

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS

SEP 28 2006

JAMES W. McCORMACK, CLERK
By: Jean Swann
DEP CLERK

EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)

Plaintiff,)

v.)

SOUTHWESTERN BELL TELEPHONE, L.P.)
D/B/A A.T.& T. SOUTHWEST AND SBC)
COMMUNICATIONS)

Defendant.)

CIVIL ACTION NO 3:06CV00176JMM

COMPLAINT

This case assigned to District Judge Moody
and to Magistrate Judge Ray

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 and to provide appropriate relief to Glenn Owen and Jose Gonzalez who have been adversely affected by such practices. Glenn Owen and Jose Gonzalez were denied a reasonable accommodation of their sincerely held religious beliefs, suspended and terminated because of their religious beliefs in violation of 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 is an action authorized and instituted pursuant to §706(f)(1) and (3) and §706 and §707 of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e, et seq. ("Title VII").

2. The employment practices alleged to be unlawful were and are now being committed

within the jurisdiction of the United States District Court for the Eastern District of Arkansas, Jonesboro Division.

PARTIES

3. Plaintiff, Equal Employment Opportunity Commission (the "Commission"), is an 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 §706(f)(1) and (3) and §707 of Title VII, 42 U.S.C. §2000-5(f)(1) and (3), and 42 U.S.C. §2000-6.

4. At all relevant times, Defendant, Southwestern Bell telephone, L.P. d/b/a A.T.&T. Southwest and SBC Communications ("Defendant Employer"), was a corporation doing business in the State of Arkansas and the City of Jonesboro and has continuously had at least fifteen (15) employees.

5. At all relevant times, Defendant Employer has continuously been and is now an employer engaged in an industry affecting commerce within the meaning of §701(b), (g), and (h) of Title VII, 42 U.S.C. §2000e(b), (g), and (h).

STATEMENT OF CLAIMS

6. More than thirty (30) days prior to the institution of this lawsuit, Glenn Owen and Jose Gonzalez 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. From on or around January 1, 2005, and continuing, Defendant Employer has engaged in unlawful employment practices at its facility in Jonesboro, Arkansas, in violation of §703(a) of Title VII, as amended, 42 U.S.C. §2000e-2(a). The unlawful practices include, but are not limited to, discrimination against Glenn Owen and Jose Gonzalez by denying Mr. Owen

and Mr. Gonzalez a reasonable accommodation of their sincerely held religious beliefs, suspending Mr. Owen and Mr. Gonzalez, and terminating Mr. Owen and Mr. Gonzalez because of their religious beliefs.

8. Glenn Owen and Jose Gonzalez are both Jehovah's Witnesses.

9. Both men have a sincerely held religious belief that they must attend a religious convention each year.

10. The convention takes place in the summer months. Both men had attended the religious conventions for several years.

11. Glenn Owen and Jose Gonzalez requested leave to attend the religious convention that occurred in Little Rock in July of 2005.

12. Defendant refused to reasonably accommodate the religious beliefs of Glenn Owen and Jose Gonzalez by denying their request for leave to attend the religious convention.

13. Due to Defendant's refusal to reasonably accommodate the religious beliefs of Glenn Owen and Jose Gonzalez both men were suspended and discharged.

14. The effect of the practices complained of above has been to deprive Glenn Owen Jose Gonzalez of equal employment opportunities and otherwise adversely affect their status as employees.

15. The unlawful employment practices complained of above were and are intentional.

16. Defendant Employer at all relevant times acted with malice or reckless indifference to the federally protected rights of Glenn Owen and Jose Gonzalez.

PRAYER FOR RELIEF

WHEREFORE, the Commission respectfully prays that this Court:

A. Grant a permanent injunction enjoining the Defendant Employer, its officers, successors, assigns and all persons in active concert or participation with it, from engaging in any employment practice which discriminates on the basis of religion under Title VII of the Civil Rights Act of 1964, as amended.

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

C. Order Defendant Employer to make whole Glenn Owen and Jose Gonzalez who were subjected to religious discrimination, suspension and discharge by providing appropriate backpay with prejudgment interest, in amounts to be determined at trial, and provide other affirmative relief necessary to eradicate the effects of its unlawful employment practices, including but not limited to reinstatement or frontpay.

D. Order Defendant Employer to make whole Glenn Owen and Jose Gonzalez who were subjected to religious discrimination, suspension and discharge by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described above, including medical and/or counseling expenses, job search expenses, and other appropriate expenses, in amounts to be determined at trial.

E. Order Defendant Employer to make whole Glenn Owen and Jose Gonzalez who were subjected to religious discrimination, suspension, and discharge by providing compensation for past and future non pecuniary losses resulting from the unlawful practices complained of

above, including emotional pain, suffering, embarrassment, inconvenience, loss of enjoyment of life, and humiliation, in amounts to be determined at trial.

F. Order Defendant Employer to pay Glenn Owen and Jose Gonzalez who were subjected to religious discrimination, suspension and discharge punitive damages for its malicious and/or reckless conduct described above, in an amount to be determined at trial.

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

H. Award the Commission its costs in this action.

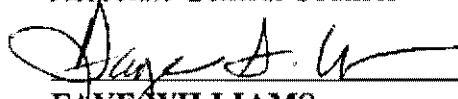
JURY TRIAL DEMAND

The Commission requests a jury trial on all questions of fact raised by its Complaint.

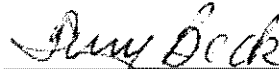
RONALD S. COOPER
General Counsel

JAMES L. LEE
Deputy General Counsel

GWENDOLYN YOUNG REAMS
Associate General Counsel



FAYE WILLIAMS
Regional Attorney



TERRY BECK
Supervisory Trial Attorney



WILLIAM A. CASH, JR.
Senior Trial Attorney
AR #88081

**EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION**
820 Louisiana St., Ste. 200
Little Rock, Arkansas 72201
Telephone: (501) 324-5539