

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO
ALBUQUERQUE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

CASE NO.
Jury

NORTHWEST NEW MEXICO REGIONAL
SOLID WASTE AUTHORITY,

Defendant.

COMPLAINT

Plaintiff, the 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.
2. This Court has jurisdiction of the action under 42 U.S.C. § 2000e-5(f) and 28 U.S.C. § 1345.
3. Defendant Northwest New Mexico Regional Solid Waste Authority is a political subdivision of the State of New Mexico, created pursuant to the laws of the State of New Mexico.
4. Defendant Northwest New Mexico Regional Solid Waste Authority 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 Northwest New Mexico Regional Solid Waste Authority has discriminated against Desbah Padilla, a Native American female formerly employed by the Waste Authority, and similarly situated individuals presently or formerly employed by the Waste Authority on the basis of their race in violation of § 703(a) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-2(a), among other ways, by:
 - subjecting them to harassment on the basis of their race during their employment with the Northwest New Mexico Regional Solid Waste Authority that adversely affected the terms, conditions and privileges of their employment; and
 - failing or refusing to take appropriate action to remedy the effects of the discriminatory treatment.
6. Defendant Northwest New Mexico Regional Solid Waste Authority has discriminated against Desbah Padilla and similarly situated individuals presently or formerly employed by the Waste Authority on the basis of their sex, female, in violation of

§ 703(a) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-2(a), among other ways, by:

- subjecting them to harassment on the basis of their sex during their employment with the Northwest New Mexico Regional Solid Waste Authority that adversely affected the terms, conditions and privileges of their employment; and
- failing or refusing to take appropriate action to remedy the effects of the discriminatory treatment.

7. Defendant Northwest New Mexico Regional Solid Waste Authority has further discriminated against Desbah Padilla and other similarly situated female former employees of the Waste Authority on the basis of their race and/or sex in violation of

§ 703(a) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-2(a), by creating and maintaining a work environment that was so racially and/or sexually hostile that they were forced to resign from their positions at the Waste Authority.

8. Desbah Padilla timely filed a charge of discrimination (EEOC Charge No. 390-98-0871) with the Equal Employment Opportunity Commission (EEOC). In this charge, Ms. Padilla alleged that the then Executive Director of the Defendant Northwest New Mexico Regional Solid Waste Authority harassed her because of her sex and race; that because of the harassment she was forced to resign her position with the Waste Authority; and that the discrimination was in violation of Title VII of the Civil Rights Act of 1964, as amended. Pursuant to § 706 of Title VII, 42 U.S.C. § 2000e-5, the EEOC investigated Ms. Padilla's charge and found reason to believe that violations of Title VII had occurred. The EEOC attempted unsuccessfully to conciliate the charge of discrimination through voluntary resolution and subsequently referred the matter to the Department of Justice.

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

WHEREFORE, the Plaintiff prays that the Court grant the following relief:

- Enjoin the Defendant from failing or refusing to:

(i) provide sufficient remedial relief to make whole Desbah Padilla and other similarly situated present or former Waste Authority employees for the losses they have suffered as a result of the discrimination against them as alleged in this complaint;

(ii) develop and implement appropriate and effective policies to address and prevent racial and sexual harassment;

- provide training as to what acts may constitute racial and sexual harassment to all supervisory and non-supervisory employees and to Waste Authority Board members; and

(iv) take other appropriate nondiscriminatory measures to overcome the effects of the discrimination.

- Enjoin the Defendant from engaging in sexual or racial harassment.

(c) Award compensatory damages to Desbah Padilla and similarly situated individuals as would fully compensate them for injuries caused by the Defendant's discriminatory conduct, pursuant to and within the statutory limitations of § 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

(d) Award such additional relief as justice may require, together with Plaintiff's 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 § 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

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