

**ORIGINAL FILED**  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT, E.D.N.Y.  
★ JUN 03 2004 ★  
BROOKLYN OFFICE

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

COMPLAINT  
JURY TRIAL DEMANDED

-----x  
GLADYS MUHAMMAD aka GLADYS WILSON

Plaintiff,

**CV 04 2294**

vs.

NEW YORK CITY TRANSIT AUTHORITY,

DEARIE  
CHREIN, J.

Defendant,  
-----x

Plaintiff by her attorneys SCOTT, MASON-KINSEY & HART, LLP  
complaining of the Defendants, respectfully shows and alleges as follows:

**I. COMPLAINT**

1. This case involves discrimination in employment based upon religion and gender. This action is brought by Gladys Muhammad. Plaintiff charges that the Defendant is discriminating against her regarding the terms and conditions of her employment in violation of the First Amendment to the Constitution of the United States, the Fourteenth Amendment to the Constitution of the United States, Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000(e) *et seq.* Plaintiff also asserts pendent State claims for religious discrimination pursuant to New York State Constitution Article I § 3 and New York State Executive Law Article 15 § 296 (1)(a).

**II. JURISDICTION**

2. This Court is vested with jurisdiction pursuant to 28 U.S.C. §§1331, 1343(3) and 1343(4), and 42 U.S.C. § 2000e-5(f)(3). Jurisdiction over Plaintiff's claims arising under State Law is based upon doctrine of supplemental jurisdiction and on 42 U.S.C. § 1988(a).

### III. PARTIES

3. Plaintiff Gladys Muhammad is an African-American female, a United States citizen and a practicing Muslima who is currently employed by defendant New York City Transit Authority as a bus operator.

4. Defendant New York City Transit Authority (hereinafter "MTA") is a public benefit corporation created and existing under the laws of New York State.

### IV. ALLEGATIONS OF FACT

5. As required by her Muslim religion, plaintiff Muhammad, wears a head covering called a "Khimar".

6. Ms. Muhammad has been a practicing Muslim for the past eleven years.

7. The defendant MTA has harassed and discriminated against plaintiff Muhammad relentlessly during her tenure as an MTA employee by instituting an arbitrary, illegal and incoherent uniform policy.

8. Ms. Muhammad commenced employment with the MTA in November 2001 as a bus operator assigned to the East New York Depot and completed her probationary period in November of 2002.

9. The MTA's dress code for Bus Operators states that MTA issued hats are "optional" and not required to be worn while bus operators are driving in passenger service. (Attached and Annexed hereto as Exhibit A)

10. Plaintiff has worn said Khimar since the beginning of her employment with the MTA.

11. Ms. Muhammad asserts that wearing her Khimar is an obligatory religious practice.

12. Ms. Muhammad continued to wear her Khimar during her training tenure and began operating MTA buses while wearing same.

13. Upon information and belief, on or about November 2001, while at the MTA Training Center located at 750 Zerega Avenue, Bronx, New York, Ms. Muhammad was told, by an MTA training officer in a classroom with other newly hired employees, that religious headwear was permissible while operating a bus for the MTA.

14. From November 2001 until approximately July 2002, Ms. Muhammad operated a bus out of the East New York Depot without incident or repercussion relating to her religious headwear.

15. Upon information and belief, in July 2002, Ms. Muhammad was prevented from driving a bus by a dispatcher for the East New York Depot unless she wore a MTA issued baseball cap over her khimar.

16. Ms. Muhammad retrieved a hat given to her on a previous occasion and was allowed to drive a bus.

17. Ms. Muhammad never placed the above mentioned hat on her head while operating a bus in passenger service.

18. Upon information and belief, the next day, Ms. Muhammad was approached by the General Manager of the East New York Depot and told that she either had to remove her khimar or wear an MTA issued baseball hat over the khimar.

19. Ms. Muhammad refused to wear a hat over her khimar and informed the General Manager that she wore the head covering for religious purposes.

20. The General Manager of the East New York Depot told Ms. Muhammad that he would get back to her and allowed her to operate a bus that day.

21. In late July or early August 2002, Ms. Muhammad had a meeting with the General Manager of the East New York Depot as well as another as yet unknown high ranking MTA manager and Union Representative Lloyd Archer. Upon information and belief, none of the MTA managers present at the meeting were aware of any policy which prohibited Ms. Muhammad from wearing a khimar while operating a bus for the MTA.

