

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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 EQUAL EMPLOYMENT OPPORTUNITY :  
 COMMISSION, :  
 :  
 Plaintiff, :  
 :  
 -against- :  
 :  
 BEST CLOTHING MANUFACTURING, :  
 INC., a/k/a :  
 NEW ERA KNITTING MILLS, INC. :  
 :  
 Defendant. :  
 -----X

Civil Action No. **02 5081**

COMPLAINT

JURY TRIAL DEMAND

GLASSER, J.  
 POHORELSKY, M.J.

2002 SEP 19 A 10:17  
 U.S. DISTRICT COURT  
 EASTERN DISTRICT  
 OF NEW YORK

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 Yolanda Simon and other similarly situated employees affected by such unlawful practices. As alleged with greater specificity below, the Commission charges that Defendant has engaged in sex discrimination by implementing and enforcing a dress code for female employees only that substantially and adversely affects working conditions for female employees. Defendant also has engaged in unlawful retaliation against female employees who opposed the discrimination, including terminating Ms. Simon after she complained about the discriminatory dress code.

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 Sections 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)(3) ("Title VII") and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. §1981 a.

2. The alleged unlawful employment practices were and are now being committed within the jurisdiction of the United States District Court for the Eastern District of New York.

### **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 Sections 706(f)(1) and (3) of Title VII, 42 U.S.C. § 2000e-5(f)(1) and (3).

4. At all relevant times, Defendant Best Clothing Manufacturing, Inc., a/k/a, New Era Knitting Mills, Inc., has continuously been a New York corporation doing business in the State of New York and the county of Kings, and has continuously had at least 15 employees.

5. At all relevant times, 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).

### **STATEMENT OF CLAIMS**

7. More than thirty days prior to the institution of this lawsuit, Yolanda Simon 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.

8. Since at least June 2001, Defendant has engaged in unlawful employment practices in violation of Sections 703 and 704 of Title VII, 42 U.S.C. §§ 2000e-2 and e-3. These practices have included, but are not limited to, the following:

- A. Defendant has discriminated against a class of female employees based on their gender. Specifically, Defendant has a dress code for females only that substantially and adversely affects working conditions and employment opportunities for female employees by requiring them to wear long sleeve shirts with coverage to the neck. Defendant has no dress code for male employees, who are permitted to wear sleeveless shirts and tank tops.
- B. The discriminatory dress code substantially and adversely affects the working conditions and employment opportunities of a class of female employees, who perform manual labor in a hot factory.
- C. Female employees are threatened with retaliation, including, but not limited to, loss of pay and termination, for failure to comply with the dress code. Yolanda Simon was terminated by Defendant after she complained about the dress code.

9. The effect of the practices complained of above has been to deprive Yolanda Simon and other similarly situated employees, of equal employment opportunities and otherwise adversely affect their status as employees because of their sex.

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

11. The unlawful employment practices complained of above were and are done with malice or with reckless indifference to the federally protected rights of Yolanda Simon and other similarly situated employees.

**PRAYER FOR RELIEF**

Wherefore, the Commission respectfully requests that this Court:

- A. Grant a permanent injunction enjoining Defendant, its officers, successors, assigns, and all persons in active concert or participation with them, from engaging in employment practices which discriminate on the basis of sex and unlawful retaliation.
- B. Order Defendant to institute and carry out policies, practices, and programs which provide equal employment opportunities for women and which eradicate the effects of Defendant's past and present unlawful employment practices.
- C. Order Defendant to make whole Yolanda Simon and other similarly situated female 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 their unlawful employment practices, including, but not limited to, front pay and reinstatement.
- D. Order Defendant to make whole Yolanda Simon and other similarly situated female employees by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described above, in amounts to be determined at trial.
- E. Order Defendant to make whole Yolanda Simon and other similarly situated female employees by providing compensation for past and future non-pecuniary losses resulting from the unlawful practices complained of above, including pain, suffering and humiliation, in amounts to be determined at trial.
- F. Order Defendant to pay Yolanda Simon and other similarly situated female employees punitive damages for Defendants' malicious and reckless conduct described 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 of this action.

**JURY TRIAL DEMAND**

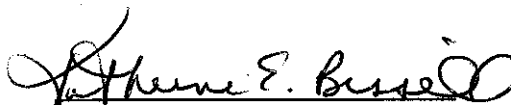
The Commission requests a jury trial on all questions of fact raised by its complaint.

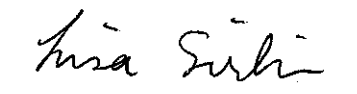
Respectfully submitted,

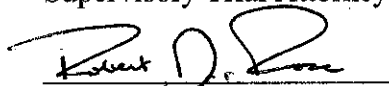
Gwendolyn Y. Reams  
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EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION

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