

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

FILED - IN

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EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION

Plaintiff,

v.

ROBERT BOSCH CORPORATION

Defendant.

Case No.

5:03CV0150

Honorable

Wendell A. Miles

Senior, U.S. District Judge

COMPLAINT
AND JURY DEMAND

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 bases of religion, and to provide appropriate relief to Jeff Carter who was adversely affected by such practices. The United States Equal Employment Opportunity Commission (hereinafter "EEOC") alleges that Robert Bosch Corporation (hereinafter "Defendant") failed to provide a reasonable accommodation to the known religious practices of Carter, who is a member of the International Old Path Church of God Inc. The Defendant unlawfully terminated Carter because his religious practices conflicted with an employment requirement.

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) and 707(e) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-5(f)(1) and (3) and § 2000e-6(e) ("Title VII"), and 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 Western District of Michigan, Southern Division.

PARTIES

3. Plaintiff, EEOC 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) and 707(e) of Title VII, 42 U.S.C. § 2000e-5(f)(1) and (3) and § 2000e-6(e).

4. At all relevant times, Defendant has continuously been a corporation doing business in the State of Michigan, 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

6. More than thirty days before the institution of this lawsuit, Carter filed a Charge of Discrimination with the Commission alleging violations of Title VII by the Defendant. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Since at least February, 2002, Defendant Employer has engaged in unlawful employment practices at its Saint Joseph, Michigan facility, in violation of Section 703(a), 42 U.S.C. § 2000e-2(a), and Section 704(a), 42 U.S.C. § 2000e-3(a). The Defendant's unlawful employment practices include the unlawful failure to provide a reasonable accommodation to the known sincerely-held religious beliefs of Carter, to wit: the belief that he should not work on

from sundown Friday to sundown Saturday. Such unlawful employment practices also include terminating Carter because his sincerely-held religious belief conflicted with an employment requirement.

8. The effect of the practices complained of in paragraph 7 above have been to deprive Carter of equal employment opportunities and otherwise adversely affect his status as an employee because of his religion, membership in the International Old Path Church of God Inc.

9. The unlawful employment practices complained of in paragraph 7 above were intentional.

10. As the result of the unlawful employment practices, Carter has suffered emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life.

11. The unlawful employment practices complained of in paragraph 7 above were and are done with malice or with reckless indifference to the federally protected rights of Carter.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant Employer, its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in any employment practice which discriminates on the basis of religion.

B. Order Defendant Employer to institute and carry out policies, practices, and programs which provide equal employment opportunities for persons of all religions, and which eradicate the effects of its past and present unlawful employment practices.

C. Order Defendant to implement effective religious accommodation and anti-harassment policies and distribute information about these policies to its employees.

D. Order the Defendant Employer to make whole Carter, by providing appropriate

back pay with prejudgment 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 Employer to make whole Carter by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraphs 7 and 8 above in amounts to be proven at trial.

F. Order Defendant Employer to make whole Carter by providing compensation for past non-pecuniary losses resulting from the unlawful practices complained of in paragraphs 7 and 8 above in amounts to be proven at trial.

G. Order Defendant Employer to pay Carter punitive damages for its malicious or reckless conduct described in paragraphs 7 and 8 above, in amounts to be proven at trial.

H. Order Defendant Employer to provide training to its supervisors and managers of their obligations under Title VII to provide religious accommodations and to prevent religious harassment.

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

J. 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,

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