

COPY

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO

EASTERN DIVISION

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U.S. DISTRICT COURT  
SOUTHERN DIST. OHIO  
EAST. DIV. COLUMBUS

UNITED STATES OF AMERICA,  
  
Plaintiff,

v.

THE STEUBENVILLE CITY BOARD OF  
EDUCATION,  
  
Defendant.

Civil No.

**C 2 - 95 - 506**

Judge

Magistrate Judge

**JUDGE GRAHAM**

**MAGISTRATE JUDGE ABEL**

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. Section 2000e, et seq.

2. This Court has jurisdiction of the action under 42 U.S.C. Section 2000e-5(f), 42 U.S.C. Section 2000e-6(b), and 28 U.S.C. Section 1345.

3. Defendant Steubenville City Board of Education is a body politic and corporate created pursuant to the laws of the State of Ohio and is charged with administering and maintaining public schools in Steubenville, Ohio.

4. Defendant is a person within the meaning of 42 U.S.C. Section 2000e(a) and an employer within the meaning of 42 U.S.C. Section 2000e(b).

5. Defendant maintains two separate classifications for its janitorial employees: Custodian Class I and Custodian Class

II. Only females are hired and employed in the Custodian Class II position, which was formerly entitled matron; and only males are hired and employed by Defendant in the Custodian Class I position.

6. The starting salary for males employed by Defendant in the Custodian I position in 1988 was \$13,534.00, and the starting salary for females employed by Defendant in the Custodian II position in 1988 was \$10,634.00. Upon information and belief, there remains a pay disparity between the two positions, and Defendant pays more to male Custodians I than to female Custodians II.

7. Defendant has pursued and continues to pursue policies and practices that discriminate against men and women, deprive or tend to deprive men and women of employment opportunities, and adversely affect the status of men and women as employees because of their sex. Defendant has implemented these policies and practices, among other ways, by:

- (a) Adopting and maintaining gender-segregated job classifications for janitorial positions in the Steubenville School District;
- (b) Failing or refusing to hire and employ females in the Custodian I position and failing or refusing to hire and employ males in the Custodian II position;
- (c) Paying women who perform custodian duties lower wages than males who perform the same or substantially similar duties; and

- (d) Failing or refusing to take appropriate action to eliminate the discriminatory policies and practices and to correct the present effects of those policies and practices.

8. The policies and practices of Defendant described in Paragraph 7, above, constitute a pattern or practice of resistance to the full enjoyment by males and females of their right to equal employment opportunity at the Steubenville School District without discrimination on the basis of their sex. The pattern or practice is of such a nature and is intended to deny the full exercise of rights secured by Title VII of the Civil Rights Act of 1964, as amended. Unless enjoined by order of this Court, Defendant will continue to pursue policies and practices that are the same as or similar to those alleged in this Complaint.

9.. Defendant has discriminated against Robert Minnifield on the basis of his sex, male, in violation of Section 703(a) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e-2(a), among other ways, by:

- (a) failing or refusing to hire Mr. Minnifield for the position of Custodian II in approximately July 1988 because of Mr. Minnifield's sex; and
- (b) failing or refusing to take appropriate action to remedy the effects of the discriminatory treatment of Mr. Minnifield.

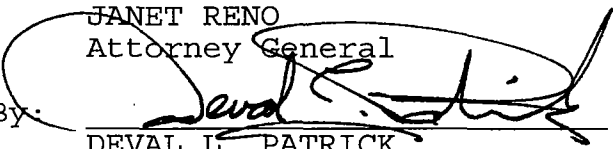
10. The Equal Employment Opportunity Commission (EEOC) received a timely charge filed by Mr. Minnifield (Charge No. 220-88-1795), in which he alleged, inter alia, that he had been discriminated against on the basis of his sex when he was denied hire for the position of Custodian II at the Steubenville City School District. Pursuant to Section 706 of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. Section 2000e-5, the EEOC investigated the charge, found reasonable cause to believe that the allegation of sex discrimination was true, attempted unsuccessfully to achieve through conciliation a voluntary resolution of the matter and subsequently referred the charge to the Department of Justice.

11. All conditions precedent to the filing of suit have been performed or have occurred.

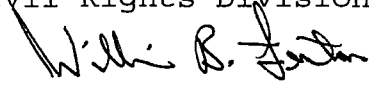
WHEREFORE, the Plaintiff prays for an order enjoining Defendant from:


- (a) Classifying, filling or compensating custodian positions at Steubenville School District on the basis of sex; and
- (b) Failing or refusing to take appropriate action to overcome the effects of the discriminatory policies and practices as described in this complaint, including providing make whole relief to Robert Minnifield and all other persons who have suffered loss as a result of the discriminatory policies and practices.


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

JANET RENO  
Attorney General  
By: 

DEVAL L. PATRICK  
Assistant Attorney General  
Civil Rights Division

  
WILLIAM B. FENTON

  
DAVID Y. CHEN  
Attorneys  
U.S. Department of Justice  
Civil Rights Division  
P.O. Box 65968  
Washington, D.C. 20035-5968  
(202) 307-5769

  
EDMUND A. SARGUS, JR.  
United States Attorney  
JAMES RATTAN, State Bar No. 0018632  
Assistant United States Attorney  
Southern District of Ohio