

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

<p>Beatrice Alvarez, on behalf of herself and all others similarly situated,</p> <p style="text-align:center">Plaintiff,</p> <p>v.</p> <p>National Council of Young Men's Christian Associations of the United States of America ("YMCA of the USA"),</p> <p style="text-align:center">Defendant.</p>	<p>Case No:</p> <p>TRIAL BY JURY DEMANDED</p>
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COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff Beatrice Alvarez, by and through her attorneys, brings this action on behalf of herself and all other similarly situated, against Defendant National Council of Young Men's Christian Associations of the United States of America ("Y-USA") and alleges as follows:

1. This is a race and ethnicity discrimination and retaliation in employment action brought under Title VII of the Civil Rights Act of 1964, as amended by the Civil Rights Act of 1991, 42 U.S.C. § 2000e *et seq.*, the Illinois Human Rights Act and Section 1981, 42 U.S.C. § 1981, against defendant Y-USA.

JURISDICTION AND VENUE

2. This court has subject matter jurisdiction over plaintiff's claims pursuant to 28 U.S.C. § 1331 and § 1343.

3. Venue is proper under 29 U.S.C. § 1391(b)(2) because a substantial part of the conduct giving rise to the claims took place in this judicial district.

PARTIES

4. Plaintiff Beatrice Alvarez is a citizen of the United States and the State of Illinois. She began working for Y-USA in 2004 as a Project Coordinator/Quality Assurance Tester. Ms. Alvarez is an “employee” for purposes of Title VII and Section 1981. Her ethnicity is Latina and her race is Hispanic.

5. Defendant Y-USA is an Illinois organization that maintains its headquarters at 101 North Wacker Drive, Chicago, Illinois 60606. Y-USA is an “employer” for purposes of Title VII, the Illinois Human Rights Act and Section 1981.

FACTS

6. Y-USA is the national resource office for the nation’s approximately 2,700 Ys.

7. Y-USA employees approximately 300 employees, most of whom work out of its headquarters in Chicago, Illinois.

8. Ms. Alvarez began working for Y-USA’s information technology (“IT”) department in 2004 as a Project Coordinator/Quality Assurance Tester.

9. Her ethnicity is Latina and her race is Hispanic.

10. During her employment, Ms. Alvarez’s work consisted mostly of project management, such as identifying inefficiencies to improve business and spending, assessing business need, finding software solutions and managing full life-cycle development projects from beginning to end to address the needs of the various Y-USA departments.

11. Ms. Alvarez’s first supervisor was Lori Niforatos (non-Latina, white female), who was a Senior Project Manager.

12. Ms. Niforatos in turn reported to Rich Whitney (non-Latino, white male), who was in charge of YUSA's IT department.

13. Initially, the group consisted of just Ms. Alvarez and Ms. Niforatos.

14. In addition to quality assurance work, Ms. Alvarez was doing most of the project management work. Ms. Niforatos, in turn, was doing most of the governance work. Ms. Alvarez and Ms. Niforatos were both doing some business analyst work as well.

15. Approximately one year after Ms. Alvarez began working, Y-USA hired Rachel Moorhead (non-Latina, white female) to work as a dedicated business analyst.

16. With Ms. Moorhead joining the group, Ms. Niforatos was able to focus primarily on governance work, such as asking different departments to submit their IT projects and estimate the benefits and goals.

17. Ms. Alvarez and Ms. Moorehead would then meet with the business representative to assess the project management hours, development time and some analysis needed to complete the work.

18. At that time, Ms. Alvarez's primary responsibility was the project management work and Ms. Moorhead's primary responsibility was the business analyst work.

19. Sometime within the period that Ms. Alvarez worked with Ms. Niforatos and Ms. Moorhead there was a reorganization within the IT department. However, YUSA did not adjust Ms. Alvarez's job title nor did YUSA give Ms. Alvarez a pay raise or increase in job grade as a result of this reorganization.

20. By 2007, Niforatos and Ms. Moorhead both resigned from Y-USA for personal reasons.

21. At that time, Y-USA hired Melissa Mahoney (non-Latina, white female) into the group as a Project Manager.

22. Although Ms. Alvarez had been performing the project management work since 2004 and had always received good performance reviews along with merit raises each year, her job title remained Project Coordinator.

