

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
BALTIMORE DISTRICT OFFICE  
CITY CRESCENT BUILDING  
10 South Howard Street, Third Floor  
Baltimore, Maryland 21201

DEBRA HARLEY	)	
PAULETTE TAYLOR,	)	
	)	
Class Agents,	)	EEOC Case No.
	)	
v.	)	
	)	
JO ANNE B. BARNHART,	)	Agency Case No.
COMMISSIONER	)	
SOCIAL SECURITY ADMINISTRATION,	)	
	)	
<u>Agency.</u>	)	

CLASS COMPLAINT

1. Debra Harley and Paulette Taylor are bringing this claim on behalf of themselves and as class agents for a class of similarly situated African-American female employees of the Social Security Administration Headquarters Office in Baltimore, Maryland. They charge the Social Security Administration (the "Agency") with a pattern of continuing violations of Title VII of the Civil Rights Act of 1964, as amended ("Title VII"), including discrimination against African-American women in training, assignments, performance appraisals, awards and promotions on the basis of race and sex.

2. This Office has jurisdiction of this matter under 29 C.F.R. 1614.204.

3. Class Agents allege that African-American female employees of SSA Headquarters are promoted at disproportionately lower rates and with greater numbers of years of experience than white female employees of SSA Headquarters. The Agency treats white female employees of SSA Headquarters more favorably than the

members of the class, not only in promotions, but the Agency provides white female employees better training opportunities, assignments and performance appraisals than members of the class and that different treatment leads to better opportunities for promotions for white females than African-American females. The Agency has opposed the interests of the class members and the class and has acted and refused to act on grounds generally applicable to the class, thereby making injunctive and declaratory relief appropriate, and the common questions of fact common to the class predominate over questions affecting only individuals, so that a class action is superior to other available methods of adjudication. 29 C.F.R. 1614.204(a)(2)(ii); see also Fed. R. Civ. P. Rule 23(b)(2) and (b)(3).

4. The class is comprised of at least one thousand (1,000) and up to approximately 13,000 African-American women employed at the Social Security Headquarters Office in Baltimore/Woodmont, Maryland who allege that they were subject to discrimination based upon race and sex, in violation of Title VII of the Civil Rights Act of 1964, as amended in promotions, assignments, training, and awards. The class is so numerous that the joinder of all members is impracticable. 29 C.F.R. 1614.204(a)(2)(i) and Fed. R. Civ. P. Rule 23(a)(1).

5. The claims of Ms. Harley and Ms. Taylor are typical of the claims of the class. 29 C.F.R. 1614.204(a)(iii); Fed. R. Civ. P. Rule 23(a)(3). Both Ms. Harley and Ms. Taylor have pending EEO claims against the Agency alleging that they were passed over in favor of less qualified and less experienced white employees for training, assignments, awards, promotions and that they suffered retaliation for filing EEO claims.

Ms. Harley alleges that the Agency refused to give her the same training and assistance in her projects that it gave to white female employees to prepare them for promotions. Ms. Harley alleges that she has been excluded from meetings and not provided information relevant to her projects, given shorter periods of time to complete her projects than white female employees, and denied awards given to white female employees based on subjective standards.

Ms. Taylor alleges that she was denied a promotion to a GS-13 position she had performed the duties of for more than three years. In retaliation for making an earlier EEO complaint, Ms. Taylor was not given any work assignments for almost nine months. Her workstation was moved away from her supervisor and co-workers and in the same area with two white employees who she had alleged to have discriminated against her when they told her manager that they did not want to work with her and requested that she be removed from the project. Ms. Taylor also alleges that she was denied training and overtime assignments given to white employees.

6. The evidence in support of Ms. Harley's and Ms. Taylor's claims of discriminatory treatment in promotions, training, assignments, awards, and performance appraisals is similar to the evidence which would be offered by the class to show disparate treatment of African-American women at the Social Security Administration Headquarters. The following allegations of fact are common to the class (Fed. R. Civ. P. Rule 23(c)(2) and (3)):

- The class members are African-American women employed at the Social Security Administration Headquarters in Baltimore/Woodmont, Maryland;
- They have received fewer promotions and are promoted at a slower rate than

white women;

- They are eligible for promotion, but have been denied promotions in favor of white employees who are not as well qualified and have less experience than they have;

- They have been denied training and assignments and awards and fair performance appraisals, of the kind given to white employees and which training, assignments and awards would give them better opportunities for promotion;

- The denial of promotions, training, assignments, awards and fair performance appraisals were not and are not required by business necessity.

7. Ms. Harley and Ms. Taylor will adequately represent the class. They have begun to organize and inform other African-American female employees of SSA Headquarters interested in bringing a class complaint against the Agency, and have obtained legal representation for the group. They are collecting from potential class members the necessary information and resources to assist in the successful prosecution of a class action and have arranged interviews of potential class members by legal representatives.

8. The class' legal representatives, Rose & Rose, P.C. are a law firm in Washington, DC, which has litigated cases in the federal courts since 1989. The firm has represented plaintiffs in pattern or practice cases and collective actions and class actions for many years. See the Declaration of David L. Rose, dated February 26, 2003, and the firm resume, both of which are submitted herewith.

