

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

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EQUAL EMPLOYMENT OPPORTUNITY : **Civil Action No.**
COMMISSION, :
 :
Plaintiff, :
 :
-against- : **COMPLAINT**
 :
WASHINGTON GROUP :
INTERNATIONAL, INC. and 21st :
CENTURY RAIL CORP., :
 : **JURY TRIAL DEMAND**
 :
Defendants. :
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NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964 and Title I of the Civil Rights Act of 1991 to correct unlawful employment practices on the basis of sex, and to provide appropriate relief to Martha Espinal and Keisha Bennett. As alleged with greater specificity below in paragraph seven (7), the Commission charges that Washington Group International, Inc. and 21st Century Rail Corp. (“Defendants”) have engaged in sex discrimination by failing to promote Espinal and Bennett to the position of Transportation Supervisor because of their sex.

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343 and 1345. This action is authorized and instituted pursuant to Sections 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000e-5(f)(1) and (3) (“Title VII”) and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. §1981a.

2. The alleged unlawful employment practices were committed within the jurisdiction of the United States District Court for the District of New Jersey.

PARTIES

3. Plaintiff, the Equal Employment Opportunity Commission (the "Commission"), is the 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 Sections 706(f)(1) and (3) of Title VII, 42 U.S.C. §§ 2000e-5(f)(1) and (3).

4. At all relevant times, Washington Group International, Inc. has continuously been a company doing business in the State of New Jersey and the City of Jersey City, and has continuously had at least fifteen (15) employees.

5. At all relevant times, Washington Group International, Inc. has continuously been an employer engaged in an industry affecting commerce within the meaning of Sections 701 (b), (g) and (h) of Title VII, 42 U.S.C. §§ 2000e(b), (g) and (h).

6. At all relevant times, 21st Century Rail Corp. has continuously been a company doing business in the State of New Jersey and the city of Jersey City, and has continuously had at least fifteen (15) employees.

7. At all relevant times, 21st Century Rail Corp. has continuously been an employer engaged in an industry affecting commerce within the meaning of Sections 701 (b), (g) and (h) of Title VII, 42 U.S.C. §§ 2000e(b), (g) and (h).

STATEMENT OF CLAIMS

8. More than thirty (30) days prior to the institution of this lawsuit, Martha Espinal

and Keisha Bennett filed charges with the Commission alleging violations of Title VII by Defendants. All conditions precedent to the institution of this lawsuit have been fulfilled.

9. Since at least February 20, 2005, Defendants have engaged in unlawful employment practices in violation of Section 703 of Title VII, 42 U.S.C. § 2000e-2. The practices include failing to promote Martha Espinal and Keisha Bennett to the position of Transportation Supervisor because of their sex.

10. The effects of the practices complained of above have been to deprive Martha Espinal and Keisha Bennett of equal employment opportunities and otherwise adversely affect their status as employees because of their sex.

11. The unlawful employment practices complained of above were and are intentional.

12. The unlawful employment practices complained of above were and are done with malice or with reckless indifference to the federally protected rights of Martha Espinal and Keisha Bennett.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendants, its officers, successors, assigns, and all persons in active concert or participation with them, from engaging in employment practices which discriminate on the basis of sex.

B. Order Defendants to institute and carry out policies, practices, and programs which provide equal employment opportunities for women and which eradicate the effects of Defendants' past and present unlawful employment practices.

C. Order Defendants to make whole Martha Espinal and Keisha Bennett by providing appropriate backpay with prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices, including, but not limited to, front pay and reinstatement.

D. Order Defendants to make whole Martha Espinal and Keisha Bennett by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described above, in amounts to be determined at trial.

E. Order Defendants to make whole Martha Espinal and Keisha Bennett by providing compensation for past and future non-pecuniary losses resulting from the unlawful practices complained of above, including pain, suffering and humiliation, in amounts to be determined at trial.

F. Order Defendants to pay Martha Espinal and Keisha Bennett punitive damages for Defendants' malicious and reckless conduct described above, in amounts to be determined at trial.

G. Grant such further relief as the Court deems necessary and proper in the public interest.

H. Award the Commission its costs of this action.

JURY TRIAL DEMAND

The Commission requests a jury trial on all questions of fact raised by its complaint.

Respectfully submitted,

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