

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED
PEOPLE (NAACP), ALBUQUERQUE CHAPTER,

Plaintiff,

vs.

CITY OF ALBUQUERQUE,

Defendant.

JURY TRIAL DEMANDED

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

COMES NOW the Plaintiff, the National Association for the Advancement of Colored People, Albuquerque Chapter, (NAACP), by and through counsel, and for its Complaint against the defendant City of Albuquerque states as follows:

1. This is a suit for employment discrimination authorized and instituted under Title VII of the Civil Rights Act of 1964 as amended, 42 U.S.C. § 2000e et seq. ("Title VII") as well as 42 USC § 1981. Jurisdiction is premised on 42 U.S.C. § 2000(e)(5) and 28 U.S.C. §§ 1331 and 1343.

2. The NAACP is a local chapter of a national organization organized and existing for the purpose of ensuring the political, educational, social and economic quality of minority citizens of the United States. The Albuquerque Chapter is based in Albuquerque, New Mexico, within the jurisdiction of this Court.

3. Defendant City of Albuquerque ("City") is a municipality of the State of New Mexico, and is sued herein only with respect to conduct for which its immunity from suit has

been waived by statute. The City is engaged in an industry affecting commerce and regularly employs fifteen (15) or more employees. It is the employer of the “aggrieved individuals” named in the EEOC charge within the meaning of Title VII.

4. This suit is brought on behalf of the NAACP and the individuals listed as “aggrieved persons” in the EEOC charge who have not already resolved their claims against the City of Albuquerque.

5. The unlawful employment practices and other acts and omissions alleged herein were committed within the jurisdiction of the United States District Court for the District of New Mexico.

6. The NAACP represents African American employees of the City who have been and continue to be treated differently on the basis of their race in violation of Title VII and 42 USC §1981.

7. Such discriminatory differential treatment includes but is not limited to a pattern and practice of denying promotions on the basis of race, paying African American employees significantly less than other employees in similar positions who are performing substantially the same duties, assigning additional duties to African American employees without compensation, harassing and intimidating African American employees because of their race, requiring African American employees to perform menial and demeaning tasks and requiring them to adhere to unwritten policies and procedures to which other employees are not required to adhere. This conduct is continuing and is pervasive, subjecting African-American employees to terms and conditions of employment to which other employees are not subject.

8. On or about June 22, 2011, the NAACP filed a charge of discrimination with the

Equal Employment Opportunity Commission ("EEOC") on the basis of race, African American, on behalf of the "aggrieved persons" listed in the charge and Black employees of the City of Albuquerque as a class (Charge No. 543-2011-01063).

9. On September 14, 2011, the EEOC issued the NAACP a notification of its right to bring suit on these claims. The NAACP received the notice in September, 2011. The initial charge and notice of right to sue are attached hereto as Exhibits "A" and "B" respectively, and are fully incorporated herein.

10. The City acted illegally and continues to act illegally in subjecting its African American employees, including the "aggrieved persons" named in the EEOC charge, to harassment and discriminatory differential treatment on the basis of their race.

11. As the result of the City's unlawful conduct, the aggrieved individuals and other African-American employees of the City have suffered damages, including but not limited to loss of income and benefits, damage to their reputation, severe emotional distress, disruption of their career and the like.

12. The NAACP has therefore instituted this action to obtain appropriate relief as provided by Title VII and 42 USC § 1981.

13. The unlawful employment practices alleged herein were intentional, and constitute part of a pattern and practice of similar discriminatory and retaliatory acts.

WHEREFORE, the NAACP demands judgment against the City as follows:

1. All salary and benefits and accrued interest thereon resulting from discriminatory

demotions, terminations and unequal pay from the date of such discriminatory acts through entry of judgment against the City, together with full front pay and benefits;

2. Compensatory damages in an amount adequate to compensate the aggrieved individuals and other African American employees for their mental anguish, pain and suffering and other non-pecuniary losses suffered as a result of the City's unlawful conduct;

3. Injunctive relief, including ordering and requiring the City to cease its illegal conduct forthwith;

4. The attorneys' fees and costs incurred by the NAACP and the aggrieved individuals in the prosecution of this action; and

5. Any and other further relief as may be just and equitable.

LAW OFFICE OF BRAD D. HALL

Electronically filed /s/ 12/13/11

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JURY DEMAND

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiff demands this case be tried before a jury.