

AUG 27 2010

JAMES W. McCORMACK, CLERK
By: _____
DEP CLERK

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION

JERRY MCCLURE; DAMIEON F. JACKSON;
IRA NICHOLSON; GREGORY HIGGINS;
BOB H. MILSAP; ANTHONY OATES; BRIEN
HARRIS; JAMES CLEVELAND; DEMETRIUS
CHISM; CAROLYN CRAIG; KEM AUSTIN;
DARRELL DAVIS; BERNARD ROSEBY;
DENIOUS HOUSTON, CALVIN CARTER;
ROY DANIELS; RANDY CHATMAN;
MALACHI HARSHAW; and FREDERICK
WILLIAMS

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PLAINTIFFS

v.

DR. LINDA WATSON, individually and in her
official capacity as Superintendent of Schools
of the Little Rock School District; LITTLE ROCK
SCHOOL DISTRICT, a public Body corporate;
BOARD OF EDUCATION of the Little Rock School
District; WAYNE ADAMS, individually and in his
official capacity as Director of Maintenance and Operations
of the Little Rock School District; KEVIN YARBERRY,
individually and in his official capacity as Supervisor
of the Maintenance and Operations of the Little Rock
School District

This case assigned to District Judge Wooddy
and to Magistrate Judge Valpe

DEFENDANTS

COMPLAINT

Jurisdiction and Relief

1. Jurisdiction is pursuant to 28 U.S.C. § 1343.
2. Relief is sought pursuant to Relief sought is pursuant to 42 U.S.C. § § 1981, 1983 and 2000(e) as amended.
3. This is an action for declaratory, injunctive and equitable relief authorized by the laws of the United States, the state of Arkansas and by the policies of the Board of Education of the Little Rock School District (LRSD). It is also an action for monetary damages. Defendants

operate a facility which services, maintains, upkeep, oversees and sometimes develops its buildings and services known as the Maintenance and Operations department (MOD). The plaintiffs are employees of the MOD.

Parties

4. The plaintiffs are African American citizens of the United States who work for the defendants Board of Education, Little Rock, Arkansas school district (LRSD), a public body corporate, under the supervision of defendants Dr. Linda Watson, Wayne Adams and Kevin Yarberry. Each of them works for the LRSD Maintenance and Operations Department (MOD), formerly known as plant services department. They each allege to have been the victim of unlawful racial discrimination over a long, continuing period of time in the MOD with specific references, *infra*, to adverse employments within four years of this complaint or of the charge of employment discrimination to the United States Equal Employment Opportunity Commission (EEOC). They generally seek common relief tailored to the specific discrimination they outline, *infra*.

5. The defendant Linda Watson is superintendent of the LRSD. She has long been aware of the general circumstances of plaintiffs. She has had the authority to take corrective action but has refused or failed to do so despite numerous requests of some of the plaintiffs and at least two school district board members. The defendants Wayne Adams and Kevin Yarberry are the actual Director and Supervisor of the MOD. They deliberately created, engaged and have engaged in perpetual practices of racial discrimination. They are sued individually and officially.

History and Background

6. The manner in which the LRSD operates the MOD is patently racial and discriminatory in violation of federal and state laws, i.e., the Civil Rights Act of Arkansas, the

Civil Rights Act of 1964 as amended, and the Civil Rights Act of 1866 as amended. The practices of the MOD are also contrary to the policies of the LRSD.

7. The MOD is presently headed by LRSD Director, Wayne Adams. He is assisted by Kevin Yarberry, whose title is supervisor. The MOD has approximately 120 employees. The basic facility of the MOD is located at 3601 South Bryant Street, Little Rock, Arkansas. The MOD is responsible for a number of custodial employees who are assigned to various school buildings in the LRSD.

