

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA
DAVENPORT DIVISION

FILED
DAVENPORT, IOWA

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CLERK U.S. DISTRICT COURT
SOUTHERN DISTRICT OF IOWA

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

v.

FIRST STUDENT, INC.

Defendant.

3 02CV10063
Civil Action No. _____

COMPLAINT

JURY TRIAL DEMAND

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e et seq. ("Title VII"), and Title I of the Civil Rights Act of 1991, 42 U.S.C. § 1981a to correct unlawful employment practices on the basis of retaliation, and to provide appropriate relief to James S. Doorley (hereinafter "Doorley"), who has been adversely affected by such practices.

As alleged with greater particularity in paragraph seven (7) below, the Equal Employment Opportunity Commission alleges that the defendant, First Student, Inc., violated Title VII by retaliating against Doorley after he complained to managers and the Human Resources department that the Contract Manager to whom Doorley immediately reported was discriminating against and harassing other employees based on their race and/or 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 Section 706(f)(1) and (3) of Title VII, 42 U.S.C. § 2000e-5(f)(1) and (3), and pursuant to 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 Southern District of Iowa.

PARTIES

3. The plaintiff, Equal Employment Opportunity Commission (hereinafter "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) of Title VII, 42 U.S.C. § 2000e-5(f)(1).

4. At all relevant times, upon information and belief, the defendant, First Student, Inc., has been continuously engaged in the business of providing contract school bus services in the state of Iowa, and has continuously had at least fifteen (15) employees.

5. At all relevant times, First Student, Inc., 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 30 days prior to the institution of this lawsuit, Doorley filed a Charge with the Commission alleging unlawful retaliation by First Student, Inc., after Doorley complained about race and sex discrimination and harassment, in violation of Title VII. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. First Student, Inc., has engaged in unlawful employment practices in violation of Section 704(a) of Title VII, 42 U.S.C. § 2000e-3(a). These practices include, but are not limited to:

(a) In an effort to comply with First Student, Inc.'s "open door" policy, in November, 1999, and in January, 2000, Doorley confronted his direct report manager, Robert Smith, about

Smith's discriminatory, harassing and disrespectful behavior toward women and minority employees, including the use of offensive racial epithets and sexually harassing comments.

Despite these complaints by Doorley, Smith's inappropriate behavior continued.

(b) In May, 2000, due to Smith's continued discriminatory and harassing conduct, Doorley complained about Smith's inappropriate behavior to both the Director of Human Resources, Larry McDonald, and a regional manager, Ron Howard.

(c) On or about June 19, 2000, First Student, Inc. terminated Doorley's employment in retaliation for his opposition to Smith's discriminatory and harassing behavior toward women and minorities, in violation of Title VII.

8. The effect of the practices complained of in paragraph seven (7) above has been to deprive Doorley of equal employment opportunities in violation of Section 704(a) of Title VII, 42 U.S.C. § 2000e-3(a).

9. The unlawful employment practices complained of in paragraph seven (7) above were and are intentional.

10. The unlawful employment practices complained of in paragraph seven (7) above were and are done with malice and/or reckless indifference to Doorley's federally-protected rights.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully prays that this Court:

A. Grant a permanent injunction enjoining First Student, Inc., and its officers, successors, and assigns, and all persons in active concert or participation with them, from engaging in any employment practices which constitute retaliation for activity protected by Title VII;

B. Order First Student, Inc., to institute and carry out policies, practices, and programs which eradicate the effects of its past and present unlawful employment practices;

C. Order First Student, Inc., to make Doorley whole by providing appropriate backpay with pre-judgment 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, re-instatement of Doorley;

D. Order First Student, Inc., to make Doorley whole by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices, including, but not limited to, job search expenses and medical expenses;

E. Order First Student, Inc., to make Doorley whole by providing compensation for past and future non-pecuniary losses resulting from the unlawful practices, including injury to professional reputation, emotional pain, suffering, inconvenience, loss of enjoyment of life, and humiliation;

F. Order First Student, Inc., to pay Doorley 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 in the public interest; and

H. Grant the Commission its costs of this action.

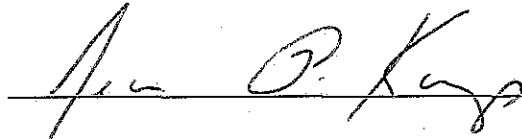
JURY TRIAL DEMAND

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

GWENDOLYN YOUNG REAMS
Associate General Counsel

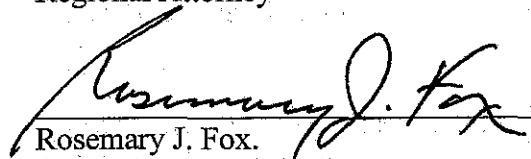
EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION
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Dated: June 5, 2002



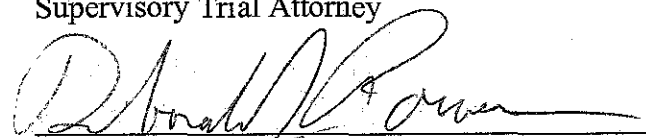
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