

the United States Constitution and Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000(e), et. seq., including 42 U.S.C. § 2000e(5)(f), as amended by the Civil Rights Act of 1991, and the remedy provided under 42 U.S.C. § 1983. The named Plaintiffs bring their equal pay action as a collective action under 29 U.S.C. § 216(b) on behalf of themselves and other female employees similarly situated subject to receiving written consent from all such employees to be parties to this action. Finally, the named Plaintiffs bring this action as a class action under Title VII on behalf of all female employees similarly situated subject to perfection of jurisdiction by receipt of notice of right-to-sue from the EEOC.

II. JURISDICTION

2. This Court has jurisdiction under 28 U.S.C. Sections 1331 and 1343(a)(1), (3), (4).

3. Plaintiffs' claims are authorized by 29 U.S.C. Sections 216(b) and 260, 28 U.S.C. Sections 2201 and 2202 (declaratory judgments), and Fed. R. Civ. P. 57, 42 U.S.C. § 2000(e), et. seq., and 42 U.S.C. § 1983 and 1988.

4. Additionally, one or more of the named Plaintiffs have filed charges of gender discrimination with the Equal Employment Opportunity Commission and will request statutory notices of right-to-sue. When named Plaintiffs receive the statutory notices of right-to-sue, they will amend this complaint to allege perfection of jurisdiction under Title VII of the Civil Rights Act of 1964, as

amended, 42 U.S.C. § 2000(e) et. seq.

III. PARTIES

5. Plaintiff Vickie K. Prewett is a female resident of Baldwin County, Alabama and is beyond the age of majority.

6. Plaintiff Christine Hale is a female resident of Dallas County, Alabama and is beyond the age of majority.

7. Plaintiff Deborah Coker is a female resident of Butler County, Alabama and is beyond the age of majority.

8. Plaintiff Vicky Brown is a female resident of Pike County, Alabama and is beyond the age of majority.

9. Plaintiff Lisa Jackson is a female resident of Montgomery County, Alabama and is beyond the age of majority.

10. Plaintiff Teresa Thomason is a female resident of Colbert County, Alabama and is beyond the age of majority.

11. Susan W. Collier is a female resident of Mobile County, Alabama and is beyond the age of majority

12. Plaintiff Valerie Porter Williams is a female resident of Russell County, Alabama and is beyond the age of majority.

13. Plaintiff Betty Dubose is a female resident of Bullock County, Alabama and is beyond the age of majority.

14. Defendant State of Alabama, Department of Veterans Affairs, is the duly constituted agency of the State of Alabama created pursuant to Alabama Code § 31-5-1, et. seq. to provide assistance to veterans of the United States Armed Forces.

15. Defendant the Alabama State Personnel Department is the

agency of Alabama created under Alabama Code § 36-26-1, et. seq. which administers the State of Alabama personnel and merit system.

IV. FACTUAL ALLEGATIONS

16. Named Plaintiffs Vickie K. Prewett, Christine Hale, Deborah Coker, Vicky Brown, Lisa Jackson, Valerie Porter Williams and Betty Dubose have each been employed for more than three years in the position of County Veterans Affairs Assistant (classified as Administrative Support Assistant) with Defendant Alabama Department of Veterans Affairs. In that position each of these named Plaintiffs performs many duties related to the delivery of counseling and other services to citizens of Alabama who are veterans, former members of the Armed Services of the United States of America.

17. Named Plaintiffs Teresa Thomason and Susan W. Collier were employed within the last two years in the position of County Veterans Affairs Assistant (classified as administrative support assistant) with Defendant Alabama Department of Veterans Affairs. In that position they performed many duties related to the delivery of counseling and other services to citizens of Alabama who are veterans, former members of the Armed Services of the United States of America.