22. As a result of this meeting, Ms. Muhammad was told that a specially fitted MTA baseball hat would be made for her. As of the date of this writing, Ms. Muhammad has never been contacted regarding the above-referenced fitted hat.

23. Ms. Muhammad continued to operate a bus in passenger service until January of 2003, whereupon Ms. Muhammad was transferred to the 126<sup>th</sup> Street Depot located at 2460 Second Avenue, New York, New York 10035.

24. Upon information and belief, Ms. Muhammad continued to operate a MTA bus in passenger service while wearing her khimar without incident or repercussion from MTA supervisors or managers until November of 2003.

25. In November of 2003, Ms. Muhammad was again held off her normal bus route by a dispatcher from the 126<sup>th</sup> Street Depot.

26. Upon information and belief, Ms. Muhammad was taken off her bus route at the behest of General Superintendent Cordell Rogers.

27. In November of 2003, Ms. Muhammad met with General Superintendent Cordell Rogers where she was told again that she either had to remove her khimar or wear an MTA issued baseball hat while operating a bus in passenger service.

28. Ms. Muhammad refused to remove her khimar or to wear a baseball hat over her khimar citing her Muslim beliefs and asserted that the MTA uniform clearly

stated that hats were optional and did not have to be worn. Ms. Muhammad questioned why she was being singled out by the MTA.

29. General Superintendent Cordell Rogers asked Ms. Muhammad to provide a letter stating that she was in fact a Muslim in good standing.

30. Ms. Muhammad provided a letter to Cordell Rogers dated November 9, 2003 from Minister Kevin Muhammad (no relation) of Mosque No. 7 located at 106-08 West 127<sup>th</sup> Street, New York, New York 10027 (Letter Annexed and Attached Hereto as Exhibit B).

31. Ms. Muhammad was held out of service for the month of November 2003. In the early part of November, Ms. Muhammad was made to clean the windows on the buses at the 126<sup>th</sup> Street Depot.

32. For two weeks in November 2003, Ms. Muhammad reported to work and was given no work assignments.

33. As of the date of this writing, Ms. Muhammad has not been paid by the MTA for the above mentioned two week period in November of 2003.

34. Ms. Muhammad contacted the Transport Worker's Union (Union) to complain about the outrageous conditions she was being made to endure.

35. Upon information and belief, the Union placed Ms. Muhammad on their payroll for a two week period in late November and early December of 2003.

36. The Union paid Ms. Muhammad for the two week period in late November and early December of 2003. (Pay Stub Annexed and Attached Hereto as Exhibit C)

37. As a result of the MTA failing to pay Ms. Muhammad for a two week

period, Ms. Muhammad was almost evicted from her apartment because she could not pay her rent.

38. Upon information and belief, Ms. Muhammad returned to the 126<sup>th</sup> Street Depot in mid-December 2003 and was again relegated to cleaning duties and was not allowed to operate a bus in passenger service.

39. On December 31, 2003, Anna Peck, Assistant General Manager of the 126<sup>th</sup> Street Depot gave Ms. Muhammad a memorandum stating that she would be assigned to a shifting "trick" effective January 5, 2004 with regular Saturdays and Sundays off (RDO's) from 6:00 pm to 2:00 am.

40. In essence, Ms. Muhammad was being assigned to shift work where she would transport buses with no passengers on them from one location to another and related duties that do not involve contact with the public. (Memorandum Annexed and Attached Hereto as Exhibit D).

41. Ms. Muhammad did not request this new assignment from the Depot.

42. As a result of Ms. Muhammad being given regular Saturdays and Sundays off, she became an object of scorn and ridicule from more experienced employees who were entitled to those days off due to their seniority over Ms. Muhammad.

43. As of the date of this writing, Ms. Muhammad has had to endure a daily barrage of taunts and threatening behavior from her male co-workers who are angry that Ms. Muhammad was given, not at her request, the most coveted RDO's.

44. Upon information and belief, Ms. Muhammad has not been allowed to "pick" her RDO's like other MTA employees.

45. Upon information and belief, less senior MTA employees have been

allowed to "pick" their RDO's in accordance with MTA policy.

46. Ms. Muhammad has had absolutely no contact with MTA customers since late November of 2003.

47. Upon information and belief, these re-assigned duties prevent Ms. Muhammad from acquiring valuable over time opportunities within the MTA.

