

ORIGINAL

FILED
U.S. DISTRICT COURT
NORTHERN DIST. OF TX
FT. WORTH DIVISION

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CLERK OF COURT *(initials)*

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7 UNITED STATES DISTRICT COURT
8 DISTRICT OF TEXAS

9 **Jaime Reborn,**

10 **Plaintiff**

11 v.

12 **Nevada State Education Association**

13 **3511 E. Harmon Ave.**

14 **Las Vegas, NV 89123**

15 **Defendant**

16 **National Staff Organization – Nevada**

17 **3511 E. Harmon Ave.**

18 **Las Vegas, NV 89123**

19 **Defendant**

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**AMENDED COMPLAINT –
EMPLOYMENT DISCRIMINATION
BASED UPON RACE, NATIONAL
ORIGIN, DISABILITY, AND
RETALIATION, AND VIOLATION OF
THE FEDERAL EQUAL PAY ACT**

DEMAND FOR JURY TRIAL

20 **COMPLAINT**

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24 1. Plaintiff, Jaime Reborn proceeding Pro Se, brings this action pursuant to Title VII of
25 the Civil Rights Act of 1964, as amended, 42 U.S.C. to remedy acts of employment
26 discrimination and retaliatory discrimination perpetrated against him by the Nevada State
27 Education Association and the National Staff Organization - Nevada. Plaintiff contends that he
28

Amended Complaint - Jaime Reborn vs. Nevada State Education Association

1 was denied a promotion/job opportunity of Director of Communications because of his race,
2 (Negro) and was subsequently released from employment after making a complaint to the Board
3 of Directors regarding the denial of the promotion/job opportunity for Director of
4 Communications.
5

6 **Jurisdiction**

7 2. This Court has jurisdiction over the subject matter of this civil action pursuant to
8 Title VII of the Civil Rights Act of 1964, 42 U.S.C., section 2000e-16.

9 **Venue**

10 3. Venue is proper in this judicial district under 42 U.S.C. Section 2000e-5(f)(3).

11 **Parties**

12 4. Plaintiff, Jaime Reborn, is a citizen in the State of Texas. At all times relevant to the
13 suit until his termination in December of 2012 he was employed at the Nevada State Education
14 Association in Las Vegas, NV. Mr. Reborn had been employed from September 2006 to
15 December 2012.

16 5. Defendant, Nevada State Education Association (NSEA) was Mr. Reborn's employer
17 during the aforementioned period. The NSEA is being sued in this capacity.

18 6. Defendant, National Staff Organization – Nevada (NSO) was Mr. Reborn's union
19 representative organization from about February 2009 to December 2012.
20

21 **Statement of Facts**

22 7. Plaintiff, Jaime Reborn, a black Negro employee, was employed at the NSEA from
23 September 2006 to December 2012.

24 8. In August of 2012 Mr. Reborn applied for a vacant Director of Communications
25 opening.

26 9. In August of 2012 Mr. Reborn was informed that he would not be given an interview
27 for the position by the NSEA management
28

1 10. The NSO-Nevada did not intervene on behalf of Mr. Reborn but instead colluded
2 with NSEA management by either directly working with NSEA Management from keeping Mr.
3 Reborn from obtaining the position of Director of Communication or indirectly colluding with
4 NSEA Management by not representing Mr. Reborn on the matter.

5 11. The NSO-Nevada contract with the NSEA essentially states that if current NSEA
6 staff members have equal qualifications to other applicants for a position that the NSEA staff
7 member will be given preference for the position.

8 12. Plaintiff Mr. Reborn has seven college degrees, all from accredited colleges and
9 universities including a Doctor of Management in Information Systems Technology (which was
10 being completed at the time he was denied the position of Director of Communication).

11 13. When Plaintiff Mr. Reborn was complained to the NSEA Board of Directors about
12 being passed over for the position of Director of Communications, he was released and barred
13 from the NSEA building less than two months later.

14 14. The NSEA management claimed that they had been advised by its parent
15 organization, the National Education Association, to terminate Mr. Reborn's employment.

16 15. No such proof was ever given and the plaintiff, Jaime Reborn, can prove that this
17 information, in fact false.

18 16. Plaintiff, Jaime Reborn, had more formal education than any other professional or
19 associate staff member on staff at the NSEA but was, by far, the lowest paid professional staff
20 member.

21 17. NSEA management never verified Plaintiff, Jaime Reborn's, recommendations
22 from three Hollywood feature film directors that attested to the Plaintiff's abilities as a Director
23 of Communication.

24 18. The Plaintiff, Jaime Reborn, speaks conversational Spanish which was one of the
25 preferred but was told by NSO-Nevada President that it speaking Spanish was not even a true
26 consideration of the NSEA Management when the hiring decision was made.