8. The racially discriminatory operations of the MOD are well known to defendant Dr. Linda Watson and the four black members of the Board of Directors of the LRSD. Board member Dianne Curry is a former employee of the MOD who left LRSD in 1999. She ran on a platform which promised to address the disparities in what was then called the Plant Services Department. Another board member, Dr. Michael Daugherty, met with some of the black employees and promised reform after expressing surprise at the pervasive extent of racial discrimination within the MOD. He was a minority member of the seven person board and could not get action from the other board members to make the changes necessary to reform the department. Board members have complained about the MOD's racial practices for years. Rather than directing that remedial action be taken by way of resolution or motion, the four members have relied upon the representations of the defendant Watson and the previous superintendents that they would make the necessary curative corrections. All of the board members are or should be aware that the MOD facility is divided into three separate sectors: one is for the workers of whom 47 to 50 are white (the white side) and is located on the facility's east side; the second sector is for workers of whom 47 of the 50 are black and is located on the west side (the black side); and the middle sector which consists of two parts: (1) the seven member

management office which is all white and several other offices which are mixed but housed less than six people and (2) the bookkeeping office which is mostly black.

9. The white sector of the MOD facility is kempt, well maintained and air conditioned. The white sector employees get the new equipment, favorable treatment, less onerous work assignments and a friendly work environment. The black sector of the MOD facility is unkempt, poorly maintained, not air conditioned and its employees receive the "hand me down" equipment from the white sector. The physical disparity between the white sector and the black sector is obvious.

10. The history of the MOD is that the supervision of employees is racial. White supervisors are generally in control. The two black foremen (out of ten) supervise racially identifiable work crews. The white foremen supervise black and white work crews. White employees earn the greatest pay, have the greatest amount of employment opportunity and security and enjoy a racially non discriminatory work environment. The reverse is true for black employees. The white employees are also provided benefits which are denied the black employees. Black employees generally begin employment as substitutes while white employees generally begin employment as regular workers. The white employees have lines of progression while the black employees do not.

11. The MOD regularly replaces its equipment including vehicles. Defendants assign new equipment and vehicles to the employees of the white sector except in a few cases where that equipment is assigned to a white employee in the black sector. The used equipment is assigned to the black sector and the black staff. There is no example of new equipment starting off in the black sector and winding up in the white sector.

12. The MOD job qualifications are subjective and allow the foremen, supervisor and director to make employment decisions on a discriminatory basis. The process utilized has resulted in the white sector employees more often being nonresident of the LRSD and the majority of the black sector employees being residents of the LRSD. Defendants facilitate placement of white employees by awarding permanent employment, fair treatment, and supplement pay to them for their travel to and from work.

13. Defendant Kevin Yarberry was employed in 2008 as supervisor of the Maintenance and Operations department. His employment was discriminatory in that defendants Adams and Watson selected him over better qualified plaintiff Jerry McClure. Yarberry soon thereafter announced during a MOD meeting that he would better enforce the district's stated practice of promoting MOD employees from within the department. He then hired one of his friends from outside the LRSD to be Systems Control analyst, a position which did not previously exist.

14. The black sector employees generally have greater objective qualifications for the work in the MOD than the white sector employees. Defendants circumvent the greater experience and education qualifications of the black employees by allowing on the job training for the white employees that they hire so that they may become fully licensed to fulfill trade designations into which they are initially placed. These designations include, inter alia, plumber, electrician, painter, heating and air, masonry, and auto mechanic.

Plaintiffs' Claims

JERRY MCCLURE

15. Plaintiff Jerry McClure has been employed by the LRSD since 1985. He is a college graduate. In 2009, McClure filed a timely charge of employment discrimination with the Equal Employment Opportunity Commission (EEOC) against the LRSD's -MOD specifically because

he was adversely affected by the defendants' discriminatory terms and conditions of employment. This action goes beyond those alleged in McClure's Title VII charge and includes McClure having been bypassed in 2008 for the position of supervisor of the MOD by the defendants' selection of Kevin Yarberry, an outside LRSD applicant, as the number 2 person in the MOD. McClure's objective qualifications exceeded those of Kevin Yarberry. Moreover, McClure was entitled to preference because of the practice of promoting from within. When Yarberry was employed, McClure had the responsibility designated as Building Engineer Foreman. Soon after Yarberry was hired, McClure's duties and responsibilities were diminished, his job title changed, and his work station was given to one of Yarberry's friend and new hire, Mike Ellis, also a white person. This action was retaliatory and without substantial non racial explanation. McClure is now a title undesignated supervisor without a specific written job description.

