

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

FILED - CLERK
U.S. DISTRICT COURT
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EQUAL EMPLOYMENT OPPORTUNITY §
COMMISSION, §
Plaintiff, §

TX EASTERN LUFKIN
BY *[Signature]*

VS. §

CIVIL ACTION No. §
9:99cv147

PRIME PLACEMENT, INC., §
Defendant. §

JURY

Judge Hannah

COMPLAINT

This is an action under Title VII of the Civil Rights Act of 1964 as amended, and Title I of the Civil Rights Act of 1991 to correct unlawful employment practices based on sex and to compensate and make whole Roxanne Neuman, who has been subjected to discriminatory treatment based on sex. The defendant, Prime Placement, Inc., unlawfully denied and continues to deny female job applicants equal employment opportunities by refusing to hire female applicants for certain positions in violation of the Civil Rights Act of 1964.

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

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2. Venue is proper within the jurisdiction of the United States District Court for the Eastern District of Texas, Lufkin Division.

3. The employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the Eastern District of Texas, Lufkin Division.

PARTIES

4. 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).

5. At all relevant times, Defendant, Prime Placement, Inc., ("Defendant" or "Prime Placement") a Texas corporation, has continuously been doing business in the State of Texas and has continuously had at least 15 employees. Defendant may be served by serving its registered agent for service of process, Bobbye Paige at 911 S. Chestnut, Lufkin, Texas.

6. 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).

7. At all relevant times, Defendant has been an employment agency within the meaning of Section 701(c) of Title VII, 42 U.S.C.

§§ 2000e(c).

STATEMENT OF CLAIMS

8. More than thirty days prior to the institution of this lawsuit, Roxanne Neuman ("Neuman") 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.

9. Since at least 1996, Prime Placement has engaged in unlawful employment practices at its Lufkin facility located at 911 S. Chestnut, Lufkin, Texas 75901 in violation of Sections 703(a)(1), 703(a)(2), and 703(b) and of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-2(a)(1), (a)(2), and (b).

10. The effect of these unlawful practices has been to deprive Neuman and other similarly situated female applicants and female employees of equal employment opportunities and to otherwise adversely affect their status as employees because of their sex.

11. Prime Placement operates a temporary employment agency in Lufkin and Nacogdoches, Texas. Prime Placement recruits persons for work at a variety of workplaces operated by clients of Prime Placement. In most cases, the persons recruited by Prime Placement work, at least initially, as employees of Prime Placement while actually performing jobs at the clients' workplaces. In some cases, persons initially hired by Prime Placement as "temps" are subsequently hired as permanent employees by the client employer.

12. On or about August 22, 1996, Neuman was referred to Prime Placement by the Texas Workforce Commission for a job as a

sandblaster. She presented herself at Respondent's office, where she was told that the position had been filled.

13. On or about September 3, 1996, Neuman called Prime Placement in response to a newspaper advertisement seeking applicants for jobs as "production workers" and "laborers." She was told by the Prime Placement employee with whom she spoke that the advertised jobs were men's jobs and that Neuman could not apply for them. On the same day, a friend of Neuman's called Prime Placement at Neuman's request and spoke with Prime Placement's owner, Bobbye Paige. During this conversation, Ms. Paige confirmed that there were some jobs to which Prime Placement did not refer women.

14. After Neuman's friend spoke with Paige, Prime Placement did accept an application from Neuman, but she was never hired by Prime Placement or any of its clients. Prime Placement never informed Neuman that it had changed its announced policy of not referring women to jobs that it considered to be inappropriate for them.

15. Defendant, an employer, failed or refused to hire Neuman and other women and otherwise discriminated against them because of their sex in violation of Section 703(a)(1) of Title VII, 42 U.S.C. § 2000e-2(a)(1).

16. Defendant, an employer, limited, segregated, or classified Neuman and other female applicants and employees because of their sex in violation of Section 703(a)(2) of Title VII, 42 U.S.C. § 2000e-2(a)(2).

17. Defendant, an employment agency, failed, or refused to refer Neuman and other women for employment because of their sex, in violation of Section 703(b) of Title VII, 42 U.S.C. § 2000e-2(b).

Prayer

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 it, from unlawfully refusing to hire female applicants or refusing to refer female employees to certain jobs or engaging in any other practice which discriminates against individuals on the basis of their sex.
- B. Grant a permanent injunction enjoining Defendant, its officers, successors, assigns and all persons in active concert or participation with it, from representing in any advertisement or statement to any potential applicant that any job for which it is hiring or referring applicants is open only to one sex.
- C. Grant a permanent injunction enjoining Defendant, its officers, successors, assigns and all persons in active concert or participation with it, from retaliating in violation of Section 704 of Title VII.
- D. Order Defendant to make Roxanne Neuman whole, by providing her with backpay and pre-judgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices.
- E. Order Defendant to make Roxanne Neuman whole by providing compensation for her past and future pecuniary losses in amounts to be determined at trial.
- F. Order Defendant to make Roxanne Neuman whole by providing compensation for their past and future non-pecuniary losses including losses due to emotional distress, pain and suffering, and inconvenience, in amounts to be determined at trial.

- G. Order Defendant to pay Roxanne Neuman punitive damages in an amount to be determined at trial.
- H. Grant such further relief as the Court deems necessary and proper.
- I. Award the Commission its costs in this action.

Jury Demand

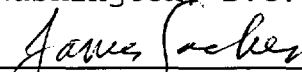
The Commission requests a jury trial on all questions of fact raised by its complaint.

Respectfully submitted,

C. GREGORY STEWART
General Counsel

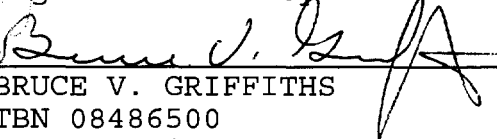
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