9. The Class Agents have complied with the prerequisites to bringing this Formal Class Complaint, and conciliation at the informal stage of the administrative process

failed on or about February 24, 2003. 29 C.F.R. 1614.204(b) and (c).

WHEREFORE, the Agents request that this Office

- a. Accept and grant class certification;
- b. Award injunctive relief;
- c. Award monetary relief; and
- d. Such other relief as is just.

Respectfully submitted,



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David L. Rose  
Linda Y. Sroufe  
Rose & Rose, P.C.  
1320 19<sup>th</sup> Street, N.W., Suite 601  
Washington, DC 20036  
(Telephone) (202) 331-8555  
(Fax) (202) 331-0996

Attorneys for Class Agents Harley  
and Taylor

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Debra Harley, Class Agent

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Paulette L. Taylor, Class Agent

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_____ Agency.	)	

**Declaration of David L. Rose**

I declare under penalty of perjury that the following facts are true.

1. The facts set forth in my Biographical Sketch are accurate.

2. I have been engaged since January 1968 in the litigation of pattern or practice cases to enforce the rights of groups of employees or candidates for employment granted by Title VII of the Civil Rights Act of 1964, as amended, and other equal employment opportunity laws and regulations. I did so as an attorney for the Civil Rights Division of the U.S. Department of Justice until December, 1987, and have done so in private practice since that time.

3. I was the lead lawyer for the United States in the trial court in 1968 and in the Court of Appeals in Local 189, United Papermakers v. United States, 416 F.2d 980 (5<sup>th</sup> Cir. 1969), cert. den. 397 U.S. 919 (1970), affirming United States v. Local 189, et al, 282 F. Supp. 39 (E. D. La. 1968); and in United States v. Frazier, 317 F.Supp. 107 (M.D. Ala. 1969).

4. The pattern or practice cases brought by the United States under my direction and with my participation from 1969 through December 1987 are illustrated by United States v. Fairfax County, VA, 629 F. 2d 932 (4<sup>th</sup> Cir. 1980); and Bazemore and United States v. Friday, 478 U.S. 385 (1986).

5. In private practice, I have represented the NAACP and its branches, as well as

other groups of employees and individual employees. The suits on behalf of the NAACP are illustrated by NAACP v. Town of Harrison, 749 F. Supp. 1327 (D.N.J. 1990), aff'd Newark Br. NAACP, et al. v. Town of Harrison, 940 F.2d 792 (3d Cir. 1991); and NAACP v. Town of East Haven, 76 FEP Cases 903 (D.Conn. 1998) and 892 F. Supp. 46 (D. Conn. 1995); and NAACP et al. v. Parma, 263 F. 3d 263 (6<sup>th</sup> Cir. 2000). Most of the other 25 suits we filed for the NAACP were settled, including our suit against the New Jersey State Police. See Consent Order entered March 1, 2000 in Sup. Court, N.J., Docket No. MER-L-2687-96

6. Our suits to enforce the age discrimination laws are collective actions involving groups of plaintiffs. A prime example is Adams et al. v. Ameritech Services Inc. et al., 231 F.3d 414 (7<sup>th</sup> Cir. 2000).

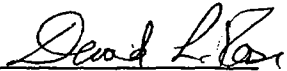
7. I represented plaintiff Carolee Brady in regard to her individual claims (but not on the class claims) in one of the largest class actions under Rule 23, Fed. R. Civ. P. ever brought against the government, Brady et al. v. Powell, Sec. of State, et al., Civ. 77-2019 (JR).

8. I am now one of the attorneys for a nation-wide class (certified under Rule 23, Fed. R. Civ. P.) of life insurance agents in Fischel, et al. v. Equitable Life Insurance Co. N. D. Cal., Civ. No. 96-4202 VRW); see Order granting partial summary judgment for the plaintiffs dated May 20, 2002).

9. Joshua Rose became an associate of mine in 1989, and David Wachtel became an associate of ours in 1993. The firm became Rose & Rose, P.C. in early 1995, and we have had four attorneys and a paralegal in the Firm for more than three years. All of our lawyers have more than ten years of experience, and many years of experience in litigating cases against large employers with substantial resources. We have worked with a number of former colleagues and other attorneys on particular cases, which has increased the legal resources we can bring to a case. In the more than twelve years of the existence of this Firm, we have been able to take and defend depositions and proceed to trial as necessary without the assistance of outside counsel. We usually engage local counsel when we are in courts outside the District of Columbia, but we rarely use their assistance in preparation for trial or trial, and we have never been forced to do so.

10. A number of cases we have brought have lasted for many years, but we have been tenacious and persistent. See NAACP et al. v. City of Parma, supra (suit filed in 1990, Consent Decree entered in Aug. 2002); Adams et al v. Ameritech Services, Inc. et al., supra. We have not been obliged to drop any case because of lack

of resources. In light of the favorable decisions and settlements in the last several years we are stronger financially now than we have been before.

  
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David L. Rose

Done this <sup>21<sup>st</sup></sup> day of February, 2003