

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION

FILED

U.S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS

SEP 28 1999

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

v.

ARAMARK EDUCATIONAL SERVICES, INC.
d/b/a ARAMARK CORPORATION

Defendant.

) JAMES W. McCORMACK, CLERK

) By: _____ DEP CLERK

) CIVIL ACTION NO.

) **LR-C- 99 735**

) COMPLAINT

) JURY TRIAL DEMAND

) This case assigned to District Judge
and to Magistrate Judge _____

Eisele
Young

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964, as amended ("Title VII"), and Title I of the Civil Rights Act of 1991 to correct unlawful employment practices and to provide appropriate relief to Nakia R. Jackson and other female employees, as a class, who have been adversely affected by such practices. Ms. Jackson and other female employees, as a class, were discriminated against by Defendant by being subjected to sexual harassment, caused by the inappropriate sexual actions, overtures and behavior of Terrence Clark, one of Defendant's managers. In addition, Defendant retaliated against Nakia R. Jackson, and female

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JAMES W. McCORMACK
CLERK OF COURT

employees, as a class, for engaging in activity protected by Title VII.

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§451, 1331, 1337, 1343, and 1345. This is an action authorized and instituted pursuant to §706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e, et seq. ("Title VII").

2. The employment practices alleged to be unlawful were and are now being committed within the jurisdiction of the United States District Court for the Eastern District of Arkansas, Western Division.

PARTIES

3. Plaintiff, 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 §706(f)(1) and (3) of Title VII, 42 U.S.C. §2000-5(f).

4. At all relevant times, Defendant, Aramark Educational Services, Inc., d/b/a Aramark Corporation ("Defendant"), was a corporation doing business in the State of Arkansas and the City of Searcy and has continuously had at least fifteen (15) employees.

Defendant provides catering and other food services to Harding University in Searcy.

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

STATEMENT OF CLAIMS

COUNT I - SEXUAL HARASSMENT

6. More than thirty (30) days prior to the institution of this lawsuit, Nakia R. Jackson, filed charges of discrimination with the Commission alleging violations of Title VII by Defendant. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. From on or around January 1, 1997, and continuing, Defendant has engaged in unlawful employment practices at its Searcy, Arkansas facility in violation of §703(a) of Title VII, as amended, 42 U.S.C. §2000e-2(a). The unlawful practices include, but are not limited to discrimination against Nakia R. Jackson and other female employees, as a class, on the basis of their sex in the form of subjecting them to sexual harassment. Defendant failed to take remedial action to protect Ms. Jackson and other female employees, as a class, from the sexual harassment in the

workplace.

8. Mr. Clark's conduct included, but was not limited to: vulgar, sexual comments; requests for sexual favors; sexual overtures; touching and groping of a sexual nature; and other egregious sexual behavior directed towards Ms. Jackson and other female employees. The conduct was unwelcome and pervasive. On at least one occasion, Mr. Clark attempted to physically force a female employee into sexual conduct.

9. Ms. Jackson and other females complained about Mr. Clark's inappropriate sexual conduct in the workplace to Defendant's management in Searcy, but Defendant failed to take any corrective action as a result of the complaints. Defendant failed to take prompt remedial action to protect Nakia R. Jackson and other female employees from sexual harassment.

10. The effect of the practices complained of above has been to deprive Nakia R. Jackson and other female employees, as a class, of equal employment opportunities and otherwise adversely affect their status as employees.

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

12. Defendant Employer at all relevant times acted with malice or reckless indifference to the federally protected rights

of Nakia R. Jackson and other female employees, as a class.

COUNT II - RETALIATION

13. Defendant has engaged in unlawful employment practices at its Searcy, Arkansas facility in violation of §703(a) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e-2(a) and §704 of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e-3. The unlawful practices include, but are not limited to discrimination against Nakia R. Jackson and other female employees, as a class, on the basis of retaliation. Defendant retaliated against female employees who engaged in activity protected by Title VII, including, but not limited to retaliation for complaining about the sexual comments, sexual overtures and sexual conduct of Terrence Clark.

14. Defendant allowed Mr. Clark to interfere with the work performance of employees who complained about the sexual harassment.

15. Defendant allowed Mr. Clark to intimidate employees who complained about the sexual harassment.

16. Defendant failed to take prompt remedial action to protect Nakia R. Jackson and other female employees from retaliation.

17. The effect of the practices complained of above has been

to deprive Nakia R. Jackson and other female employees, as a class, of equal employment opportunities and otherwise adversely affect their status as employees.

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

19. Defendant Employer at all relevant times acted with malice or reckless indifference to the federally protected rights of Nakia R. Jackson and other female employees, as a class.

COUNT III - VIOLATION OF CONSENT DECREE

20. Defendant entered into a consent decree on October 8, 1998, in the case of EEOC and Sumner v. Aramark, Civil Action No. LR-C-97-1022.

21. The consent decree enjoined Defendant from permitting its employees to be subjected to a sexually hostile work environment and enjoined Defendant from retaliating against its employees for opposing discriminatory practices made unlawful under Title VII of the Civil Rights Act of 1964, as amended.

PRAYER FOR RELIEF FOR COUNTS I, II & III

WHEREFORE, the Commission respectfully prays that this Court:

A. Grant a permanent injunction enjoining the Defendant Employer, its officers, successors, assigns and all persons in active concert or participation with it, from engaging in any

employment practice which discriminates on the basis of sex and/or retaliation.

B. Order Defendant Employer to institute and carry out policies, practices and programs which provide equal employment opportunities which eradicate the effects of its past and present unlawful employment practices.

C. Order Defendant Employer to make whole Nakia R. Jackson and other female employees by providing appropriate back pay 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, reinstatement.

D. Order Defendant Employer to make whole Nakia R. Jackson and other female employees by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described above, including relocation expenses, job search expenses, and medical expenses, in amounts to be determined at trial.

E. Order Defendant Employer to make whole Nakia R. Jackson and other female employees by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of above, including emotional pain, suffering,

embarrassment, inconvenience, loss of enjoyment of life and humiliation, in amounts to be determined at trial.

F. Order Defendant Employer to pay Nakia R. Jackson and other female employees punitive damages for its malicious and/or reckless conduct, in an amount to be determined at trial.

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


H. Award the Commission its costs in this action.

JURY TRIAL DEMAND

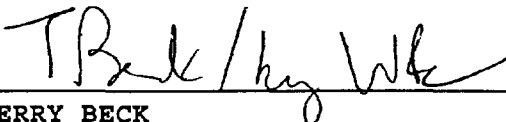
The Commission requests a jury trial on all questions of fact raised by its Complaint.

C. GREGORY STEWART
General Counsel

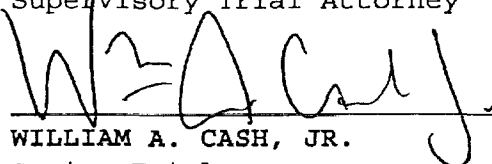
GWENDOLYN YOUNG REAMS
Associate General Counsel




KATHARINE W. KORES
Regional Attorney



TERRY BECK
Supervisory Trial Attorney



WILLIAM A. CASH, JR.
Senior Trial Attorney
Ark. Bar #88081



PAMELA DIXON
Trial Attorney
Ark. Bar #95085

**EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION**
425 West Capitol Ave., Ste. 625
Little Rock, AR. 72201
Telephone: (501) 324-5539