48. As of the date of this filing, Ms. Muhammad is still not a passenger service operator, a position she performed without cause for change in her status from November 5, 2001 until November, 2003.

49. Furthermore, upon information and belief, male Muslim bus operators employed with the MTA are allowed to wear a head covering called a "Kufi" while in passenger service without repercussions from the MTA.

50. Plaintiff filed grievances against the MTA with their union, as well as with the U.S. Equal Employment Opportunity Commission (EEOC).

51. The EEOC issued a "Right to Sue" letter to Ms. Muhammad on March 4, 2004, and this Complaint is filed within 90 days thereof. (Attached and Annexed hereto as Exhibit E)

#### **V. CLAIM ONE- GENDER DISCRIMINATION UNDER TITLE VII**

52. Plaintiffs adopt and repeats the allegations of paragraphs I through 51 as though set forth at length herein.

53. All of the adverse actions taken against Plaintiff was motivated by gender animus and was performed with the intent to discriminate based on gender.

54. The Defendant has continued to discriminate against Plaintiff based on



gender in that the Defendant has only taken disciplinary action against females of the Muslim religion for refusing to wear MTA issued baseball hats over their religious head cover.

55. Based upon information and belief, male MTA employees of the Muslim religion are allowed to wear religious head covering called a "Kufi" without having disciplinary action taken against them.

56. The Defendant's gender discrimination is willful and deliberate and is done under color of law, and they constitute a pattern, custom and practice of gender discrimination which prevents Muslim women from working as bus operators.

57. The Defendant's above described discriminatory conduct against the Plaintiffs violates their rights under 42 USC § 2000c-2, which makes it an unlawful employment practice for an employer to fail or refuse to hire any individual because of her sex, or to limit, segregate, or classify his employees or applicants for employment in any way which would deprive or tend to deprive any individual or employment opportunities or otherwise adversely affect her status as an employee, because of such individual's gender.

58. As a direct and proximate result of the Defendant's wrongful actions complained of herein, Plaintiff has suffered a loss of substantial income and professional opportunities with the MTA, as well as irreparable injury to her personal and professional dignity and reputation and has suffered mental anguish and extreme emotional distress.

59. As a consequence of Defendant's wanton and reckless disregard for Plaintiff's civil rights, Plaintiff is entitled to compensatory and punitive damages in the amount of \$300,000.00.



## VI. CLAIM TWO- RELIGIOUS DISCRIMINATION UNDER TITLE VII

60. Plaintiff adopts and repeats the allegations of paragraphs 1 through 59 as though set forth at length herein.

61. All of the adverse actions taken against Plaintiff were motivated by religious animus and were performed with the intent to discriminate based on religion.

62. The Defendant has continued to discriminate against Plaintiff based on religion in that the Defendant has only taken disciplinary action against members of the Muslim religion for refusing to wear MTA issued baseball hats over their religious head cover.

63. Based upon information and belief, any person who is a practicing Muslima and is sufficiently qualified, is not permitted to pursue their chosen profession as a Bus Operator without impediment or harassment.

64. The Defendant's religious discrimination is willful and deliberate and is done under color of law, and they constitute a pattern, custom and practice of religious discrimination.

65. The Defendant's above described discriminatory conduct against the Plaintiff violates her rights under 42 USC § 2000e-2, which makes it an unlawful employment practice for an employer to fail or refuse to hire any individual because of her religion, or to limit, segregate, or classify his employees or applicants for employment in any way which would deprive or tend to deprive any individual or employment opportunities or otherwise adversely affect her status as an employee, because of such individual's religion.

66. As a direct and proximate result of the Defendant's wrongful actions complained of herein, Plaintiff has suffered a loss of substantial income and professional opportunities, as well as irreparable injury to plaintiff's personal and professional dignity and reputation and has suffered mental anguish and extreme emotional distress.

67. As a consequence of Defendant's wanton and reckless disregard for Plaintiffs' civil rights, Plaintiff is entitled to compensatory and punitive damages in the amount of \$300,000.00.

