

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK**

ANNE POPE, et al.,

Plaintiffs,

vs.

COUNTY OF ALBANY, et al.,

Defendants.

:
:
:
:
:
:
:
:
:
:
:
:
:

No. 11-cv-0736 (LEK) (DRH)

DECLARATION OF JOSEPH GOMEZ

I, Joseph Gomez, hereby declare the following:

1. I am a Hispanic man over the age of eighteen residing in the County of Albany, New York (the “City”). I give this declaration based upon personal knowledge.

2. I am the President of the Greater Capital Region Minority Business Association, a not-for-profit community organization dedicated to fostering the establishment and growth of minority businesses in the Greater Capital Region of New York, which includes Albany County.

3. I also served on the board of directors for the Urban League of the Albany Area for 12 years, from 1985 to 1996, and as its chairman during the last two years (1994-1996) of my directorship. The Urban League was established as a not-for-profit agency dedicated to enabling blacks and other minority group members to cultivate and exercise their full potential on par with all other Americans, an agency whose initiatives have including voter education and public school education. In 1996, the Urban League launched the Step Up Apprenticeship Program (“Step Up Program”) to provide preparatory training for skilled-work, apprentice-level jobseekers. Most of the apprentices in the program were minorities. Upon information and

belief, approximately 95% were black and 2-3% were Hispanic, while the remainder consisted mostly of other minorities.

4. The Director of Employment at the Urban League was in charge of marketing the program to private and public contractors that typically sought the services of skilled workers, and he distributed brochures containing detailed information concerning the Urban League's mission and pictures of our apprentices, and made direct phone calls to these businesses in an effort to market their services. With the exception of the Albany Housing Authority, hardly any businesses hired any of the Urban League apprentices. Many of the local businesses cited our apprentices' lack of reliable transportation as a reason not to hire them.

5. Under federal and state laws, this kind of apprenticeship program was intended to qualify as a "bona fide apprenticeship program" under which a graduating apprentice was allowed to seek work from employers working on federal and state funded projects. While the U.S. Department of Labor recognized the Step Up Program as a "bona fide apprenticeship program," the New York State Department of Labor did not, under what I believe was pressure from organized labor unions, which at the time, upon information and belief, had a very poor record of including minorities in the skilled trades.

6. Another minority contracting group in the Albany County region known as Capital District Minority Contractors Association, was comprised of mostly blacks. Upon information and belief, while member contractors were able to use their workers in the minority communities in Albany County, these employees could not find work in the general contracting community at large.

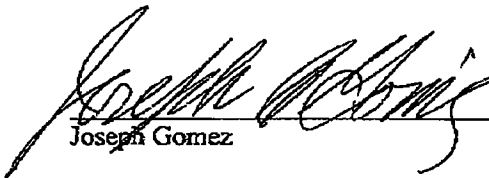
7. In December 2009, I attended a conference led by New York State Governor David Paterson during which the results of the New York State Department of Economic

Development were made. The Department had commissioned a study in accordance with Executive Law § 321-a to determine “whether there is a disparity between the number of qualified minority and women-owned businesses ready, willing and able to perform state contracts.” The study found that from April 2004 to March 2008, “minority and women-owned businesses [“MWBEs”] were utilized in state contracting at rates far lower than their availability would indicate.” The authors of the study concluded that the study “powerfully demonstrates the need for a robust New York State program to ensure a level playing field for MWBEs.” This study included anecdotal evidence and data from Albany County. Moreover, in their attempt to gather information regarding the MWBEs in each county, the authors of the report listed Albany County and the City of Albany as entities that “had no [MWBE] directory, or their [contractor] directory did not identify race and sex.” Attached as Exhibit 1 is a true and correct copy of the report commissioned by the New York State Department of Economic Development, *The State of Minority- and Women-Owned Business Enterprise: Evidence from New York* (April 2010).

8. In my experience, blacks and Hispanics in Albany County share much of the same job-related struggles and we often work together in the minority communities to overcome such problems.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on: July 15, 2011


Joseph Gomez