

CIVIL COVER SHEET

CCB-19-2830

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM)

I. (a) PLAINTIFFS

Paulette L. Taylor and Harriett W. Gantt and all others similarly situated

DEFENDANTS

Andrew Saul, Commissioner, United States Social Security Administration

(b) County of Residence of First Listed Plaintiff Baltimore (EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant Baltimore (IN U.S. PLAINTIFF CASES ONLY)

(c) Attorneys (Firm Name, Address, and Telephone Number)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

pro se; appointment of counsel requested pursuant to 42 U.S.C. § 2000e-5(f)(1)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
3 Federal Question (U.S. Government Not a Party)
2 U.S. Government Defendant
4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State
Citizen of Another State
Citizen or Subject of a Foreign Country
PTF DEF
Incorporated or Principal Place of Business In This State
Incorporated and Principal Place of Business In Another State
Foreign Nation

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

Table with columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes various legal categories and checkboxes.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding
2 Removed from State Court
3 Remanded from Appellate Court
4 Reinstated or Reopened
5 Transferred from Another District (specify)
6 Multidistrict Litigation - Transfer
8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 42 U.S.C. § 2000(e), et seq. and 42 U.S.C. § 1981

Brief description of cause: Employment discrimination against Black Females; harassment and retaliation against named Plaintiff

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ 25,000,000.00 CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

pro se

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

FILED
U.S. DISTRICT COURT
DISTRICT OF MARYLAND

2019 SEP 26 PM 12:10

CLERK OF COURT
AT BALTIMORE

BY D. S. DEPUTY

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
NORTHERN DIVISION

PAULETTE L. TAYLOR
5 Caitlins Court
Baltimore, MD 21244
(Baltimore County)

and

HARRIETT W. GANTT
24 Stockmill Road, Apt. E
Pikesville, MD 21208
(Baltimore County)

Individually and on Behalf of Others
Similarly Situated,

Plaintiffs,

v.

ANDREW SAUL, COMMISSIONER,
UNITED STATES SOCIAL SECURITY
ADMINISTRATION,
6401 Security Boulevard
Woodlawn, MD 21235
(Baltimore County)

Defendant.

CIVIL ACTION NO.

CCB - 19 - 2830

CLASS ACTION

JURY TRIAL DEMANDED

COMPLAINT — CLASS ACTION

I. NATURE OF THIS ACTION

1. The Plaintiffs bring this action against the Administrator of the Social Security Administration (“Defendant” or “SSA”), an agency of the United States government, to redress race discrimination in employment at the SSA’s headquarters in Woodlawn, near Baltimore,

Maryland. Specifically, the named Plaintiffs, both of whom are present employees of the SSA at the agency's headquarters ("SSA HQ", bring this class action against the Defendant on behalf of themselves and all other Female African-American employees of the Defendant who work, have worked, or will work at the SSA headquarters, who are similarly situated, pursuant to the Civil Rights Act of 1866, 42 U.S.C. § 1981, and Title VII of the 1964 Civil Rights Act, as amended, 42 U.S.C. § 2000(e), *et seq.* ("Title VII").

2. The named Plaintiffs are seeking, on behalf of themselves and the class they seek to represent, declaratory and injunctive relief, back pay, front pay, compensatory and punitive damages, and attorneys' fees, costs, and expenses to redress the pervasive and racially discriminatory promotion policy, practices and procedures at the SSA HQ. Additionally, named Plaintiff Paulette Taylor seeks remedies for other instances of harassment and retaliation for having voiced opposition to discrimination against Black Females at the SSA HQ, and for having led, for almost two decades, individually and as a Class Agent, a legal challenge to such discrimination through the processes of the U.S. Equal Employment Opportunity Commission, known as *Taylor and Harley, et al. v. Administrator, SSA*.

II. JURISDICTION AND VENUE

3. This Court has jurisdiction pursuant to 28 U.S.C. §§ 1331, 1343(4), 2201, and 2202, 42 U.S.C. § 1981, and Title VII of the 1964 Civil Rights Act, as amended, 42 U.S.C. § 2000(e), *et seq.*

4. Venue is proper in the State of Maryland because the Defendant Administrator works at the governmental headquarters of the SSA in Woodlawn, Maryland, the SSA maintains its personnel records in Maryland, the SSA determines and implements in Maryland the policies, practices and procedures which have affected the named Plaintiffs and the proposed class, and the

Administrator engages in and/or ratifies in Maryland the illegal conduct which has adversely affected the named Plaintiffs and the class in Maryland, and the SSA engages in the challenged employment activities in Maryland. Both of the named Plaintiffs and most of the known class members reside in Maryland and work or formerly worked at the SSA HQ in Woodlawn, Maryland.