#### **VII. CLAIM THREE- GENDER DISCRIMINATION UNDER THE FOURTEENTH AMENDMENT TO THE UNITED STATES CONSTITUTION**

68. Plaintiff adopts and repeats the allegations of paragraphs 1 through 67 as though set forth at length herein.

69. The Defendant's gender discrimination against Plaintiff violates her rights under the Equal Protection Clause of the Fourteenth Amendment, which is enforceable under 42 U.S.C. § 1983, and which guarantees equal protection of the law to all persons in the United States.

70. The Defendant's unlawful gender discrimination against the Plaintiff is willful and deliberate and is based upon policies and practices which deny females of the Muslim religion equal opportunity to work as bus operators for the MTA. Meanwhile, male MTA bus operators who are adherents of the Muslim religion are allowed to wear traditional religious headwear called a kufi without discipline or repercussion.

71. As a direct and proximate result of the Defendant's wrongful actions complained of herein, Plaintiff has suffered a loss of substantial income and professional opportunities, as well as irreparable injury to Plaintiff's personal and professional dignity

and reputation and has suffered mental anguish and extreme emotional distress.

72. As a consequence of Defendant's wanton and reckless disregard for Plaintiffs' civil rights, Plaintiff is entitled to compensatory and punitive damages in the amount of \$2,500,00.00.

#### **VIII. CLAIM FOUR-RELIGIOUS DISCRIMINATION UNDER THE FIRST AMENDMENT TO THE UNITED STATES CONSTITUTION**

73. Plaintiff adopts and repeats the allegations of paragraphs 1 through 72 as though set forth at length herein.

74. The Defendant's religious discrimination against Plaintiff violates her rights under the First Amendment, which is enforceable under 42 U.S.C. § 1983, and which guarantees freedom to practice religion without discrimination to all persons in the United States.

75. The Defendant's unlawful religious discrimination against the Plaintiff is willful and deliberate and is based upon policies and practices which deny members of the Muslim religion equal opportunity to work as Bus Operators for the MTA.

76. As a direct and proximate result of the Defendant's wrongful actions complained of herein, Plaintiff has suffered a loss of substantial income and professional opportunities, as well as irreparable injury to Plaintiffs' personal and professional dignity and reputation and has suffered mental anguish and extreme emotional distress.

77. As a consequence of Defendant's wanton and reckless disregard for Plaintiff's civil rights, Plaintiffs is entitled to compensatory and punitive damages in the amount of \$2,500,00.00.

**IX. CLAIM FIVE- DISPARATE TREATMENT UNDER TITLE VII**

78. Plaintiff adopts and repeats the allegations of paragraphs 1 through 77 as though set forth at length herein.

79. Based upon the defendant's intentional unlawful discrimination based upon the gender and religion of Plaintiff, the Plaintiff has been treated differently than other similarly situated employees of the MTA.

80. The Defendant's unlawful discrimination against the Plaintiff is willful and deliberate and is based upon policies and practices which deny females of the Muslim religion equal opportunity to work as bus operators for the MTA. As a result, Plaintiff has received disparate treatment in the workplace.

81. The defendant intentionally gave Plaintiff a shifting detail that she did not request, the defendant did not allow Plaintiff to pick her regular days off based on her seniority and was given regular days off that should have gone to more senior employees.

82. Due to this disparate treatment, Plaintiff has been made to suffer a daily barrage of taunts, insults and threatening behavior from other MTA employees who assumed that Plaintiff has received favorable treatment.

83. As a direct and proximate result of the Defendant's wrongful actions complained of herein, Plaintiff has suffered a loss of substantial income and professional opportunities, as well as irreparable injury to Plaintiff's personal and professional dignity and reputation and has suffered mental anguish and extreme emotional distress.

84. As a consequence of Defendant's wanton and reckless disregard for Plaintiff's civil rights, Plaintiff is entitled to compensatory and punitive damages in the amount of \$300,000.00.

**X. CLAIM SIX- DISPARATE IMPACT UNDER TITLE VII**

85. Plaintiff adopts and repeats the allegations of paragraphs 1 through 84 as though set forth at length herein.

86. Based upon the defendant's intentional unlawful discrimination based upon the gender and religion of Plaintiff and the resulting disparate treatment, the Plaintiff has been impacted differently than other similarly situated employees of the MTA.

87. The Defendant's unlawful discrimination against the Plaintiff is willful and deliberate and is based upon policies and practices which deny females of the Muslim religion equal opportunity to work as bus operators for the MTA. As a result, Plaintiff has suffered disparate impact in the workplace.

