

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,
10 So. Howard Street
Baltimore, Maryland 21201

Plaintiff,

v.

HOME QUALITY MANAGEMENT, INC.
2401 PGA Boulevard, Suite 155
Palm Beach, Florida 33410

Defendant.

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CIVIL ACTION NO.

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COMPLAINT

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JURY TRIAL DEMAND

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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 retaliation, and to provide appropriate relief to Sara Pierce who was subjected to unlawful sexual harassment, retaliation and constructive discharge. The Commission alleges that Home Quality Management, Inc. is liable for discriminating against Ms. Pierce by engaging in the unlawful practices of subjecting her to sex harassment, including but not limited to creating and maintaining a hostile work environment, retaliation, and constructive discharge on the basis sex and in retaliation for complaining of sexual harassment. As alleged with greater particularity in paragraph 7 below, this individual was subjected to sexual harassment, including sexual advances and comments, and retaliation for complaining about the harassment, making her working conditions so intolerable that she was forced to resign her employment.

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 Sections 706(f)(1) and (3) of Title VII, 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 and are now being committed within the jurisdiction of the United States District Court for District of Maryland.

PARTIES

3. Plaintiff, the 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, has continuously been doing business in the State of Maryland and the City of Lexington Park and has continuously had at least 15 employees.

5. At all relevant times, Defendant Employer 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 Sara Pierce filed a charge with the Commission alleging violations of Title VII by Defendant Employer. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Since at least November 2000, Defendant Employer has engaged in unlawful

employment practices in violation of Section 703(a) of Title VII, 42 U.C.S. §2000e-2(a) and 704(a) of Title VII, 42 U.S.C. §2000e-3(a) in that:

a) Defendant Employer has subjected Sara Pierce to a sexually hostile work environment on the basis of her sex. More particularly, Ms. Pierce has subjected to sexual advances, sexually suggestive gestures, lurid comments and sexual innuendo by an employee of Defendant Employer in violation of Section 703(a) of Title VII;

b) Defendant Employer has subjected Sara Pierce to a hostile work environment based on her opposition to practices made unlawful under Title VII, particularly for complaining about sexual harassment in the work place, in violation of 704(a) of Title VII.

c) As a result of the sexual harassment and opposition thereto, the conditions of employment were made so intolerable by Defendant Employer that Sara Pierce was forced to resign her position of employment in violation of 703(a) and 704(a) of Title VII.

8. The effect of the practices complained of in paragraph 7 above has been to deprive Sara Pierce of equal employment opportunities and otherwise adversely affect their status as employees, because of her sex and otherwise adversely affect her status as an employee for engaging in federally protected activity of opposing practices made unlawful by Title VII.

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

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

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 subjecting women to a sexually hostile work environment and engaging in any other employment practice which discriminates on the basis of sex or opposing activity made unlawful under Title VII.

C. Order Defendant Employer 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, including: 1) the institution of effective sex harassment and non-retaliation policies; 2) the dissemination of the sex and non-retaliation policy to all its employees; and 3) mandatory training for all managers and all employees on the legal prohibitions regarding sex harassment and retaliation in the work place and the Defendant Employer's sex harassment and non-retaliation policy.

D. Order Defendant Employer to make whole Sara Pierce by providing appropriate back pay with prejudgement 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 or front pay in lieu thereof.

E. Order Defendant Employer to make whole Sara Pierce by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraph 7 above, in amounts to be determined at trial.

F. Order Defendant Employer to make whole Sara Pierce by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in paragraph 7 above, including emotional pain, suffering, inconvenience, loss of enjoyment of life, and humiliation, in amounts to determined at trial.

G. Order Defendant Employer to pay punitive damages for its malicious and reckless conduct described in paragraph 7 above, in amounts to be determined at trial.

H. Order Defendant Employer to post a signed notice to all employees, conspicuously placed in Defendant's facility that sets forth the remedial action required by the Court and informs all employees that Defendant will not discriminate against any employee because of sex and that it will not take any action against employees because they opposed practices made unlawful under Title VII or have exercised their federally protected rights under Title VII.

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

J. 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.

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