18. Throughout the period in which the named Plaintiffs enumerated in paragraphs 16 and 17 above have performed these duties and continuing to the present date, Defendants have employed males in the position of "Veteran Service Officer," including one such male employed in close proximity to each of these named

Plaintiffs, at a salary level substantially higher than the named Plaintiffs. The duties the males perform are essentially the same as the duties of the named Plaintiffs, requiring equal skill, effort and responsibility and performed under similar working conditions as those performed by the named Plaintiffs. Specifically, each of the named Plaintiffs have been employed in close proximity to a Veteran Service Officer, a male performing equal work, who has been compensated and is compensated at a rate as much as fifty percent higher than the rate of compensation paid by Defendants to each named Plaintiff.

19. On numerous occasions it has been called to the attention of Defendants that they were compensating female administrative assistants, such as the Plaintiffs in the instant litigation, at levels considerably below the compensation paid to male Veteran Service Officers despite the fact that the two groups of employees were performing equal work. However, Defendants have persisted in their policy of providing the female administrative assistants with unequal pay, discriminating against them on account of their gender, female.

20. At all times relevant to this litigation Defendants have known that Plaintiffs were receiving unequal pay and were being discriminated against in salary on the basis of sex, female, and had no reasonable grounds for believing that their action did not violate the law, but Defendants have intentionally and willfully maintained this practice and refused to correct it.

21. On November 30, 2000 named Plaintiffs Vickie K. Prewett,

Christine Hale, Deborah Coker, Vicky Brown, Lisa Jackson, Valerie Porter Williams and Betty Dubose filed charges of discrimination with the United States Equal Employment Commission addressing the sex discrimination described above. Those charges remain pending with the United States Equal Employment Opportunity Commission. Those named Plaintiffs will request that the EEOC expeditiously process the charges and issue to those named Plaintiffs statutory notices of right-to-sue at the earliest possible date. As soon as these named Plaintiffs have received their notices of right-to-sue, the notices will be filed with this Court along with an amendment to the complaint in the instant lawsuit alleging perfection of jurisdiction under Title VII of the 1964 Civil Rights Act, as amended, 42 U.S.C. § 2000(e), et. seq.

22. As a result of Defendants' discriminatory practice of compensating male Veteran Service Officers at a higher rate than that of the female administrative support assistants described above, even though males are performing work equal to that of the Plaintiffs, and as a result of Defendants' repeated failure and refusal to rectify this sex discrimination, the Plaintiffs in this action, and the Plaintiff Class subsequently described herein have not only been denied the salaries to which they should be entitled but have also incurred severe mental distress and emotional suffering.

23. Plaintiff Susan W. Collier, and, upon information and belief, other former female County Veteran Affairs Assistants employed by Defendants within the last three years, were construc-

tively terminated by Defendants' policy of grossly underpaying said females, by comparison to male Veteran Service Officers, which presented working conditions which would be deemed intolerable to a reasonable person and which caused Collier and others to resign or retire from those positions as a result of Defendants' discriminatory salary policies.

24. Throughout the State of Alabama and possibly beyond there are many present and former female administrative support assistants employed by Defendants in proximity to male Veteran Service Officers and who are being or have been paid unequal pay under circumstances closely similar or identical to those described for the named Plaintiffs above. Accordingly, the Plaintiffs, subject to the requirements and restrictions of Section 16(b) of the Fair Labor Standards Act, 29 U.S.C. § 216(b), bring this action on behalf not only of themselves but on behalf of the other female employees similarly situated and suffering from violation of their rights under the Equal Pay Act. Attached to this complaint as "Exhibit A" are the written consents of the named Plaintiffs to be parties in this action. Plaintiffs will be filing a motion with the Court pursuant to the provisions of 29 U.S.C. § 216(b) to proceed with contacting all other similarly situated females requesting their written consent to become parties in this collective action and will amend this complaint appropriately if additional written consents are received.

V. COUNT ONE - EQUAL PAY ACT CLAIM

25. Plaintiffs reaver and incorporate by reference the allegations set out in paragraphs 1 through 24 above.

26. Defendants have discriminated against Plaintiffs by paying salaries to Plaintiffs at a rate less than the rate at which they pay to an employee of the opposite sex for equal work on a job the performance of which requires equal skill, effort and responsibility and which are performed under similar working conditions to those experienced by Plaintiffs. Accordingly Defendants have violated the Federal Pay Act, 29 U.S.C. Section 206(d)(1).