88. The defendant intentionally gave Plaintiff a shifting detail that she did not request, the defendant did not allow Plaintiff to pick her regular days off based on her seniority and was given regular days off that should have gone to more senior employees.

89. Due to defendant's unlawful discrimination based upon the gender and religion of the Plaintiff and the resulting disparate treatment, Plaintiff has suffered disparate impact, in that Plaintiff has been made to suffer a daily barrage of taunts, insults and threatening behavior from other MTA employees who assumed that Plaintiff has received favorable treatment.

90. As a direct and proximate result of the Defendant's wrongful actions complained of herein, Plaintiff has suffered a loss of substantial income and professional opportunities, as well as irreparable injury to Plaintiff's personal and professional dignity and reputation and has suffered mental anguish and extreme emotional distress.

91. As a consequence of Defendant's wanton and reckless disregard for Plaintiff's civil rights, Plaintiff is entitled to compensatory and punitive damages in the amount of \$300,000.00.

**XI. CLAIM SEVEN- HOSTILE WORK ENVIRONMENT UNDER TITLE  
VII**

92. Plaintiff adopts and repeats the allegations of paragraphs 1 through 91 as though set forth at length herein.

93. Based upon the defendant's intentional unlawful discrimination based upon the gender and religion of Plaintiff and the resulting disparate treatment and disparate impact, the Plaintiff has been subjected to a hostile work environment created by the employees and managers of the defendant MTA.

94. The Defendant's unlawful discrimination against the Plaintiff is willful and deliberate and is based upon policies and practices which deny females of the Muslim religion equal opportunity to work as bus operators for the MTA. As a result, Plaintiff has been subjected to a hostile work environment.

95. The defendant intentionally gave Plaintiff a shifting detail that she did not request, the defendant did not allow Plaintiff to pick her regular days off based on her seniority and was given regular days off that should have gone to more senior employees.

96. Due to defendant's unlawful discrimination based upon the gender and religion of the Plaintiff and the resulting disparate treatment and disparate impact, Plaintiff has labored under a hostile work environment, in that Plaintiff has been made to suffer a daily barrage of taunts, insults and threatening behavior from other MTA

employees who assumed that Plaintiff has received favorable treatment.

97. As a direct and proximate result of the Defendant's wrongful actions complained of herein, Plaintiff has suffered a loss of substantial income and professional opportunities, as well as irreparable injury to Plaintiff's personal and professional dignity and reputation and has suffered mental anguish and extreme emotional distress.

98. As a consequence of Defendant's wanton and reckless disregard for Plaintiff's civil rights, Plaintiff is entitled to compensatory and punitive damages in the amount of \$300,000.00.

## **XII. CLAIM EIGHT-GENDER DISCRIMINATION UNDER NEW YORK STATE EXECUTIVE LAW SECTION 296**

99. Plaintiff adopts and repeats the allegations of paragraphs 1 through 98 as though set forth at length herein.

100. Defendant's conduct was motivated by the intent to discriminate against Plaintiffs based on gender in violation of New York Executive Law Section 296 *et seq.*

101. The Defendant's unlawful gender discrimination against the Plaintiff is willful and deliberate and is based upon policies and practices which deny females of the Muslim religion equal opportunity to work as bus operators for the MTA. Meanwhile, male MTA bus operators who are adherents of the Muslim religion are allowed to wear traditional religious headwear called a Kufi without discipline or repercussion.

102. As a direct and proximate result of the Defendant's wrongful actions complained of herein, Plaintiff has suffered a loss of substantial income and professional opportunities, as well as irreparable injury to Plaintiff's personal and professional dignity and reputation and has suffered mental anguish and extreme emotional distress.



103. As a consequence of Defendant's wanton and reckless disregard for Plaintiff's civil rights, Plaintiffs are each entitled to compensatory and punitive damages in the amount of \$2,500,00.00.

**XIII. CLAIM NINE-RELIGIOUS DISCRIMINATION UNDER NEW YORK  
STATE CONSTITUTION ARTICLE 1 § 3**

104. Plaintiff adopts and repeats the allegations of paragraphs 1 through 103 as though set forth at length herein.

105. Defendant's conduct was motivated by the intent to discriminate against Plaintiff based on religion in violation of New York State Constitution Article 1 § 3.