23. At Y-USA, Project Manager is a more prestigious job title and is paid on a different, higher salary grade than Project Coordinators.

24. Even though Ms. Mahoney had a more prestigious job title and received a higher salary than Ms. Alvarez, she initially did not have the experience or knowledge to perform project management work.

25. Y-USA had promoted Ms. Mahoney from a position within its benefits department. Ms. Mahoney had no project management experience within an IT setting.

26. Ms. Alvarez trained Ms. Mahoney to perform project management work within Y-USA's IT department providing guidance, templates needed and providing shadowing opportunities.

27. In addition to training Ms. Mahoney on the project management work, Ms. Alvarez also trained Ms. Mahoney on the business analyst and governance work that the two of them needed to perform since Ms. Niforatos and Ms. Moorhead had resigned.

28. In or about May of 2009, Ms. Alvarez complained to Mr. Whitney that she did not have the same job title or pay as Ms. Mahoney even though they were performing the same work.

29. Mr. Whitney agreed that Y-USA should change Ms. Alvarez's job title and pay grade to reflect the reality that she and Ms. Mahoney were doing the same job.

30. Mr. Whitney then asked Ms. Alvarez and Ms. Mahoney to revise their job descriptions to reflect the reality that they performed the same work.

31. In or about June or July 2009, Mr. Whitney informed Ms. Alvarez that he was formally asking Y-USA to update the job descriptions and to give her the Project Manager job title.

32. Y-USA did not give Ms. Alvarez the Project Manager job title in 2009.

33. YUSA did not give Ms. Alvarez a change in pay grade in 2009.

34. YUSA did not adjust Ms. Alvarez's salary in 2009 to pay her the same amount of money it was paying Ms. Mahoney.

35. In or about April of 2010, Y-USA terminated Mr. Whitney's employment.

36. Y-USA appointed Pat Ward (non-Latino, white male) to become the interim head of IT and to become Mr. Whitney's replacement.

37. After Y-USA appointed Mr. Ward, Ms. Alvarez complained to him that she believed that she did not have the proper job title and was not paid at the proper pay scale because she is Latina. In making this complaint, Ms. Alvarez engaged in protected activity by opposing a practice she reasonably believed to be unlawful and in violation of her civil rights.

38. Mr. Ward expressed surprised that Ms. Alvarez had the wrong job title and noted that she had better project management skills than Ms. Mahoney.

39. Mr. Ward suggested that Ms. Alvarez raise her complaints with Lynn Vaughn (non-Latina, white female), Y-USA's Chief Information Officer.

40. When Ms. Alvarez met with Ms. Vaughn about her complaints, Ms. Vaughn was dismissive.

41. Ms. Vaughn refused to intercede on Ms. Alvarez's behalf.

42. Instead, Ms. Vaughn instructed Ms. Alvarez to raise her complaints with the new IT director, Paul Haisman, that Y-USA had just hired.

43. In or about August of 2010, Ms. Alvarez met with Y-USA's new IT director, Paul Haisman (non-Latino, white male) and asked him to determine if Y-USA would change her job title and pay grade to reflect the fact that she was doing (and had been doing) project management work.

44. Mr. Haisman promised to find out.

45. In or about September of 2010, Mr. Haisman informed Ms. Alvarez that Y-USA would give Ms. Alvarez a pay raise but that it would not change her job title or pay grade.

46. Ms. Alvarez again complained to Mr. Haisman that Y-USA's actions were discriminatory because she was performing the same job and had the same performance goals as Ms. Mahoney, a white female, yet Ms. Mahoney had a more prestigious job title and was in a higher pay grade.

47. Y-USA's failure to provide Ms. Alvarez with the Project Manager job title and to pay her at the same pay grade as Ms. Mahoney constitute discrimination the basis of Ms. Alvarez's ethnicity and race.

48. On or about October 4, 2010, just weeks after Ms. Alvarez had complained to Mr. Haisman, Y-USA terminated her employment.

