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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WISCONSIN

EQUAL EMPLOYMENT OPPORTUNITY )  
COMMISSION, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
AREA ERECTORS INC. )  
 )  
Defendant. )  
\_\_\_\_\_ )

06 C 05 16 C  
Civil Action No. \_\_\_\_\_

**COMPLAINT**  
(Jury Trial Demand)

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964, as amended, ("Title VII"), and Title I of the Civil Rights Act of 1991 to correct unlawful employment practices on the basis of race and retaliation. It requests appropriate relief for Giles L. Jefferson, and a class of African American employees, who were adversely affected by such practices. As stated with greater particularity in Paragraph seven (7) below, the Plaintiff, United States Equal Employment Opportunity Commission ("EEOC") alleges that Area Erectors Inc. ("Area") terminated Giles L. Jefferson and a class of African American employees because of their race, and that Area retaliated against Jefferson by terminating his employment because he filed a charge of discrimination with EEOC and otherwise complained about race discrimination. In addition, EEOC is seeking an order directing Area to prepare, execute, and file accurate and complete Employer Information Report EEO-1s ("EEO-1 reports") as required by 42 U.S.C. §2000e-8(c)

and regulations issued thereunder, 29 C.F.R. §§1602.7 - 1602.11, for each calendar year from 2001 to the present.

### **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 Sections 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), Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a and 42 U.S.C. §2000e-8(c) and regulations issued thereunder, 29 C.F.R. §1602.9.

2. The employment practices and actions alleged to be unlawful were committed within the jurisdiction of the United States District Court for the Western District of Wisconsin.

### **PARTIES**

3. EEOC 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 Sections 706(f)(1) and (3) of Title VII, 42 U.S.C. § 2000e-5(f)(1) and (3) and 42 U.S.C. §2000e-8(c) and regulations issued thereunder, 29 C.F.R. §1602.9.

4. At all relevant times the Defendant has continuously been a company doing business in the State of Wisconsin, and has continuously had at least 100 employees.

5. At all relevant times, Defendant has continuously been an employer 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. More than 30 days prior to the commencement of this lawsuit, Giles L. Jefferson filed a charge with EEOC alleging violations of Title VII by Defendant. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Since at least August of 2003, Defendant has engaged in unlawful employment practices in violation of Sections 703(a) and 704(a) of Title VII, 42 U.S.C. §§2000e-2(a) and 2000e-3(a). These practices include, but are not limited to:

- A) terminating Jefferson, and other African American employees because of their race; and
- B) terminating Jefferson in retaliation for his filing of a charge of discrimination with EEOC and otherwise complaining about race discrimination.

8. Since at least September of 2001, and continuing thereafter until the present, Defendant has failed to fully comply with its obligations to file EEO-1 reports.

9. Defendant's failure to file said reports is in violation of 42 U.S.C. §2000e-8(c) and regulations issued thereunder, 29 C.F.R. §1602.7 - 1602.14.

10. The effect of the practices complained of in Paragraph 7 above has been to deprive Jefferson and a class of African American employees of equal employment opportunities and otherwise adversely affect their status as employees because of their race.

11. The unlawful employment practices complained of in Paragraph 7 above were and are intentional.

12. The unlawful employment practices complained of in Paragraph 7 above were and are done with malice or with reckless indifference to Jefferson's and a class of African American employees' federally-protected rights.

**PRAYER FOR RELIEF**

Wherefore, the plaintiff EEOC respectfully requests that this Court:

A. Grant a permanent injunction enjoining Area, and their officers, agents, successors, assigns, and all persons in active concert or participation with them, from engaging in any employment practice which discriminates on the basis of race or retaliation for activity protected by Title VII;

B. Order Area to institute and carry out policies, practices, and programs which provide equal employment opportunities for Jefferson and a class of African American employees, and which eradicates the effects of their past and present unlawful employment practices;

C. Order Area to make Jefferson and other African American employees whole by providing appropriate back-pay, front-pay, pre-judgment interest, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices, including, but not limited to, reinstatement;

D. Order Area to make Jefferson and other African American employees whole by providing compensation for past and future pecuniary losses resulting from the unlawful practices complained of above, including loss of benefits, job search expenses and relocation expenses, if applicable, in an amount to be proven at trial;

E. Order Area to make Jefferson and a class of African American employees whole by compensating them for past and future non-pecuniary losses resulting from the unlawful practices complained of in Paragraph 7 above, including injury to professional reputation, emotional pain, suffering, loss of enjoyment of life, and humiliation, in amounts to be determined at trial;

F. Order Area to pay Jefferson and a class of African American employees punitive damages for the Defendant's malicious and reckless conduct described in Paragraph 7 above, in amounts to be determined at trial;

G. Order that Area, without further delay, shall prepare, execute, and file accurate and complete EEO-1 reports as required by law for each calendar year from 2001 to the present;

H. Grant such further relief as the Court deems necessary and proper in the public interest; and

I. Award the EEOC its costs in this action.

**JURY TRIAL DEMAND**

The EEOC requests a jury trial on all issues of fact raised by its Complaint.

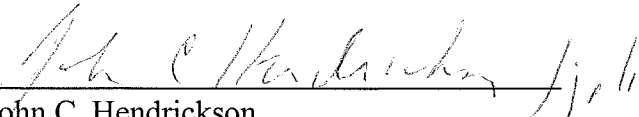
Respectfully submitted,

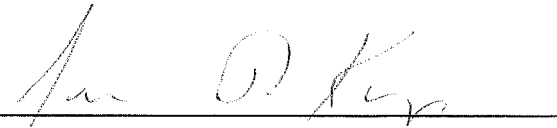
Dated: September 14, 2006

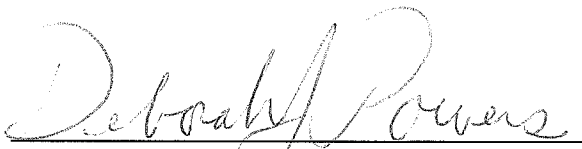
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