

FILED

NOV 22 1985

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA

NORTHERN DIVISION
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THOMAS C. CAVER, CLERK
BY *[Signature]*
DEPUTY CLERK

JOHNNY REYNOLDS, etc., et al.,)

Plaintiffs,)

vs.)

RAY BASS, etc., et al.,)

Defendants.)

U.S. DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
CIVIL ACTION NO. 85-T-665-N

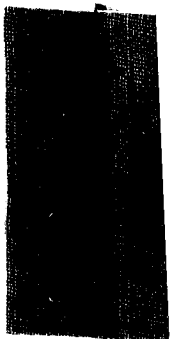
COMPLAINT IN INTERVENTION

I.

1. The plaintiff-intervenor, Florence Belser, is a Black resident of Montgomery, Alabama.
2. The defendants are the same as those named in the original action filed in this matter.
3. The jurisdiction of this Court is invoked pursuant to 28 U.S.C. §1331 and §1343.
4. The plaintiff-intervenor incorporates by reference the allegations contained in paragraphs 12 through 26 of the original complaint filed herein by plaintiff Johnny Reynolds.

II.

5. The plaintiff-intervenor was employed by the Defendant Alabama Highway Department as a clerical aide in a



temporary position beginning in June, 1984.

6. Under Alabama Highway Department and State of Alabama regulations, those hired in temporary positions may work no more than 104 working days.

7. The plaintiff-intervenor worked as a clerical aide until November 30, 1984.

8. While employed as a clerical aide, the plaintiff-intervenor did not perform the job duties of a clerical aide, but rather performed the job duties of a laborer. Among the tasks she was required to perform were carrying box of pamphlets from one division to another, delivering state automobiles to be washed, repaired, and fueled, and delivery and pick up of supplies.

9. During her temporary term of employment, and after her term of employment expired, the plaintiff-intervenor on numerous occasions attempted to to obtain permanent employment as a laborer with the Defendant Alabama Highway Department. The most recent such occasion was August 31, 1985.

10. Among the positions applied for by the plaintiff were laborer, which was the job she had actually performed while employed as a clerical aide, and Clerk I.

11. The plaintiff-intervenor was well-qualified for the jobs for which she applied.

12. The plaintiff-intervenor was not hired into the positions for which she applied, which were either kept open

despite her application, or were filled by non-minority applicants.

13. The plaintiff-intervenor was not hired into the positions for which she applied because of unlawful race discrimination.

III.

14. The defendant Alabama Highway Department is bound by a Court order issued by the United States District Court, Middle District of Alabama to the State of Alabama. The purpose of the Court order is to cause the State of Alabama to discontinue unlawful employment discrimination and practices.

15. Despite this Court order, the defendant Alabama Highway Department continues to discriminate against minority employees and applicants.

16. For example, in January, 1980, Black employees made up approximately fifty-three per cent of those employees employed in the lowest two salary ranges in the Department (i.e., those salary ranges now paying approximately \$10,000.00 per year or less). In July, 1985, Black employees made up approximately seventy-one per cent of those employees employed in the same salary ranges. By comparison, in January, 1980, Black employees made up only about one per cent of all employees employed in the top three salary ranges. By July,

1985, that percentage had increased to two per cent.

17. The above-cited percentages cannot be explained by the existence of non-discriminatory factors.

18. Relatives of current Highway Department employees are given preference in hiring by the Department. This perpetuates the effects intentional race discrimination practiced by the State of Alabama both prior to and subsequent to the enactment of The Civil Rights Act of 1964, 42 U.S.C. §2000-e. It also perpetuates the effects of unintentional yet unlawful race discrimination practiced by the State of Alabama and the Highway Department subsequent to enactment of the Civil Rights Act, such as that which led the United States District Court for the Middle District of Alabama to place the State of Alabama under a current Court order to discontinue unlawful and discriminatory practices.

19. Qualified Black applicants for various merit system positions, such as civil engineer and accountant, have been located and recruited by employees of the Highway Department whose responsibility it was to recruit Black applicants for the Department. Those Black applicants were not hired by the Department after submitting applications, despite their qualifications.

20. When cited by federal agencies, such as the Federal Highway Administration, for employing low numbers of Black employees in various positions such as Civil Engineer,

the Highway Department has claimed in response that it is unable to locate qualified Black applicants for the positions.

21. The following has occurred on at least two occasions: when presented with Black applicants who were qualified at the time of their application for openings which existed in the position of Graduate Civil Engineer, the Alabama Highway Department has revised the qualifications for the position in such a way as to make the previously qualified Black applicants unqualified for the position. Examples of such newly imposed qualifications include the taking of certain examinations or college courses, even though the same courses or examinations were not previously required of successful Caucasian applicants for the position.

22. The Alabama Highway Department has employed numerous Black employees in entry level positions, such as Engineering Assistant I. Although employed in such positions, many of the Black employees are actually utilized to perform other duties, such as clerk-typists, stenographers, or secretaries. Because advancement to positions such as Engineering Assistant II requires actual experience performing the duties of the entry level position, the utilization of Black employees for duties outside of their job description deprives them of necessary experience and training for advancement. The practice of utilizing Black employees to

22^d day of November, 1985.

Rick Harris
Of Counsel