49. Upon her termination, Ms. Alvarez reiterated to Jackie Gordon (non-Latina female), Y-USA's Human Resources Director, that Y-USA had discriminated against her on the basis of her ethnicity or race by giving her an inferior job title and pay grade than it gave to Ms. Mahoney. Ms. Alvarez reminded Ms. Gordon that she even had to train Ms. Mahoney how to perform her job.

50. Ms. Gordon dismissed Ms. Alvarez's complaints and alleged that Y-USA was eliminating her job due to budgetary concerns.

51. Ms. Alvarez responded by pointing out that Y-USA was not also terminating a temporary employee or any of the numerous consultants the organization had hired.

52. Ms. Gordon replied by stating it was not actually budgetary concerns but rather it was because Y-USA was undergoing a reorganization and Ms. Alvarez's position was being eliminated.

53. Y-USA's stated reasons for terminating Ms. Alvarez's employment are false and pretextual, as evidenced by the fact that Ms. Gordon changed those reasons during their conversation.

54. Y-USA in fact terminated Ms. Alvarez because she complained about discrimination on the basis of her ethnicity and race.

55. As a result of the above-described conduct, Ms. Alvarez has suffered and continues to suffer losses, both economic and non-economic.

Pattern-or-Practice And Class Allegations

56. Plaintiff's experience is not isolated. Defendant Y-USA has engaged in and continues to engage in a pattern-or-practice of intentional discrimination against Latino and

Hispanic employees based on their race and/or ethnicity or stereotypes about their race and/or ethnicity. This discrimination extends to hiring, pay, promotion, assignment of work opportunities, discipline, benefits, performance evaluations and terminations of employment. Alternatively, Y-USA's facially neutral performance evaluation system, compensation system – including for annual merit increase adjustments – and/or promotion system intentionally or unintentionally discriminated against plaintiff and all other similarly situated Latino and/or Hispanic employees by disparately or adversely impacting their term, conditions, benefits or privileges of employment or employment opportunities.

57. Latino and Hispanic employees were underrepresented during the years Ms. Alvarez worked at Y-USA, particularly in higher paying positions, and continue to be underrepresented today.

58. During Ms. Alvarez's employment, most Latino and Hispanic employees at Y-USA were employed in the International Group or are in administrative positions.

59. During Ms. Alvarez's employment, few Latino or Hispanic employees served in upper management or in the Leadership Group.

60. Plaintiff here seeks relief on behalf of herself and all other similarly situated Latino and Hispanic employees pursuant to Fed. R. Civ. P. 23.

61. Plaintiff seeks to represent all current and former Latino and Hispanic Y-USA employees who were discriminated against based on their race or ethnicity from October 2007 to the present.

62. Upon information and belief, the class of individuals plaintiff seeks to represent exceeds 25 employees. The class of individuals plaintiff seeks to represent is so numerous that joinder of all members is impracticable.

63. There are common questions of law or fact common to the class of individuals plaintiff seeks to represent.

64. The claims on which plaintiff will seek certification are typical of the class of individuals plaintiff seeks to represent.

65. Plaintiff and her counsel will fairly and adequately protect the interests of the class of individuals plaintiff seeks to represent.

66. Y-USA also has a pattern or practice of retaliating against employees who complain about discrimination. Employees who complained about discrimination or retaliation have been retaliated against in a variety of ways, including through retaliatory terminations allegedly as part of a reduction-in-force.

**COUNT I -
Ethnicity and/or Race Discrimination in Violation of Title VII
(Class & Individual Claim)
(Intentional Discrimination & Unintentional Discrimination)**

67. Plaintiff repleads the allegations contained in all paragraphs of this Complaint and incorporate them by reference as if fully set forth herein.

68. Title VII prohibits employers from denying employees equal employment opportunities with respect to terms, conditions, benefits or privileges of employment based on their race or ethnicity, including with respect to performance evaluations, compensation, and promotional opportunities. Title VII also prohibits employers from classifying or segregating employees because of race or ethnicity intentionally or unintentionally.