27. Defendants' violations of the EDA have been intentional and willful and Defendants have had no reasonable grounds for believing that their actions did not violation the law.

28. Through the above-described actions of Defendants, Plaintiffs have been damaged in that they has been denied a proper and appropriate salary as described above.

PRAYER FOR RELIEF, EQUAL PAY ACT CLAIMS

WHEREFORE, the premises considered, Plaintiffs respectfully pray:

1. That this Court upon hearing, issue a declaratory judgment that the acts and practices of the Defendants, described above, have willfully violated Plaintiffs' rights under the Equal Pay Act, 29 U.S.C. Section 206(d)(1), et. seq.

2. That this Court, upon hearing, issue a permanent injunction affirmatively enjoining Defendants from failing to

compensate Plaintiffs at a salary level commensurate with that paid to male supervisors performing jobs equal to that performed by Plaintiffs.

3. That this Court, upon hearing, award to Plaintiffs back wages pursuant to 29 U.S.C. Section 216(b) and prejudgment interest upon back wages.

4. That this Court award to Plaintiffs pursuant to 29 U.S.C. Section 216(b) liquidated damages in amounts equal to the awards of backpay, plus prejudgment interest, prayed for above.

5. That this Court award reasonable fees to the Plaintiffs' attorneys and litigation expenses pursuant to 29 U.S.C. Section 216(b) and allow Plaintiffs their costs pursuant to Fed. R. Civ. P. 54(d), and award such additional or alternative relief as may be just, proper and equitable.

VI. COUNT TWO - CLAIMS UNDER TITLE VII AND THE EQUAL PROTECTION CLAUSE FOR SEX DISCRIMINATION

29. Plaintiffs reaver and incorporate by reference the allegations set out in paragraph 1 through 24 above.

30. In their actions described above, Defendants have intentionally discriminated against Plaintiffs on the basis of their sex by intentionally failing and refusing to pay them salaries equal to those paid to males performing equal work.

PRAYER FOR RELIEF, TITLE VII AND EQUAL PROTECTION CLAIM

WHEREFORE, Plaintiffs respectfully pray this Court to advance this case on the docket, order a speedy hearing at the earliest,

practical date, and upon such hearing to:

(A) Grant a preliminary and permanent injunction enjoining Defendant, their agent, successors, employees, attorneys and those acting in concert with them at their direction for failing to compensate Plaintiffs at a level equal to the salary Defendants are paying to the highest paid male performing work equal to that of Plaintiffs; and

(B) Grant Plaintiffs a declaratory judgment that the policies and practices complained of herein violate the provisions of 42 U.S.C. § 2000(e), et. seq., 42 U.S.C. § 1983 and the Equal Protection Clause of the United States Constitution; and

(C) Issue injunctive and equitable relief determining that Plaintiff Susan W. Collier has been constructively terminated from her position by Defendants' discriminatory salary policies and reinstate said Plaintiff into her previous position with proper salary or award frontpay to compensate her for her ongoing loss of salary incurred as a result of her constructive termination by Defendants.

(D) Award Plaintiffs backpay to compensate them for the loss of salary they have incurred by being paid less than males performing equal work; and

(E) Award Plaintiffs compensatory damages for Plaintiffs' emotional pain and suffering, inconvenience, mental anguish and loss off enjoyment of life; and

(F) Award Plaintiffs their costs and expenses in prosecuting this action, including an award of reasonable attor-

neys' fees; and

(G) Grant Plaintiffs such other and further relief as equity and justice require.

