



to provide appropriate relief to Michael Brooks, Willie Brooks, David Dunn, Shedrick Winfield, Kevin Gautier, (sometimes referred to herein as the “identified aggrieved parties”) and all individuals similarly situated to them, who were adversely affected by their being denied employment in construction positions by TIC - The Industrial Company (“TTIC”), and its parent company, TIC Holdings, Inc. (“TICH”) (sometimes herein referred to collectively as “TIC” or “Defendant”), because of their race (Black).

### **JURISDICTION AND VENUE**

1.

Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343 and 1345. This action is authorized and instituted pursuant to Section 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-5(f)(1) and (3), and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

2.

Venue is proper in this Court under Section 706(f)(3) of Title VII, 42 U.S.C. § 2000e-5(f)(3).

## **PARTIES**

3.

Plaintiff, the United States Equal Employment Opportunity Commission (the “Commission”), is the agency of the United States of America charged with the administration, interpretation and enforcement of Title VII, and is expressly authorized to bring this action by Section 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-5(f)(1) and (3), and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

4.

Made Defendants herein are TTIC and TICH, which have at all relevant times been, to the information and belief of Plaintiff, corporations organized under the laws of the State of Delaware and doing business within the State of Louisiana, and which have at all times relevant had at least fifteen (15) employees.

5.

At all relevant times, Defendants have been employers engaged in an industry affecting commerce within the meaning of Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. §§ 2000e(b), (g) and (h).

## STATEMENT OF CLAIMS

6.

Since at least April of 1994, Defendant has failed, in violation of Section 709(c) of Title VII, 42 U.S.C. § 2000e-8(c), to make and preserve records relevant to the determination of whether unlawful employment practices have been or are being committed.

7.

More than thirty (30) days prior to the institution of this lawsuit, the identified aggrieved parties filed charges of discrimination with the Commission alleging violations of Title VII by TTIC. All conditions precedent to the institution of this lawsuit have been fulfilled.

8.

At all times relevant, TICH has been on notice of, and participated in the investigation of, the charges of discrimination filed by the identified aggrieved parties against TTIC.

9.

Because of their race (Black), Brooks, Brooks, and Dunn, were denied employment by Defendant in Geismar, Louisiana, in or about April of 1994 in positions of construction work, including pipe welder and/or pipe fitter.

10.

Because of their race (Black) Winfield and Gautier, were denied employment by Defendant in Shreveport, Louisiana, in or about February - March of 1997, in positions of construction work.

11.

On a nationwide basis since at least 1994, Defendant has denied employment to Black individuals in construction positions because of their race as a consequence of Defendant's recruiting and hiring policies.

12.

The unlawful practices of Defendant complained of herein have deprived the identified aggrieved parties, and all individuals similarly situated, of equal employment opportunities because of their being Black.

13.

The unlawful employment practices complained of herein, which include but are not limited to a specific set of written policies, procedures, and rules dictating the manner in which individuals are to be recruited and hired, were and are intentional. In the alternative, they are the result of facially neutral policies and practices which have an unintentionally discriminatory disparate impact on Blacks as a class.

14.

The unlawful employment practices complained of herein were and continue to be done with malice or with reckless indifference to the federally protected rights of the identified aggrieved parties and all other similarly situated individuals.

15.

The EEOC is entitled under Title VII, as a “complaining party,” to recover punitive damages for all violations alleged herein shown to have been committed with malice or reckless indifference to the federally protected right of any aggrieved person.

**PRAYER FOR RELIEF**

*WHEREFORE*, the Commission respectfully requests that this Court:

- A. Grant a permanent injunction enjoining TTIC and TICH, their officers, successors, assigns, and all persons in active concert or participation with them, from refusing to hire, and from failing to recruit individuals because they are Black, and any other employment practice which discriminates on the basis of race;
- B. Order TTIC and TICH to institute and carry out policies, practices, and programs which provide equal employment opportunities for persons of all

races, and which eradicate the effects of their past and present unlawful employment practices;

- C. Order TTIC and TICH to make whole the identified aggrieved individuals, and all those similarly situated, by providing appropriate backpay with prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices, including but not limited to front pay or reinstatement;
- D. Order TTIC and TICH to make whole the identified aggrieved individuals, and all those similarly situated, by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described above, including but not limited to relocation expenses, job search expenses, and medical expenses not covered by the Employer's employee benefit plan, in amounts to be determined in the course of the proceedings;
- E. Order TTIC and TICH to make whole the identified aggrieved individuals, and all those similarly situated, by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of herein, including but not limited to emotional pain, suffering, inconvenience,

loss of enjoyment of life, and humiliation, in amounts to be determined in the course of the proceedings;

- F. Order TTIC and TICH to pay punitive damages to the identified aggrieved individuals, and those similarly situated, and to the EEOC as a complaining party, for its malicious and reckless conduct described above, in amounts to be determined at trial;
- G. Award the Commission its costs of this action; and
- H. Grant any and all other relief, legal or equitable, which the Court deems necessary and proper in the public interest.

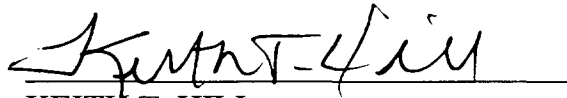
### **JURY TRIAL DEMAND**

In accordance with Rules 38 and 39 of the Federal Rules of Civil Procedure, the Commission hereby requests a jury on all issues raised in the instant Complaint which may be tried by jury.

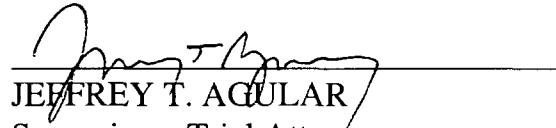
Respectfully submitted,

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Acting Deputy General Counsel  
No Bar Roll Number Assigned

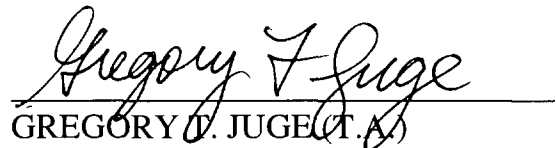




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**TIC HOLDINGS, INC. - NO LISTING IN LOUISIANA**