

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,**

Plaintiff,

v.

**CONECTIV, A.C. DELLOVADE, INC.,
STEEL SUPPLIERS ERECTORS, INC.,
and MATRIX SERVICES INDUSTRIAL
CONTRACTORS, d/b/a/ BOGAN,
INC./HAKE GROUP,**

Defendants.

Jury Trial Demanded

Civil Action No.

NATURE OF ACTION

Plaintiff, the United States Equal Employment Opportunity Commission, brings this action under Title VII of the Civil Rights Act of 1964 and Title I of the Civil Rights Act of 1991 to correct unlawful employment practices on the basis of race (black) and to provide appropriate relief to Keith Riddick, James Slater, Roy Grimes ("Charging Parties"), and a class of similarly situated black employees who were adversely affected by such practices. The Commission alleges Defendants Conectiv, A.C Dellovade, Inc., Steel Suppliers Erectors, Inc., and Matrix Services Industrial Contractors, d/b/a/ Bogan, Inc./Hake Group, acting as joint employers, subjected Charging Parties and a class of similarly situated black employees to a racially hostile work environment while they were employed on the Bethlehem Project in Bethlehem, Pennsylvania. The class of similarly situated black employees (the "Class") includes prime contractors and subcontractor employees.

As alleged with greater particularity in paragraph 11 A-H below, Defendants allowed Charging Parties and the class members to be subjected to egregious racial harassment in the form of racist graffiti on the walls and surfaces of portable toilets on the worksite, display of a hangman's noose, racial slurs and racially derogatory comments from both managers and co-workers. The Commission further alleges that although the Charging Parties and class members complained about the racial harassment, Defendants failed to take prompt, effective, remedial measures to correct the racially hostile work environment. As a result of the racial harassment, the Charging Parties and class members have suffered emotional distress and wage loss damages.

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343 and 1345. This action is authorized and instituted pursuant to Section 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-5(f)(1) and (3) ("Title VII"), and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

2. The employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the Eastern District of Pennsylvania.

PARTIES

3. Plaintiff, the Equal Employment Opportunity Commission (the "Commission"), is the agency of the United States of America charged with the administration, interpretation and enforcement of Title VII, and is expressly authorized to bring this action by Section 706(f)(1) and (3) of Title VII, 42 U.S.C. § 2000e-5(f)(1) and (3).

4. At all relevant times, Defendant Conectiv, a Pennsylvania Corporation maintaining its registered office c/o CT Corporation Systems, 1635 Market Street, Philadelphia,

Pennsylvania, 19103, has continuously been doing business in the Commonwealth of Pennsylvania and the City of Philadelphia, and has continuously had at least 15 employees.

5. At all relevant times, Defendant A.C. Dellovade, Inc. ("Dellovade"), a Pennsylvania Corporation with its principal place of business located at 108 Cavasina Drive, Canonsburg, PA 15317, has continuously been doing business in the Commonwealth of Pennsylvania and the City of Canonsburg, and has continuously had at least 15 employees.

6. At all relevant times, Defendant Steel Suppliers Erectors, Inc. ("Steel Suppliers"), a Delaware Corporation with its principal place of business located at 701 East Front Street, Wilmington, Delaware, 19801, has continuously been doing business in the State of Delaware and the City of Wilmington, and has continuously had at least 15 employees.

7. At all relevant times, Defendant Matrix Services Industrial Contractors, d/b/a/ Bogan, Inc./Hake Group ("Bogan/Hake"), a Pennsylvania Corporation with its principal place of business located at 1500 Chester Pike, Eddystone, Pennsylvania, 19022, has continuously been doing business in the Commonwealth of Pennsylvania and the City of Eddystone, and has continuously had at least 15 employees.

8. At all relevant times, all Defendants herein have continuously been employers engaged in an industry affecting commerce within the meaning of Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. §§ 2000e(b), (g) and (h). Defendant Employers Conectiv, Dellovade, Steel Suppliers and Bogan/Hake (collectively referred to as "Defendant Employers"), shared or co-determined the essential terms and conditions of Charging Parties' employment and otherwise operated as joint-employers at Defendant Conectiv's Bethlehem Project, located in Bethlehem, Pennsylvania beginning in October 2001 until the project's completion in or about 2003.

9. Alternatively, at all relevant times, Defendant Conectiv's continued maintenance of a racially hostile work environment interfered with the terms and conditions of employment of Keith Riddick, James Slater, Roy Grimes and the class members.

STATEMENT OF CLAIMS

10. More than thirty days prior to the institution of this lawsuit, Keith Riddick, James Slater and Roy Grimes filed charges with the Commission alleging violations of Title VII by Defendant Employers. All conditions precedent to the institution of this lawsuit has been fulfilled.

11. Since at least June 2002, Defendant Employers have engaged in unlawful employment practices at their Bethlehem, Pennsylvania worksite in violation of Section 703(a)(1) of Title VII, 42 U.S.C. Section 2000e-2(a)(1), by discriminating against Keith Riddick, James Slater, Roy Grimes and a class of black employees based on their race. The unlawful employment practices include, but are not limited to, the following:

- A. In 2001, Defendant Conectiv started a project to build a new power plant on land reclaimed from a defunct Bethlehem Steel plant in Bethlehem, Pennsylvania. This was known as the Bethlehem Project (the "Project").
- B. At its high point, the Project had over 900 individuals working on site. Including Charging Parties, there were approximately 20 blacks on the entire Project.
- C. Keith Riddick, an electrician, worked for Bogan/Hake. Bogan/Hake employed approximately 300 electricians.
- D. James Slater, a welder, worked for Steel Suppliers.
- E. Roy Grimes, an operating engineer, worked for Dellovade. Mr. Grimes was the only black operating engineer on the Project.

