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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

FILED
NOV 23 2001

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA

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GEORGIA GRAY HAMPTON, ET AL.,)
Plaintiffs)

v.)

SECRETARY, DEPARTMENT OF)
VETERANS' AFFAIRS,)
Defendant.)

Case No. :CV-01-~~1526~~-S

AMENDED COMPLAINT

UNLAWFUL DISCRIMINATION - VIOLATION OF CIVIL RIGHTS

1. Plaintiffs, by and through their undersigned counsel, Jimmy A. Bell, Esq., respectfully present this amended complaint against Defendant to enforce their rights under the Title VII of Civil Rights Act of 1964, 42 U.S.C. §§ 2000e, et seq. and 42 U.S.C. § 1981(a).

JURISDICTION

2. Jurisdiction of this Court is based upon the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e, et seq. and 42 U.S.C. § 1981(a).
3. Venue lies in Alabama as the discriminatory acts complained of occurred within said jurisdiction. 28 U.S.C. section 1391, et seq.

FACTUAL BASIS OF THE COMPLAINT

4. Plaintiffs Georgia Hampton, Laurie Duncan, Sandra Gardner, Mary S. Williams, Doris J. Blue, Kathleen Duncan, Devin White are is an African American citizen of the United States who reside in Birmingham, Alabama.
5. Plaintiffs Georgia Hampton, Laurie Duncan, Sandra Gardner, Mary S. Williams, Doris J. Blue, Kathleen Duncan, Devin White, are members of a protected class (African-American).

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6. Plaintiffs Georgia Hampton, Laurie Duncan, Sandra Gardner, Mary S. Williams, Doris J. Blue, Kathleen Duncan, are members of a protected class (Female).
7. Plaintiffs are employees of the VA Hospital in Birmingham, Alabama.
8. Plaintiffs engaged in protected conduct by filing a discrimination complaints against employees of the Defendant for violations of their rights under the Title VII of Civil Rights Act of 1964, 42 U.S.C. §§ 2000e, et seq. and 42 U.S.C. § 1981(a).
9. Defendant's employee supervisors knew of plaintiffs' protected conduct (filing a EEO complaints against other VA Hospital employees).
10. Plaintiffs suffered numerous adverse employment actions after engaging in protected conduct.
11. There is a causal link between the protected conduct that the plaintiffs engaged in and the defendant's adverse action against plaintiffs.
12. Plaintiffs have been subjected to repeated discrimination and malicious acts as a direct and proximate result of their having filed discrimination complaints against other VA employees.
13. Plaintiffs have been subjected to repeated retaliation and malicious acts as a result of filing a discrimination complaint against their immediate supervisors.
14. Plaintiffs were treated differently than similarly situated individuals white and or male employees outside of the plaintiffs' protected class.
15. There is a causal link between the disparate treatment of those who had not engaged in protected activity, or who had engaged in similar activity to the plaintiffs albeit non-protected, but who were not similarly treated by the defendant.

STATEMENT OF CLAIMS

Claim I. Georgia Hampton

16. Plaintiff alleges and realleges paragraphs 1 through 15, with the same force and effect as if set forth separately and at length herein.
17. Plaintiff Georgia Hampton was discriminated against based race (black) and on reprisal (prior EEO activity) when:
18. On or about June 17, 1999, Defendant's supervisory employee directed one of

plaintiff's co-workers to monitor plaintiff's telephone use.

19. On July 14, 1999, Defendant issued plaintiff a letter of proposed reprimand and a letter of reprimand on August 27, 1999.
20. On February 10 2000, Defendant issued plaintiff a letter of proposed reprimand.
21. On April 14, 2000, Defendant supervisory employee denied plaintiff time to prepare for discovery in connection with the processing of a prior discrimination complaint.
22. On April 14, 2000, Defendant supervisory employee charged plaintiff with AWOL for not reporting to work station.
23. Defendant disciplined her without justification for taking sick leave.
24. Defendant transferred her to a unit with more physically onerous duties after seeking accommodation for light duty work because of the on the job injury while white employees were not similarly treated. In fact, one white employee who complained about "too much work" was moved to a less demanding unit.
25. Defendant instituted rigorous standards if she wanted annual or sick leave and arbitrarily denied leave.
26. On June 4, 2000, Defendant employee police officer, Kurt Bynum issued the plaintiff a ticket at the direction of management.
27. On June 13, 2000 Defendant issue plaintiff a proposed suspension for 5 calendar days. On August 17, 2000, Defendant informed plaintiff that she would be suspended for 5 days. The suspension action was effected from August 27 through August 31, 2000.
28. On October 3, 2000, a co-worker was uncooperative in discharging a patient for whom plaintiff had responsibility and Plaintiff recorded the incident on the "patient report tape" which was taken mysteriously.

