

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MARYLAND
Northern Division

EQUAL EMPLOYMENT OPPORTUNITY	)	
COMMISSION	)	
10 S. Howard Street, 3 rd Fl.	)	
Baltimore, MD 21201	)	
Plaintiff,	)	CIVIL ACTION NO. 06-cv-2264
v.	)	(RDB)
	)	
	)	<u>AMENDED COMPLAINT</u>
SAFEGUARD MAINTENANCE CORP.	)	<u>AND</u>
138 Cockeysville Rd.	)	<u>JURY TRIAL DEMAND</u>
Cockeysville, MD 21030	)	
Defendant.	)	
	)	

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 basis of sex and retaliation to provide appropriate relief to Algering Jennings and Jaculyn Ruffin who were adversely affected by such practices. The Commission alleges that Ms. Jennings and Ms. Ruffin were subjected to unwelcome sexual advances, and other verbal and physical conduct of a sexual nature, constituting sexual harassment by Defendant's supervisor Rudolph Miller. This sexual harassment was sufficiently severe and pervasive to alter the conditions of employment and create an abusive, sexually hostile working environment, resulting in Ms. Ruffin's constructive discharge. The Commission further alleges that Ms. Ruffin's hours were reduced and that Ms. Jennings was demoted, transferred and terminated from employment on the basis of sex, female, and in retaliation for complaining and otherwise opposing the sexual harassment.

This action is also brought under Title I of the Americans with Disabilities Act of 1990 to correct unlawful employment practices regarding prohibited inquiries concerning an applicant's medical condition at the pre-offer stage of employment.

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. Sections 451, 1331, 1337, 1343 and 1345. This action is authorized and instituted pursuant to Section 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. Section 2000e-5(f)(1) and (3) ("Title VII"), Section 102 of the Civil Rights Act of 1991, 42 U.S.C. Section 1981A and Section 107(a) of the Americans with Disabilities Act of 1990 ("ADA"), 42 U.S.C. § 12117(a), which incorporates by reference Sections 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964 ("Title VII") 42 U.S.C. §§ 2000e-5(f)(1) and (3).

2. The unlawful employment practices alleged below were committed within the jurisdiction of the United States District Court for the District of Maryland.

PARTIES

3. Plaintiff, the Equal Employment Opportunity Commission (the "Commission"), is an agency of the United States of America charged with the administration, interpretation and enforcement of Title VII and *Title I of the ADA*, and is expressly authorized to bring this action by Section 706(f)(1) of Title VII, 42 U.S.C., Section 2000e-5(f)(1) and Section 107(a) of the ADA, 42 U.S.C. § 12117(a), which incorporates by reference Sections 706(f)(1) and (3) of Title VII, 42 U.S.C. §§ 2000e-5(f)(1) and (3).

4. At all relevant times, Defendant, Safeguard Maintenance Corp. (the "Employer"), has continuously been a corporation doing business in the State of Maryland and the City of Cockeysville, MD and has continuously had at least fifteen employees.

5. At all relevant times, Defendant Employer has continuously been an employer engaged in an industry affecting commerce within the meaning of Section 701(b), (g) and (h) of Title VII, 42 U.S.C. Section 2000e-(b), (g) and (h) and under Section 101(5) of the ADA, 42 U.S.C. § 12111(5), and Section 101(7) of the ADA, 42 U.S.C. § 12111(7), which incorporates by reference Sections 701(g) and (h) of Title VII, 42 U.S.C. §§2000e(g) and (h).

STATEMENT OF CLAIMS

6. More than thirty days prior to the institution of this lawsuit, Jaculyn Ruffin and Algering Jennings filed charges with the Commission alleging violations of Title VII by Defendant Employer. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Since at least March 2005, Defendant Employer has engaged in unlawful employment practices at its Cockeysville, Maryland facility, in violation of Section 703(a)(1) of Title VII, 42 U.S.C. Section 2000e-2(a)(1). The practices include: 1) subjecting Algering Jennings and Jaculyn Ruffin to sexual harassment and a sexually hostile working environment, including voyeuristic, lewd and sexually suggestive advances, comments and actions by Defendant's supervisor, Rudolph Miller; 2) demoting, transferring and terminating Ms. Jennings' employment; and 3) reducing Ms. Ruffin's hours of work and subjecting her to a hostile working environment and working

conditions so intolerable that she was constructively discharged from employment, on the basis of sex, female.