F. Beginning in June 2002, and continuing until the Charging Parties left the Project, Defendant Employers created and allowed the Charging Parties and class members to be subjected to a racially hostile work environment, including but not limited to, the following:

1. Allowing racist graffiti to exist on the walls and other surfaces of the portable toilets including, but not limited to, comments such as, "nigger trash mother f--ker", "who let that dirty nigger into local 36", "J.T. (James Slater) = dirty nigger", "white man rules", "if you not white, you not right", "white power", "siege heil", "KKK", "I love the Ku Klux Klan", "if black is beautiful, I sh-t a masterpiece", "coon", "MLK (Martin Luther King, Jr.), head coon in charge." The racist graffiti also included depictions of a swastika, and references to the Aryan Nation.
2. Allowing racially offensive comments to be made by white foremen, supervisors and co-workers to black individuals, including but not limited to: "I think everybody should own one", "black people are no good and you cannot trust them", "black people steal and sell drugs", and "black people can't read or write."
3. In April 2003, a hangman's noose, historically used for lynching blacks, was hung from a beam Charging Party Keith Riddick's work area.
4. Defendant Bogan/Hake's Supervisor Joe Kennedy (white), told Keith Riddick that he thought the hangman's noose was a joke. Andy McCullian (white) also commented that he thought the hangman's noose was funny.

5. Defendant Dellovade's Superintendent Gene Anders (white), made racially offensive comments to and about Roy Grimes such as "does the nigger eat in the break trailer with the rest of us?", "where the f--k is the nigger?", "that's considered nigger work."
 6. Defendant A.C. Dellovade's Superintendent Herman Beaulieu (white) constantly criticized Roy Grimes' work, commenting that the "boy's" work was "not any good." Roy Grimes was advised by his white co-workers that A.C. Dellovade's Superintendent Beaulieu (white) did not like him because he is black, and told Mr. Grimes that he'd have a better chance getting overtime if he were pregnant.
 7. Defendant Bogan/Hake's Supervisor Joe Kennedy (white) told Keith Riddick after he complained, that the workplace was an "Anglo-Saxon racist environment", but failed to take any action to remedy the hostile work environment.
- G. Defendant Employers had notice of the racially hostile work environment as follows:
1. Defendant Employers had notice of the racially hostile work environment as management officials of each Defendant used the portable toilets and saw the offensive racial graffiti on a daily basis.
 2. Keith Riddick complained about the racist graffiti to Supervisor, Joe Kennedy, who took no remedial action.
 3. Keith Riddick complained about the racist graffiti in the portable toilets to Bogan/Hake's Foreman, Terry Hartman. No remedial action was taken.

4. In or about May 2003, Keith Riddick complained to Bogan/Hake's Assistant General Foreman Butch Anawald about the hangman's noose and continued racial graffiti in the portable toilets. No remedial action was taken.
5. Steel Supplier's Foreman Bill Thomas (white) was aware of the racist graffiti in the portable toilets and asked James Slater if he was also aware of the racist graffiti.
6. Defendant Conectiv's Project Manager Michael "Redbeard" DelCasale was aware of the racially hostile work environment, including racist comments made to Roy Grimes.
7. Michael DelCasale was observed by several employees using the portable toilets containing the racist graffiti, but he took no remedial action.

H. As a result of the severe and pervasive racially hostile work environment, which Defendant Employers failed to correct, James Slater was forced to resign.

12. The effect of the practices complained of in paragraph 11 A-H above, has been to deprive Keith Riddick, James Slater, Roy Grimes and the class similarly situated black employees of equal employment opportunities and otherwise affect adversely their status as an employees because of race.

13. The unlawful employment practices complained of in paragraph 11 A-H above were intentional.

14. The unlawful employment practices complained of in paragraph 11 A-H above were done with malice or with reckless indifference to the federally protected rights of Keith Riddick, James Slater, Roy Grimes and the class of similarly situated black employees.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant Employers, their officers, successors, assigns, and all persons in active concert or participation with it, from harassing and providing unequal terms and conditions of employment to employees on the basis of race and any other employment practice which discriminates on the basis of race.

B. Order Defendant Employers to institute and carry out policies, practices, and programs which provide equal employment opportunities for individuals of all races and which eradicate the effects of its past and present unlawful employment practices.

C. Order Defendant Employers to make whole Keith Riddick, James Slater, Roy Grimes and the class members, by providing appropriate back pay with prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices.

D. Order Defendant Employers to make whole Keith Riddick, James Slater, Roy Grimes and the class, by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraph 11 A-H including medical expenses, in amounts to be determined at trial.

E. Order Defendant Employers to make whole Keith Riddick, James Slater, Roy Grimes and the class by providing compensation for past and future non-pecuniary losses resulting from the unlawful practices complained of in paragraph 11 A-H, including emotional pain, suffering, depression, anxiety, inconvenience, loss of enjoyment of life and humiliation, in amounts to be determined at trial.

F. Order Defendant Employers to pay Keith Riddick, James Slater, Roy Grimes and the class punitive damages for its malicious and reckless conduct described in paragraph 10 A-H, in amounts to be determined at trial.

G. Grant such further relief as the Court deems necessary proper in the public interest.

H. Award the Commission its costs of this action.

JURY TRIAL DEMAND

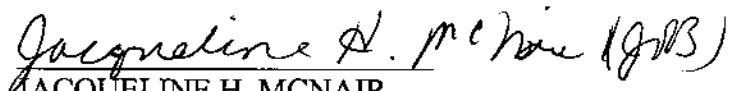
The Commission requests a jury trial on all questions of fact raised by its complaint.

Respectfully submitted,

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Dated: July 1, 2005