106. The Defendant's unlawful religious discrimination against the Plaintiff is willful and deliberate and is based upon policies and practices which deny adherents of the Muslim religion equal opportunity to work as Bus Operators for the MTA.

107. As a direct and proximate result of the Defendant's wrongful actions complained of herein, Plaintiff has suffered a loss of substantial income and professional opportunities, as well as irreparable injury to Plaintiff's personal and professional dignity and reputation and has suffered mental anguish and extreme emotional distress.

108. As a consequence of Defendant's wanton and reckless disregard for Plaintiff's civil rights, Plaintiffs is entitled to compensatory and punitive damages in the amount of \$2,500,00.00.

### PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that after a hearing on the matters alleged herein, the Court will grant the following relief:

A. Issue a declaratory judgment declaring that the wrongs complained of herein violate the rights of Plaintiff guaranteed by the First Amendment to the Constitution of the United States, the Fourteenth Amendment to the Constitution of the United States, Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000(c) *et seq.*, New York State Constitution Article 1 § 3 and New York State Executive Law Article 15 § 296 (1)(a).

B. Judgment granting equitable relief directing that Defendant cease and desist from their discriminatory activity and reinstating Plaintiff to her full status as a Bus Operator.

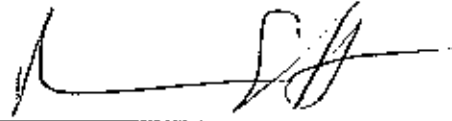
C. Award Plaintiff compensatory and punitive damages.

D. Retain jurisdiction of this action for a sufficient time to ensure full compliance with the equitable relief requested herein.

E. Award Plaintiff her costs incurred in this case, together with reasonable attorneys' fees and expenses and expert fees, pursuant to 42 U.S.C. §§ 1988 and 2000e-5(k).

F. Grant Plaintiff such additional and further relief as the Court may deem just and equitable under the circumstances.

Dated: Brooklyn, New York  
June 3, 2004



ARMANI B. SCOTT  
Attorney for Plaintiff  
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Bar Code: AS8751



LONNIE HART, JR.  
Attorney for Plaintiff  
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Bar Code: LH 3560

**EXHIBIT A**



New York City Transit  
Department of Buses

# Temporary Bulletin

September 13, 2002

**REMOVE FROM POSTING ON MAY 1, 2003**

To: Managers, Supervisors, Bus Operators and All Concerned

From:   
K. Jennifer Sinclair, Chief Transportation Officer

Subject: **BUS OPERATORS' WINTER UNIFORMS**

During the period of October 15, 2002, through April 30, 2003, bus operators are required to wear their New York City Transit (NYCT) winter uniforms. However, uniform shorts are not to be worn after September 30, 2002. *Bus operators are not considered ready for duty unless they are fully attired in the complete and proper uniform.* The winter uniform is as follows:

- Light blue uniform shirt (properly worn, tucked inside the uniform trousers/culottes).
- The NYCT maroon tie or bow-tie is mandatory and must be properly worn with a long or short sleeve uniform shirt.
- The commando sweater or cardigan sweater vest may be worn with or without the bl-swing jacket.
- Navy-blue uniform trousers. Operators will be permitted to wear the grey uniform trousers and culottes until further notice (Navy blue trousers from previous uniform distributions are acceptable).
- Depot logo caps are optional. Depot logo caps may only be worn with the bill of the cap facing forward.
- NYCT issued safety uniform shoes/boots with slip-resistant soles.  
Bus operators may not wear other footwear while in service, unless granted permission by management (for medical reasons).
- Coats or sweatshirts are not to be worn while operating in customer service.
- Bus operators are required to have their signed employee identification (ID) passes in their possession and properly displayed at all times while on duty or on NYCT property.

**EXHIBIT B**



*Minister Kevin Muhammad*  
NEW YORK REPRESENTATIVE OF THE HONORABLE MINISTER LOUIS FARRAKHAN

—AND—  
THE NATION OF ISLAM

*IN THE NAME OF ALLAH, THE BENEFICENT, THE MERCIFUL*

November 9, 2003

Mr. Cordell Rogers  
Assistant General Manager  
MTA  
126<sup>th</sup> Depot  
New York, NY

Dear Mr. Rogers,

I am writing to you on behalf of Sister Gladys Muhammad, an active member in good standing at Muhammad Mosque No. 7 regarding her wearing her head covering (Hijab).

