

4. The City of Pontiac 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. Defendant Local #376 Fire Fighters Union, International Association of Fire Fighters ("Local #376") is a local chapter of the International Association of Fire Fighters, a union of professional fire fighters and paramedics. Local #376 is a labor organization within the meaning of 42 U.S.C. § 2000e(d). Local #376 is named as a party pursuant to Federal Rule of Civil Procedure 19(a).

6. The City of Pontiac and Local #376 have entered into and maintained collective bargaining agreements ("CBAs") regarding various aspects of work and terms and conditions of employment at the PFD. Since 1984, these CBAs have contained a dual system for both hire and promotion based upon race and sex.

7. The CBA currently in force requires that hiring in the PFD be subject to the following race and sex-based criteria:

Dual lists will be established with one list being all candidates in total score order and the second list a special list of the minorities, including women, in total score order. Hiring will be made from the first list in order except that at least one (1) minority must be hired of every three (3) hires. In order to achieve this, the second list will be used if there is not at least one (1) minority for every three (3) hires from the first list. This dual list procedure will be in effect through the duration of the contract.

8. The CBA currently in force requires that various promotions in the PFD be subject to the following race and sex-based criteria:

Dual lists will be established with one being in score order for all the candidates and the second list being the minorities, including

women, in score order. Promotions are to be made from the first list except that at least one (1) minority will be promoted out of every three (3) promotionals. The second list will be used to accomplish this if the first list does not result in at least one (1) minority promoted out of every three (3) promotions. The dual list will be in effect though the duration of the contract.

9. The City of Pontiac, through the PFD, has pursued and continues to pursue policies and practices that discriminate against applicants for employment and employees based on race and sex in violation of Section 703(a) of Title VII, 42 U.S.C. § 2000e-2(a), by explicitly creating and maintaining a dual system for hire and promotion requiring that one out of every three hires or promotions be given to a “minority.” As set forth above, the term “minority” includes women as used in the CBA.

10. The acts, omissions, policies and practices of the City of Pontiac described in paragraphs 6-9, *supra*, constitute a pattern or practice of: (a) resistance to the full enjoyment by non-minorities of their rights to equal employment opportunities in the PFD without discrimination based on race; and (b) resistance to the full enjoyment by men of their rights to equal employment opportunities in the PFD without discrimination based on sex, in violation of Section 707 of Title VII, 42 U.S.C. § 2000e-6. This pattern or practice is of such a nature and is intended to deny the full exercise of the rights secured by Title VII of the Civil Rights Act of 1964, as amended. Unless enjoined by order of this Court, the City of Pontiac will continue to pursue policies and practices that are the same as or similar to those alleged in this Complaint.

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

WHEREFORE, the United States prays that this Court issue an Order enjoining the City of Pontiac, its officers, agents, employees, successors and all persons in active concert or participation with it, and Local #376 as appropriate, from engaging in discriminatory employment policies and practices against applicants for employment and employees in the PFD based on race or sex, and specifically from:

(a) basing hiring opportunities in the PFD on dual lists requiring every third hire to be made to a minority;

(b) basing promotion opportunities in the PFD on dual lists requiring every third promotion to be made to a minority;

(c) failing or refusing to award make whole relief to individuals who have suffered loss as a result of the discriminatory policies and practices alleged in this Complaint; and

(d) failing or refusing to take other appropriate nondiscriminatory measures to overcome the effects of the discriminatory practices.

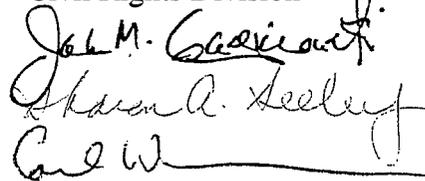
Plaintiff United States prays for such additional relief as justice may require, including equitable relief, together with its costs and disbursements in this action.

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