Q. Are you responsible for
 14 making sure that employees of the
 15 Birmingham Library Board comply with
 16 the EEO Policies of the Library?
 17 A. Yes.
 18 Q. And I think you've already
 19 said, you're responsible for making
 20 sure that complaints of sexual
 21 harassment are adequately addressed or
 22 properly addressed; is that right?
 23 A. Right.

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1 Q. And one of the ways that the
 2 Birmingham Public Library is obligated
 3 to address issues of sexual misconduct
 4 in the Library, is in part through the
 5 actions of the Security Office -- the
 6 Security Department; true?
 7 A. Yes.
 8 MR. MOREL: Let me have a
 9 minute with my client, please.
 10 THE WITNESS: Okay.
 11 (Whereupon, a break was
 12 taken at this time.)
 13 Q. (BY MR. MOREL) You're the
 14 Personal Officer over the whole
 15 Birmingham Public Library system?
 16 A. Yes.
 17 Q. How many Libraries is that?
 18 A. Now, the Main Library, which
 19 consist of two buildings and 18 -- 17
 20 Branches. We lost two.
 21 Q. Spread over all of the City
 22 of Birmingham?
 23 A. Yes.

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1 Q. You don't think you need
 2 some help?
 3 A. Yes.
 4 Q. Do you think you need some
 5 help?
 6 A. Yes.
 7 Q. I mean, I've been doing
 8 employment litigation for a long long
 9 time. And I think I can think of one
 10 other case in many, many, many years
 11 where that somebody had that much,
 12 that many people underneath them and
 13 had nobody in their department to help
 14 them do it?
 15 A. Yeah.
 16 Q. Is it your belief that the
 17 Birmingham Public Library has
 18 understaffed its Human Resources
 19 Office/Personnel Office?
 20 A. The way it's set up, it's
 21 been that way forever, so.
 22 Q. Well I'm not asking about
 23 whether it's just always been that way

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1 or whether the budget's in place for
 2 it or anything else. I'm just asking
 3 you whether you believe that the Human
 4 Resources Office for the Birmingham
 5 Public Library system has been
 6 provided with the resources it needs
 7 to actually do the job that's there to
 8 be done?
 9 A. No.
 10 Q. All right. No further
 11 questions.
 12 MR. FULLERTON: I don't have
 13 any.
 14 MR. MOREL: That's it.
 15 We're done.
 16 FURTHER THE DEPONENT SAITH NOT.
 17
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1 CERTIFICATE
 2 STATE OF ALABAMA
 3 COUNTY OF JEFFERSON
 4 I, MELLIE PHILLIPS, hereby
 5 certify that the above and foregoing
 6 deposition was taken down by me on
 7 Computerized Stenotype, and the
 8 questions and answers thereto were
 9 transcribed by me, and that the
 10 foregoing represents a true and
 11 correct transcript of the deposition
 12 given by said witness upon said
 13 hearing.
 14 I further certify that I am
 15 neither of counsel nor of kin to the
 16 parties in the action, nor am I in any
 17 way interested in the result of said
 18 cause.
 19
 20
 21 _____
 22 /s/Mellie M. Phillips
 23 MELLIE M. PHILLIPS

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1 CCR #448, Expires 9/30/11
 2 Commissioner for the
 3 State of Alabama at Large
 4 My Commission Expires: 9/6/11
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