8. Since at least April 2005, Defendant Employer has engaged in unlawful employment practices at its Cockeysville, Maryland facility, in violation of Section 704(a) of Title VII, 42 U.S.C. §§2000e-3(a). The practices include: 1) demoting, transferring and terminating Ms. Jennings' employment, and 2) reducing Ms. Ruffin's hours of work, on the basis of their complaining and otherwise opposing the sexual harassment.

9. Since at least December 2003, Defendant Employer has engaged in unlawful employment practices at its Cockeysville, Maryland facility, in violation of Section 102(d)(2) of the ADA, 42 U.S.C. §12112 (d)(2). These practices include making inquiries of a job applicant, prior to an offer of employment, as to whether the applicant is an individual with a disability or as to the nature or severity of such disability, by means of a written job application.

10. The effect of the practices complained of in paragraph numbers 7 and 8, above, has been to deprive Ms. Jennings and Ms. Ruffin of equal employment opportunities and otherwise adversely affect their status as employees because of their sex, female, and for opposing practices made unlawful under Title VII.

11. The unlawful employment practices complained of above in paragraph numbers 7 and 8 were intentional.

12. The unlawful employment practices complained of above in paragraph numbers 7 and 8 were done with malice and/or reckless indifference to the federally protected rights of Ms. Jennings and Ms. Ruffin.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

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

B. Grant a permanent injunction enjoining Defendant Employer, its owners, officers, agents, employees, successors, assigns, and all persons in active concert or participation with it, from engaging in reprisal or retaliation against any person because such person opposed any practice made unlawful under Title VII or participated in any manner in an investigation, civil action, or other proceeding under Title VII.

C. Grant a permanent injunction enjoining Defendant Employer, its owners, officers, agents, employees, successors, assigns, and all persons in active concert or participation with it, from making inquiries of a job applicant, prior to an offer of employment, as to whether the applicant is an individual with a disability or as to the nature or severity of such disability, by any means, including but not limited to a written job application .

D. Order Defendant Employer to institute and carry out policies, practices and programs which provide equal employment opportunities for women and individuals

covered under the ADA, which eradicate the effects of its past and present unlawful employment practices.

E. Order Defendant Employer to make whole Ms. Jennings and Ms. Ruffin, 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.

F. Order Defendant Employer to make whole Ms. Jennings and Ms. Ruffin, by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described above, in amounts to be determined at trial.

G. Order Defendant Employer to make whole Ms. Jennings and Ms. Ruffin, by providing compensation for non-pecuniary losses resulting from the unlawful employment practices described above, including emotional pain and suffering, shock, anxiety, humiliation and loss of enjoyment of life in amounts to be determined at trial.

H. Order Defendant Employer to pay Ms. Jennings and Ms. Ruffin punitive damages for its malicious and/or reckless conduct, in an amount to be determined at trial.

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

J. 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.

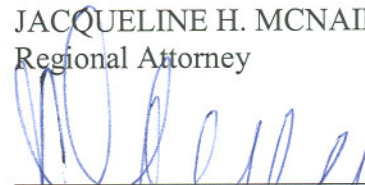
Respectfully submitted,

RONALD S. COOPER
General Counsel

JAMES L. LEE
Deputy General Counsel

GWENDOLYN REAMS
Associate General Counsel

JACQUELINE H. MCNAIR
Regional Attorney



DEBRA M. LAWRENCE
Bar No. 04312
Supervisory Trial Attorney



CECILE C. QUINLAN
Bar No. 06072
Senior Trial Attorney

EQUAL EMPLOYMENT
OPPORTUNITY
COMMISSION
Baltimore Field Office
10 S. Howard Street, 3rd Flr.
Baltimore, MD 21201
(410) 962-4239
(410) 962-4270 (fax)