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**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

INDERJIT SINGH, JATINDER SINGH
ATTARI, BRIJINDER SINGH GILL,
SATINDER ARORA, and TRILOK ARORA
Plaintiffs.

TOWNES, J.

Docket #:

vs.

GO, M.J.

NEW YORK CITY TRANSIT AUTHORITY,
CORPORATE JOHN DOES 1-5, and JOHN
DOES 1-10.

COMPLAINT

Defendants.

Plaintiffs, Inderjit Singh, Jatinder Singh Attari, Brijinder Singh Gill, Satinder Arora, and Trilok Arora, by way of Complaint against Defendants, hereby allege and state:

Introduction

1. Plaintiffs, Inderjit Singh, Jatinder Singh Attari, Brijinder Singh Gill, Satinder Arora, and Trilok Arora (“Plaintiffs”), bring this action for permanent injunctive, declaratory and monetary relief pursuant to the provisions of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000(e), Section 296 of the New York State Human Rights Law, and the First and Fourteenth Amendments of the United States Constitution, to seek redress for unlawful and discriminatory employment practices, policies and actions by Defendants arising from their employment as Station Agents.

The Parties

2. Plaintiffs are or have been employees of Defendants and serving as Station Agents. Plaintiffs are practicing members of the Sikh religious faith. As Sikhs, Plaintiffs are required to maintain uncut hair and cover it with a turban.

3. Defendant, New York City Transit Authority (“NYCTA”), is a public benefit corporation created pursuant to the laws of the State of New York. Individual John Does 1-10 and Corporate John Does 1-5 are as of yet identified individual employees of Defendants or related corporate entities.

4. Defendants are “persons” within the meaning of 42 U.S.C. § 2000e(a) and “employers” within the meaning of 42 U.S.C. § 2000e(b).

Jurisdiction & Venue

5. This Court has jurisdiction over this action pursuant to 42 U.S.C. § 2000e-5(f)(3), 28 U.S.C. § 1331, and 28 U.S.C. § 1343(a)(3), and supplemental jurisdiction over claims under the New York State Human Rights Law pursuant to 28 U.S.C. § 1367, as the state law claims form part of the same case or controversy.

6. Plaintiffs' action for declaratory and injunctive relief is authorized by 28 U.S.C. §§ 1343, 2201 and 2202.

7. Venue is proper pursuant to 28 U.S.C. § 1391(b) and 42 U.S.C. § 2000e-5(f)(3).

Procedural and Administrative Requirements

8. Plaintiffs have satisfied all of the procedural and administrative requirements set forth in §706 of Title VII (42 U.S.C. § 2000e-5), in particular:

(a) Plaintiffs filed a timely Charge of Discrimination with the United States Equal Employment Opportunity Commission ("EEOC") on July 15, 2005.

(b) Plaintiff received a "Notice of Right to Sue" from the EEOC on or about August 22, 2005.

(c) The Complaint in this matter is being filed within ninety (90) days of receipt of the Notice of Right to Sue provided to Plaintiff.

Facts Common to All Counts

The Sikh Religion

9. The Sikh religion is a monotheistic faith that originated in or around the year 1499 in the northwestern areas of South Asia that are known today as Panjab.

10. Sikhism is a distinct and independent religion and is not affiliated with any other religion. Members of the Sikh religious faith adhere to a specific system of belief and worship that includes a distinct code of conduct and practice. There are approximately over 20 million adherents of Sikhism worldwide.

11. As part of the practice of their religion, Sikhs are required to wear a turban.

12. The requirement to maintain uncut hair and wear a turban is commonly viewed by members of the Sikh faith to be among the central requirements of the Sikh religion.

Plaintiffs as Employees of the Defendants

13. Plaintiffs have been employed by Defendants as Station Agents for as long as 11 years. During the majority of the course of their employment, and prior to their employment with Defendants, Plaintiffs wore unadorned turbans while performing their job functions for Defendants in accordance with their Sikh religious beliefs and practices.

14. Upon information and belief, Defendants never, until in or around November 2004, voiced any objection to the Plaintiffs' practice of wearing a turban while performing their duties as Station Agents, nor did Defendants voice any concern that Plaintiffs were not able to adequately perform their job functions because they worn a turban.

15. Plaintiffs' religious practice of wearing an unadorned turban has in no way, shape or form interfered with the full and proper performance of their job duties, or in any way, shape or form impeded their ability to perform their job functions.

16. In or around November 2004, Defendants imposed a new demand upon Plaintiffs. Specifically, Defendants required that Plaintiffs begin branding their turbans with the Defendants' corporate logo.

17. Pursuant to this policy, in April 2005, the Plaintiffs' superiors met with each of the Plaintiffs and demanded that they begin branding their turbans with the Defendants' corporate logo and tying turbans issued by Defendants.

18. Plaintiffs have repeatedly requested in writing that Defendants reasonably accommodate their religious practices by not requiring them to brand their turbans with the Defendants' corporate logo.

