

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

EQUAL EMPLOYMENT OPPORTUNITY)	
COMMISSION)	
)	
and)	
)	
Jaculyn Ruffin)	
7411 Sudbrook Road)	
Pikesville Maryland 21208)	
)	
Plaintiff)	C.A. No.
)	
v.)	<u>COMPLAINT AND</u>
)	<u>JURY TRIAL DEMAND</u>
SAFEGUARD MAINTENANCE)	
)	
)	
Defendant)	

INTERVENOR’S COMPLAINT

Now comes Jaculyn Ruffin, Plaintiff, by and through her undersigned attorneys, pursuant to Rule 24 of the Federal Rules of Civil Procedure, and sues Safeguard Maintenance Corporation (“Defendant”) and for reasons states:

1. This is an action filed pursuant to Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e, et seq and the Fair Labor Standards Act of 1938, as amended, 29 USC § 201, et seq (the “Act”).
2. At all times relevant hereto, Plaintiff was a resident of Baltimore County, Maryland.
3. At all times relevant hereto, Defendant has continuously conducted

business in Baltimore County, Maryland, and has had at least 15 employees. Defendant's principal place of business is located at 138 Cockeysville Road, Cockeysville, Maryland 21030.

4. At all relevant times hereto, Defendant 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) and Section 203 of the Fair Labor Standards Act of 1938.

5. Plaintiff, the United States Equal Employment Opportunity Commission ("EEOC") is the Agency of the United States of America charged with the administration, interpretation and enforcement of Title VII, 42 U.S.C. § 2000e-5(f)(1) and (3).

6. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 1331, 1337, 1343, and 1345.

7. Jurisdiction of the action is conferred on this Court by Section 16(b) of the Act (29 USC § 216 (b)), and by the provisions of 28 USC § 1337, relating to any civil liability or proceeding arising under any Act of Congress regulating commerce. Jurisdiction is also conferred by 28 U.S.C. § 1367. This actions is authorized and instituted pursuant to provisions of the Fair Labor Standards Act of 1938 as amended, 29 U.S.C. § 201, et seq.

8. Plaintiff also maintains this action under the Maryland Wage Payment and Collection Act, Md. Code Ann., Lab. & Empl. §§ 3-420 and 3-501 et. seq. ("Wage Payment Law").

9. 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.

10. Plaintiff filed a charge of discrimination with the EEOC alleging violations of Title VII by Defendant more than thirty days prior to the institution of this lawsuit. All conditions precedent to the institution of this lawsuit have been fulfilled.

11. Since at least November 2003, Defendant has engaged in unlawful employment practices at its Cockeysville, Maryland facility, in violation of Section 703(a)(1) of Title VII, 42 U.S.C. § 2000e -2(a)(1) and the Act.

12. Rudolph Miller, Manager/Site Supervisor, subjected Plaintiff to sexual harassment and a sexually hostile work environment that escalated up and until Plaintiff's discharge from Defendant's employ.

13. Miller's actions included but were not limited to voyeuristic, lewd and sexually suggestive advances, comments, and actions. These practices amounted to pervasive, unwelcome and offensive harassment based upon Plaintiff's sex.

14. This harassment culminated in a tangible employment action. Defendant had notice of the unlawful harassment and failed to take reasonable corrective action or action reasonably calculated to prevent the harassment. Additionally, Defendant demoted, transferred and terminated Plaintiff's employment on the basis of sex.

15. That demoting, transferring, and ultimately terminating the Plaintiff as a result of her complaining and otherwise opposing Mr. Miller's sexual harassment was a violation of Section 704(a) of Title VII, 42 U.S.C. §§ 2000e-3(a).

16. The effect of the practices complained of in paragraphs 12 through 15 has

been to deprive Plaintiff of equal employment opportunities and otherwise adversely affect her status as an employee because of her sex, female, and for opposing practices made unlawful under Title VII.

17. The unlawful practices complained of in paragraphs 12 through 15 were intentional.

18. The unlawful practices complained of in paragraphs 12 through 15 were done with malice or with reckless indifference to Plaintiff's federally protected rights.

19. Defendant also failed to pay Plaintiff all the wages including overtime she earned before her employment was terminated and/or on the next available day in which Plaintiff would have been paid if her employment had not been terminated as required by Md. Code Ann., [Labor & Empl.] (1999) §§ 3-420 and 3-505.

20. Defendant did not withhold Plaintiff's wages because of a good faith dispute.

21. Under §3-507.1, when an employer fails to pay an employee in accordance with §3-505, the Court may award the employee an amount equal to three (3) times the employee's wages, plus reasonable counsel fees and other costs. Md. Code Ann., [Labor & Empl.] (1999) §3-505.

22. In addition, Defendant failed to pay Plaintiff all the wages including overtime she earned before her employment terminated as required by the Fair Labor Standards Act of 1938.

23. Defendant willfully, knowingly and purposely engaged in refusing to pay Plaintiff the compensation she earned.

WHEREFORE, Plaintiff Jaculyn Ruffin, respectfully requests that this Court:

A. Declare that the actions of Defendant described in paragraphs 12 through 18 were discriminatory in violation of Title VII of the Civil Rights Act of 1964, et seq.

B. Declare that the actions of Defendant described in paragraphs 19 through 23 violated the Maryland Wage and Payment Act and the Fair Labor Standards Act of 1938 and grant a permanent injunction enjoining Defendant from further wage and hour payment violations.

C. 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 discharge, and any other employment practice which discriminates on the basis of sex.

D. Order Defendant to institute and carry out policies, practices, and programs which provide equal employment opportunities without regard to sex, and which eradicate the effects of their past and present unlawful employment practices, including but not limited to maintaining and enforcing a policy that prohibits sex discrimination and conducting effective employment training regarding such policy.

E. Order Defendants to pay Plaintiff Jaculyn Ruffin appropriate back pay in amounts to be determined at trial, an equal sum as liquidated damages, and prejudgment interest, 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.

F. Order Defendant to make whole Plaintiff Jaculyn Ruffin by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described above in amounts to be determined at trial.

G. Order Defendant to make whole Plaintiff Jaculyn Ruffin by providing compensation for violations of the Fair Labor Standards Act and the Maryland Wage and Payment Act including its overtime provisions.

H. Order Defendant to make whole Plaintiff Jaculyn Ruffin by providing compensation for past and future non-pecuniary losses resulting from the unlawful practices complained of above, including emotional pain and suffering, inconvenience, mental anguish, loss of enjoyment of life, and other non-pecuniary losses, in amounts to be determined at trial.

J. Order Defendant to pay Plaintiff Jaculyn Ruffin punitive damages for its malicious and reckless conduct, in amounts to be determined at trial.

K. Order Defendant to pay reasonable counsel fees and costs.

L. Grant such further relief as the Court deems necessary and proper.

JURY TRIAL DEMAND

Plaintiff, Jaculyn Ruffin, requests a jury trial on all questions of fact raised by her Complaint.

Respectfully submitted,

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