**The Holy Qur'an states in Chapter 24, verse 31:**

*"Do not display their adornment except what appears thereof. And let them wear their head coverings over their bosoms. And they should not display their adornment."*

This represents the guidance of God to the female of the faith. And every believing woman takes pride in what God has revealed. I believe that a modest head covering will not interfere with her duties and obligations. Rather, it serves as a sign of the kind of dedicated and committed worker in your employ. We as Muslims take pride in our work ethic.

I would hope that you would be able to accommodate the right of her way of life. Please feel free to contact me for any further clarifications.

Respectfully,

*Kevin Muhammad*  
Minister Kevin Muhammad

MKM/DM



**EXHIBIT C**

Transport Workers Union Local 100 80 West End Ave., New York, NY 10023				SOCIAL SECURITY NUMBER		PAY DATE	
EMPLOYEE NAME						12/10/03	
Gladys Wilson							
REG HOURS		REGULAR PAY		EARNINGS DOUBLE PAY		OT HOURS	
CORY		ELECTION		DIFF.		MOR.	
VACATION PAY		VACATION HOURS		BONUS (GR. ADJ.)		GROSS PAY	
						915.52	
TAX INFORMATION - DEDUCTIONS				STATE TAX		NET PAY	
FEDERAL WITH TAX		F.I.C.A.		STATE TAX		NET PAY	
110.51		56.76		41.94		667.92	
DUES		CU		BONUS			
				13.28			
				MISC. COPE, NET ADJ.		25.11	
YEAR-TO-DATE SUMMARY				STATE TAX		CITY TAX	
GROSS PAY		FEDERAL WITH TAX		STATE TAX		CITY TAX	
NO. COVERED				EMPLOYEE - RETAIN THIS PORTION OF STATEMENT FOR YOUR RECORDS.			

**EXHIBIT D**

DATE: December 31, 2003

TO: Gladys Wilson, B/O, Pass No. 973241

FROM Anna Peck, Assistant General Manager, 126<sup>th</sup> Street Depot *AP*

SUBJECT: Work Assignment

Effective Monday, January 5, 2004 you will be assigned to a shifting trick with the following hours and RDO's.

Tour of Duty 1800 - 0200 hours  
RDO's Sunday/Saturday

Bus Operator signature *Gladys Wilson* Date: *12/31/03*

Manager signature: *[Signature]* Date: *12/31/03*

cc: employee file  
TWU

**EXHIBIT E**

**DISMISSAL AND NOTICE OF RIGHTS**

To: **Gladys Muhammad Aka Willson**  
 111 N. Third Avenue, 7k  
 Mount Vernon, NY 10550

From: **Boston Area Office**  
 John F. Kennedy Fed Bldg  
 Government Ctr, Room 475  
 Boston, MA 02203

On behalf of person(s) aggrieved whose identity is  
**CONFIDENTIAL (29 CFR § 1601.7(a))**

EEOC Charge No.	EEOC Representative	Telephone No.
<b>160-2004-00672</b>	<b>Rance A. O'Quinn, Enforcement Supervisor</b>	<b>(617) 565-3192</b>

**THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:**

- The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.
- Your allegations did not involve a disability as defined by the Americans with Disabilities Act.
- The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.
- Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge.
- Having been given 30 days in which to respond, you failed to provide information, failed to appear or be available for interviews/conferences, or otherwise failed to cooperate to the extent that it was not possible to resolve your charge.
- While reasonable efforts were made to locate you, we were not able to do so.
- You were given 30 days to accept a reasonable settlement offer that affords full relief for the harm you alleged.
- The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.
- The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.
- Other (briefly state)


**- NOTICE OF SUIT RIGHTS -**

*(See the additional information attached to this form.)*

**Title VII, the Americans with Disabilities Act, and/or the Age Discrimination in Employment Act:** This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this Notice;** or your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

**Equal Pay Act (EPA):** EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

  
 Robert L. Sanders,  
 Director

**MAR 4 2004**

Enclosure(s)

*(Date Mailed)*

cc: **Richard Schoolman**  
 Special Counsel  
 NYC TRANSIT AUTHORITY  
 130 Livingston Street  
 Brooklyn, NY 11201

**Armani B. Scott, Esq**  
 55 Washington Street, Suite 655  
 Brooklyn, NY 11201