Claim II. Laurie Duncan

29. Plaintiff alleges and realleges paragraphs 1 through 15, with the same force and effect as if set forth separately and at length herein.
30. Plaintiff Laurie Duncan was discriminated against based on her race (black), color (black) and sex (female) when;
31. In September 1998, a white male employee used his cane to hoist her skirt above

her head. Although she reported it to management, nothing was to ensure that she was not harassed. The white male stalked her, chased her, and made derogatory comments to Plaintiff. Plaintiff experienced fear in the workplace and was ignored when she complained to her immediate supervisor.

32. Plaintiff also alleges that she was being paid less than similarly situated whites.
33. Plaintiff Laurie Duncan was discriminated against based on her race (black), color (black) and sex (female) when;
34. On May 5, 1999 her co-worker Dennis Futch (whom plaintiff had filed a previous sexual harassment EEO complaint against) entered her work area despite instructions not to do so by management.

Claim III Sandra Gardner

35. Plaintiff alleges and realleges paragraphs 1 through 15, with the same force and effect as if set forth separately and at length herein.
36. Plaintiff Gardner's official filing date of her amended EEO complaint was March 21, 2001.
37. Plaintiff Sandra Gardner was discriminated against based on her sex (female) and reprisal for Prior EEO activity when:
38. The defendant failed to pay her overtime and Sunday premium pay as earned (10/00);
39. The defendant refused to provide a straight evening tour with set off days as had been done with a male (white) LPN that works the same tour as plaintiff and performs the same job (1/31/01);
40. The defendant required her to work the remainder of her scheduled tour of duty after approved union training (10/16-17/00);
41. The defendant repeatedly changed plaintiff's days off with they fell on a holiday and manipulates the schedule to show the same days off(1/15/01);
42. Defendant supervisor unfairly questioned the amount of work produced on (1/2/01);
43. Defendant employee health Nurse called plaintiff's personal physician for a second time to verify her work status (3/13/01 or 3/14/01);
44. Defendant refused to pay plaintiff her sick leave even though other employees donated sick leave;

45. Defendant charged plaintiff for union time she had not taken which reduced the amount of time chargeable to authorized absence available to plaintiff.

Claim IV Mary S. Williams

46. Plaintiff alleges and realleges paragraphs 1 through 15, with the same force and effect as if set forth separately and at length herein.
47. Plaintiff Williams official filing date of her EEO complaint was November 8, 2001.
48. Plaintiff Mary S. Williams was discriminated against because of her sex (female), age (54) and race (black) when:
49. On September 14, 2000, she learned a white male co-worker, who was younger than her, was appointed as a Health Tech at the GS-5 level on or about December 1999 while she was hired a GS-4 in the same position.

Claim V Doris J. Blue

50. Plaintiff alleges and realleges paragraphs 1 through 15, with the same force and effect as if set forth separately and at length herein.
51. Plaintiff Doris J. Blue was discriminated against because of her sex (female), race (black) and national origin (black) when:
52. On November 13, 14, 16, and 26, 1997, and on December 3, 1997, when the Chief, Nursing Service, denied her requests for a change in her tour of duty and her requests for overtime.
53. On November 13, 14, 16, and 26, 1997, and on December 3, 1997, when the Chief, Nursing Service, requested her to report to him and take annual leave whenever she had to go off station to conduct union business.
54. On December 2, 1997, when she requested a shift change and was subjected to harassment.
55. Plaintiff Doris J. Blue was discriminated against because of her sex (female), race (black) and reprisal (prior EEO activity) when:
56. On December 23, 24, 28, 1998, and January 5, 1999, when her requests for leave were denied.
57. On December 23, 1998, when she was charged with eight hours of leave without pay (LWOP).

