

FILED

FEB 26 2002

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U.S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ECF

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,
1400 L Street, N.W.
Suite 200
Washington, D.C. 20005
Plaintiff,

CASE NUMBER 1:02CV00372

JUDGE: Henry H. Kennedy

DECK TYPE: Employment Discrimination

DATE STAMP: 02/26/2002

JURY
ACTION

v.

COMPLAINT

IKON OFFICE SOLUTIONS, INC.,
1200 New Hampshire Avenue, N.W.
Suite 200
Washington, D.C. 20036
Defendant.

JURY TRIAL DEMAND

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 race, and to provide appropriate relief to Philip Norman and similarly-situated Black employees, who were adversely affected by such practices. As alleged with greater particularity in paragraph 7 below, the Commission alleges that the aforementioned employees were paid less than comparably-situated White employees.

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 Section 706(f)(1) & (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-5(f)(1) & (3) ("Title VII") and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

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2. The employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the District of Columbia.

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) & (3) of Title VII, 42 U.S.C. § 2000e-5(f)(1) & (3).
4. At all relevant times, Defendant, Ikon Office Solutions, Inc. (the "Employer"), has been a Delaware corporation continuously doing business in the District of Columbia 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, Kevin Hayes 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 September of 1998, Defendant Employer has engaged in unlawful employment practices at its 1200 New Hampshire Avenue, N.W., Washington, DC location, in violation of Section 703(a)(1) of Title VII, 42 U.S.C. § 2000e-2(a)(1).

- a. Defendant Employer provided pay increases to White customer service representatives but failed to do so for similarly-qualified Black customer service representatives.
 - b. Defendant Employer hired at least one White customer service representative at a higher rate of pay than it provided Black customer service representatives who were better qualified for the position as the newly-hired White individual.
 - c. Defendant Employer provided overtime compensation to the newly-hired White individual at a rate of one-and-a-half times his hourly rate, while it compensated its Black customer service representatives at a rate of one-half times their hourly rate for overtime purposes.
 - d. For a period of time, Defendant Employer's White and Black customer service representatives were compensated at the same pay rate, even though Defendant Employer's Black customer service representatives were substantially better qualified than Defendant Employer's White customer service representatives.
8. The effect of the practice(s) complained of in paragraph 7 above has been to deprive Philip Norman and similarly-situated Black employees of equal employment opportunities and otherwise adversely affect their status as employees because of their race.
 9. The unlawful employment practices complained of in paragraph 7 above were intentional.
 10. The unlawful employment practices complained of in paragraph 7 above were done with malice or with reckless indifference to the federally protected rights of Philip Norman and similarly-situated Black employees.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

- A. Grant a permanent injunction enjoining Defendant Employer, its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in pay practices which discriminate against its Black employees, and any other employment practice which discriminates on the basis of race.
- B. Order Defendant Employer to institute and carry out policies, practices, and programs which provide equal employment opportunities for Black employees, and which eradicate the effects of its past and present unlawful employment practices.
- C. Order Defendant Employer to make whole Philip Norman and similarly-situated Black employees by providing appropriate backpay with prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices.
- D. Order Defendant Employer to make whole Philip Norman and similarly-situated Black employees by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraph 7 above.
- E. Order Defendant Employer to make whole Philip Norman and similarly-situated Black employees 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 be determined at trial.

- F. Order Defendant Employer to pay Philip Norman and similarly-situated Black employees punitive damages for its malicious and reckless conduct described in paragraph 7 above, in amounts to be determined at trial.
- G. Grant such further relief as the Court deems necessary and proper in the public interest.
- 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.

Respectfully submitted,

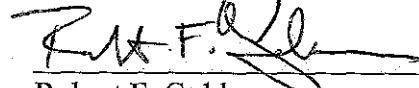
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