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19. To the Plaintiff's, Jaime Reborn's, knowledge, the NSEA had been on a pay step increase for a few years. Since the pay step increase ended started fiscal year 2012, Jaime Reborn, should have been moved to the professional staff pay scale with all of the other professional staff members.

20.) If the NSEA has no significant increases in membership or does not increase its dues, then there is relatively no additional revenue or income stream for the NSEA. Since there are only limited means to increase available funds to the NSEA, it is the Plaintiff's, Jaime Reborn's, belief that the NSEA and NSO colluded in allowing the Plaintiff to be released in order that his salary may be used to help cover the pay step increases of the other staff.

21.) NSO-Nevada President, Lori Vece, specifically told me that someone from the NSEA management team, that reviewed the applications for Director of Communications, remarked that my recommendations were not signed. I stated to her that there was no requirement that the recommendations be signed. They were E-mailed to me and each of them had phone numbers on them to verify their authenticity. Lori was making it clear to me that the NSEA management team had no intent to hire me.

22.) Dwight Blake, the NSO-Nevada Vice President stated to me during the application process that I would not be hired because I had a toxic relationship with my supervisor, Michael Tibbs. Although the NSO-Nevada management was aware that I was not being fairly evaluated for the position of Director of Communications, the NSO-Nevada made no effort redress my grievances about the situation.

23.) Claudia Briggs, the outgoing NSO-President and outgoing Director of Communications attempted to scold me for having written a complaint to the Board of Directors because of my concern about the NSO-Nevada's lack of assistance with regard to helping me address the my not being allowed to interview for the Director of Communications position.

24.) At one point during my discussion about the Director of Communications position, Claudia asked me if I could prepare a press release. I responded to her that, of course, I could

1 prepare a press release. I also reminded her that I was finishing my dissertation and press release
2 was a very minimal task by comparison.

3
4 25.) It was perplexing to me that in an organization that is supposed to be protecting
5 educators and educational policies that benefit educators that I was constantly told during this
6 process of applying for the Director of Education position and after I had been refused an
7 interview for the position, that my having six degrees including finishing up my Doctorate in
8 Management of Information Systems Technology, was of no consequence.

9
10 26.) While having credentials that far exceeded the minimum requirements and preferred
11 requirements for the position, I also had the advantage of having for the NSEA for six years as
12 well as having worked with the outgoing Director of Communications on a number of projects
13 over those six years.

14
15 27.) My salary was tens of thousands of dollars less than what Claudia Briggs made as
16 the Director of Communications. By giving me the position of Director of Communications, the
17 NSEA could have saved a great deal of money and still hired a new Information Systems
18 Administrator to replace.

19
20 28.) Instead of allow me to even interview for the position of Director of
21 Communications, I was relieved of my duties by NSEA management, Executive Director, Gary
22 Peck, and Director Information Technology, Michael Tibbs. Michael Tibbs is Negro/African-
23 American/Black and is the only Negro/African-American/Black employee left that directly
24 works for the NSEA. However, both Gary Peck and Michael Tibbs are Stanford University
25 graduates and I feel that this connection played a role in my being dismissed in favor of Michael
26 Tibbs as well the NSEA wanting to remove as many Negro/African-American/Black people
27 from the NSEA.

28
29.) It is unconscionable to me that the decision to release me was made when Michael
Tibbs repeatedly made technical decisions that caused technology problems with the entire

1 NSEA computer system. Lynn Warne the, President of NSEA, repeatedly made references to
2 me about how upset she was about Michael's handling of the network.

3 30.) Looking back over the years, it is clear to me that Michael Tibbs hired me so that I
4 would be his fall guy for any problems arising with the computer network.

5 31.) Gary Peck told me that I was relieved at the recommendation of the National
6 Education Association (NEA), the NSEA's parent organization. I was never any proof of such a
7 recommendation.

8 32.) The NSO-Nevada's President, Lori Vece, claims that she and the NSO-Nevada were
9 unaware that NSEA management was planning to eliminate my position. I find that very hard to
10 believe as the NSO-Nevada's Vice President told me, directly, that Gary Peck and Michael Tibbs
11 were planning to fire me.

12 33.) The person who was hired for the Director of Communications was Nick
13 DiArchangel. While setting Nick up in his new office with his computer and other technical
14 equipment, Nick stated, in front of myself and Michael Tibbs, that he knew then NSEA President
15 Lynne Warne and now current NSEA President Ruben Murrillo. At the time, Ruben was
16 President of the Clark County Education Association (CCEA). Nick claimed that he had met and
17 worked with them on other projects that had involved the NSEA in the past. In my opinion, he
18 stated this in a matter-of-fact tone as if to say that's how he got the job.

