

FILED

NOV 22 1985

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

THOMAS C. CAVER, CLERK
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JOHNNY REYNOLDS, etc., et al.,)
)
Plaintiffs, U.S. DISTRICT COURT)
) MIDDLE DISTRICT OF ALA.)
vs.) CIVIL ACTION NO. 85-T-665-N
)
RAY BASS, etc., et al.,)
)
Defendants.)

AMENDMENT TO COMPLAINT

Comes now plaintiff Johnny Reynolds and amends the original complaint in this matter by adding the following averments after paragraph 27:

28. 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.

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

30. 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.

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

32. 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.

33. 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,

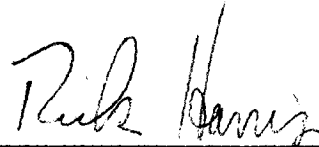
despite their qualifications.

34. 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.

35. 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.

36. 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 perform duties outside their job description is therefore racially discriminatory in that it deprives Black employees of opportunities for advancement which are accorded to Caucasian employees.



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CERTIFICATE OF SERVICE

I hereby certify that I have served the above and foregoing on all other parties in this matter by mailing a true and correct copy thereof to their counsel, on this the 22^d day of November, 1985.



Of Counsel