III. CONDITIONS PRECEDENT TO SUIT UNDER TITLE VII

1. The named Plaintiffs have fulfilled all conditions precedent to the institution of this action under Title VII. Specifically, named Plaintiff Paulette L. Taylor filed timely charges of race discrimination with the EEOC, filed and litigated to trial and through appeal at the EEOC's Office of Federal Operations ("OFO") a certified class action similar in scope to that alleged in this Complaint, excluding one grade of Black Females who were successful in that litigation and, thus far, in the appeal at the OFO. This suit is being filed within ninety (90) days of Paulette Taylor's receipt of the OFO's decision affirming the decision of the Administrative Judge in *Taylor and Harley, et al. v. Barnhart, Commissioner of SSA*. That OFO decision, dated July 26, 2019, was received by Plaintiff Paulette L. Taylor on July 28, 2019. This action is timely filed within ninety (90) days thereafter. The Plaintiffs' claims arising under 42 U.S.C. § 1981 do not require administrative exhaustion.

2. Named Plaintiff Harriett W. Gantt relies upon the charges filed by named Plaintiff Taylor and the above-referenced administrative litigation. The Plaintiffs' claims arising under 42 U.S.C. § 1981 do not require administrative exhaustion.

IV. PARTIES

A. Plaintiffs

3. Plaintiff Paulette L. Taylor is a Black Female citizen of the United States and a resident of Baltimore County in the State of Maryland. She has been continuously employed by the SSA from January 27, 1980 to the present and is presently working as a Management Analyst in the in the Office of Facilities and Logistics Management (OFLM), Office of Media and Logistics Management (OMLM), Division of Library and Duplication Services, Library Services Staff of the Social Security Administration at the SSA HQ in Woodlawn, Maryland. She has held various positions within the pay grades covered by the class allegations. She is a proposed Class Representative.

4. Plaintiff Harriett W. Gantt is a Black Female citizen of the United States and a resident of Baltimore County in the State of Maryland. She has been continuously employed by the SSA from 1982 to the present and is presently working as a Lead IT SPEC (SYSANA) in DSPSM/ICMB/ECST (Division of Systems performance and Service-level Management, Infrastructure Capacity Management Branch, External Customer Support Team) at the SSA HQ in Woodlawn, Maryland. She holds a doctorate degree. She has held various positions within the pay grades covered by the class allegations. She is a proposed Class Representative.

B. Defendant

5. Defendant Andrew Saul is the Commissioner of the United States Social Security Administration, which has its headquarters located in Baltimore County in the State of Maryland. He is the currently the head of the agency and thus is the proper Defendant in this action. The acts set forth in this Complaint were authorized, ordered and/or done by SSA's officers, agents,

employees, and/ or representatives while actively engaged in the management of SSA's governmental activities.

V. CLASS ACTION ALLEGATIONS

A. General Facts and Class Definition

6. The SSA HQ has used a single promotion policy and procedure for all of its promotion decisions throughout the relevant class period.

7. The named Plaintiffs seek to maintain claims of race and color – Black -- and gender -- Female – employment discrimination in regard to promotion decisions at SSA Headquarters on their own behalf and on behalf of a class of current and former Black Females at the SSA HQ. Both of the named Plaintiffs are members of the proposed class.

8. The class consists of all Black Females in federal pay grades GS-7, GS-8, GS-9, GS-10, GS-12, and GS-13, who applied for promotions to a higher pay grade at SSA HQ at any time during the liability period, were placed on a Best Qualified List, where applicable or, where not applicable were otherwise qualified for the job, and were denied the promotion. Each of the named Plaintiffs is a proposed representative of the class. Upon information and belief, there are hundreds of members of the proposed class.

9. Plaintiff Paulette Taylor was a class agent for a similarly defined and certified class in administrative litigation at the EEOC that last almost two decades, styled *Taylor and Harley, et al. v. Administrator, Social Security Administration*. There, a class of Black Females in grades 7 through 13 was certified by the Administrative Judge and the certification was upheld on appeal to the OFO. The case then proceeded to trial before the AJ. The AJ rendered a decision that created a class of Black Females in GS-11, for whom the AJ found liability. The AJ found against the remainder of the class, *i.e.*, the members of the putative class in the instant case. The AJ's

decision was upheld by the OFO. The claims of the GS-11 class are subject to a currently pending motion for reconsideration at the OFO. This complaint follows, on behalf of those members of the *Taylor and Harley* class in the administrative litigation who were not successful.

