

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

v.

THE CITY OF BELEN, NEW MEXICO,

Defendant.

COMPLAINT

Plaintiff, United States of America, alleges:

1. This action is brought on behalf of the United States to enforce the provisions of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, et seq. ("Title VII").
2. This Court has jurisdiction of the action under 42 U.S.C. §§ 2000e-5(f), 6(b), and 28 U.S.C. § 1345.
3. Defendant City of Belen, New Mexico ("City of Belen") is a political subdivision of the State of New Mexico created pursuant to the laws of the State of New Mexico.
4. Defendant City of Belen 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 City of Belen has pursued and continues to pursue policies or practices that discriminate against women on the basis of their sex in violation of Section 703(a) of Title VII, 42 U.S.C. §§ 2000e-2(a), by:

a. Creating, maintaining, and condoning sexual harassment and a sexually hostile work environment in the Belen Police Department ("BPD").

b. Failing or refusing promptly and effectively to investigate and to take prompt and effective steps to remedy and prevent the conduct described in Paragraph 5(a).

1. The policies or practices of Defendant City of Belen described in paragraph 5, supra, constitute a pattern or practice of resistance to the full enjoyment by women of their rights to equal employment opportunities in the BPD without discrimination based on sex in violation of Section 707 of Title VII, 42 U.S.C. § 2000e-6. The pattern or practice is of such a nature and is intended to deny the full exercise of the rights secured by Title VII. Unless enjoined by order of this Court, Defendant City of Belen will continue to pursue policies and practices that are the same as or similar to those alleged in this complaint.
2. Defendant City of Belen has discriminated against Terry Piersol in violation of Section 703(a) and retaliated against her in violation of Section 704(a) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000e-2(a) and § 2000e-3(a), among other ways, by:

- a. Suspending Ms. Piersol from her position as a Sergeant in the BPD on or about February 15, 1996 and terminating her employment from the BPD on or about February 29, 1996 because of her sex and because she assisted in bringing sexual harassment complaints of Lucy Atencio and Genelle Gallegos, females then employed as Dispatchers in the BPD, to the attention of management in or about January 1996; and
- b. Failing or refusing to take appropriate action to remedy the effects of the discriminatory treatment of Ms. Piersol.
 1. The Equal Employment Opportunity Commission (EEOC) received a timely charge filed by Terry Piersol (Charge No.390-96-0999) in which she alleged that the BPD had discriminated against her on the basis of her sex (female) and retaliated against her in violation of Title VII. Pursuant to Section 706 of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-5, the EEOC investigated the charge, found reasonable cause to believe that the allegations of discrimination in employment on the basis of sex and retaliation were true, attempted unsuccessfully to achieve through conciliation a voluntary resolution of these matters, and subsequently referred the charge to the Department of Justice.
 2. All conditions precedent to the filing of suit have been performed or have occurred.

WHEREFORE, plaintiff United States prays that this Court grant the following relief:

a. Enjoin Defendant City of Belen from engaging in discriminatory employment policies and practices against women based on their sex and specifically from:

- (1) Subjecting females to sexual harassment and a sexually hostile work environment in the BPD; and
- (2) Failing or refusing promptly and effectively to investigate and to take prompt and effective steps to remedy and prevent conduct that constitutes sexual harassment and a sexually hostile work environment against women in the BPD.

b. Enjoin Defendant City of Belen from failing or refusing to provide sufficient remedial relief to the charging party, Terry Piersol, to make her whole for the loss she has suffered as the result of the discrimination against her as alleged in the complaint.

c. Award compensatory damages to Terry Piersol to fully compensate her for injuries caused by the Defendant's discriminatory conduct, pursuant to and within the statutory limitations of Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

d. Enjoin Defendant City of Belen from retaliating against employees in the BPD who engage in activities protected by Title VII.

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

JURY DEMAND

The United States hereby demands a trial by jury of all issues so triable pursuant to Rule 38 of the Federal Rules of Civil Procedure and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

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