

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

**EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)
City Crescent Building, 3rd Floor)
10 South Howard Street)
Baltimore, MD 21201)**

Plaintiff,)

v.)

**THE MARYLAND CLASSIFIED)
EMPLOYEES ASSOCIATION, INC.,)
7127 Rutherford Road)
Baltimore, Maryland 21207)**

Defendant.)

Case No.

**COMPLAINT AND JURY TRIAL
DEMAND**

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 sex and retaliation, and to provide appropriate relief to Charging Parties Lisa Haynes and Rosemary Wertz. 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 sex discrimination and retaliation in violation of Title VII by subjecting Lisa Haynes to sexual harassment and engaging in retaliatory harassment of Lisa Haynes and Rosemary Wertz for 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 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, Lisa Haynes and Rosemary Wertz 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. Since at least November 2001, Defendant has engaged in unlawful employment practices in violation of Section 703(a)(1) and (a)(2) and Section 704(a) of Title VII, 42 U.S.C. §§ 2000e-2(a)(1) and (a)(2) and 2000e-3(a).

8. Beginning on or about July 2001, Lisa Haynes was subjected to a continuing course of unwelcome and offensive harassment because of her sex, female, by Defendant and its Labor Representative, Charles Marshall. The harassment created a hostile work environment on the basis of Lisa Haynes' sex. Defendant had notice of the unlawful harassment and failed to take reasonable corrective action or action reasonably calculated to prevent the harassment.

9. On or about February 2002 and continuing, Defendant engaged in retaliatory harassment in violation of Title VII against Lisa Haynes because she made a charge and otherwise participated in an investigation/proceeding and for having opposed unlawful employment practices, conduct protected under Section 704(a) of Title VII. During the aforementioned period, Defendant also engaged in retaliatory harassment in violation of Title VII against Rosemary Wertz because she assisted and participated in the Haynes investigation and for having opposed unlawful employment practices, conduct protected under Section 704(a) of Title VII.

10. The effect of the practices complained of in paragraphs 8-9, above, has been to deprive Lisa Haynes and Rosemary Wertz of equal employment opportunities and otherwise adversely affect the terms and conditions of their employment because of their sex and conduct protected under Section 704(a) of Title VII.

11. The unlawful employment practices complained of in paragraphs 8-9, above, were

intentional.

12. The unlawful employment practices complained of in paragraphs 8-9, above, were done with malice or with reckless indifference to the federally protected rights of Lisa Haynes and Rosemary Wertz.

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 sex discrimination, including sexual harassment and harassment because of conduct protected under Section 704(a) of Title VII, and any other employment practice which discriminates on the basis of sex or that constitutes unlawful retaliation.

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

C. Order Defendant to make whole Lisa Haynes and Rosemary Wertz by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraphs 8-9, above, in amounts to be determined at trial.

D. Order Defendant to make whole Lisa Haynes and Rosemary Wertz by providing compensation for past and future non-pecuniary losses resulting from the unlawful practices complained of in paragraphs 8-9, 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 Lisa Haynes and Rosemary Wertz punitive damages for the malicious and reckless conduct described in paragraphs 8-9, 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

ERIC S. DREIBAND
General Counsel

JAMES LEE
Deputy General Counsel

GWENDOLYN YOUNG REAMS
Associate General Counsel

/S/

GERALD S. KIEL (Bar No. 07770)
Regional Attorney
EEOC-Baltimore District Office
City Crescent Building, 3rd Floor
10 South Howard Street
Baltimore, Maryland 21201
Telephone number: (410) 962-4207

Facsimile number: (410) 962-4270/2817

/S/

TRACY HUDSON SPICER (Bar No.08671)

Supervisory Trial Attorney

EEOC-Baltimore District Office

City Crescent Building, 3rd Floor

10 South Howard Street

Baltimore, Maryland 21201

Telephone number: (410) 962-4623

Facsimile number: (410) 962-4270/2817