B. Efficiency of Class Prosecution of Common Claims

10. Certification of class of African-American employees similarly situated to the named Plaintiffs is the most efficient and economical means of resolving the questions of law and fact which are common to the claims of the named Plaintiffs and the proposed class. The individual claims of the named Plaintiffs require resolution of the common question of whether the Defendant has engaged in a systemic pattern and/or practice of race and/or gender discrimination against Black Females in promotions at SSA HQ. The named Plaintiffs seek remedies to eliminate the adverse effects of such discrimination in their own careers and in the careers of the proposed class members, and to prevent continued race and/or gender discrimination in the future. The named Plaintiffs have standing to seek such relief because of the adverse effect that such discrimination has had on them individually, and on Black Females generally. In order to gain such relief for themselves, as well as for the putative class members, the named Plaintiffs will first establish the existence of systemic race and/or gender discrimination as the premise for the relief they seek. Without class certification, the same evidence and issues would be subject to re-litigation in a multitude of individual lawsuits with an attendant risk of inconsistent adjudications and conflicting obligations. Certification of the proposed class of Black Females who have been affected by these common questions of law and fact is the most efficient and judicious means of presenting the evidence and arguments necessary to resolve such questions for the named Plaintiffs, the proposed class, and the Defendant. The named Plaintiffs' individual and class claims are premised upon the traditional bifurcated method of proof and trial for disparate impact and systemic disparate

treatment claims of the type at issue in this case. Such a bifurcated method of proof and trial is the most efficient method of resolving such common issues.

C. Numerosity and Impracticability of Joinder

11. The class which the named Plaintiffs seek to represent is too numerous to make joinder practicable. The proposed class consists of hundreds of current and former Black Females in the enumerated grades who were denied promotions during the liability period.

D. Common Questions of Law and Fact

12. The prosecution of the claims of the named Plaintiffs will require the adjudication of questions of law and fact common to both their individual claims and those of the putative class they seek to represent. The common questions of law could include, *inter alia*, whether the Defendant has engaged in unlawful, systemic race and/or gender discrimination in its advancement policies, practices and procedures; whether the Defendant is liable for continuing systemic violations of Title VII and/or Section 1981; and a determination of the proper standards for proving a pattern or practice of discrimination by the Defendant against their Black Female employees in the enumerated grades. The common questions of fact would include, *inter alia*: whether the Defendant has, through its policies, practices, and procedures, (a) precluded or delayed the promotion of Black Females into jobs traditionally held by non-black and/or male employees; (b) discouraged Black Females from seeking promotions into jobs traditionally held by non-black and/or male employees; (c) prevented Black Females from competing for opportunities in jobs traditionally held by non-black and/or male employees; (d) used unvalidated tests and testing procedures to impair the ability of Black Females to compete for jobs on an equal basis with non-blacks and/or males; (e) segregated Black Females into jobs and departments traditionally held and occupied by Black Females; (f) failed to train, or offer training to, or evaluate the training of,

Black Females so they could compete for positions traditionally held by non-black and/or male employees.

13. The employment policies, practices and procedures to which the Plaintiffs and the class have been subjected apply universally to all class members at the SSA HQ. These employment policies, practices and procedures are not unique or limited to any particular job group or department at the SSA HQ; rather, they apply to all job groups and departments and thus, affect the named Plaintiffs and proposed class members in the same ways no matter where or in which positions they work or for which promotions they apply.

14. The Defendant's policies, practices, and procedures have had an adverse impact on Black Female employees at the SSA HQ who have sought advancement to better and higher paying positions.

E. Typicality of Claims and Relief Sought

15. The claims of the named Plaintiffs are typical of the claims of the proposed class. The relief sought by the named Plaintiffs is also typical of the relief which is sought on behalf of the proposed class.

16. The named Plaintiffs who are class representatives are, like the members of the proposed class, both Black Females who have worked at the SSA HQ during the liability period.

17. Discrimination in advancement selection affects the compensation of the named Plaintiffs and all the class members in the same ways: wages are tied to grade level.

18. The relief necessary to remedy the promotion claims of the named Plaintiffs is the same as that necessary to remedy the claims of the proposed class members in this case. The named Plaintiffs seek the following relief for their individual promotion claims and those of the members of the proposed class: (a) a declaratory judgment that the Defendant have engaged in

systemic racial discrimination against Black Female employees in the enumerated grades by limiting their ability to be promoted to better and higher paying positions, by limiting their employment opportunities to lower and less desirable classifications, by limiting their training opportunities; (b) a permanent injunction against such continuing discriminatory conduct; (c) injunctive relief which effects a restructuring of the Defendant's promotion, training, testing, performance evaluation policies, practices, and procedures at the SSA HQ so that Black Females will be able to fairly compete in the future for promotions, transfers, and/or assignment to better and higher paying classifications the same as non-black and/or male employees; (d) injunctive relief which effects a restructuring of the SSA HQ workforce so that Black Females are promoted into higher and better paying classifications which they would have held in the absence of the Defendant's past race and/or gender discrimination; (e) back pay, front pay, and compensatory and punitive damages, and other equitable remedies necessary to make the Black Female employees whole from the Defendant's past discrimination; and (f) attorneys' fees, costs, and expenses. Additionally, named Plaintiff Paulette L. Taylor seeks compensatory and punitive damages for her individual harassment and retaliation claims set forth in Count III.