- 58. On December 24, 1998, when she charged with four hours of LWOP.
- 59. Plaintiff Doris J. Blue was discriminated against because of reprisal (prior EEO activity) when:
- 60. On November 28, 2001, Plaintiff was charged with eight hours of AWOL.
- 61. Plaintiff's Blue official filing date of this EEO complaint was February 21, 2001.

Claim VI Kathleen Duncan

- 62. Plaintiff alleges and realleges paragraphs 1 through 15, with the same force and effect as if set forth separately and at length herein.
- 63. Plaintiff Kathleen Duncan was discriminated against because of race (black) and color (black) when:
- 64. On May 30, 2000, she was issued a notice of suspension for 14 days.
- 65. Plaintiff Kathleen Duncan was discriminated against because of reprisal (prior EEO activity) when:
- 66. On January 8, 2001, during the course of her performance evaluation, Plaintiff's supervisor stated that plaintiff was "so dumb that she could not read or write."
- 67. On January 8, 2001, Plaintiff's supervisor implied that she had removed paperwork from his office without permission.
- 68. On March 2, 2001, Plaintiff's supervisor informed plaintiff that she could no longer order supplies; reused to give plaintiff and explanation.
- 69. In April 2001, plaintiff was ordered to be fingerprinted and was issued a proposed removal.
- 70. Defendant terminated plaintiff because of she had not been fingerprinted for a second time.
- 71. Plaintiff's official filing date of this EEO amended complaint was March 5, 2001.

Claim VII Devin White

- 72. Plaintiff alleges and realleges paragraphs 1 through 15, with the same force and effect as if set forth separately and at length herein.
- 73. Plaintiff Devin White was discriminated against because of race (black).

74. Plaintiff Devin White applied for a promotion, but was denied.

75. A person of Caucasian race filled the position in April 2000.

RELIEF

76. Plaintiff seeks the following relief:

77. Compensatory damages for pain and suffering, humiliation and discrimination is \$300,000 dollars for each individual plaintiff, per each violation or discriminatory act by the defendant.

78. Pre and Post-judgment interest.

79. The cost of litigation, including reasonable attorney's fees and expert witness fees.

80. Such other relief that the court deems just.

81. Plaintiffs Demand a Jury Trial.



Jimmy A. Bell, Esq. (**LEAD COUNSEL**)

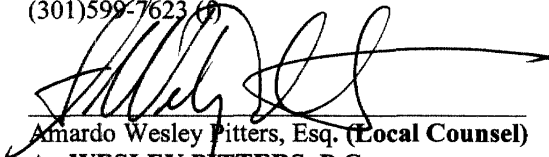
Law Office of Jimmy A. Bell, P.C.

9610 Marlboro Pike

Upper Marlboro, MD 20772

(301)599-7620 (p)

(301)599-7623 (f)



Amardo Wesley Pitters, Esq. (**Local Counsel**)

A. WESLEY PITTERS, P.C.

1145 South Perry Street (36104)

P.O. Box 1973

Montgomery, AL 36102-1973

(334)265-3333 (p)

(334)265-3411 (f)

Everal F. Thompson (AWP)

Everal F. Thompson, Esq.
4201 Connecticut Avenue, N.W.
Suite 404
Washington, DC 20008
(202)237-8870 (p)
(202)966-5270 (f)

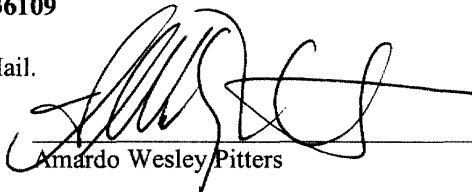
CERTIFICATE OF SERVICE

I hereby certify that on this the 23 day of November, 2001, a copy of the foregoing was duly served upon the following :

**Honorable Alice H. Martin
Honorable Jenny L. Smith
OFFICE OF THE UNITED STATES ATTORNEY
200 Vance Federal Building
1800 Fifth Avenue North
Birmingham, Alabama 35203-2189**

**Honorable John E. Hauge
Department of Veterans Affairs
345 Perry Hill Road
Montgomery, Alabama 36109**

by depositing the same in the United States Mail.


Amardo Wesley Pitters