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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

CLERK, U.S. DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE, FLORIDA

UNITED STATES EQUAL)
EMPLOYMENT OPPORTUNITY)
COMMISSION,)
)
Plaintiff,)
v.)
)
AA PRECAST INCORPORATED,)
)
)
Defendant.)
_____)

Civil Action No. **3:00-cv-1075-J-2001**

COMPLAINT

INJUNCTIVE RELIEF
REQUESTED

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 sex, and to provide appropriate relief to Linda Miller and any other similarly situated female applicants/employees who were adversely affected by such practices. As stated with greater particularity in paragraphs 8 and 9, the Commission alleges that Defendant failed to hire Linda Miller as a laborer, based on her sex, female. Defendant also maintained a practice of not hiring other similarly situated female job applicants into laborer positions.

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

VII"), and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981A.

2. The employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the Middle District of Florida, Jacksonville Division.

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) and (3) of Title VII, 42 U.S.C. § 2000e-5(f)(1) and (3).

4. At all relevant times, Defendant AA Precast Incorporated (the "Employer"), a Florida corporation, has continuously been doing business in the State of Florida and the City of Jacksonville, and has continuously had at least 15 employees.

5. At all relevant times, Defendant AA Precast Incorporated, 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, Linda Miller filed a charge with the Commission alleging violations of Title VII by Defendant AA Precast Incorporated. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Since at least about January 7, 1998, Defendant Employer has engaged in unlawful employment practices at its place of business in Jacksonville, Florida in violation of Section 703(a)

of Title VII, 42 U.S.C. § 2000e-2(a).

8. In January 1998, Linda Miller applied for a laborer position with Defendant Employer. Defendant's supervisor, Bryan Asher, gave Ms. Miller an application for employment as a laborer. Mr. Asher told Ms. Miller to show up for work on January 7, 1998. Mr. Asher showed Ms. Miller what her job responsibilities would entail as a laborer. Ms. Miller was confident she could do the work. However, during the completion of Ms. Miller's paperwork, Defendant's President, Wayne Joyner, learned Ms. Miller was female and refused to hire her for the laborer position.

9. In response to the Commission's request for information, Defendant's President, Mr. Joyner, stated, "The position in which Ms. Miller claims to have been hired is a very difficult position, in which we have never placed a female, due to strenuous weight restrictions."

10. The effect of the conduct complained of in paragraph 8 has been to deprive Linda Miller of equal employment opportunities and otherwise adversely affect her status as an applicant/employee because of her sex.

11. The effect of the conduct complained of in paragraph 9 has been to deprive similarly situated female employees of equal employment opportunities and otherwise adversely affect their status as applicants/employees because of their sex.

12. The unlawful employment practices complained of in paragraph 8 above were intentional.

13. The unlawful employment practices complained of in paragraph 9 above were intentional.

14. The unlawful employment practices complained of in paragraph 8 above were done with malice or with reckless indifference to the federally protected rights of Linda Miller.

15. The unlawful employment practices complained of in paragraph 9 above were done with malice or with reckless indifference to the federally protected rights of similarly situated female applicants/employees.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant AA Precast Incorporated, its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in discriminatory hiring practices on the basis of sex.

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

C. Order Defendant AA Precast Incorporated to make whole Linda Miller by providing appropriate back pay with prejudgment interest, if any, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices, including but not limited to hiring of Linda Miller, retroactive benefits and seniority for Ms. Miller, and/or frontpay.

D. Order AA Precast Incorporated to make whole similarly situated female applicants/employees by providing appropriate back pay with prejudgment interest, if any, in

amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices, including but not limited to hiring of similarly situated female applicants/employees, retroactive benefits, seniority, and/or frontpay.

E. Order Defendant AA Precast Incorporated to make whole Linda Miller by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraph 8 above, including but not limited to, out of pocket losses in amounts to be determined at trial.

F. Order Defendant AA Precast Incorporated to make whole similarly situated female applicants/employees by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraph 9 above, including but not limited to, out of pocket losses in amounts to be determined at trial.

G. Order Defendant AA Precast Inc. to pay Linda Miller punitive damages for its malicious and/or reckless conduct described in paragraph 8 above, in amounts to be determined at trial.

H. Order Defendant AA Precast Inc. to pay similarly situated female applicants/employees punitive damages for its malicious and/or reckless conduct described in paragraph 9 above, in amounts to be determined at trial.

I. Grant such further relief as the Court deems necessary and proper in the public interest.

J. Award the Commission its costs of this action.

JURY TRIAL DEMAND

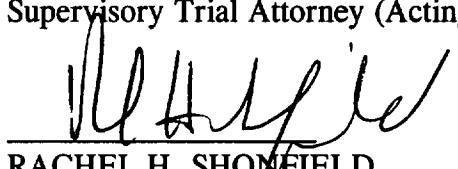
The Commission requests a jury trial on all questions of fact raised by its complaint.

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