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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA,

Plaintiff,

v.

ESSEX COUNTY, NEW JERSEY,

Defendant.

Civil Action No. _____

JURY TRIAL DEMAND

COMPLAINT

Plaintiff United States of America, by its undersigned attorneys, alleges:

1. This action is brought on behalf of the United States of America (“United States”) to enforce the provisions of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C.

§ 2000e, *et seq.* (“Title VII”).

2. The Court has jurisdiction over this action pursuant to 42 U.S.C. § 2000e-5(f) and 28 U.S.C. § 1345.

3. Defendant Essex County, New Jersey (“Essex County”) is a governmental body established pursuant to the laws of the State of New Jersey. It maintains its principal office at 465 Martin Luther King Boulevard, Hall of Records, Newark, New Jersey 07102.

4. Defendant Essex County is a “person” within the meaning of 42 U.S.C. § 2000e(a) and an “employer” within the meaning of 42 U.S.C. § 2000e(b).

5. Defendant Essex County has discriminated against Yvette Beshier (“Ms. Beshier”) on the basis of her religion, Islam, in violation of Section 703(a) of Title VII, among other ways, by:

- (a) failing or refusing to provide Ms. Beshier with a reasonable accommodation of her religious observance, practice and/or belief (*i.e.*, wearing a Muslim headscarf) that precludes her from complying with a portion of the uniform policy for corrections officers at the Essex County Department of Corrections (“Essex County DOC”);
- (b) suspending Ms. Beshier because she could not comply with a portion of the Essex County DOC’s uniform policy for corrections officers due to her religious observance, practice and/or belief;
- (c) terminating Ms. Beshier because she could not comply with a portion of the Essex County DOC’s uniform policy for corrections officers due to her religious observance, practice and/or belief; and

- (d) failing or refusing to take appropriate action to remedy the effects of the discriminatory treatment against Ms. Beshier.

6. Ms. Beshier filed a timely charge with the United States Equal Employment Opportunity Commission (“EEOC”) (Charge No. 524-2007-01067) in which she alleged that the Essex County DOC discriminated against her in employment because of her religion. Pursuant to Section 706 of Title VII, the EEOC investigated the charge, found reasonable cause to believe that Ms. Beshier’s allegations of discrimination were true, attempted unsuccessfully to achieve through conciliation a voluntary resolution of the charge, and subsequently referred the matter to the Department of Justice.

7. All conditions precedent to the institution of this lawsuit have been performed or have occurred.

PRAYER FOR RELIEF

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

- (a) Enjoin defendant Essex County, its officers, agents, employees, successors and all persons in active concert or participation with them, from discriminating on the basis of religion;
- (b) Order defendant Essex County to adopt a policy designed to reasonably accommodate the religious observances, practices and/or beliefs of employees and prospective employees who are subject to the Essex County DOC’s uniform policy for corrections officers;
- (c) Provide make-whole remedial relief to Ms. Beshier, including backpay with interest, to compensate her for the loss she has suffered as a result of defendant Essex County’s discriminatory conduct alleged in this Complaint; and
- (d) Award damages to Ms. Beshier to fully compensate her for pain and suffering

caused by defendant Essex County's discriminatory conduct alleged in this Complaint, pursuant to and within the statutory limitations of Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

Plaintiff United States prays for such additional relief as justice may require, together with its costs and disbursements in this action.

JURY DEMAND

Plaintiff United States demands trial by jury on all issues so triable.

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BY:

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CERTIFICATION PURSUANT TO LOCAL CIVIL RULE 11.2

Pursuant to Local Civil Rule 11.2, I hereby certify under penalty of perjury that the matter in controversy is not the subject of any other action pending in any court, or of any pending arbitration or administrative proceeding.

s/ Varda Hussain

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Dated: June 8, 2009