

FILED

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

DEC 5 1985

THOMAS C. GAYLER, CLERK

JOHNNY REYNOLDS, etc., et al.,)
)
Plaintiffs,)
)
vs.)
)
RAY BASS, etc., et al.,)
)
Defendants.)

CIVIL ACTION NO. 85-T-665-N

SECOND AMENDMENT TO COMPLAINT

Comes now plaintiff Johnny Reynolds and amends the original complaint in this matter by adding the following averments after paragraph 36 of his amended complaint:

37. Plaintiff Johnny Reynolds filed a timely charge of discrimination against the Defendant Highway Department with the Equal Employment Opportunity Commission. A copy of that charge is attached hereto as Exhibit A and the allegations it contains are incorporated in this complaint by reference.


38. More than one hundred eighty days have elapsed since the filing of the charge by plaintiff Reynolds.

39. Plaintiff Reynolds requested and received a Notice of Right to Sue from the Equal Employment Opportunity Commission, a copy of which is attached hereto as Exhibit B.

40. The practices complained of in paragraphs 17 through 40 of Plaintiff Reynolds' amended complaint, and the practices complained of in Plaintiff Reynolds' Charge of

SECOND AMENDMENT
TO COMPLAINT

Discrimination constitute a violation by Defendant Highway
Department of 42 U.S.C. §2000-e.



RICK HARRIS
Attorney for Plaintiff

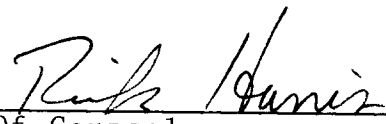
December 2, 1985

OF COUNSEL:
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HARRIS, BUSH & WHITE
410 South Perry Street
Post Office Box 910
Montgomery, Alabama 36102
(205) 264-9900

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McPhillips, Debardeleben & Hawthorne
516 South Perry Street
Post Office Box 64
Montgomery, Alabama 36101
(205) 262-1911

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
2d day of December, 1985.



Of Counsel



E X H I B I T "B"
NOTICE OF RIGHT TO SUE WITHIN 90 DAYS

WBR:WBF:mdw
DJ 170-1-0

Washington, D.C. 20530

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Johnny Reynolds
c/o Rick Harris, Esq.
P.O. Box 910
Montgomery, Alabama 36102

22 NOV 1985

Re: Johnny Reynolds v. State of Alabama Highway
Dept., EEOC No. 042-85-1173

Dear Mr. Reynolds:

Because you filed the above charge with the Equal Employment Opportunity Commission, and more than 180 days have elapsed since the date the Commission assumed jurisdiction over that charge, and no suit based thereon has been filed by this Department, and because you through your attorney have specifically requested this Notice, you are hereby notified that you have the right to institute a civil action under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e, et seq., against the above-named respondent.

If you choose to commence a civil action, such suit must be filed in the appropriate United States District Court within 90 days of your receipt of this Notice.

The EEOC files pertaining to your case are located in the District Office of the EEOC at the following address: Equal Employment Opportunity Commission, 2121 Eighth Ave., North, Birmingham, AL 35203.

This notice should not be taken to mean that the Department of Justice has made a judgment as to whether or not your case is meritorious.

Sincerely,

Wm. Bradford Reynolds
Assistant Attorney General
Civil Rights Division

By: *William B. Fenton*

William B. Fenton
Deputy Chief
Federal Enforcement Section

cc: EEOC District
Office

180541 (HO511)
Expires 1-31-81

EXHIBIT "A"
CHARGE OF DISCRIMINATION
IMPORTANT: This form is affected by the Privacy Act of 1974
see Privacy Act Statement on reverse before completing it.

STATE/LOCAL AGENCY

EEOC

Equal Employment Opportunity Commission and
(State or Local Agency)

NAME (Indicate Mr., Ms. or Mrs.) Mr. Johnny Reynolds	HOME TELEPHONE NUMBER (include area code) (205) 284-0867
STREET ADDRESS 3013 Woodley Park Drive	
CITY, STATE, AND ZIP CODE Montgomery, AL 36116	COUNTY Montgomery

NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME. (If more than one list below).

NAME State of Alabama Highway Department	TELEPHONE NUMBER (include area code) (205) 261-6311
STREET ADDRESS 1409 Coliseum Blvd.	CITY, STATE, AND ZIP CODE Montgomery, AL 36130
NAME	TELEPHONE NUMBER (include area code)
STREET ADDRESS	CITY, STATE, AND ZIP CODE

CAUSE OF DISCRIMINATION BASED ON MY (Check appropriate box(es))

RACE COLOR SEX RELIGION NATIONAL ORIGIN OTHER (Specify)

DATE MOST RECENT OR CONTINUING DISCRIMINATION TOOK PLACE (Month, day, and year)

April 12, 1985, and continuing

THE PARTICULARS ARE: I. I have been denied promotions and opportunities by the above-named employer, who employs more than fifteen (15) employees.
II. I presently work at the above employer as an Engineering Assistant I. I have worked at the above employer since November, 1983. I also worked in the same position from 09-77 to 04-79.
III. I believe I have been discriminated against because of my race (Black) inasmuch as:
1. I have applied for promotions and positions with the above employer for which I am well qualified, and those promotions and positions were denied me and given to other, Caucasian applicants. 2. The promotion and selection policies and practices of the above employer have an adverse impact on Black employees and applicants, those policies and practices having an adverse impact are not validated and are not related to bona fide occupational qualifications, and those promotions, policies and practices have had a detrimental effect on me by preventing me from receiving promotions and positions for which I am qualified. 3. As an example of the above discriminatory effect, other, Caucasian applicants and employees with equal or less education, training, experience and other qualifications have received promotions and positions denied me, hold higher classifications than I hold, receive higher pay than I receive, and are allowed overtime opportunities and pay denied me. 4. Black employees with the above employer make up a disproportionate portion of employees providing general services and labor, as opposed to technical services and management. Black employees make up a disproportionate portion of those employees who are denied