

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

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SOUTHERN DIVISION

FILED IN CLERK'S OFFICE
NORTHERN DISTRICT OF ALABAMA

UNITED STATES OF AMERICA, by
WILLIAM B. SAXBE, the ATTORNEY GENERAL,
on behalf of PETER J. BRENNAN, the
SECRETARY OF LABOR; and the EQUAL
EMPLOYMENT OPPORTUNITY COMMISSION,

) APR 12 1974
) WILLIAM E. DAVIS
) CLERK, U. S. DISTRICT COURT
) *[Signature]*
) DEPUTY CLERK

Plaintiffs,

) CIVIL ACTION
) NO. 74-P-339

v.

ALLEGHENY-LUDLUM INDUSTRIES, INC.;
ARMCO STEEL CORPORATION;
BETHLEHEM STEEL CORPORATION;
JONES & LAUGHLIN STEEL CORPORATION;
NATIONAL STEEL CORPORATION;
REPUBLIC STEEL CORPORATION;
UNITED STATES STEEL CORPORATION;
WHEELING-PITTSBURGH STEEL CORPORATION;
YOUNGSTOWN SHEET & TUBE COMPANY;
and, UNITED STEELWORKERS OF AMERICA,
AFL-CIO-CLC;

) COMPLAINT

Defendants.

The plaintiffs allege:

1. This action is brought in the name of the United States of America by William B. Saxbe, the Attorney General, on behalf of Peter J. Brennan, the Secretary of Labor, to enforce contractual obligations imposed by Executive Order No. 11246, as amended (30 F.R. 12319).

2. This action is also brought in the name of and by the Equal Employment Opportunity Commission, an agency of the United States of America, to enforce the provisions of Title VII of the Civil Rights Act of 1964, as amended (42 U.S.C. §2000e et seq.).

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3. This Court has jurisdiction of this action under 28 U.S.C. §1345 and 42 U.S.C. §2000e-6(e).

4. The defendant Allegheny-Ludlum Industries, Incorporated is incorporated under the laws of the State of Pennsylvania and is doing business in the Northern District of Alabama. It is engaged in the manufacture of steel and other products including materials purchased for the United States Government under direct government contracts and under subcontracts executed with other government contractors. It has in excess of 8,000 employees.

5. The defendant Armco Steel Corporation is incorporated under the laws of the State of Ohio and is doing business in the Northern District of Alabama. It is engaged in the manufacture of steel and other products including materials purchased for the United State Government under direct government contracts and under subcontracts executed with other government contractors. It has in excess of 18,000 employees.

6. The defendant Bethlehem Steel Corporation is incorporated under the laws of the State of Delaware and is doing business in the Northern District of Alabama. It is engaged in the manufacture of steel and other products including materials purchased for the United States Government under direct government contracts and under subcontracts executed with other government contractors. It has in excess of 81,000 employees.

7. The defendant Jones and Laughlin Steel Corporation is incorporated under the laws of the State of Pennsylvania and is doing business in the

Northern District of Alabama. It is engaged in the manufacture of steel and other products including materials purchased for the United States Government under direct government contracts and under subcontracts executed with other government contractors. It has in excess of 29,000 employees.

8. The defendant National Steel Corporation is incorporated under the laws of the State of Delaware and is doing business in the Northern District of Alabama. It is engaged in the manufacture of steel and other products including materials purchased for the United States Government under direct government contracts and under subcontracts executed with other government contractors. It has in excess of 18,000 employees.

9. The defendant Republic Steel Corporation is incorporated under the laws of the State of New Jersey and is doing business in the Northern District of Alabama. It is engaged in the manufacture of steel and other products including materials purchased for the United States Government under direct government contracts and under subcontracts executed with other government contractors. It has in excess of 34,000 employees.

10. The defendant United States Steel Corporation is incorporated under the laws of the State of Delaware and is doing business in the Northern District of Alabama. It is engaged in the manufacture of steel and other products including materials purchased for the United States Government under direct government contracts and under subcontracts executed with other

government contractors. It has in excess of 121,000 employees.

11. The defendant Wheeling-Pittsburgh Steel Corporation is incorporated under the laws of the State of Delaware and is doing business in the Northern District of Alabama. It is engaged in the manufacture of steel and other products including materials purchased for the United States Government under direct government contracts and under subcontracts executed with other government contractors. It has in excess of 15,000 employees.

12. The defendant Youngstown Sheet and Tube Company is incorporated under the laws of the State of Ohio and is doing business in the Northern District of Alabama. It is engaged in the manufacture of steel and other products including materials purchased for the United States Government under direct government contracts and under subcontracts executed with other government contractors. It has in excess of 20,000 employees.