F. Adequacy of Representation

19. The named Plaintiffs/Class Representatives' interests are co-extensive with those of the members of the proposed class in this case. Each seeks to remedy the Defendant's discriminatory promotion policies, practices, and procedures at the SSA HQ so that Black Females will no longer be subjected to barriers or discrimination with respect to advancement, and will not be segregated into lower paying positions, will not be prevented from obtaining training and advancing into higher paying and more desirable positions. The named Plaintiffs are willing and

able to represent the proposed class fairly and vigorously as they pursue their similar individual claims in this action.

20. The named Plaintiffs intend to retain counsel who are qualified, experienced, and able to conduct this litigation and to meet the time and fiscal demands required to litigate an employment discrimination class action of this size and complexity. (Plaintiff Paulette L. Taylor did retain such counsel for the long duration of the administrative litigation, but such counsel is not available to represent the class and the class representatives in this case.) Alternatively, the named Plaintiffs request that the Court appoint such counsel pursuant to 42 U.S.C. § 2000e-5(f)(1).

21. The combined interests, experience and resources of the named Plaintiffs to litigate competently the individual and class claims at issue in this case will satisfy the adequacy of representation requirement of Fed.R.Civ.P. 23(a)(4).

G. Requirements of Rule 23(b)(2)

22. The Defendant has acted on grounds generally applicable to the named Plaintiffs and the proposed class by adopting and following systemic promotion policies, practices, and procedures for the entire SSA HQ which are, in practice, discriminatory against Black Females. Race and/or gender discrimination against Black Females is the Defendant's standard operating procedure at the SSA HQ rather than a sporadic occurrence. The Defendant has refused to act on grounds generally applicable to the class by refusing to adopt and apply selection, training, testing, and performance evaluation policies, practices, and procedures for the SSA HQ which do not have a disparate impact on or otherwise systemically discriminate against Black Females. The Defendant's systemic discrimination and refusal to act on grounds that are not discriminatory against Black Females at the SSA HQ has made appropriate final injunctive and declaratory relief with respect to the class as a whole.

23. Injunctive and declaratory relief are the predominant relief sought in this case because they are the culmination of the proof of the Defendant's individual and class-wide liability at the end of Stage I of a bifurcated trial and the essential predicate for the named Plaintiffs' and class members' entitlement to monetary and non-monetary remedies at Stage II of such trial. Declaratory and injunctive relief flow directly and automatically from proof of the common questions of law and fact regarding the existence of systemic racial discrimination against African-American employees at the SSA HQ.

H. Requirements of Rule 23(b)(3)

24. The common issues of fact and law affecting the claims of the named Plaintiffs and proposed class members predominate over any issues affecting only individual claims.

25. A class action is superior to other available means for the fair and efficient adjudication of the claims of the named Plaintiffs and members of the proposed class. The cost of proving the Defendant's pattern or practice of discrimination makes it impracticable for the named Plaintiffs and members of the proposed class to control the prosecution of their claims individually. The Plaintiffs are unaware of any pending race discrimination lawsuit brought against the Defendant by a member of the proposed class in this case.

26. The District of Maryland is the most logical forum in which to litigate the claims of the named Plaintiffs and the proposed class in this case. The Defendant's headquarters are in Baltimore, Maryland. All of the named Plaintiffs and all of the class members work or have worked at the SSA HQ in Woodlawn, Maryland.

VI. CLAIMS OF THE CLASS AND NAMED PLAINTIFFS

31. The named Plaintiffs and the putative class they seek to represent, have been subjected to a systemic pattern and/or practice of racial discrimination involving the use of a single

promotion policy, which is administered in a manner such that it is used to, and/or has the effect of discriminating against Black Females.

32. The Defendant's promotion policy, practice, and procedure relies upon subjective judgments, procedures, and criteria which permit and encourage the incorporation of race and/or gender stereotypes and bias by the Defendant's managerial staff in making promotion decisions; (b) permits the refusal or failure to provide equal training opportunities to Black Females; (c) permits the failure to provide Black Females with equal opportunities to demonstrate their qualifications for advancement; (d) permits the decision makers to refuse or fail to follow policies, practices, procedures, or criteria that reduce or eliminate disparate impact and/or intentional race and/or gender bias or stereotypes; (e) permits the failure to post or announce all vacancies or employment opportunities in a manner that would allow Black Females to learn about such opportunities and compete for them before they are filled by non-black and/or male employees or applicants; (f) permits the use of informal subjective selection methods which permit decision makers to stray from formal criteria or to evaluate Black Females' applications differently from those of other non-black and/or male candidates; (g) permits pre-selection of non-black and/or male candidates, through the use of selective training and/or work opportunities and otherwise; (h) discourages applications and expressions of interest by Black Females; and (i) uses unvalidated tests and testing procedures.