15a. After McClure filed his EEOC charge; he was constructively demoted to a labor crew and given what amounts to lead man duties. His functional work duties are those of a laborer who directly reports to Yarberry, Adams and a white female named Mary Robinson. He is a floater. McClure has been and is being required to work in a racially discriminatory hostile work environment. McClure's circumstances are typical of those of the other black employees in the MOD. McClure's three person work crew is described variously as the "reject crew" and the "tiger crew".

15b. When McClure sought explanation from a defendant regarding his non-selection for the supervisor position, he was informed that defendant Wayne Adams was the deciding official; that Adams took the position that the grading results of the employment interviews were irrelevant; and that McClure was not the best qualified candidate because he lacked computer

experience. Defendant Adams explanation is pretextual: a) the posting did not list computer experience as a criterion, and b) had McClure been white and computer experience a requirement he would have been afforded on the job training to meet the announced deficiency. Defendant Adams should have been aware, but he was not, that McClure's work as foreman required that he make use of his computer training on a daily basis.

15c. As a consequence of McClure's non selection as supervisor of the MOD and his filing a complaint regarding racially discriminatory working conditions with the EEOC, he has been subjected to denial of promotion, demotion, loss of pay, loss of responsibility and status. McClure has been humiliated due to his race or color. As stated supra, McClure's working terms and conditions and his treatment in seeking to advance are typical of those of the other plaintiffs which follow.

GREGORY HIGGINS

16. Plaintiff Gregory Higgins was first employed by the LRSD in 2005 as a brick cement finisher, although Higgins was fully qualified to be a journey "trade specialist". Thereafter, Higgins applied for a trade specialist position on three separate occasions when the defendants had the authority to promote him. Each time he was denied promotion. Although Higgins has actually performed "specialist work" since he was hired, he has been paid the lower rate for tradesman. White employees with less experience than Higgins are routinely paid the full rate of trade specialist without objection or fuss by defendants. Higgins is the only cement trade specialist in the MOD. His circumstances are to be compared with, among others, those of Jody Castleberry, a white person, who was hired within the last 90 (ninety) days as an auto mechanic specialist. Castleberry was hired off the street as a specialist. He and Higgins both perform specialist work, but only Castleberry is paid specialist pay for that work.

DAMIEON JACKSON

17. Plaintiff Damieon Jackson was first employed by the LRSD in 1991 as a laborer. He is currently employed as a "trade", one level above entry. In late 2009, Jackson was moved from a civil preventive maintenance lock crew where he was the only black employee to the boiler room crew which was headed by plaintiff McClure. Defendants, by the move, demoted Jackson and created a five person all white section called the "p.m. crew" and, as a result, the "tiger crew" as well. See para. 16, supra.

17a. The white employees of the lock crew spent considerable time trying to have Jackson removed. In the process of attempting to disparage Jackson, one of the crew members, Glen Robinson, hacked into the LRSD computer system and diverted overtime hours that were earned by Jackson to another white crew member and foreman, Harold Jump. When plaintiff complained that his pay and time had been taken, defendant Wayne Adams simply gave Robinson a "slap on the wrist" by placing him on suspension for several days for what Adams viewed as a prank. Robinson's act was criminal constituting theft. He was not referred for prosecution. On information and belief, two black school age children, as a prank, took computers from a LRSD high school within the past several months; they returned the computers soon thereafter but were referred then by LRSD for prosecution. The state is now prosecuting the students. Their prosecution is a demonstration of a double standard where black and white LRSD staff and students are involved. The students are also being recommended for expulsion from school. Robinson, on the other hand, is maintained on the payroll by defendants Adams and Yarberry in a highly secretive well paid position.