13. Each of the defendants described in the foregoing paragraphs 4 through 12 (hereinafter the Companies) is an employer within the meaning of 42 U.S.C. §2000e-(b), and is engaged in an industry affecting commerce within the meaning of 42 U.S.C. §2000e-(h). Each such defendant, now and at all material times, has been subject to the contractual obligations imposed on Government contractors and subcontractors by Executive Order No. 11246, as amended, and previously by Executive Order No. 10925.

14. The defendant, United Steelworkers of America, AFL-CIO-CLC, is an unincorporated association of more

than 25 members which is engaged in the steel and allied industries and which represents certain employees of the defendants described in paragraph 4 through 12, and which has chartered local unions at the plants and facilities of such defendants. It is a labor organization within the meaning of 42 U.S.C. §2000e-(d) and is engaged in an industry affecting commerce within the meaning of 42 U.S.C. §2000e-(e). It is doing business in the Northern District of Alabama.

15. The defendant Companies have followed a policy of hiring and assigning their employees on the basis of race, color, sex and national origin with minority and female employees being hired for and assigned to the less desirable and generally lower-paying jobs with the least opportunity for advancement and with white male employees being hired for and assigned to the more desirable and generally higher-paying jobs with the greatest opportunity for advancement.

16. The defendant Companies have and are engaged in additional acts and practices which discriminate against minority and female persons with respect to their compensation, terms, conditions and privileges of employment and which limit, segregate and classify their minority and female employees in ways which deprive or tend to deprive them of employment opportunities or adversely affect their status as employees because of their race, color, sex or national origin. These acts and practices include the following:

- a. Requiring more stringent qualifications in hiring, assigning, and transferring of minority and female persons than were and are required of white males hired, assigned or transferred to the same or similar jobs.

b. Failing to provide opportunities for apprenticeship, training and advancement to minority and female applicants for employment and employees equal to those opportunities provided to white male applicants for employment and employees.

c. Failing to provide opportunities for advancement into supervisory positions to minority and female employees equal to those opportunities provided to white male employees.

d. Failing to advertise for, recruit, hire and assign minority and female persons to traditionally white male clerical, technical and supervisory jobs.

e. Failing to take reasonable and appropriate action to correct the present effects of their past discrimination.

17. The defendant Companies and the defendant United Steelworkers of America, AFL-CIO-CLC, have entered into collective bargaining agreements which establish seniority systems and procedures for promotion, demotion, layoff, recall, and transfer which are based upon the length of service in certain occupations, lines of progression, departments, areas or union jurisdictions from which minority and female persons have been excluded or had only limited access, rather than upon total length of service with a defendant employer at one of its facilities and which, therefore, deprive minority and female employees of the opportunity to compete on an equal basis with their white male contemporaries for the more desirable and better-paying jobs and which result

in the returning of minority and female employees from layoff on a basis which perpetuates the effects of past discrimination. The defendant Companies and the defendant United Steelworkers of America, AFL-CIO-CLC, have failed and refused to take action to correct such systems and procedures and to eliminate the discriminatory effects resulting therefrom.

18. The defendants' acts and practices described in the foregoing paragraphs 15 through 17 constitute a pattern or practice of resistance to the full enjoyment of the right to equal employment opportunities without distinctions based on race, color, sex or national origin and such acts and practices are of such a nature and are intended to deny the full exercise of rights secured by Title VII of the Civil Rights Act of 1964, as amended. Such acts and practices of the defendants as are described in the foregoing paragraphs 15 through 17 also constitute a failure by the defendant Companies to comply with their contractual obligations under Executive Order 11246, as amended, and constitute interference and obstruction by the defendant United Steelworkers of America, AFL-CIO-CLC, with compliance by the defendant Companies with their contractual obligations under Executive Order 11246, as amended.

Unless restrained by Order of this Court, the defendants will continue to engage in such acts and practices.

WHEREFORE, plaintiffs pray that the defendants, their officers, agents, members, employees and all other persons and organizations in active concert or participation with them be preliminarily and permanently enjoined from:

1. Failing to advertise for, recruit and hire minority and female applicants for employment on the same basis as white male applicants and without distinction based on race, color, sex or national origin;
2. Failing to assign, transfer and promote minority and female employees without distinction based on race, color, sex or national origin;
3. Failing to adopt and implement seniority and transfer systems which provide employment opportunities to minority and female employees which are equal to those of their similarly qualified white male contemporaries;
4. Failing to make compensatory payments to discriminatorily assigned minority and female employees who have been denied employment opportunities and advancements because of their race, color, sex or national origin, and who have suffered economic loss as a result of such denials.
5. Failing to take such other reasonable actions which are necessary to correct the effects of past discrimination.

Plaintiffs further pray for such additional relief as the cause of justice may require, including costs and disbursements of this action.

Respectfully filed this the ^{12th} day of April,
1974.

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