33. The Defendant's selection policies, practices, and procedures have had a disparate impact on the Plaintiffs and the members of the putative class. Such procedures are not valid, job-related, or justified by business necessity. There are alternative objective, structured, and more valid selection procedures available to the Defendant, which are more closely related to the actual

responsibilities of the positions, which would have less of a disparate impact on Black Females. However, the Defendant has failed and/or refused to use such alternative procedures.

34. The Defendant's selection, training, testing, performance evaluation, and other policies, practices, and procedures are intended to have a disparate impact on the named Plaintiffs and the class they seek to represent. Such practices form a part of the Defendant's overall pattern and/or practice of keeping Black Females in the lower classifications which have less desirable terms and conditions of employment.

35. Because of the Defendant's systemic pattern and/or practice of racial discrimination, the named Plaintiffs and class they seek to represent have been adversely affected and have experienced harm, including the loss of compensation, wages, back and front pay, and other employment benefits, embarrassment, emotional distress, humiliation, indignity and resulting injury and loss.

36. Black Female employees at the SSA HQ have repeatedly complained to their supervisors, including upper-level management, about the discriminatory promotion policies, practices, and procedures. The Defendant's managers have conducted inadequate and/or superficial investigations of these complaints and have failed to implement adequate procedures to remedy such complaints.

37. The Plaintiffs have no plain, adequate or complete remedy at law to redress the wrongs alleged herein, and this suit is their only means of securing adequate relief. The Plaintiffs are now suffering and will continue to suffer irreparable injury from the Defendant's unlawful policies, practices, and procedures as set forth herein unless those policies, practices, and procedures are enjoined by this Court.

38. **Plaintiff Paulette L. Taylor** is presently a Management Analyst in the in the Office of Facilities and Logistics Management (OFLM), Office of Media and Logistics Management (OMLM), Division of Library and Duplication Services, Library Services Staff of the Social Security Administration at the SSA HQ. She has held various positions within the pay grades covered by the class allegations.

39. During her employment at the SSA HQ, Plaintiff Paulette L. Taylor has been adversely affected by the systemic pattern and practice of racial discrimination detailed in this Complaint, including the Defendant's subjective selection policies, practices, and procedures which have prevented Taylor from advancing into higher and better paying positions for which she was qualified, and have deprived her of the opportunity to work in an integrated environment in which African-American employees hold higher level positions.

40. Plaintiff Paulette L. Taylor applied for, was qualified for, and in most instances was placed on an applicable Best Qualified List, and yet was denied the following promotions, identified by VAN, during the liability period of this case, either on the basis of her race and/or gender, Black Female, and/or on the basis of her age, and/or on the basis of her disability, and/or on the basis of retaliation for having opposed discrimination against Black Females at SSA HQ and/or filed complaints or otherwise exercised her workplace rights regarding denials of promotions and/or having complained of harassment or hostile working conditions (successful candidate with race and gender indicated where presently known, or other details noted):

- a) W-787; Management Analyst, Jake Vilella (HM)
- b) W-789; Management Analyst, Janette Barto (white female)
- c) B-2946, Supervisory Operations Analyst, Patricia Ford (black female)
- d) W-1061; Building Manager, Sam Feldman (white male)
- e) W-1062; Management Analyst, Debra Gingell (white female)
- f) W-1115; Building Manager; John Larwood (white male)
- g) W-1139; Management Analyst; Bobbie Dixon (white female)
- h) W-1153; Lead Management Analyst; Lizzie Fox (white female)
- i) W-1155; Building Manager; Allen Pierce (black male)
- j) W-1160; Executive Officer; Frank Biro (white male)
- k) W-1168; Management Analyst; Deborah Royster (black female)
- l) Temporary promotion to GS-301-13 Supervisor Operations Analyst position
(no VAN of which Plaintiff Taylor is aware)
- m) W-1183; Management Analyst; Dawn Fischer (white female)
- n) W-1184; Building Manager, Frank Mechlinski (white male)
- o) W-1189; Space Management Advisor; Jim Bentley (white male)
- p) W-1198; Building Manager; Michael Armetta (white male)
- q) W-1199; temporary promotions to Building Manager; Brian Ross (black male)
and Frank Glorioso (white male)
- r) W-1211, Facilities Manager; William Dragan (white male)
- s) W-1213; Building Manager; John Larwood (white male), Allen Ashby (white
male) and a white female (name unknown) were placed on the BQL, but Taylor
was not