69. Y-USA is an “employer” within the meaning of Title VII. Plaintiff as an “employee” within the meaning of Title VII.

70. Y-USA denied plaintiff and all other similarly situated Latino and/or Hispanic employees equal terms, conditions, benefits or privileges of employment because of their race or ethnicity.

71. Alternatively, Y-USA classified or segregated plaintiff and other similarly situated Latino and/or Hispanic employees intentionally or unintentionally on the basis of their race or ethnicity.

72. Alternatively, Y-USA’s facially neutral performance evaluation system, compensation system – including for annual merit increase adjustments – and/or promotion system intentionally or unintentionally discriminated against plaintiff and all other similarly situated Latino and/or Hispanic employees by disparately or adversely impacting their term, conditions, benefits or privileges of employment or employment opportunities.

73. Plaintiff and all other similarly situated Latino and/or Hispanic employees’ race or ethnicity was a motivating factor for defendant’s conduct towards them.

74. Defendant’s actions were willful, intentional and/or done maliciously or with callous disregard or reckless indifference to plaintiff’s and all other similarly situated Latino and/or Hispanic employees’ federally protected rights. Exemplary damages are warranted to prevent similar unlawful conduct by defendant.

75. Plaintiff and all other similarly situated Latino and/or Hispanic employees were damaged by defendant’s conduct.

76. Ms. Alvarez has timely filed a Charge of Discrimination with the United States Equal Employment Opportunity Commission (“EEOC”).

77. Ms. Alvarez received a Notice of Right to Sue letter from the EEOC and filed this lawsuit within 90 days of receiving it.

COUNT II
Race Discrimination in Violation of Section 1981
(Class & Individual Claim)

78. Plaintiff repleads the allegations contained in all paragraphs of this Complaint and incorporate them by reference as if fully set forth herein.

79. Section 1981 of the Civil Rights Act of 1866, as amended, prohibits employers from subjecting their employees to discrimination with respect to terms, conditions, benefits or privileges of employment based on race or ethnicity, including with respect to performance evaluations, compensation, and promotional opportunities

80. Section 1981 of the Civil Rights Act of 1866, as amended, also grants all persons within the jurisdiction of the United States the same rights to make and enforce contracts and to the full and equal benefits of the law as is enjoyed by white citizens.

81. Defendant denied plaintiff and all other similarly situated Latino and/or Hispanic employees equal terms, conditions, benefits or privileges of employment because of their race or ethnicity.

82. Plaintiff and all other similarly situated Latino and/or Hispanic employees’ race or ethnicity was a motivating factor for defendant’s conduct towards them.

83. Defendant’s actions were willful, intentional and/or done maliciously or with callous disregard or reckless indifference to plaintiff’s and all other similarly situated Latino

and/or Hispanic employees' federally protected rights. Exemplary damages are warranted to prevent similar unlawful conduct by defendant.

84. Plaintiff and all other similarly situated Latino and/or Hispanic employees were damaged by defendant's conduct.

COUNT III
Race Discrimination in Violation of the Illinois Human Rights Act
(Class & Individual Claim)
(Intentional Discrimination & Unintentional Discrimination)

85. Plaintiff repleads the allegations contained in all paragraphs of this Complaint and incorporate them by reference as if fully set forth herein.

86. The IHRA prohibits employers from denying employees equal employment opportunities with respect to terms, conditions, benefits or privileges or employment based on their race or ethnicity, including with respect to performance evaluations, compensation, and promotional opportunities, intentionally or unintentionally.

87. Y-USA is an "employer" within the meaning of the IHRA. Plaintiff as an "employee" within the meaning of the IHRA.

88. Defendant denied plaintiff and all other similarly situated Latino and/or Hispanic employees equal terms, conditions, benefits or privileges of employment because of their race or ethnicity.

89. Alternatively, Y-USA classified or segregated plaintiff and other similarly situated Latino and/or Hispanic employees intentionally or unintentionally on the basis of their race or ethnicity.

90. Alternatively, Y-USA's facially neutral performance evaluation system, compensation system – including for annual merit increase adjustments – and/or promotion

system intentionally or unintentionally discriminated against plaintiff and all similarly situated Latino and/or Hispanic employees by disparately or adversely impacting their terms, conditions, benefits or privileges of employment or employment opportunities.

