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NORTHERN DISTRICT OF OHIO
TOLEDO

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

3:02CV7374
CIVIL ACTION NO.

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

v.

IBEW Local No. 998

Defendant

JUDGE JAMES G. CARR

COMPLAINT AND
JURY TRIAL DEMAND

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964, as amended (42 U.S.C. §2000e, et seq), ("Title VII") and Title I of the Civil Rights Act of 1991, to correct unlawful practices on the basis of sex, female and retaliation, and to make whole Goretta Newman and any similarly situated union members who were adversely affected by

Defendant's unlawful practices.

From August of 2000 until October of 2001, Defendant subjected its union member, Goretti Newman to a pattern of severe and pervasive harassment based on her sex, female and in retaliation for her engagement in activity protected by Title VII.

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, 42 U.S.C. §2000e-5(f)(1) and (3), and pursuant to 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 Northern District of Ohio, Eastern Division.

PARTIES

3. Plaintiff, the Equal Employment Opportunity Commission ("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, IBEW Local 998 Defendant (the "Union") has continuously been an association of participating employees in the State of Ohio and the City of Vermillion, Ohio and/or has continuously had at least 15 members. At all relevant

times, the Union has been the recognized collective bargaining representative for employees of Lithonia Downlighting.

5. At all relevant times, Defendant Union has continuously been an employer engaged in an industry affecting commerce within the meaning of Section 701 (d) and (e) of Title VII, 42 U.S.C. § 2000e (d) and (e).

STATEMENT OF CLAIMS

6. More than thirty days prior to institution of this lawsuit, Goretti Newman filed charges with the Commission alleging violations of Title VII by Defendant Union. All conditions precedent to the institution of this suit have been fulfilled.

7. From at least August of 2000 until August of 2001, Defendant Union engaged in unlawful employment practices in Vermillion, Ohio, in violation of Section 703 of Title VII, 42 U.S.C. §2000e-2, and Section 704 of Title VII, 42 U.S.C. §2000e-3.

a) Defendant Union created and maintained a workplace permeated with severe and pervasive harassment based on sex, female.

b) Defendant Union failed to take action on Goretti Newman's behalf when she complained of sexual harassment by a fellow employee/fellow union member.

c) Defendant Union allowed Goretti Newman to be subjected to different terms and conditions of employment based on her sex, female.

d) Defendant Union subjected Goretti Newman to a pattern of severe and pervasive harassment based on sex, female and in retaliation for her having

complained about sexual harassment during her employment at Lithonia Downlighting.

e) Defendant Union failed to exercise reasonable care to prevent the aforementioned harassment.

f) Defendant Union failed to take prompt and effective remedial action reasonably calculated to eradicate the aforementioned harassment.

8. The effect of the practice(s) complained of above, deprived Goretti Newman of equal employment opportunities and adversely affected her status as an employee and union member due to impermissible considerations of sex and retaliatory animus.

9. The unlawful practices complained of above were intentional.

10. The unlawful practices complained of above were undertaken with malice and/or reckless indifference to the federally protected rights of Goretti Newman.

PRAYER FOR RELIEF

WHEREFORE, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant Union, its officers, successors, assigns and all persons in active concert or participation with it, from discriminating against individuals by the implementation of practices and policies which discriminate on the basis of sex and retaliation.

B. Order Defendant Union to institute and carry out policies, practices and programs which provide equal employment and labor organization opportunities for

persons regardless of sex and regardless of engagement in protected activities and which eradicate the effects of its past and present unlawful employment practices.

C. Order Defendant Union to make whole Goretti Newman, by providing appropriate backpay with prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices.

D. Order Defendant Union to make whole Goretti Newman by providing affirmative relief necessary to eradicate the effects of its unlawful employment practices, including but not limited to, backpay and front pay in amounts to be proven at trial.

E. Order Defendant Union to make whole Goretti Newman, by providing compensation for past and future pecuniary losses, in amounts to be proven at trial.

F. Order Defendant Union to make whole Goretti Newman by providing compensation for non-pecuniary losses in amounts to be proven at trial.

G. Grant an order assessing punitive damages against Defendant Union for its malicious and reckless conduct described herein above in amounts to be determined at trial.

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

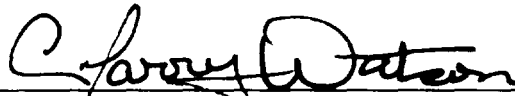
I. Award the Commission its costs in this action.

JURY TRIAL DEMAND

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

Respectfully submitted,


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