- t) W-1216; Executive Officer; Ted Horan (white male)
- u) W-1222; Lead Project Manager; George M. Masek (white male), Raymond J. Rupp (white male)
- v) W-1235; Building Manager; Mary Blevins (white female), Jeff Huttenburger (white male)
- w) W-1236; Building Manager; Rose Ann Sabaka (white female)
- x) W-1248; Senior Project Manager; Wayne Bory (white male), George Powell (white male)
- y) W-1256; Building Manager, Kathy Leverton (white female)
- z) W-1257-USAS; Management Analyst
- aa) W-1260-USAS; Supervisory Mgt. Analyst, George M. Masek (white male)
- bb) W-1278-USAS; Lead Project Manager; Timothy F. Corbett (white male), Wesley M. Green (white male)
- cc) W-1279-USAS; Lead Management Analyst, Vacancy Cancelled
- dd) W-1287; GS-13 Project Coordinator; Bernard Dixon (white male)
- ee) W-1289; GS-14 Building Management Position; Gregg Williams (white male)
- ff) I-1010; Management Analyst; Shelley V. Klima (black female)
- gg) D-2496; Management Analyst
- hh) D-2497; Executive Assistant; Susan G. Scruggs
- ii) A-0968; Human Resource Specialist
- jj) SSA LDP-3; LDP
- kk) SO-177960; Supervisory Operations Analyst
- ll) O-3495; T/L Management Analyst

mm) O-3496; Management Analyst
nn) F-774; Management Analyst
oo) U-416; Program and Management Analyst
pp) X-450; Lead Management Analyst
qq) E-996; Management Analyst
rr) Z-354; Lead Management Analyst
ss) W-2000; Lead Management Analyst
tt) W-1088; Building Manager
uu) W-960; Project Manager
vv) W-928; Building Manager
ww) W-886; Supervisory Facilities Manager

41. In the vast majority of the denials listed in the preceding paragraph, the person or persons who were awarded the jobs were white and/or male, *i.e.*, non-Black Female.

42. Among those promotion selections listed above, the denials of the following promotions were for reasons of retaliation: B-2946, Supervisory Operations Analyst, and I-1010; Management Analyst.

43. Plaintiff Paulette L. Taylor has also been subjected to harassment, hostile working conditions, ostracism, and improper denials of leave on multiple occasions. These incidents have been either done by managers or co-workers who have been hostile to Plaintiff Taylor and/or her attempts to seek justice and equality for Black Females in the workplace. Plaintiff Paulette L. Taylor has reported these incidents to her managers and others at the SSA HQ. Where the acts were done by co-workers, SSA HQ managers have failed to investigate the incidents, failed to act upon information indicating the identity of the bad actors, thereby implicitly condoning the

activity, has failed to discipline or take action against those who have been responsible for such incidents of harassment and retaliation, and instead on some occasions has blamed, or placed burdens on Plaintiff Taylor herself, and, in general, management has failed to protect Plaintiff Taylor from such hostility and harassment. Management has also denied, or placed undue burdens upon, the requests of Plaintiff Taylor for leave to deal with or seek treatment for, or respite from, such harassment and hostility.

44. As a result of the Defendant's discriminatory and retaliatory actions, Plaintiff Paulette L. Taylor has suffered extreme harm.

45. **Plaintiff Harriett W. Gantt** began her employment with SSA in April 1982, and she has been employed at the SSA HQ continuously ever since. She holds a doctorate degree. She has held various positions within the pay grades covered by the class allegations.

46. During her employment at the SSA HQ, Plaintiff Harriett W. Gantt has been adversely affected by the systemic pattern and practice of racial discrimination detailed in this Complaint, including the Defendant's subjective selection policies, practices, and procedures which have prevented Gantt from advancing into higher and better paying positions for which she was qualified, and have deprived her of the opportunity to work in an integrated environment in which African-American employees hold higher level positions.

47. Plaintiff Harriett W. Gantt applied for, was qualified for, and in most instances was placed on an applicable Best Qualified List, and yet was denied the following promotions, identified by VAN, during the liability period of this case, on the basis of her race and/or gender, Black Female (successful candidate with race and gender indicated where presently known, or other details noted):

- a) K-2071; GS-14 IT Specialist; Quinn Solem (white male)
- b) A-774; Job title unknown; Systems
- c) G-2964; Branch Chief; Darlene Restivo
- d) G-2965; Branch Chief; Julie Fink (white female)
- e) Advanced Leadership Program; three different instances; numerous non-Black Females were selected
- f) Z-394, Supervisory Information Technology Specialist, 8/28/06, GS-14; the VAN was cancelled after Gantt applied
- g) K-2016
- h) K-1605
- i) K-1919-USAS, Branch Chief
- j) K-2071; IT Specialist

48. As a result of the Defendant's discriminatory actions, Plaintiff Harriett W. Gantt has suffered extreme harm.

VIII. PLAINTIFFS' CLAIMS PURSUANT TO STATUTE

A. COUNT ONE -- Classwide Claims Under The Civil Rights Act of 1866, 42 U.S.C. § 1981

49. The Plaintiffs restate and reallege paragraphs 1 through 48 as though set forth here in full.

50 The Defendant has discriminated against the named Plaintiffs and all members of the proposed class by denying them the same rights as are enjoyed by white employees in the making, performance, modification and termination of their employment relationship with the Defendant and the enjoyment of all benefits, privileges, terms and conditions of that relationship, in violation of the Civil Rights Act of 1866, 42 U.S.C. § 1981, as amended.