19 34.) When I brought up the fact that Nick knew NSEA management prior to applying for
20 the position, Dwight Blake stated to me that the NSO-Nevada was aware that Nick already
21 personally knew the NSEA management staff before he applied for the position and still saw no
22 reason to intervene.

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History of Racism Regarding Its Black Employees

35.) The NSEA has a history of racism and racial complaints filed against them.

36.) When the Plaintiff, Jaime Reborn, began working at the NSEA, there were 4 black people on staff at the NSEA. When the Plaintiff was relieved of his duties, only one black person remained on staff.

37.) Sam Johnson, the former Executive Director of the Education Support Employees Association, filed a wrongful termination suit against the NSEA in the late 2000's and information came to light that forced the NSEA to settle the case out of court. Sam Johnson is Negro/African-American/Black.

38.) Marla Robinson, a former Program Assistant with the NSEA, accused an NSEA Board Member of racist comments. She later filed a complaint with the Equal Employment Opportunities Commission (EEOC), before later resigning her position under duress. Marla Robinson is Negro/African-American/Black.

39.) Then-acting NSEA President, Lynn Warne, quizzed me while driving her to the airport about whether or not I was still in contact with Marla and whether or not we were friends. This was a very odd question because Lynn Warne worked in the Reno office and had no reason to believe or suspect that Marla and I had any kind of friendship at the office or away from the office. I was released a few months after the peculiar conversation.

40.) Craig Stevens, a Caucasian/European-American/White NSEA employee, was given his position as Director of Government Affairs even before all of the candidates were done interviewing for the position. One of the candidates who had not yet interviewed for the Director of Government Affairs position was Debbie Staten. Debbie Staten is Negro/African-American/Black.

I do not recall exactly when the interviews for Director of Government Affairs was held. I do recall stopping by Craig's office and asking him how he did with the interview. Craig was, at that time, the Director of Education and Policy or some similar title at the time. Craig quietly

1 motioned me into his office and asked me to close the door. He told me that the NSEA
2 management team had already told him that he was going to get the job. I will testify to this
3 under oath. If Craig Stevens states, under oath, that he did not tell me that the NSEA
4 management awarded him the job before the interview process for Director of Government
5 Affairs was over, he will be committing perjury.
6

7 I was indirectly involved in the Director of Government Affairs interview process
8 because my job as Information Systems Administrator was to have a computer available for the
9 candidates to take some kind of test or screening related to the job. I remember this with clarity
10 because just before Craig revealed to me that he had been given the job before all of the
11 interviews had been conducted, a black woman had been unable to complete her application
12 process because the computer that was assigned for the process had malfunctioned.

13 At the time, I did not know that Debbie Staten, who worked at affiliate ESEA, was a
14 candidate for the position. Debbie is Negro/African-American/Black. A few days after Craig
15 was given the position, Debbie and I were just in general conversation in her office and the
16 subject of the Director of Government Affairs came up. I told Debbie what Craig had said to me
17 about getting the Director of Affairs position before all of the candidates had been interviewed.
18 The conversation started as a concern over whether or not the NSEA would have truly
19 considered a Negro/African-American/Black person for the Director of Affairs position. Debbie
20 said something to me to the effect of that she wish that I had given her the information earlier.
21

22
23 **Count One**

24 **(Racial Discrimination in Violation of Title VII of the Civil Rights Act)**

25 41. The Defendants conduct as alleged at length herein constitutes discrimination on race
26 in violation Title VII. The stated reasons for the Defendant's conduct were not the true reason,
27 but instead were pretext to hide the Defendant's discriminatory animus.
28

Count Two

(Unfair Compensation in Violation of the Equal Pay Act)

42. As a professional staff member of NSEA, the plaintiff Jaime Reborn was paid considerably less than all other professional staff members and was excluded from other professional staff activities.

43. The NSEA and NSO-Nevada directly colluded to make plaintiff Jaime Reborn a professional staff member in name only in order to deny him benefits that both professional staff members and associate staff members were getting.

Prayer for Relief

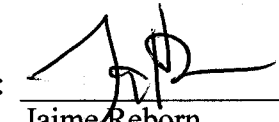
WHEREFORE, the Plaintiff requests the court award him:

a. The sum of \$250,000.00 in compensatory damages due to the discrimination, retaliation, and unequal pay.

JURY DEMAND

The Plaintiff requests trial by jury.

DATED this 22nd day of April, 2014.

By: 
Jaime Reborn
1128 E. Cannon Ave.
Fort Worth, TX 76104
Plaintiff Pro Se