

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
SOUTHWESTERN DIVISION

EQUAL EMPLOYMENT OPPORTUNITY)	
COMMISSION,)	
)	
Plaintiff,)	
)	Civil Action No:
v.)	
)	
BOCK TRANSPORTATION, INC.)	<u>COMPLAINT</u>
)	
)	<u>JURY TRIAL DEMAND</u>
)	
Defendant.)	

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 Lisa Shields, who was adversely affected by such practices. The Equal Employment Opportunity Commission alleges that Bock Transportation, Inc., sexually harassed Lisa Shields, paid Shields a lower salary because of her sex, and denied Shields health insurance benefits for her family because of her 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 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), 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 Western District of Missouri, Southwestern Division.

PARTIES

3. Plaintiff 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 Bock Transportation, Inc., a Missouri corporation, has continuously been doing business in the State of Missouri and the City of Joplin, 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 Sections 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, Lisa Shields filed a charge 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 April 1997, Defendant has engaged in the following unlawful employment practices at its Joplin, Missouri, facility in violation of Section 703(a) of Title VII, 42 U.S.C. § 2000e-2(a):

(a) Defendant subjected Lisa Shields to sexual harassment during her employment. The

unlawful conduct was unwelcome, sexual in nature, and directed at Shields because of her sex. The unlawful conduct was sufficiently severe or pervasive to create a hostile working environment which altered the terms or conditions of Shields' employment, and Defendant failed to take adequate corrective or remedial action in response to such unlawful conduct.

(b) Defendant paid Shields a lower salary in her position as Safety Supervisor than it otherwise would have paid her because of her sex.

(c) Defendant refused to provide health insurance benefits for Shields' family, while providing such benefits for male employees, because of her sex.

8. The effect of the practices complained of in paragraph 7 above have been to deprive Lisa Shields of equal employment opportunities and otherwise adversely affect her status as an employee, because of her sex.

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

10. The unlawful employment practices complained of in paragraph 7 above were done with malice or with reckless indifference to the federally protected rights of Shields.

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 sexually harassing female employees, paying lower wages to female employees because of their sex, refusing to provide family medical benefits to female employees while providing such benefit to male employees, and any other employment practice which

discriminates on the basis of sex.

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

C. Order Defendant to make Shields whole by providing compensation for past and future nonpecuniary losses resulting from the unlawful employment practices described in paragraph 7 above, including pain and suffering, loss of enjoyment of life, damage to reputation, and humiliation, in amounts to be determined at trial.

D. Order Defendant to make Shields whole by providing back pay to her with prejudgment interest, in amounts to be determined at trial, and other equitable relief as necessary to eradicate the effects of the unlawful employment practice described in paragraph 7 above.

E. Order Defendant to pay punitive damages for its malicious and reckless conduct described in paragraphs 7 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,

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