CLASS ACTION, TITLE VII AND EQUAL PROTECTION CLAIMS

31. Named Plaintiffs Vickie Prewett, Christine Hale, Deborah Coker, Vicky Brown, Lisa Jackson, Teresa Thomason, Valerie Porter Williams and Betty Dubose also bring this action on their own behalf and, pursuant to Rules 23(b)(2) and (3) of the Federal Rules of Civil Procedure on behalf of a class of Plaintiffs described as:

All adult females in Alabama who, at any time since two years before the filing of the present lawsuit have been employed by Defendants as County Veterans Affairs Assistants (Administrative Support Assistants) doing work equal to males employed as Veteran Service Officers but receiving lesser, unequal pay.

32. The class of persons Plaintiffs seek to represent is so numerous that joinder of all members is impractical. There are questions of law and fact common to the class. Plaintiffs' claims are typical of those of the class. Plaintiffs will, in their representative capacities fairly and adequately protect the interest of the class.

TITLE VII/EQUAL PROTECTION CLASS FACTUAL ALLEGATIONS

33. For at least two years prior to the filing of this action

the members of the Plaintiff class, including the named Plaintiffs, have been employed as County Veterans Affairs Assistants (Administrative Support Assistants) in Alabama and have been doing the same work as males employed as Veteran Service Officers while the males have received salaries of approximately fifty percent higher than the salaries received by members of the Plaintiff class.

34. Defendants have maintained a discriminatory salary policy and schedule as described above intentionally and willfully discriminating against the members of the Plaintiff class on account of their gender, female.

35. The members of the class have suffered damage in that they have received discriminatory lower salaries, as compared to the male comparators, have been constructively terminated from their positions and have also suffered severe mental suffering and emotional distress.

PRAYER FOR CLASS RELIEF

WHEREFORE, the premises considered, the Plaintiff class respectfully prays that this Honorable Court:

(A) Certify this action as a class action with respect to the above-described claims arising under 42 U.S.C. § 2000(e), § 1981(a) and § 1983 and the Equal Protection Clause of the United States Constitution and direct issuance of notice to all class members of the pendency of this action: and

(B) Upon appropriate hearings grant a declaratory judgment that the policies and practices complained of herein

violate the provisions of 42 U.S.C. § 2000(e), et. seq., and the Equal Protection Clause of the United States Constitution and that the members of Plaintiff class are entitled to a remedy under 42 U.S.C. § 1983; and

(C) Grant a preliminary and permanent injunction enjoining Defendants, their agents, successors, employees, attorneys and those acting in concert with them or at their discretion from failing to compensate all members of the Plaintiff class at levels equal to the salaries Defendants are paying to the highest paid males performing work equal to that of members of the Plaintiff class, reinstating or awarding frontpay to all members of the Plaintiff class who have been constructively terminated from their positions; and

(D) Award each member of the Plaintiff class backpay to compensate her for the loss of salary she has incurred by being paid less than males performing equal work; and

(E) Award each member of the Plaintiff class compensatory damages for her emotional pain and suffering, inconvenience, mental anguish and loss of enjoyment of life occasioned by Defendants' discrimination against her on the basis of gender; and

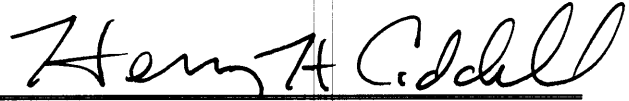
(F) Award the Plaintiff class its costs and expenses in prosecuting this action, including an award of reasonable attorneys' fees; and

(G) Grant the Plaintiff class such other and further relief as justice requires.

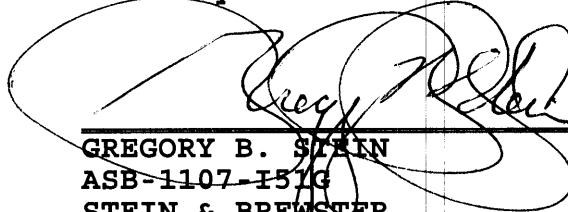
Respectfully submitted this the 5th day of December, 2000.



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JURY DEMAND

Plaintiffs respectfully demand trial by jury on all issues triable by jury.



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