

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

CITY OF JACKSON, ALABAMA,

Defendant.

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) Civil Action No. 1:08-cv-00325
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COMPLAINT

Plaintiff United States of America alleges:

1. This action is brought on behalf of the United States to enforce the provisions of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, et seq. ("Title VII").
2. This Court has jurisdiction over this action under 42 U.S.C. § 2000e-5(f) and 28 U.S.C. § 1345.
3. Defendant City of Jackson is a corporate, governmental body and a political subdivision of the State of Alabama, established pursuant to the laws of the State of Alabama.
4. Defendant City of Jackson is a person within the meaning of 42 U.S.C.

§ 2000e(a), and an employer within the meaning of 42 U.S.C. § 2000e(b).

5. Virginia Savage, an African American woman, was employed by the City of Jackson from approximately September 2002 until May 2004 to work at its municipal library, White Smith Memorial Library ("Library").

6. Ms. Savage was employed as a part-time circulation clerk at the Library and earned approximately \$8.08 per hour.

7. In February 2004, Ms. Savage submitted a written complaint to the Equal Employment Opportunity Commission ("EEOC"), alleging that defendant City of Jackson, at its Library, was discriminating against her in the terms and conditions of her employment on the basis of her race.

8. In or about March 2004, Jackson City Councilman Robert Marks visited the Library. Ms. Savage told Councilman Marks that white Library staffers were imposing unwritten, restrictive policies on black patrons' access to Library resources and that she was being discriminated against in her employment conditions because of her race.

9. In or about March 2004, Mayor Richard Long convened a special meeting of several appointed and elected city officials and requested the presence of Ms. Savage to answer questions regarding her allegations about conditions at the Library. At this meeting, Ms. Savage reported that she was being discriminated

against in her employment conditions because of her race.

10. In or about April 2004, Library Coordinator Sheila Finch assembled all Library employees for a meeting, admonished Ms. Savage for having complained about discriminatory treatment in her employment at the Library, and threatened her with discharge.

11. On or about May 7, 2004, defendant City of Jackson, through its agents Library Coordinator Sheila Finch and City Administrator Jesse Miller, discharged Ms. Savage from her employment with the City of Jackson at the Library "due to unacceptable conduct."

12. Up until the time that Ms. Savage was discharged, she had never previously been subjected to any disciplinary action for "unacceptable conduct," or for any other reason.

13. Defendant City of Jackson has retaliated against Ms. Savage because she made written and oral complaints of racially discriminatory treatment in her employment at the Library in violation of Section 704(a) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-3(a), among other ways, by:

- a. Discharging Ms. Savage from her employment at the Library; and
- b. Failing to take appropriate action to remedy the effects of its retaliatory treatment of Ms. Savage.

14. The EEOC received a timely charge filed by Ms. Savage (Charge No. 130-2004 04313), in which she alleged that defendant City of Jackson discharged her from her employment in retaliation for her complaints of racial discrimination and harassment at the Library. Pursuant to §706 of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-5, the EEOC investigated the charge, found reasonable cause to believe that the allegation of retaliation was true, attempted unsuccessfully to achieve through conciliation a voluntary resolution of the matters, and subsequently referred the charge to the United States Department of Justice.

15. All conditions precedent to the filing of suit have been performed or have occurred.

WHEREFORE, plaintiff United States prays this Court grant the following relief:

- a. Enjoin defendant City of Jackson from failing and refusing to:
 - i. provide sufficient remedial relief, including back pay with interest, to make Ms. Savage whole for the loss she has suffered as a result of the retaliation against her as alleged in this Complaint;
 - ii. require the City of Jackson to adopt an anti-retaliation policy

that includes clear, meaningful and well-publicized provisions describing the prohibitions against retaliation in violation of Title VII, describes the responsibilities of all supervisors to report and respond to complaints of discrimination and retaliation, and that establishes an effective mechanism for receiving and responding to complaints of discrimination and retaliation;

- iii. provide adequate training to all City of Jackson employees and officials responsible for responding to complaints of discrimination under Title VII regarding their obligations to avoid unlawful retaliation; and
- iv. take other appropriate nondiscriminatory measures to overcome the effects of discrimination and retaliation.

b. Award compensatory damages to Virginia Savage for mental and/or physical injuries incurred as a result of the retaliation against her as alleged in this Complaint, pursuant to and within the statutory limitations of Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

Plaintiff United States prays for such additional relief as justice may require, together with its costs and disbursements in this action.

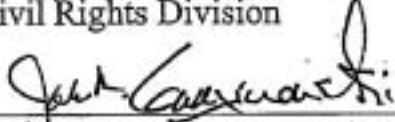
COMPLAINT

The plaintiff United States hereby demands a trial by jury of all issues so triable pursuant to Rule 38 of the Federal Rules of Civil Procedure and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

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