

- (a) failing or refusing reasonably to accommodate Mr. Stewart's religious observance, practice and/or belief of attending Church and refraining from work on Sundays;
- (b) constructively discharging Mr. Stewart because of his religious observance, practice and/or belief of attending Church and refraining from work on Sundays; and
- (c) failing or refusing to take appropriate action to remedy the effects of the discriminatory treatment against Mr. Stewart.

6. The Equal Employment Opportunity Commission ("EEOC") received a timely charge filed by Mr. Stewart (Charge No. 150-2005-04068) in which he alleged that he had been discriminated against in employment because of his religion by the Defendant. Pursuant to § 706 of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-5, the EEOC investigated the charge, found reasonable cause to believe that the allegations of religious discrimination were true, attempted unsuccessfully to achieve through conciliation a voluntary resolution of the matter, and subsequently referred the charge to the Department of Justice.

7. All conditions precedent to the filing of suit have been performed or have occurred.

WHEREFORE, plaintiff United States prays that this Court grant the following relief:

- (a) Enjoin the defendant from failing and refusing to:
 - (i) Provide sufficient remedial relief to the charging party, William J. Stewart, II, to make him whole for the loss he has suffered as a result of the discrimination against him as alleged in this complaint, including back pay with interest and reinstatement with remedial seniority to his previous position with an appropriate religious accommodation; and
 - (ii) follow a policy designed reasonably to accommodate the religious observances, practices and/or beliefs of Defendant's employees; and
 - (iii) take other appropriate nondiscriminatory measures to overcome the effects of the discrimination.
- (b) The plaintiff prays for such additional relief as justice may require, together with its costs and disbursements in this action.

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