17b. The decision to move Jackson was made by defendants Adams and Yarberry, the latter of whom is closely associated with the white employees of the p.m. crew. The decision to

transfer Jackson had either racial purpose or effect, the consequence being to deny Jackson advancement opportunities and to afford the p.m. crew an opportunity to work as an all white work crew.

JAMES CLEVELAND

18. Plaintiff James Cleveland was first employed by the LRSD in 2000 as a laborer driver, the second lowest job designation in the MOD.¹ After a short while, he was designated as a “team leader” of an all black crew which cut grass for the LRSD.

18a. At the beginning of 2009, defendants employed four black persons as foremen. Two of them retired later in the year, Sammie Clay and LeMon McCoy. Defendants posted the positions and decided not to fill either of them. Cleveland applied for the position vacated by Clay. Cleveland was qualified for the position as were several of the other black applicants. Defendants chose neither of the qualified black applicants for the position and decided to leave it vacant.

18b. Defendants did likewise for the second vacated position foreman’s position. Several plaintiffs and several other black employees were qualified for the position. Instead of hiring either of the qualified black persons for the foreman position in the auto mechanic department, defendants also chose to leave that position vacant as well. Defendants then proceeded to hire a white person as trade specialist in the mechanic department. This event, three mechanic trade specialists in the department, is unprecedented.

18c. The defendants have offered as justification for declining to fill the two foreman vacancies the size of the department, four persons each. The reason asserted is pretextual

¹. The lowest job designation in the MOD is laborer.

because there are other departments in the MOD which have four employees or less which also have foremen. The difference is, however, that each of those departments is white.

In declining to fill either of the foreman vacancies, defendants denied promotion opportunity to the plaintiffs who were in line for promotion consideration, i.e., James Cleveland, Darrell Davis, Vince McCoy, Carolyn Craig, and Kem Austin.

BOB H. MILSAP

19. Plaintiff Bob H. Milsap was first employed by the LRSD in 1979 as a laborer. Milsap began working in the then black mechanic department in 1997. The supervisor was LeMon McCoy who retired in 2009. Milsap was next in line to succeed McCoy as foreman. (See allegations regarding James Cleveland in the paragraphs 18a-c above) Upon the position posting, Milsap received an interview. Defendants left the position vacant and reassigned Milsap to work under defendant Kevin Yarberry. Yarberry gave no explanation for refusing to fill the vacancy. His action had the effect of denying Milsap an opportunity for promotion due to race. When white foremen in the white departments either are reassigned, or retire, or die, their positions are routinely filled with other white persons. The failure to replace positions vacated by black persons who have retired, resigned or died and to replace positions vacated by white persons constitutes a discriminatory treatment based upon race.

IRA NICHOLSON

20. Plaintiff Ira Nicholson was hired by the LRSD in April, 1991 as a substitute custodian. Since that time, he has not been afforded an opportunity to be promoted despite his successful job performance in the tasks to which he was assigned including the utility work assignments given him. He has effectively worked as a specialist performing the various specialty job of the MOD without receiving specialty pay.

19a. Nicholson sought to be designated as the custodial manager in late 2007 but was refused. The defendants also refused to fill that position which had also been vacated by a black person. When Nicholson approached Steve Hays, the former supervisor of the MOD, to inform him that since he was doing the work he should be paid for it, Hays told Nicholson to “be patient, we will get around to it.” In fact, former supervisor Hayes also gave the same response to each black employee who sought advancement at the MOD.

20a. Nicholson has been discriminated against because of his race with respect to pay, promotion, and equal treatment within the work environment. A comparison who has received more favorable treatment is Mary Robinson, the mother of the computer hacker that the defendants refuse to seriously hold to an equal standard of treatment.