91. Plaintiff and all similarly situated Latino and/or Hispanic employees' race or ethnicity was a motivating factor for defendant's conduct towards them.

92. Plaintiff and all similarly situated Latino and/or Hispanic employees were damaged by defendant's conduct.

**COUNT IV -
Retaliation in Violation of Title VII
(Individual Claim)**

93. Plaintiff repleads the allegations contained in all paragraphs of this Complaint and incorporate them by reference as if fully set forth herein.

94. Ms. Alvarez has timely filed a Charge of Discrimination with the United States Equal Employment Opportunity Commission ("EEOC").

95. Ms. Alvarez received a Notice of Right to Sue letter from the EEOC and filed this lawsuit within 90 days of receiving it.

96. As described above, Y-USA retaliated against Ms. Alvarez for complaining about Y-USA's discrimination against her on the basis of her ethnicity and race.

97. Ms. Alvarez suffered losses, both economic and emotional, as a result of Y-USA's retaliation against her.

COUNT V
Retaliation in Violation of Section 1981
(Individual Claim)

98. Plaintiff repleads the allegations contained in all paragraphs of this Complaint and incorporate them by reference as if fully set forth herein.

99. As described above, Y-USA retaliated against Ms. Alvarez for complaining about Y-USA's discrimination against her on the basis of her ethnicity and race.

100. Ms. Alvarez suffered losses, both economic and emotional, as a result of Y-USA's retaliation against her.

COUNT VI
Retaliation in Violation of the Illinois Human Rights Act
(Individual Claim)

101. Plaintiff repleads the allegations contained in all paragraphs of this Complaint and incorporate them by reference as if fully set forth herein.

102. As described above, Y-USA retaliated against Ms. Alvarez for complaining about Y-USA's discrimination against her on the basis of her ethnicity and race.

103. Ms. Alvarez suffered losses, both economic and emotional, as a result of Y-USA's retaliation against her.

RELIEF SOUGHT – ALL COUNTS

I. Injunctive Relief To Cease Unlawful Race Discrimination And Retaliation

Plaintiff respectfully requests on behalf of herself and all others similarly situated that the Court enter an order declaring that defendant violated the Civil Rights Act of 1866 (Sections 1981), Title VII, and the Illinois Human Rights Act and directing that Y-USA:

- a) Reinstate plaintiff and all other similarly situated Latino and/or Hispanic employees terminated to their positions of employment with full seniority and benefits;

- b) Conduct training for all managers regarding racial discrimination, retaliation and Y-USA's policy regarding racial discrimination and retaliation;
- c) Conduct training regarding how to prevent hidden and overt bias (including stereotypes) from impeding the advancement of Latino and Hispanic employees in the workplace;
- d) Forbid future violations of the Civil Rights Act of 1866, Title VII and the IHRA, the or any other laws prohibiting race discrimination and retaliation in the workplace;
- e) Adopt policies aimed at preventing and remedying any future violations that may occur, including an *effective* reporting procedure and *effective* investigation procedures that prevent retaliation; and
- f) Notify all employees of the violation(s) and the remedy imposed by this Court.

II. Other Relief As The Court Deems Just And Equitable

Plaintiff, on behalf of herself and all others similarly situated also respectfully request all relief authorized under the above-described statutes, including but not limited to an order:

- a) Enjoining defendant from further unlawful conduct;
- b) Directing defendant to pay plaintiff and all other similarly situated employees lost past and future wages (including benefits), compensatory damages, punitive damages and civil penalties;
- c) Directing defendant to pay plaintiff's attorneys' fees and costs (including any expert witness fees);
- d) Awarding prejudgment and post-judgment interest; and
- e) Awarding all other relief that the Court may deem equitable, just or appropriate that is available under applicable law.

A TRIAL BY JURY IS DEMANDED ON ALL COUNTS

Respectfully submitted,

BEATRICE ALVAREZ, on behalf of herself
and those similarly situated,

/s/ Johanna J. Raimond
One of her attorneys

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