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UNITED STATES GOVERNMENT

DEPARTMENT OF JUSTICE

Memorandum

TO : Section Chiefs
Civil Rights Division

DATE:

FROM *SP* Stephen J. Pollak
Assistant Attorney General

SUBJECT:

Attached is a copy of an amended complaint which we filed today in Cincinnati, Ohio. The purpose of the amended complaint is to add the Joint Apprenticeship and Training Committee as a party defendant in the case of United States v. IBEW, Local 212. The amendment was necessitated by a realization that the JATC was a necessary party for effective discovery, effective relief, and good strategy. You should carefully consider before omitting to sue a JATC when you are filing suit against the union.

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

UNITED STATES OF AMERICA, By
Ramsey Clark, Attorney General,

Plaintiff,

v.

INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, LOCAL NO.
212; CINCINNATI ELECTRICAL JOINT
APPRENTICESHIP AND TRAINING
COMMITTEE,

Defendants.

CIVIL ACTION NO. 6473

AMENDED COMPLAINT

The United States of America by Ramsey Clark,
Attorney General, alleges:

1. This is an action brought by the Attorney
General in the name of the United States seeking relief
for violation of Title VII of the Civil Rights Act of
1964 (78 Stat. 253), 42 U.S.C. 2000e et seq.

2. This Court has jurisdiction under 28 U.S.C.
1345 and under Section 707(b) of Title VII of the Civil
Rights Act of 1964 (78 Stat. 262), 42 U.S.C. 2000e-6(b).

3. The defendant, Local Union No. 212 of the
International Brotherhood of Electrical Workers (herein-
after referred to as defendant Union) is an unincorporated
association of working men in the electrical workers trade.
The defendant Union negotiates and enters into contracts

with contractors in and around the area of Cincinnati, Ohio for the employment of electrical workers. The principal office of the defendant Union is in Cincinnati, Ohio.

4. The defendant Union is a labor organization within the meaning of 42 U.S.C. 2000e-(d), and is engaged in industry affecting commerce within the meaning of 42 U.S.C. 2000e-(e).

5. The defendant Union has a collective bargaining agreement with the Cincinnati Chapter, National Electrical Contractors Association. The defendant Union maintains a hiring hall for electrical workers, through which members of defendant Union and non-members are referred to contractors for employment in an order of priority established by the collective bargaining agreement. If the defendant Union is unable to meet the needs of a contractor through its hiring hall, the contractor, in accord with the collective bargaining agreement, can hire electricians directly but those so hired must then obtain work permits from the defendant Union. Thus, the defendant Union effectively controls the employment opportunities for electricians in the Cincinnati area.

6. The Cincinnati Electrical Joint Apprenticeship and Training Committee (JATC) is an unincorporated association composed of 6 members, of whom 3 are representatives of defendant Local 212, and 3 are representatives of the Cincinnati Chapter, National Electrical Contractors Association.

7. The JATC administers the apprenticeship program of the defendant Local 212, and determines which persons shall be admitted to this program. Persons accepted into the apprenticeship program are regularly admitted into the union after serving a one year probationary period. The JATC has also administered tests and performed other functions relating to the admission to membership and referral of other electrical workers who are employed within the geographical jurisdiction of the defendant Local 212.

8. The JATC is a joint labor-management committee controlling apprenticeship and other training within the meaning of 42 U.S.C. 2000e-2(d). It performs its functions in Cincinnati, Ohio, in the Southern District of Ohio.

9. The defendant Union and the defendant JATC follow a policy and practice of excluding Negroes, on account of their race, from participation in the apprenticeship program, from admission to journeyman membership, and from employment opportunities in the electrical trade in the Cincinnati area.

10. The policy and practice referred to in the preceding paragraph has been and is implemented by the defendant union and the defendant JATC as follows:

(a) From the date of its organization until some time in the recent past, it was the policy of the defendant Union totally to exclude Negroes, on account of their race, from all participation in, affiliation with, or employment through the defendant Union.

(b) In assigning electrical workers to contractors for employment, the defendant Union gives preference to its members. All of its approximately 750 journeymen members are white persons, and all but three of its approximately 120 apprentice members are white persons.

(c) The defendant Union presently limits its membership to an arbitrary number substantially below the number of electricians required in the commercial electrical industry in the Cincinnati area.

(d) The defendant Union has since 1963 refused, with few exceptions, to admit to journeymen membership in the defendant Union any person who has not completed its apprenticeship training program. The inevitable effect is to bar experienced Negro electricians, previously excluded on account of their race, from membership as journeymen in the defendant Union. No Negroes have been admitted to Union membership as a result of the above-mentioned exceptions.

(e) The defendant Union and the defendant JATC will not permit persons over the age of 24 to enter the apprenticeship program. The inevitable effect of this practice is to perpetuate as to those Negroes now over the age of 24 the previous exclusion on account of their race from membership in the defendant Union.

(f) The defendant JATC presently limits the number of candidates accepted into the apprenticeship program to an arbitrary number substantially below the number of electrical apprentices required in the commercial electrical industry in the Cincinnati area.

(g) The defendant JATC and the defendant Union impose and administer arbitrary and non-objective standards for admission into the apprenticeship program. The standards and procedure for admission to the apprenticeship program have been changed each year since 1963.

(h) The defendant union has not recruited or accepted Negroes for referral through its hiring hall on the same basis as white persons have been and are recruited and accepted.

(i) The defendant Union has not issued work permits to Negroes on the same basis as it has issued and issues work permits to white persons.

11. The policy and practice of the defendant Union and the defendant JATC described in the preceding paragraph constitute a pattern and practice of resistance to the full enjoyment by Negroes of their right to equal employment opportunities in the electrical trade in the Cincinnati area. This pattern and practice is of such a nature and is intended to deny the full exercise of that right.

WHEREFORE the plaintiff prays for an order preliminarily and permanently enjoining the defendant Union, defendant JATC, their officers, agents, employees, successors, and all other persons and organizations in active concert or participation with any of them, from:

(a) Failing or refusing to recruit and accept Negroes for membership in the defendant Union as journeymen and apprentices on the same basis as white persons have been and are recruited and accepted.

(b) Engaging in any act or practice, directly or indirectly, for the purpose or with the effect of preventing, discouraging or hindering the employment of Negroes in the electrical trades in the Cincinnati, Ohio, area on the same basis and under the same conditions as white persons are employed in such trades.

Plaintiff further prays for an order establishing reasonable requirements for admission to the electrical apprenticeship program, and for an order directing that these requirements be administered for a period of five years by a disinterested person or persons approved by the Court.

Plaintiff further prays for an order directing the defendants to take reasonable steps to eliminate the effects of their prior racially discriminatory practices, including offering Union membership as journeymen to qualified Negroes.

Plaintiff further prays for such additional relief as the needs of justice may require together with the costs and disbursements of this action.

Ramsey Clark

RAMSEY CLARK
Attorney General

Stephen J. Pollak

STEPHEN J. POLLAK
Assistant Attorney General

ROBERT M. DRAPER
United States Attorney

John J. Kirby, Jr.

JOHN J. KIRBY, JR.
Attorney
Department of Justice