BRIEN HARRIS

21. Plaintiff Brien Harris was employed by LRSD Plant Services Department in 1993 as a labor driver. He first worked in the labor department as a school custodian, then as a driver and finally as a mechanic. He has endured an environment of racial discrimination throughout his tenure with the LRSD. He was and is assigned to a work station in the black sector of the MOD. Harris has performed mechanic work as assigned, for which he was duly trained for the past 15 years. Plaintiff has never been promoted by the LRSD. In 2009, when the black foreman, LeMon McCoy, retired, rather than hire a black person as foremen, defendants decided to have McCoy’s duties performed by a trade specialist. This decision impacted plaintiffs Harris and Milsap. Defendant Yarberry informed Harris that he wanted to hire a person with certification as a mechanic from outside the department. In bypassing Harris, Yarberry promised Harris that he would provide Harris with more educational training so that he could meet the new

certification requirements and that Yarberry established and that he would then make Harris a trade specialist. Defendant Adams agreed to enforce the promise.

21a. Defendants then hired Jody Castleberry, a white person, who had a brother working as a trade roofer, as a trade specialist. Defendants' decision was discriminatory and subjected Harris to continuing discrimination with respect to pay, promotion and terms and conditions of employment. Defendants thereby reinforced its practices of employing white persons from outside the department into trade or trade specialists' positions and then, if necessary, providing education for them. On the other hand, defendants required black employees to have prior training before placement into trade or trade specialist positions.

DEMETRIUS CHISM

22. Plaintiff Demetrius Chism was first employed by the LRSD in 1999 as a labor driver. His present assignment is as a concrete helper without the title of "trade helper". He works with plaintiff Gregory Higgins. In 2007, Chism was informed by supervisor Steve Hayes that he would be given the title and pay of "trade" because that was the actual work he was performing. Before Hayes left in 2007, Chism inquired as to why he had not been given the title and pay as promised. Hays replied that he just did not get around to it. Defendant Yarberry was informed of the promise as well and became aware of the work duties being performed by Chism. Yarberry, however, has taken no action to upgrade Chism's job title and pay to reflect the work that he is actually doing. On the other hand, all white employees are being paid in accordance with the work that they perform and they have the appropriate titles which reflect their work assignments.

CAROLYN CRAIG

23. Plaintiff Carolyn Craig was first hired by the LRSD in 1995 as a labor driver. She first worked as a general laborer doing work as assigned which was largely substitute in nature.

She has endured an environment of race and gender discrimination throughout her tenure with LRSD. She was and is assigned to a work station in the black sector of the MOD. Craig has never been promoted by the LRSD although she is qualified to be promoted. She is a high school graduate and has two years of college. Craig has historically been denied promotions and still suffers its effects. In approximately 2004, Craig substituted on a long term basis for a white employee named Sharon Reeves as a warehouse worker. At the time, the warehouse worker position was considered to be a white person's position. Sharon Reeves, for whom Craig substituted, requested that supervisor Steve Hayes award Craig the job. Craig applied for the position but was told by Hayes that under no conditions could she have the position on a permanent basis. Defendants proceeded to hire Stephanie Phelps, a white female, for the position. Phillips was working at the time as a clerical for Adams and Hayes. Phillips still works as a warehouse worker with a higher pay grade.

23a. In 2006, John Blaylock vacated the position of custodian supervisor. Craig applied for the position, received an interview, but was rejected. The selecting official was Dale Hendrix. Although Craig met the qualifications for the position, defendants did not fill the position. On information and belief, Hendrix declined to place Craig into the position because of Craig's race. Craig has consistently sought the vacant position to no avail. Yarberry informed Craig in 2009 that there was no money in the budget to fill the position, yet, at the same time, Yarberry hired his friend Michael Ellis into a position which previously did not exist, Control Specialist. On information and belief, the position was never budgeted before Ellis' employment. Ellis' is paid a substantial salary far greater than that of Craig. He is also paid a travel stipend to cover his travel from home to work.

