

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
SOUTHERN DIVISION

U.S. EQUAL EMPLOYMENT)
OPPORTUNITY COMMISSION,)
)
10 S. Howard Street)
3rd Floor)
Baltimore, Maryland 21201)
)
Plaintiff,)
)
v.)
)
)
MANTECH MSM SECURITY SERVICES,)
INC.)
)
7337 Hanover Parkway)
Greenbelt, MD 20770)
)
Defendant.)
)
_____)

Civil Action No.

COMPLAINT & JURY TRIAL DEMAND

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964 (“Title VII”) and Title I of the Civil Rights Act of 1991 to correct actions undertaken by Defendant Mantech MSM Security Services, Inc., (“Defendant”) to retaliate against John Watkins, who was adversely affected by Defendant’s “Settlement Agreement and General Release” (the “Release”) because of his right to file a charge with the EEOC and to participate in EEOC investigations and proceedings. The language in Defendant’s Release requiring a releaser to give up his right to file a charge, and/or to participate in EEOC investigations and proceedings, constitutes a *per se* violation of Section 704(a) of Title VII.

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. Sections 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. Section 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 and are now being committed within the jurisdiction of the United States District Court for the District of Maryland, Southern Division.

PARTIES

3. Plaintiff, the U.S. Equal Employment Opportunity Commission ("the EEOC" or "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 Section 706(f)(1) and (3) of Title VII, 42 U.S.C., Section 2000e-5(f)(1) and (3).

4. At all relevant times, Defendant Mantech MSM Security Services, Inc., has continuously been a Maryland corporation doing business in the State of Maryland, and the cities of Greenbelt and Lanham, and has continuously had at least fifteen employees.

5. At all relevant times, Defendant Mantech MSM Security Services, Inc., has continuously been an employer engaged in an industry affecting commerce under Section 701(b), (g) and (h) of Title VII, 42 U.S.C. Sections 2000e(b), (g) and (h).

STATEMENT OF CLAIMS

6. More than thirty days prior to the institution of this lawsuit, John Watkins filed a charge with the Commission alleging violations of Title VII by Defendant. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Since at least August, 2004, Defendant Mantech MSM Security Services, Inc., has engaged in unlawful employment practices in violation of Section 704(a) Title VII, 42 U.S.C. Section 2000e-3(a). These practices include retaliating against John Watkins, who was adversely affected by its "Settlement Agreement and General Release" because of his rights to file a charge with the EEOC and to participate in EEOC investigations and proceedings.

8. The effect of the practices complained of in paragraph 7 above has been to deprive John Watkins of equal employment opportunities and otherwise adversely affect his status because of his right to file a charge with the EEOC, and to participate in EEOC investigations and proceedings.

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 John Watkins.

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 the institution, maintenance and/or management of the "Settlement Agreement and General

Release” presented to John Watkins in approximately August 2004, or any other similar plan, which retaliates because of an employee’s right to file a charge with the EEOC or to participate in an EEOC investigation or proceeding.

B. Grant a permanent injunction enjoining Defendant Employer, its officers, successors, assigns and all persons in active concert or participation with it, from retaliating because of an employee’s or former employee’s right to file a charge with the EEOC or to participate in an EEOC investigation or proceeding.

C. Order Defendant Employer to institute and carry out policies, practices and programs which provide equal employment opportunities for employees who wish to file charges with the EEOC or participate in an EEOC investigation or proceeding, and which eradicate the effects of its past and present unlawful employment practices.

D. Order Defendant Employer to make whole John Watkins by providing affirmative relief necessary to eradicate the effects of its unlawful employment practices, including but not limited to 1) reforming the “Settlement Agreement and General Release” presented to John Watkins in approximately August 2004 to expressly permit employees and former employees to file charges with the EEOC and to participate in EEOC investigations and proceedings without violating the Agreement or incurring any kind of monetary penalty; 2) presenting the reformed agreement to Mr. Watkins; and 3) paying interest upon the settlement amount paid to Mr. Watkins pursuant to the reformed agreement.

E. Order Defendant Employer to make whole John Watkins by providing compensation for pecuniary losses, in amounts to be proven at trial.

F. Order Defendant Employer to make whole John Watkins by providing compensation for non-pecuniary losses, including emotional pain, suffering, mental anguish, embarrassment, and isolation, in amounts to be proven at trial.

G. Pay John Watkins punitive damages for its malicious and reckless conduct described in paragraph 7 above, in amounts to be determined at trial.

H. 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 in the Complaint.

Respectf

ully submitted,

JAMES
Deputy

L. LEE
General Counsel

GW
Associate

ENDOLYN YOUNG REAMS
General Counsel

GERALD S. KIEL
Regional Attorney

_____/s/_____
DEBRA M. LAWRENCE
Supervisory Trial Attorney

_____/s/_____
MARIA LUISA MOROCCO
Trial Attorney

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION
10 S. Howard Street, 3rd Floor
Baltimore, Maryland 21201
962-4349

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