

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE
UNITED STATES OF AMERICA,

Plaintiff,

v.

Civil Action No.

THE TENNESSEE DEPARTMENT OF
TRANSPORTATION,

Defendant.

COMPLAINT

Plaintiff, 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. ("Title VII).
2. This Court has jurisdiction of this action under 42 U.S.C. § 2000e-6, 28 U.S.C. § 1331, and 28 U.S.C. § 1345.
3. Defendant Tennessee Department of Transportation (TDOT) is a body corporate created under the laws of the State of Tennessee.
4. TDOT is a person within the meaning of 42 U.S.C. § 2000e(a) and an employer or an agent of an employer within the meaning of 42 U.S.C. § 2000e(b).
5. TDOT is responsible for the recruitment and hiring of individuals into the entry-level positions of Highway Maintenance Worker I (HMWI) and Transportation Assistant I (TAI).
6. Women are not represented in the applicant pool or as HMWI or TAI employees in numbers reflective of their interest or availability in the relevant labor market.
7. TDOT relies upon "word of mouth" and other recruitment methods that have the effect of disseminating employment opportunity information predominantly to prospective applicants who are male.
8. TDOT utilizes employment selection criteria and procedures, including undefined, subjective employment standards, that have disproportionately excluded qualified women from employment in the HMWI and TAI positions.
9. On information and belief, TDOT has engaged in a pattern or practice of employment discrimination that has the purpose or effect of excluding women from employment in the HMWI and TAI positions, and this pattern or practice constitutes a continuing violation of Title VII.
10. All conditions precedent to filing suit have been performed or have occurred.

Wherefore, Plaintiff United States prays for an order directing TDOT, its officers, agents, employees, successors, and all persons in active concert or participation with TDOT to take the following actions:

- A. Adopt recruitment procedures designed to attract qualified female applicants for the positions of HMWI and TAI, in numbers that reflect their interest and availability in the relevant labor market.
- B. Ensure that the application process for the HMWI and TAI positions is fair, open and competitive.
- C. Ensure that the selection process for the HMWI and TAI positions is fair, open and competitive.
- D. Ensure that all employees are regularly trained regarding gender equality.
- E. Comply with the provisions of Title VII.
- F. Refrain from any act or practice which has the purpose or effect of unlawfully discriminating against any female employee or any female applicant or potential applicant for employment, because of her sex.
- G. Refrain from retaliating or taking adverse action against any person because that person has opposed alleged discriminatory employment policies or practices, or because of that person's participation in or cooperation with the initiation, investigation, litigation or administration of this action or of any formal or informal complaint.

Plaintiff United States prays for such additional relief as justice may require, together with its costs and disbursements in this action.

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By: _____

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