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 CLERK U.S. DISTRICT COURT
 CENTRAL DIST. OF CALIF.
 LOS ANGELES

FILED

12 UNITED STATES DISTRICT COURT
 13 CENTRAL DISTRICT OF CALIFORNIA

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16 UNITED STATES OF AMERICA,)
 17)
 Plaintiff,)
 18)
 v.)
 19)
 20 LOS ANGELES COUNTY
 METROPOLITAN
 21 TRANSPORTATION
 AUTHORITY,)
 22)
 Defendant.)
 23)

CASE NO.:
 COMPLAINT
 CIVIL RIGHTS
 (42 U.S.C. §§ 2000e, *et seq.*)
 JURY TRIAL DEMAND

24 Plaintiff, United States of America, alleges:

25 1. This action is brought on behalf of the United States to enforce the
 26 provisions of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §
 27 2000e, *et seq.* ("Title VII").

28 2. This Court has jurisdiction over the action under 42 U.S.C. § 2000e-

1 5(f), 42 U.S.C. § 2000e-6(b), 28 U.S.C. § 1343 (a)(3) and 1345.

2 3. Defendant Los Angeles County Metropolitan Transportation
3 Authority ("MTA") is a governmental agency of the County of Los Angeles
4 established pursuant to the California Public Utilities Code §§ 1300050.2,
5 130051.13 and 130051.14.

6 4. Defendant MTA is a person within the meaning of 42 U.S.C.
7 § 2000e(a), and an employer within the meaning of 42 U.S.C. § 2000e(b).

8 5. Defendant MTA has pursued and continues to pursue policies and
9 practices that discriminate against employees and applicants for employment on
10 the basis of religion, in violation of 703(a) of Title VII of the Civil Rights Act of
11 1964, as amended, 42 U.S.C. § 2000e-2(a), among other ways, by:

- 12 (a) failing or refusing reasonably to accommodate employees and
13 applicants for employment who, in accordance with their religious
14 observances, practices and/or beliefs, need religious accommodation
15 because they are unable to comply with a requirement followed by
16 defendant MTA that employees in its Operations Division be
17 available to work weekends, on any shift, at any location;
- 18 (b) failing or refusing to hire applicants for employment who, in
19 accordance with their religious observances, practices and/or beliefs,
20 need religious accommodation because they are unable to comply
21 with a requirement followed by defendant MTA that employees in its
22 Operations Division be available to work weekends, on any shift, at
23 any location; and
- 24 (c) failing or refusing to take appropriate action to eliminate the
25 discriminatory policies and practices and to remedy the effects of
26 those policies and practices.

27 6. The policies and practices of defendant MTA, described above,
28 constitute a pattern or practice of resistance to the full enjoyment by employees

1 and applicants for employment of equal employment opportunities without
2 discrimination on the basis of religion in violation of § 707 of Title VII, 42 U.S.C.
3 § 2000e-6. Unless restrained by an order of this Court, defendant MTA will
4 continue to pursue policies and practices that are the same as or similar to those
5 alleged in this Complaint.

6 7. Defendant MTA has discriminated against Henry Asher, who was
7 employed as a Bus Operator Trainee at the MTA, on the basis of his religion,
8 Jewish, in violation of § 703(a) of Title VII of the Civil Rights Act of 1964, as
9 amended, 42 U.S.C. § 2000e-2(a), among other ways, by:

- 10 (a) failing or refusing reasonably to accommodate Mr. Asher's religious
11 observance, practice and/or belief of observing the Sabbath from
12 sundown on Friday until sundown on Saturday;
- 13 (b) terminating Mr. Asher's employment because of his religious
14 observance, practice and/or belief of observing the Sabbath from
15 sundown on Friday until sundown on Saturday; and
- 16 (c) failing or refusing to take appropriate action to remedy the effects of
17 the discriminatory treatment against Mr. Asher.

18 8. The Equal Employment Opportunity Commission ("EEOC") received
19 a timely charge filed by Mr. Asher (Charge No. 151-99-0961) in which he alleged
20 that he had been discriminated against in employment because of his religion by
21 defendant MTA. Pursuant to § 706 of Title VII, 42 U.S.C. § 2000e-5, the EEOC
22 investigated the charge and found reasonable cause to believe that defendant MTA
23 discriminated against Mr. Asher based on his religion. The EEOC further found
24 reasonable cause to believe that defendant MTA has and continues to engage in a
25 pattern or practice of discrimination against employees and applicants for
26 employment based on religion. The EEOC attempted unsuccessfully to achieve
27 through conciliation a voluntary resolution of the matter, and subsequently
28 referred the charge to the Department of Justice.

1 9. All conditions precedent to the filing of suit have been performed or
2 have occurred.

3 WHEREFORE, plaintiff United States prays that this Court grant the
4 following relief:

5 (a) Enjoin defendant MTA, its officers, agents, employees, successors,
6 and all persons in active participation with them from discriminating
7 on the basis of religion, and specifically from failing or refusing to:

8 (i) provide reasonable accommodation to employees who, in
9 accordance with their religious observances, practices and/or
10 beliefs, require accommodation because they are unable to
11 comply with the requirement followed by defendant MTA that
12 employees in its Operations Division be available to work
13 weekends, on any shift, at any location;

14 (ii) provide equal employment opportunities to applicants for
15 employment who, in accordance with their religious
16 observances, practices and/or beliefs, require reasonable
17 accommodation because they are unable to comply with the
18 requirement followed by defendant MTA that employees in its
19 Operations Division be available to work weekends, on any
20 shift, at any location;

21 (iii) adopt a policy designed reasonably to accommodate the
22 religious observances, practices and beliefs of defendant
23 MTA's employees and applicants for employment who require
24 religious accommodation; and

25 (iv) take other appropriate nondiscriminatory measures to overcome
26 the effects of the discrimination.

27 (b) Provide make-whole remedial relief, including backpay with interest,
28 rightful place employment and accompanying benefits including


JURY DEMAND

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2 The United States hereby demands a trial by jury of all issues so triable
3 pursuant to Rule 38 of the Federal Rules of Civil Procedure and Section 102 of the
4 Civil Rights Act of 1991, 42 U.S.C. § 1981a.

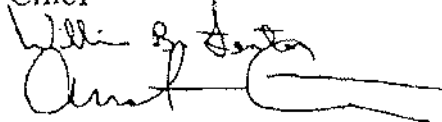
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Chief

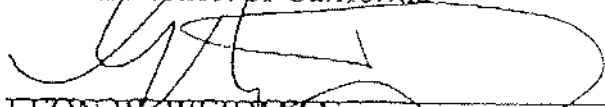
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