ANTHONY OATES

24. Plaintiff Anthony Oates was first hired by the LRSD in 1999 as a plumber trade helper. He completed plumbing school in 2004 but was kept as a helper until October, 2009. At that time in 2009, defendants changed his pay grade to that of trade, rather than trade specialist. In doing so, Oates pay was not materially changed for his experience and training. White persons similarly situated were not required to go through the same process and were paid more favorably than Oates. White employees were assigned by defendants directly into trade specialist positions. Several who were assigned include Robert Knox, Jody Castleberry and James Castleberry. Oates has continually sought placement as a trade specialist to no avail. He performs all tasks as the white person with plumber label in the LRSD. In the process, he has been denied equal pay and equal treatment.

KEM AUSTIN

25. Kem Austin was first hired by the LRSD in 1987 as a driver laborer. Austin contends that his work environment is racially discriminatory with respect to job assignments, job treatment, promotion pay and discipline. As a trade specialist who has six subordinate employees, Austin is often thwarted in performing his work requirements by MOD management because that management disrespects and mistreats his work crew in comparison to other work crews which are white. Austin's crew consists of five black persons and one Hispanic person. As a specialist, Austin supervises the work of more people than most of the white foremen do. All other trade specialists have white crews who are better treated with respect to pay, terms and conditions of employment including work assignments than Austin's crew. Austin's black crew does the hardest work under the most difficult conditions. Austin seeks foreman designation, equalization of the work assignments and fair treatment for his minority work crew.

DARRELL DAVIS

26. Plaintiff Darrell Davis was first hired as a laborer in the Athletic department of the LRSD. Around 1990, he went to MOD as a labor driver, the position which he remains in to this day. Over the years, Davis has continuously sought to be promoted and to be paid commensurate with the work assignments that he performed. He applied for numerous positions and never received an interview. During the last four years, Davis filed a grievance contending that he was not being paid commensurate with his work assignment. The grievance was denied by defendant Adams stating that Davis should apply for vacant positions. When Davis applied for the custodial manager's position in 2006, the position was not filled. When he applied for the grounds crew team leader position in 2007, defendants refused to set a salary commensurate with the job responsibilities. Davis seeks pay commensurate with the work assignments that he has performed over the years.

BERNARD ROSEBY

27. Plaintiff Bernard Roseby started as a custodian with the LRSD although he was an electrician. Roseby had been an electrician since 1990. He has previously worked for B & T Electric.

27a. In 1999, Roseby became an electrician helper in the MOD. He carried a full load as journey electrician. In 2004, as a result of new state law requirements, Roseby went to apprentice school and completed the additional educational requirements for licensure in 2008. Although he has not been certified as an electrician, he has worked in that position -journeyman electrician - for the past eleven years without receiving the pay of trade specialist. Roseby seeks the pay of a trade specialist and to be grandfathered in as a certified electrician in the same manner as white employees were.

DENIOUS HOUSTON

28. Plaintiff Denious Houston started as a substitute worker for the LRSD in 2001. Houston worked for the LRSD for two years without a contract. Finally in 2003, he became a regular labor helper. Since that time, Houston has worked as a helper for Plaintiff Kem Austin.

28a. Between September 2009 and March 2010, Austin took sick leave. Houston substituted for Austin during this time but was not paid as white employees similarly situated were paid under the union contract for performing work outside their labor grade. Houston has sought to be paid for his work during this time to no avail. Houston seeks back pay for his work during this time. Houston further seeks to be promoted to trade or trade specialist commensurate with the works that he performs.

CALVIN CARTER

29. Plaintiff Calvin Carter was hired by the LRSD in 1990 as a paraprofessional at Franklin Elementary School. He has worked as a paraprofessional and/or computer technician for the district for approximately 20 years. In 2003, his salary was cut by \$12,000 for no legitimate reason.

29a. In October, 2009, Carter applied for the position of electrical foreman in the MOD. Carter has been a master electrician for over 15 years. He did not receive an interview. Defendants again posted the position of electrical foreman in early 2010. Carter was interviewed for the position by defendant Yarberry prior to the end of the 2009-2010 school years. Carter had a second interview in July of this year. Carter has contacted Yarberry on several occasions

to determine whether a decision has been made regarding the vacancy has not received a response. On information and belief, the position remains unfilled.

