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EQUAL EMPLOYMENT OPPORTUNITY COMMISSION, Plaintiff,

v.

THE MARYLAND CLASSIFIED EMPLOYEES ASSOCIATION, INC., Defendant.

Civil Action No. 1:05-cv-00890-JFM

March 31, 2005.

*Complaint and Jury Trial Demand*

Equal Employment Opportunity Commission, Eric S. Dreiband, General Counsel, James Lee, Deputy General Counsel, Gwendolyn Young Reams, Associate General Counsel, Gerald S. Kiel (Bar No. 07770), Regional Attorney, Tracy Hudson Spicer (Bar No. ??), Supervisory Trial Attorney, EEOC-Baltimore District Office, Baltimore, Maryland

*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 on the basis of retaliation, and to provide appropriate relief to Charging Party Vance McDonald. As alleged with greater particularity, below, the United States Equal Employment Opportunity Commission ("the Commission") alleges that Defendant, The Maryland Classified Employees Association, Inc. ("MCEA"), has committed retaliation in violation of Title VII by terminating Vance McDonald's employment for his engaging in conduct 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 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. § 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 employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the District of Maryland, Northern Division.

*PARTIES*

3. Plaintiff, the United States 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 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 MCEA is an independent labor organization, incorporated in the State of Maryland, which has continuously been doing business in the State of Maryland, the City of Baltimore and the City of Annapolis, and has continuously had at least 15 employees.

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

*STATEMENT OF CLAIMS*

6. More than thirty days prior to the institution of this lawsuit, Vance McDonald filed a charge 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. Since at least September 2003, Defendant has engaged in unlawful employment practices in violation of Section 704(a) of Title VII, 42 U.S.C. §§ 2000e-3(a).

8. On or about September 2003, Defendant engaged in retaliatory conduct against Vance McDonald for having opposed conduct which is discriminatory under Title VII and for having participated in an EEOC investigation in violation of Section 704(a) of Title VII. Defendant had knowledge of Mr. McDonald's opposition of sexual harassment on behalf of an employee and his participation in the EEOC's investigation of that employee's charges of discrimination against MCEA for sexual harassment and retaliation. Soon thereafter Mr. McDonald's participation in the EEOC investigation he was terminated from his position as a Labor Relations Representative.

9. The effect of the practices complained of in paragraph 8, above, has been to deprive Vance McDonald of equal employment opportunities and otherwise adversely affect the terms and conditions of his employment because he engaged in conduct protected under Section 704(a) of Title VII.

10. The unlawful employment practices complained of in paragraph 8, above, were intentional

11. The unlawful employment practices complained of in paragraph 8, above, were done with malice or with reckless indifference to the federally protected rights of Vance McDonald.

*PRAYER FOR RELIEF*

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant, its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in discrimination for conduct protected under Section 704(a) of Title VII, and any other employment practice which constitutes unlawful discrimination.

B. Order Defendant to institute and carry out policies, practices, and programs

which provide equal employment opportunities for all persons, and which eradicate the effects of its past and present unlawful employment practices.

C. Order Defendant to make whole Vance McDonald by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraph 8 above, in amounts to be determined at trial.

D. Order Defendant to make whole Vance McDonald by providing compensation for past and future non-pecuniary losses resulting from the unlawful practices complained of in paragraph 8, above, including emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life, and other non-pecuniary losses, in amounts to be determined at trial.

E. Order Defendant to pay Vance McDonald punitive damages for the malicious and reckless conduct described in paragraph 8, above, in amounts to be determined at trial.

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

G. 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,

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

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EQUAL EMPLOYMENT OPPORTUNITY COMMISSION, Plaintiff, v. THE MARYLAND CLASSIFIED EMPLOYEES ASSOCIATION, INC., Defendant.

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