- a) The Defendant's conduct has been intentional, deliberate, willful, and

conducted in callous disregard of the rights of the named Plaintiffs and members of the proposed class.

b) The Defendant's policies and practices have produced a disparate impact against the named Plaintiffs and the class members with respect to the terms and conditions of employment.

c) By reason of the continuous nature of the Defendant's discriminatory conduct, persistent throughout the employment of the named Plaintiffs and class members, the named Plaintiffs and class members are entitled to application of the continuing violation doctrine to all of the violations alleged herein.

d) By reason of the Defendant's discrimination, the named Plaintiffs and the members of the proposed class are entitled to all legal and equitable remedies available under §1981, including, but not limited to, damages for mental anguish and punitive damages.

COUNT TWO -- Classwide Claims Under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e

51. Plaintiffs restate and reallege paragraphs 1 through 50 as though set forth here in full.

52. The Defendant has discriminated against the named Plaintiffs individually and all members of the proposed class with respect to terms and conditions of their employment because of their race and/or gender in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et seq.*, as amended by the Civil Rights Act of 1991.

53. The Defendant's conduct has been disparate, intentional, deliberate, willful, and conducted in callous disregard of the rights of the named Plaintiffs and the members of the proposed class.

54. The Defendant's policies and practices have produced a disparate impact against the named Plaintiffs and the class members with respect to the terms and conditions of employment.

55. By reason of the continuous nature of the Defendant's discriminatory conduct, persistent throughout the employment of the named Plaintiffs and class members, the named Plaintiffs individually and the class members are entitled to application of the continuing violation doctrine to all of the violations alleged herein.

56. By reason of the Defendant's discrimination, the named Plaintiffs individually and the members of the proposed class are entitled to all legal and equitable remedies available under §2000e.

COUNT THREE – Paulette L. Taylor's Individual Claims of Discrimination on the Basis of Race, Gender, Age, and/or Disability, of Harassment, and of Retaliation Under The Civil Rights Act of 1866, 42 U.S.C. § 1981, and Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e

57. Plaintiff Paulette L. Taylor restates and realleges paragraphs 1 through 56 as though set forth here in full.

58. Plaintiff Paulette L. Taylor has many times vocally raised complaints and issues regarding discrimination against Black Females at the SSA HQ workplace. Further, Plaintiff Paulette L. Taylor has filed several charges of race and gender discrimination, as well as age and disability discrimination with the EEOC against the SSA. Further, Plaintiff Paulette L. Taylor caused to be filed, and acted as Class Agent throughout almost two decades of, certain administrative litigation through the EEOC against the SSA on behalf of Black Females at SSA HQ, known as *Taylor and Harley, et al. v. Commissioner, Social Security Administration*. Plaintiff Paulette L. Taylor's role as an advocate for the employment rights of Black Females is well known throughout the SSA HQ, including among members of both management and rank-and-file

employees. Further, Plaintiff Paulette L. Taylor has discussed this role, and her activities as Class Agent in the *Taylor and Harley, et al. v. Commissioner, Social Security Administration* case with her own managers and supervisors.

59. For engaging in protected activity by opposing the illegal policies and practices described in this Complaint, and/or their exercise of their federal statutory rights to file charges of race discrimination with the EEOC, Plaintiff Paulette L. Taylor has been retaliated against by Defendant and has been subject to multiple incidents of harassment, embarrassment, humiliation, hostility, infliction of emotional distress, indignity, and ostracism, as well as denial of leave and other benefits. Plaintiff Paulette L. Taylor has reported these incidents to her managers and others at the SSA HQ. SSA HQ management has failed to investigate adequately such harassment, has failed to discipline or take action against those who have been responsible for such incidents of harassment and retaliation, and has failed to take appropriate measures to protect Plaintiff Paulette L. Taylor from harassment and retaliation by co-workers, and has denied her leave on occasions when she needed to seek treatment or respite from such harassment and retaliation.

60. As a result of Defendant's harassment and retaliation, Plaintiff Paulette L. Taylor has suffered extreme harm in the form of mental, emotional, and/or physical injury.