19. Upon information and belief, Defendants permit Station Agents to wear different types of hats for secular reasons that do not display Defendants' logo. For example, Station Agents are permitted to wear different head coverings in summer and winter months based upon changes in outdoor temperature and/or weather conditions, without Defendants' logo.

20. Additionally, Defendants established a pattern and practice of routinely ignoring and failing to enforce secular violations of uniform policy governing head coverings for Station Agents and other "frontline" employees by permitting such employees to wear hats that are not even issued by Defendants, such as New York Yankees and New York Mets hats, while on active job duty. These hats also do not have the Defendants' logo or other insignia attached to it.

21. Notwithstanding these facts, Defendants are refusing to permit an exemption from their irregularly enforced uniform policy for Plaintiffs, who have raised a religiously-based objection to Defendants' uniform policies.

22. Defendants continue to demand that the Plaintiffs brand their turbans with its corporate logo despite the absence of any evidence that Plaintiffs are not able to successfully complete all their job functions while wearing turbans unadorned by Defendants' corporate logo in accordance with their Sikh religious beliefs.

23. Four of the five Plaintiffs presently work for the Defendants as Station Agents and face adverse job consequences if they do not comply with Defendants'

demand to brand their turbans. Plaintiff Brijinder Singh Gill quit his job with Defendants as a result of the Defendants' pressure on him to brand his turban with its corporate logo.

COUNT ONE

(42 U.S.C. § 2000e – Failure to Accommodate)

24. Plaintiffs repeat and reallege each and every allegation set forth in the preceding paragraphs of the Complaint as if fully set forth herein.

25. Plaintiffs have *a bona fide* religious belief as members of the Sikh religion in wearing a turban that is unbranded by the Defendants' corporate logo.

26. Defendants' repeated directives that Plaintiffs are required to brand their turbans with the Defendants' corporate logo directly conflict with their religious beliefs and practices.

27. Plaintiffs informed Defendants of their religious belief that they may not brand their turbans with the Defendants' corporate logo.

28. Defendants continue to direct Plaintiffs to brand their turbans with its corporate logo.

29. Plaintiffs have suffered adverse employment consequences as a direct and proximate result of the Defendants' discriminatory and malicious conduct towards them.

30. Defendants' conduct towards Plaintiffs constitutes illegal discrimination as proscribed by 42 U.S.C. § 2000e.

31. As a direct and proximate result of Defendants' improper and illegal conduct, Plaintiffs have and will continue to suffer harm.

COUNT TWO

(42 U.S.C. § 2000c – Disparate Impact)

32. Plaintiffs repeat and reallege each and every allegation set forth in the preceding paragraphs of the Complaint as if fully set forth herein.

33. Plaintiffs have effectively fulfilled their employment functions for years without branding their turbans with the Defendants' corporate logos. They remain fully qualified to fulfill their employment functions without having to brand their turbans with the Defendants' corporate logo.

34. Defendants' conduct, as described herein, has had an unjustified, adverse and disparate impact on Plaintiffs and other similarly situated members of the Sikh religion, and constitutes illegal discrimination as proscribed by 42 U.S.C. § 2000e.

35. As a direct and proximate result of Defendants' improper and illegal conduct, Plaintiffs have suffered and will continue to suffer harm.

COUNT THREE

(42 U.S.C. § 2000e – Disparate Treatment)

36. Plaintiffs repeat and reallege each and every allegation set forth in the preceding paragraphs of the Complaint as if fully set forth herein.

37. Defendants are responsible for establishing the terms, conditions, policies and practices that bear upon the employment of their employees.

38. Defendants have failed to or refused to consistently enforce uniform policies for Station Agents which provide, *inter alia*, either that Defendants' hats were optional or that non-company hats were prohibited. Upon information and belief,

Defendants condoned the wearing of non-company hats in some instances, and also issued hats with no company logo.

39. Defendants have selectively enforced uniform policies to target Sikh employees whose sincerely held religious beliefs and practices require that they wear religious head coverings. As a result of Defendants' discriminatory application and enforcement of these policies, Sikh and other similarly situated employees have suffered adverse employment actions.

40. Defendants' aforementioned conduct amounts to a selective enforcement of uniform policies and the taking of adverse employment actions against Sikh and other similarly situated employees who are unable to comply with uniform policies for religious reasons.

41. As a direct and proximate result of Defendants' improper and illegal conduct, Plaintiffs have suffered and will continue to suffer harm.

COUNT FOUR

(New York State Human Rights Law § 296 – Failure to Accommodate)

42. Plaintiffs repeat and reallege each and every allegation set forth in the preceding paragraphs of the Complaint as if fully set forth herein.

43. Plaintiffs have *a bona fide* religious belief as members of the Sikh religion in wearing a turban that is unbranded by the Defendants' corporate logo. Plaintiffs informed Defendants of their religious belief that they may not brand their turbans with the Defendants' corporate logo.

44. Defendants' repeated directives that Plaintiffs are required to brand their turbans with the Defendants' corporate logo directly conflict with their religious beliefs and practices.