ROY DANIELS

30. Plaintiff Roy Daniels was hired by the LRSD in 2001 as a labor driver and remains in that position. Since his employment, Davis has continuously sought to be promoted and to be paid commensurate with the work assignments that he performed. Defendants have subjected Daniels to continuing discrimination with respect to pay, promotion and terms and conditions of employment. Daniels seeks to be promoted to trade or trade specialist commensurate with the works that he performs.

RANDY CHATMAN

31. Plaintiff Randy Chatman was hired by the LRSD in 1994 as a labor driver. For the past sixteen years, Chatman remains a labor driver. Chatman has continuously sought to be promoted and to be paid commensurate with the work assignments that he performed. Defendants have subjected Chatman to continuing discrimination with respect to pay, promotion and terms and conditions of employment. Chatman seeks to be promoted to trade or trade specialist commensurate with the works that he performs.

MALACHI HARSHAW

32. Plaintiff Malachi Harshaw was hired by the LRSD in 2000 as a labor driver. In the past few years, Harshaw has sought to be promoted and to be paid commensurate with the work assignments that he performed. Defendants have subjected Harshaw to continuing discrimination with respect to pay, promotion and terms and conditions of employment. Harshaw seeks to be promoted to trade or trade specialist commensurate with the works that he performs.

7) an injunction creating written, objective job qualifications in determining who is best qualified for vacant positions and the elimination of friendship and family as subjective criteria for employment;

8) an injunction requiring the defendants to give first preference for promotion to the incumbent employees who have not otherwise been promoted pursuant to the present promotional system;

9) payment to Plaintiff Jerry McClure due him for achieving a Bachelor's degree;

10) back pay to Jerry McClure and the other plaintiffs for the work they would have performed but for their discriminatory assignments by defendants;

11) a declaratory judgment that plaintiffs, or all or some of them, have been denied equal pay, benefits, promotions and terms and conditions of employment for which they are entitled to both injunctive and monetary relief;

12) a prohibition against allowing white clerical employees to supervise black person outside their lines of progression;

13) an injunction eliminating all white and all black work crews within the MOD and equalization of the status of crews with respect to terms and conditions of employment;

14) an injunction requiring that appropriate discipline for offenses by white employees toward black employees such as the case of the white employee who transferred time and money from Damieon Jackson;

15) an injunction requiring the filling of all supervisory vacancies be on a prompt and nondiscriminatory basis with the except that the failure to fill the vacancies be upon good cause and subject to judicial review;

16) an injunction requiring defendants to create lines of progression with pay scales that

reflect the duties of each position and the tenure of plaintiffs or particular jobs;

17) an injunction requiring that all people who are selected be provided on the job training for their positions;

18) an injunction mandatorily promoting Jerry McClure, Kem Austin, Bob Milsap, Ira Nicholson, James Cleveland, Darrell Davis, Carolyn Craig, Calvin Carter and Bernard Roseby to foreman positions pending other appropriate relief;

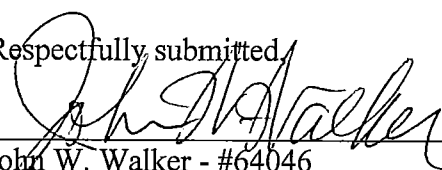
19) an award of compensatory damages for each plaintiff in an amount to be determined before trial which exceeds for each plaintiff the amount of \$75,000;

20) a mandatory injunction requiring that the equitable relief provisions be implemented pursuant to a court ordered monitoring process for a period not less than five (5) years with the understanding that if the parties can't agree on a process, the court shall determine the identity of the monitor and shall require that the monitoring expense be borne by the defendants; and

21) an injunction allowing the plaintiff during the period of monitoring where appropriate seek court relief in order to vindicate the rights of the plaintiff.

Finally, plaintiffs pray for their costs and reasonable counsel fees and their expert witness fees in a sum to be determined by the court based upon pre-existing standards in an amount to be determined by the court.

Respectfully submitted,


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