

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

U.S. DISTRICT COURT
SO. DIST. AL.
MOBILE, AL 36602

2001 FEB -11 A 10: (

FILED
CLERK'S OFFICE

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

v.

BELLSOUTH TELECOMMUNICATIONS, INC.

Defendant.

CIVIL ACTION NO.

01-0087-BH-S

COMPLAINT

JURY TRIAL DEMAND

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964, as amended, and Title I of the Civil Rights Act of 1991, to correct unlawful employment practices on the basis of race. The Commission alleges that Defendant BellSouth Telecommunications, Inc., ("BellSouth"), engaged in a pattern and practice of discrimination and disparate treatment against Black employees in the BellSouth Mobile, Alabama, office including failing and refusing to promote Black employees and failing or refusing to allow them to participate in assessment testing and training which affected their privileges of employment.

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. Sections 451, 1331, 1337, 1343 and 1345. This action is authorized and instituted pursuant to Section 706(f)(1) and (3) and Section 707 of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. Section 2000e-5(f)(1) and (3) and 2000e-6.

2. The unlawful employment practices alleged below were committed within the jurisdiction of the United States District Court for the Southern District of Alabama, Southern Division.

PARTIES

3. Plaintiff, Equal Employment Opportunity Commission (hereinafter referred to as the "Commission"), is an agency of the United States of America and is 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) and Section 707 of Title VII, 42 U.S.C. Section 2000e-5(f)(1) and (3) and 2000e-6.

4. At all relevant times, Defendant, BellSouth Telecommunications, Inc., (hereinafter referred to as the "Employer"), has been a corporation doing business in the State of Alabama and City of Mobile, and has continuously had at least fifteen employees.

5. At all relevant times, Defendant Employer has been and is now an employer engaged in an industry affecting commerce within the meaning of Section 701(b), (g) and (h) of Title VII, 42 U.S.C. Section 2000e-(b), (g) and (h).

STATEMENT OF CLAIM

6. Beginning on or about December 6, 1996, more than thirty (30) days prior to the institution of this lawsuit, charges of discrimination were filed with the Commission alleging violations of Title VII by Defendant Employer. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. From at least June 19, 1996, and continuing, Defendant

Employer engaged in unlawful employment practices at its Mobile, Alabama facility, in violation of Section 703(a) of Title VII, 42 U.S.C. Section 2000e-2(a). The practices include failing or refusing to promote Black employees at the Mobile facility, and discriminatorily conducting assessment training which affected Black employees' ability to be promoted.

8. The effect of the practices complained of in paragraphs 6 and 7, above, has been to deprive Black employees in the Mobile, Alabama facility of equal employment opportunities and otherwise adversely affect their status as employees, because of their race.

9. As a direct and proximate result of these violations of their rights under Title VII, Black employees in the Mobile, Alabama facility have suffered damages in the form of emotional pain, suffering, inconvenience, loss of enjoyment of life, and humiliation.

11. The unlawful employment practices complained of above were done with malice or with reckless indifference to the federally protected rights of Black employees.

PRAYER FOR RELIEF

WHEREFORE, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant Employer, its officers, agents, employees, successors, assigns, and all persons in active concert or participation with it, from engaging in any employment practices which discriminate on the basis of race.

B. Order Defendant Employer to institute and carry out

policies, practices and programs which eradicate the effects of its unlawful employment practices.

C. Order Defendant Employer to make whole the identified Black employees by providing appropriate back pay (including all employment related benefits) with prejudgment interest, in amounts to be proved at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices, including but not limited to rightful-place reinstatement of the aggrieved individual.

D. Order Defendant Employer to make whole the identified Black employees by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices complained of in paragraphs 6 and 7, above.

E. Order Defendant Employer to make whole identified Black employees by providing compensation for past and future non-pecuniary losses resulting from the unlawful practices complained of in paragraphs 6 and 7, above, including losses for emotional pain, suffering, inconvenience, loss of enjoyment of life and humiliation, in an amount to be determined at trial.

F. Order Defendant Employer to pay identified Black employees punitive damages for its malicious and/or reckless conduct described above, in an amount to be determined at trial.

G. Grant such further relief as the Court deems necessary and proper.

H. Award the Commission its costs in this action.

JURY TRIAL DEMAND

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

Respectfully submitted,

GWENDOLYN YOUNG REAMS
Associate General Counsel

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION
1801 "L" Street, Northwest
Washington, D.C. 20507

Charles Guerrier
Regional Attorney


Mildred Byrd


Jill L. Vincent
Supervisory Trial Attorney


Debra Hawes Crook
Senior Trial Attorney


Eunice H. Morrow
Senior Trial Attorney

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION
Ridge Park Place
1130 22ND Street South
Birmingham, AL 35205
(205) 731-0628