61. By reason of the Defendant's illegal harassment and retaliation, Plaintiff Paulette L. Taylor is entitled to all legal and equitable remedies available under §1981 and Title VII, including, but not limited to, declaratory and injunctive relief, compensatory damages for physical injury and mental and emotional anguish, and punitive damages.

IX. PRAYER FOR RELIEF

a. Wherefore, the named Plaintiffs, on behalf of themselves and the members of the class whom they seek to represent, request the following relief:

- A. Certification of the case as a class action maintainable under Federal Rules of Civil Procedure Rule 23 (a), (b)(2), and/or (b)(3), on behalf of the proposed class, and designation of the Plaintiffs as representatives of these class and their counsel, if and when appointed or obtained, as class counsel;
- B. A declaratory judgment that the Defendant's employment policies, practices, and procedures at the SSA HQ challenged herein are illegal and in violation of Title VII of the 1964 Civil Rights Act, as amended, 42 U.S.C. Section 2000(e), et seq. and 42 U.S.C. §1981;
- C. A permanent injunction against the Defendant from engaging in any further unlawful practices, policies, customs, usages, racial discrimination, and retaliation by the Defendant as set forth herein;
- D. An Order requiring the Defendant to initiate and implement programs that (i) will provide equal employment opportunities for Black Females at SSA HQ; (ii) will remedy the effects of the Defendant's past and present unlawful employment policies, practices, and procedures; and (iii) will eliminate the continuing effects of the discriminatory practices described above;
- E. An Order requiring the Defendant to initiate and implement systems of assigning, training, transferring, compensating, and promoting Black Females in a non-discriminatory manner at the SSA HQ;
- F. An Order establishing a task force on equality and fairness to determine the effectiveness of the programs described in (b) through (e) above, which would provide for (i) monitoring, reporting, and retaining of jurisdiction to ensure equal employment opportunity, (ii) the assurance that injunctive relief is

properly implemented, and (iii) a quarterly report setting forth information relevant to the determination of the effectiveness of the programs described in (b) through (e), above;

- G. An Order placing or restoring the named Plaintiffs and the class members into those jobs they would now be occupying, but for the Defendant's discriminatory policies, practices, and procedures;
- H. An Order directing the Defendant to adjust the wage rates and benefits for the named Plaintiffs and the class members to the level that they would be enjoying but for the Defendant's discriminatory policies, practices, and procedures;
- I. An award of back pay, front pay, lost benefits, preferential rights to jobs, and other damages for lost compensation and job benefits suffered by the named Plaintiffs and the class members, estimated at more than \$20,000,000;
- J. Any other appropriate equitable relief to the named Plaintiffs and proposed class members;
- K. An award of compensatory and punitive damages to Plaintiff Paulette L. Taylor for physical injury and mental and emotional anguish suffered as a result of Defendant's retaliation against her individually, in the amount of \$3,000,000 or such other amount as established at trial and permitted by law;
- L. An award of compensatory and punitive damages to Plaintiff Harriett W. Gantt for mental and emotional anguish suffered as a result of Defendant's discrimination against her individually, in the amount of \$2,000,000 or such other amount as established at trial and permitted by law;

- M. An award of litigation costs and expenses, including reasonable attorneys' fees, to the Plaintiffs and class members;
- N. Pre-judgment interest;
- O. Such other and further relief as the Court may deem just and proper; and
- P. Retention of jurisdiction by the Court until such time as the Court is satisfied that the Defendant have remedied the practices complained of herein and are determined to be in full compliance with the law.

X. REQUEST FOR APPOINTMENT OF COUNSEL

Pursuant to 42 U.S.C. § 2000e-5(f)(1) (1976), and the notice provided in the July 26, 2019 decision by the Office of Federal Operations of the EEOC, and under *Hilliard v. Volcker*, 659 F.2d 1125 (D.C. Cir. 1981), Plaintiffs are entitled to request from the District Court the appointment of counsel where they are unable to afford or obtain counsel on their own. Because Plaintiffs have, as yet, been unable to retain counsel and may not be able to do so at a cost that they can afford, Plaintiffs do at this time desire to avail themselves of this right and do hereby respectfully request that the District Court appoint competent counsel experienced in the pertinent areas of law and admitted to practice in this Court to represent Plaintiffs Paulette L. Taylor and Harriett W. Gantt and the proposed Class. In the event Plaintiffs secure counsel on their own upon affordable terms, Plaintiffs will promptly advise the Court.

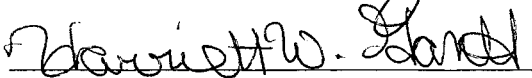
XI. JURY DEMAND

The Plaintiffs demand trial by jury of all issues triable of right to a jury.

Respectfully submitted this 26th day of September, 2019,



Pro se Plaintiff Paulette L. Taylor



Pro se Plaintiff Harriett W. Gantt