

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

| | | |
|--|---|-------------------|
| U.S. EQUAL EMPLOYMENT OPPORTUNITY |) | |
| COMMISSION, |) | Civil Action No. |
| 10 S. Howard Street, 3 rd Floor |) | |
| Baltimore, MD 21201 |) | |
| |) | |
| Plaintiff, |) | <u>COMPLAINT</u> |
| |) | |
| v. |) | |
| |) | JURY TRIAL DEMAND |
| McCREA EQUIPMENT COMPANY, INC., |) | |
| 4463 Beech Road |) | |
| Temple Hills, MD 20748 |) | |
| |) | |
| Defendant. |) | |

NATURE OF ACTION

This is an action under Title VII of the Civil Rights Act of 1964 to correct unlawful employment practices on the bases of sex (female), race (African American), and retaliation and to make whole Anna Hernandez, Shana Austin and other similarly situated females. As discussed in more detail below, Hernandez, Austin and other similarly situated females were subjected to a sexually hostile work environment by Respondent's Systems Administrator Gene Schlette. Complaints to Defendant's management about Schlette's inappropriate touching of a sexual nature were not taken seriously. Hernandez was involuntarily transferred to a further location in retaliation for her complaint. In addition, the harassment continued and evolved into retaliatory and racial harassment, leading to the constructive discharge of Hernandez and Austin.

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to Sections 451, 1331, 1337, 1343, and 1345. This action is authorized and instituted pursuant to Section 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. Section 2000e, et seq. ("Title VII") and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. Section 1981 A.

2. The employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the District of Maryland, Southern Division.

3. Plaintiff, the Equal Employment Opportunity Commission (the "Commission"), is an agency of the United States of America charged with the administration, interpretation, and enforcement of Title VII and is expressly authorized to bring this action by Section 706 (f)(1) and (3) of Title VII, 42 U.S.C. 2000e-5(f)(1) and (3).

4. At all relevant times, Defendant, McCrea Equipment, Company, Inc. ("Defendant McCrea Equipment"), has continuously been and is now a Maryland corporation doing business in the cities of Temple Hills and Owings and has at least fifteen employees.

5. At all relevant times, Defendant McCrea Equipment has continuously been an employer engaged in an industry affecting commerce under Section 701(b), (g), and (h) of Title VII, 42 U.S.C. Section 2000e-(b), (g), and (h).

6. More than thirty days prior to the institution of this lawsuit, Anna Hernandez and Shana Austin filed charges with the Commission alleging violations of Title VII by Defendant McCrea Equipment. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Since at least June 3, 2005, Defendant McCrea Equipment has engaged in unlawful employment practices at its facilities, including, but not limited to its Temple Hills and

Owings, Maryland facilities, in violation of Sections 703(a) and 704(a) of Title VII, 42 U.S.C. Sections 2000e-2(a) and 2000e-3(a). The practices include the following:

a. Subjecting Shana Austin, Anna Hernandez and other similarly situated females to a sexually hostile and offensive work environment by condoning the sexually harassing and discriminating behavior of Systems Administrator Gene Schlette. Incidents of harassment committed by Schlette and condoned by Defendant include, but are not limited to, Schlette touching and groping Austin's behind and breasts, hugging Austin; slapping Hernandez on the behind and calling her a "bad girl;" touching other similarly situated females in an inappropriate and sexual manner. Austin's and Hernandez's complaints to management about Schlette's inappropriate touching of a sexual nature were not taken seriously, and the harassment not only continued, but also escalated into racially and retaliatory harassment as articulated in (b) and (c) below.

b. Subjecting Austin to a racially hostile work environment by leaving racially derogatory messages on her computer, such as ""GO AWAY NIGER [sic] WE DON'T WANT YOUR KIND HERE!!!!" and "WHORE!!!!!!!!TAKE THE HINT NIGER [sic] GO AWAY!!!!!!WE DON'T LIKE YOUR KIND HERE LYING WHORE!!!"

c. Retaliating against Shana Austin, Anna Hernandez and other similarly situated females for their complaints of sexual harassment, including, but not limited to involuntarily transferring Hernandez to Respondent's Owings facility which substantially increased her commute; subjecting Hernandez to a hostile work environment at the Owings facility, which included unwarranted discipline, belittling, screaming, the intentional deletion of her work from her computer; and the receipt of crank phone calls at her desk three to four times a

week calling her a “whore,” “liar,” “bitch,” and taunting her to “check [her] computer;”
subjecting Austin to a hostile work environment, which included ignoring her, referring to her as
a “that bitch,” throwing papers at her, deleting a document from her computer, and leaving
derogatory messages on her computer, such as ““GO AWAY NIGER [sic] WE DON’T WANT
YOUR KIND HERE!!!!” and “WHORE!!!!!!!!TAKE THE HINT NIGER [sic] GO
AWAY!!!!WE DON’T LIKE YOUR KIND HERE LYING WHORE!!!”

d. The hostile work environment and retaliation led to the constructive
discharges of Hernandez and Austin.

8. The unlawful employment practices complained of in paragraph 7 were
intentional.

9. The unlawful employment practices complained of in paragraph 7 were done with
malice or with reckless indifference to the federally protected rights of Anna Hernandez, Shana
Austin and other similarly situated females.

WHEREFORE, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant McCrea Equipment, its
officers, successors, assigns and all persons in active concert or participation with it, from
sexually and racially harassing its employees and retaliating against its employees;

B. Order Defendant McCrea Equipment to institute and carry out policies, practices,
and programs which provide equal employment opportunities for females, African Americans,
and individuals who engage in protected activity, and which eradicate the effects of its past and
present unlawful employment practices;

C. Order Defendant McCrea Equipment to make whole Anna Hernandez, Shana

Austin and other similarly situated females by providing appropriate back pay with prejudgment interest and front pay in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices;

D. Order Defendant McCrea Equipment to make whole Anna Hernandez, Shana Austin and other similarly situated females by providing compensation for pecuniary and nonpecuniary losses, including emotional pain, suffering, anxiety, depression, embarrassment, degradation, and humiliation;

E. Order Defendant McCrea Equipment to pay to Anna Hernandez, Shana Austin and other similarly situated females punitive damages for its callous indifference to their federally protected right to be free from sexual and racial harassment and retaliation in the workplace;

F. Grant such further relief as the Court deems proper; and

G. Award the Commission its costs in this action.

JURY TRIAL DEMAND

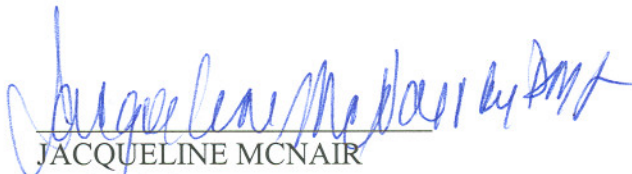
The Commission requests a jury trial on all questions of fact raised by the Complaint.

Respectfully submitted,

RONALD S. COOPER
General Counsel

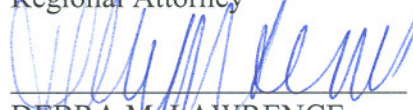
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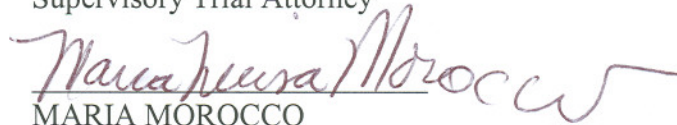
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