

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,
United States Department of Justice
Civil Rights Division
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530
Telephone: (202) 514-3831

Plaintiff,

v.

WASHINGTON METROPOLITAN AREA
TRANSIT AUTHORITY,
600 Fifth Street, N.W.
Washington, D.C. 20001
Telephone: (202) 962-1234

Defendant.

Civil Action No. _____

JURY TRIAL DEMAND

**JURY
ACTION**

Case: 1:08-cv-01661

Assigned To : Collyer, Rosemary M.

Assign. Date : 9/29/2008

Description: Employ. Discrim.

COMPLAINT

Plaintiff United States of America, by the undersigned attorneys, alleges:

1. This action is brought on behalf of the United States to enforce the provisions of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, *et seq.* ("Title VII").
2. This Court has jurisdiction over the action pursuant to 42 U.S.C. § 2000e-5(f), 42 U.S.C. § 2000e-6(b), 28 U.S.C. §§ 1343(a)(3) and 1345.
3. Defendant Washington Metropolitan Area Transit Authority ("WMATA") is a governmental body in the form of an interstate compact agency, established pursuant to the laws of the District of Columbia, State of Maryland and Commonwealth of Virginia. It maintains its principal office at 600 Fifth Street, N.W., Washington, D.C. 20001.
4. WMATA is a "person" within the meaning of 42 U.S.C. § 2000e(a) and an "employer" within the meaning of 42 U.S.C. § 2000e(b).
5. WMATA has pursued and continues to pursue policies and practices that discriminate against employees and prospective employees on the basis of religion, in violation of 703(a) of Title VII, among other ways, by:
 - (a) failing or refusing reasonably to accommodate employees and prospective

employees who, in accordance with their religious observances, practices and/or beliefs, need an accommodation from portions of WMATA's uniform policy for bus operators and similarly situated employees;

- (b) failing or refusing to hire prospective employees who, in accordance with their religious observances, practices and/or beliefs, need an accommodation from portions of WMATA's uniform policy for bus operators and similarly situated employees; and
- (c) failing or refusing to take appropriate action to eliminate the discriminatory policies and practices and to remedy the effects of those policies and practices.

6. WMATA's policy and practice is to deny all requests for religious accommodations to its uniform policies, regardless of whether reasonable accommodations are available that would resolve the religious conflict without imposing an undue hardship on WMATA.

7. These policies and practices of WMATA, described above, constitute a pattern or practice of resistance to the full enjoyment by employees and prospective employees of equal employment opportunities without discrimination on the basis of religion in violation of Section 707 of Title VII, 42 U.S.C. § 2000e-6. Unless restrained by an order of this Court, WMATA will continue to pursue policies and practices that are the same as or similar to those alleged in this Complaint.

8. WMATA has discriminated against Gloria Jones ("Jones"), a prospective bus operator for WMATA, on the basis of her religion, Apostolic Pentecostal Christianity, in

violation of § 703(a) of Title VII, among other ways, by:

- (a) failing or refusing to provide Jones with a reasonable accommodation of her religious observance, practice and/or belief (*i.e.*, that she cannot wear pants) that precludes her from complying with a portion of WMATA's uniform policy;
- (b) failing to hire Jones because she could not comply with a portion of WMATA's uniform policy due to her religious observance, practice and/or belief; and
- (c) failing or refusing to take appropriate action to remedy the effects of the discriminatory treatment against Jones.

9. The United States Equal Employment Opportunity Commission ("EEOC") received a timely charge filed by Jones (Charge No. 570-2006-01012) in which she alleged that WMATA discriminated against her in employment because of her religion. Pursuant to Section 706 of Title VII, the EEOC investigated the charge, found reasonable cause to believe that Jones' allegations of discrimination were true, attempted unsuccessfully to achieve through conciliation a voluntary resolution of the charge and subsequently referred the matter to the Department of Justice.

10. All conditions precedent to the institution of this lawsuit have been performed or have occurred.

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

- (a) Enjoin WMATA, its officers, agents, employees, successors and all persons in active concert or participation with them, from discriminating on the basis of religion,

and specifically from failing or refusing to:

- (i) provide reasonable accommodation to employees and prospective employees who, in accordance with their religious observances, practices and/or beliefs, are unable to comply with portions of WMATA's uniform policy for bus operators and similarly situated employees;
- (ii) provide equal employment opportunities to prospective employees who, in accordance with their religious observances, practices and/or beliefs, are unable to comply with portions of WMATA's uniform policy for bus operators and similarly situated employees;
- (iii) adopt a policy designed to reasonably accommodate the religious observances, practices and/or beliefs of WMATA's employees and prospective employees who need a religious accommodation; and
- (iv) take other appropriate nondiscriminatory measures to overcome the effects of WMATA's discriminatory policies and practices.

(b) Provide make-whole remedial relief, including backpay with interest, rightful place employment and accompanying benefits including retroactive seniority, to compensate individual victims who have suffered a loss as a result of the unlawful employment policies and practices of WMATA alleged in this Complaint;

(c) Provide make-whole remedial relief to Jones, including backpay with interest, rightful place employment and accompanying benefits including retroactive seniority, to compensate her for the loss she has suffered as a result of WMATA's discriminatory conduct alleged in this Complaint; and

(d) Award damages to Jones to fully compensate her for pain and suffering caused by WMATA's discriminatory conduct alleged in this Complaint, pursuant to and within the statutory limitations of Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.


Plaintiff United States prays for such additional relief as justice may require, together with its costs and disbursements in this action.

JURY DEMAND

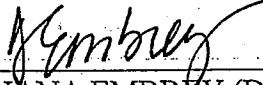
The United States hereby demands a trial by jury of all issues so triable pursuant to Rule 38 of the Federal Rules of Civil Procedure and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

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