

IN THE UNITED STATES DISTRICT COURT
 FOR THE SOUTHERN DISTRICT OF FLORIDA

FILED BY _____
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CLARENCE HADDEN
 CLERK U.S. DIST. CT.
 S.D. OF FL.-MIAMI

 UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 PALM BEACH COUNTY,)
 FLORIDA,)
 Defendant.)

Civil Action No. **07-80713**
CIV-MARRA
 MAGISTRATE JUDGE
 JOHNSON

COMPLAINT

Plaintiff, United States of America, alleges:

1. This action is brought on behalf of the 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. This Court has jurisdiction over the action under 42 U.S.C. § 2000e-5(f) and 28 U.S.C. § 1345.
3. Defendant Palm Beach County is a corporate, governmental body and a political subdivision of the State of Florida, established pursuant to the laws of the State of Florida.
4. The defendant 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. The defendant has discriminated against William J. Stewart, II, who was employed as a park ranger in the defendant's Parks and Recreation Department, on the basis of his religion, in violation of § 703(a) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-2(a), among other ways, by:

- (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.**

WAN J. KIM
Assistant Attorney General
Civil Rights Division

BY:

Willie B. Linton

Jeffrey G. Morrison

DAMID J. PALMER (DC Bar No. 417834)

Chief

WILLIAM B. FENTON (DC Bar No. 414990)

Deputy Chief

JEFFREY G. MORRISON (MO Bar No. 44401)

Trial Attorney

U.S. Department of Justice

Civil Rights Division

Employment Litigation Section

950 Pennsylvania Avenue, NW

Patrick Henry Building, Room 4613

Washington, DC 20530

Telephone: (202) 353-1845

Facsimile: (202) 353-8961

R. ALEXANDER ACOSTA

United States Attorney

BY:

Veronica Harrell-James

Assistant United States Attorney

Florida Bar No.: 644791

99 N. E. 4th Street, 3rd Floor

Miami, Florida 33132

Telephone: (305) 961-9327

Facsimile: (305) 530-7139

Attorneys for the United States of America