45. Defendants continue to direct Plaintiffs to brand their turbans with its corporate logo.

46. Plaintiffs have suffered adverse employment consequences as a direct and proximate result of the Defendants' discriminatory and malicious conduct towards them.

47. Defendants' conduct towards Plaintiffs constitutes illegal discrimination as proscribed by the New York State Human Rights Law, N.Y. Exec. L. § 296.

48. As a direct and proximate result of Defendants' improper and illegal conduct, Plaintiffs have and will continue to suffer harm.

COUNT FIVE

(New York State Human Rights Law – Disparate Impact)

49. Plaintiffs repeat and reallege each and every allegation set forth in the preceding paragraphs of the Complaint as if fully set forth herein.

50. Plaintiffs have effectively fulfilled their employment functions for years without branding their turbans with the Defendants' corporate logos. They remain fully qualified to fulfill their employment functions without having to brand their turbans with the Defendants' corporate logo.

51. Defendants' conduct, as described herein, has had an unjustified, adverse and disparate impact on Plaintiffs and other similarly situated members of the

Sikh religion, and constitutes illegal discrimination as proscribed by the New York State Human Rights Law, N.Y. Exec. L. § 296.

52. As a direct and proximate result of Defendants' improper and illegal conduct, Plaintiffs have suffered and will continue to suffer harm.

COUNT SIX

(New York State Human Rights Law – Disparate Treatment)

53. Plaintiffs repeat and reallege each and every allegation set forth in the preceding paragraphs of the Complaint as if fully set forth herein.

54. Defendants are responsible for establishing the terms, conditions, policies and practices that bear upon the employment of their employees.

55. Defendants have failed or refused to consistently enforce uniform policies for Station Agents which provide, *inter alia*, either that Defendants' hats were optional or that non-company hats were prohibited. Upon information and belief, Defendants condoned the wearing of non-company head coverings in some instances, and also issued hats with no company logo.

56. Defendants have selectively enforced uniform policies to target Sikh employees whose sincerely held religious beliefs and practices require that they wear religious head coverings. As a result of Defendants' discriminatory application and enforcement of these policies, Sikh and other similarly situated employees have suffered adverse employment actions.

57. Defendants' aforementioned conduct amounts to a selective enforcement of uniform policies and the taking of adverse employment actions against Sikhs and other

similarly situated employees who are unable to comply with uniform policies for religious reasons.

58. As a direct and proximate result of Defendants' improper and illegal conduct, Plaintiffs have suffered and will continue to suffer harm as proscribed by New York State Human Rights Law, N.Y. Exec. L. § 296.

COUNT SEVEN

(42 U.S.C. § 1983 – First Amendment, U.S. Constitution)

59. Plaintiffs repeat and reallege each and every allegation set forth in the preceding paragraphs of the Complaint as if fully set forth herein.

60. Upon information and belief, Defendants' policy regarding the branding of the Plaintiffs' religious headdress with its corporate logo is not consistently enforced by Defendants.

61. While Defendants tolerate and make *de facto* exemptions from their policy for secular reasons, they have not offered any substantial justification for refusing to provide similar treatment for employees who seek an exemption from their policy for religious reasons.

62. In so doing, Defendants have violated Plaintiffs' rights under the Free Exercise Clause of the First Amendment of the United States Constitution.

63. As a direct and proximate result of Defendants' improper and illegal conduct, Plaintiffs have and will continue to suffer harm.

WHEREFORE, Plaintiffs demand judgment against Defendants:

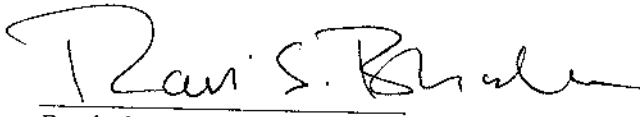
- (a) Declaring and Adjudging Defendants' conduct alleged in this Complaint to be discriminatory and in violation of Plaintiffs' civil rights under Title VII or the laws of the State of New York;
- (b) Permanently enjoining Defendants from discriminating against Plaintiffs on any basis forbidden by Title VII and the laws of the State of New York;
- (c) Ordering the development of a peer mediation employment dispute process through collaboration of labor and management officials, to resolve future disputes at their incipient stages;
- (d) Ordering Defendants to immediately permit Plaintiffs to continue their employment as a Station Agents and enjoy all seniority and other benefits entitled thereto, without being required to wear Defendants' logo or other insignia on their turbans;
- (e) Ordering that Defendant compensate, reimburse, and make whole the Plaintiffs for all the benefits Plaintiffs would have received but for Defendants' conduct, including but not limited to pay and benefits;
- (f) Ordering an award for any additional compensatory, consequential damages or punitive damages as the Court may deem just and proper, including pre- and post-judgment interest;
- (g) Ordering an award of attorneys' fees and costs of suit; and
- (h) For such other relief deemed just and equitable by the Court.

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Dated: November 16, 2005