

December 1, 2016

VIA FACSIMILE

Intake Unit
U.S. Equal Employment Opportunity Commission
Baltimore Field Office
City Crescent Building
10 S. Howard Street, Third Floor
Baltimore, MD 21201
Fax: 410.209.2221

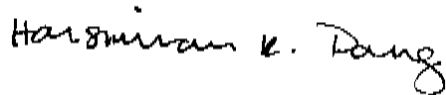
Re: Sawinder Singh

Dear Sir or Madam:

Enclosed please find a charge of discrimination submitted by Sawinder Singh against Montgomery County Public Schools (MCPS) and the County of Montgomery, Maryland, along with a letter of representation signed by Mr. Singh and his attorneys. Please investigate the charge, and co-file with the Maryland Commission on Civil Rights.

Mr. Singh is represented by the Sikh Coalition. If you have any other questions, please do not hesitate to contact us at (510) 953-4544. Please also notify us in advance if you wish to interview Mr. Singh.

Respectfully,



Harsimran Kaur Dang, Esq.
Legal Director, The Sikh Coalition
510-565-7908
harsimran@sikhcoalition.org



Pawanpreet Kaur Dhaliwal, Esq.
Staff Attorney, The Sikh Coalition
(510) 953-4544
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Re: Sawinder Singh - Letter of Representation

Dear Sir or Madam:

This letter serves to notify you that Sawinder Singh is represented by the Harsimran Kaur Dang and Pawanpreet Kaur Dhaliwal at the Sikh Coalition with regard to this charge of discrimination. He authorizes his attorneys at the Sikh Coalition to receive and make communications with respect to this charge.

If you have any other questions, please do not hesitate to contact the Sikh Coalition at (510) 953-4544.

Respectfully,

Sawinder Singh
Complainant

Harsimran Kaur Dang, Esq.
Legal Director, The Sikh Coalition
510-565-7908
harsimran@sikhcoalition.org

Pawanpreet Kaur Dhaliwal, Esq.
Staff Attorney, The Sikh Coalition
(510) 953-4544
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CHARGE OF DISCRIMINATION

State or Local Agency: Maryland Commission on Civil Rights

Complainant Information

Name: Sawinder Singh

Date of Birth: [REDACTED]

Street Address: [REDACTED]

City, State and ZIP Code: Clarksburg, Maryland 20871

Complaint Against

Name of Employer: Montgomery County Public Schools

No. Employees: >15

Phone Number with Area Code: [REDACTED]

Street Address: [REDACTED]

City, State and ZIP Code: Rockville, MD 20850

Name of Employer: County of Montgomery, Maryland

No. Employees: >15

Phone Number with Area Code: [REDACTED]

Street Address: [REDACTED]

City, State and ZIP Code: Rockville, MD 20850

Representatives

Names: Harsimran Kaur Dang
Pawanpreet Kaur Dhaliwal

Organization: The Sikh Coalition
Address: 50 Broad Street, Suite 1637
New York, NY 10004

Telephone: 212-655-3095

Fax: 212-208-4611

Discrimination Alleged

Discrimination Based On: Race, Color, Religion, National Origin, Retaliation

Dates of Discrimination: February 2006 to Present (CONTINUING ACTION)

Facts of Discrimination: Attached

Cross-File with MCCR: This charge has not been filed with a state or local fair employment practice agency. Please cross-file with the Maryland Commission on Civil Rights (MCCR).

FACTS OF DISCRIMINATION

I am employed as a Bus Route Supervisor by the Montgomery County Public Schools' (MCPS) Department of Transportation. I am of South Asian (Punjabi) ethnic/racial descent, of Indian national origin, and an observant Sikh. I maintain an unshorn beard and hair, and wear a turban consistent with my Sikh religious beliefs. Since beginning work at MCPS in 2006, I have been subject to continuous bias-based harassment and other discriminatory treatment from students, co-workers and supervisors due to my religion, race, ethnicity, and national origin. Although I reported many incidents to my employer, the harassment continued. I recently have been subjected to retaliation for reporting the harassment and discrimination with the assistance of counsel.

During my time at MCPS, my co-workers and supervisors in the Department of Transportation have consistently made derogatory comments about my ethnic, racial, and religious appearance. For example:

- They have referred to me as "Osama bin Laden," "al Qaeda," and the "Taliban," and made jokes about my Sikh articles of faith.
- Several co-workers also disrespectfully distorted my name by calling me "Sidewinder", which is a type of rattlesnake.
- In 2008, [REDACTED] told another MCPS employee to "remove that shit from your face," in reference to his beard. In my presence, [REDACTED] routinely made remarks like this one, including comments about beards not being "professional," even though I had explained the importance of my religiously-mandated beard to him.
- Between 2008 and 2015, until [REDACTED] retirement, [REDACTED] told me to "take [my] wrap off," in reference to my turban. I reported [REDACTED] behavior to [REDACTED] and made it clear to [REDACTED] that [REDACTED] comments were unwelcome. Nonetheless, [REDACTED] persisted in making these comments throughout [REDACTED] tenure at MCPS.
- In 2011, after I had returned from an international trip during which time Osama bin Laden was killed, [REDACTED] made several statements in front of other employees to the effect of "How did they allow you back in? Osama bin Laden was killed!" This emboldened other employees, who expressed condolences to me for the death of bin Laden, as if I was a family member of a terrorist.
- A group of my colleagues once said to me, "If you don't like this country, go back to your country."
- One time, in 2012 or 2013, [REDACTED] told me words to the effect of "you talk too much – I'm going to put duct tape on your beard and pull it out. You will

cry.” When I explained once again that my hair was part of my religion and I didn’t appreciate the joke, [REDACTED] told me words to the effect of “you don’t have a sense of humor.”

- In 2014, [REDACTED] threatened to cut my hair, which I keep unshorn as required by my Sikh faith, during an event where MCPS employees were shaving their heads to support our colleague who had cancer. I reported these threats to [REDACTED], who had circulated the event information to our office via e-mail, and reiterated the religious nature of my unshorn hair. [REDACTED] dismissed my concerns.
- I understand that in 2015 a co-worker named [REDACTED] made statements to other co-workers to the effect that Sikhs wear turbans because they don’t wash their hair. One of those co-workers, [REDACTED] brought [REDACTED] comments to my attention. [REDACTED] then complained to [REDACTED] that [REDACTED] was engaging in inappropriate gossip by sharing his statements with me, and brought me into their conversation. That supervisor sided with [REDACTED], which was not right. I complained to [REDACTED] about the matter verbally and in writing. To my knowledge, no one at MCPS counseled [REDACTED] to not make biased and stereotypical statements to co-workers.

In addition to comments and harassment from MCPS employees, I have been harassed by MCPS students who ride the buses I drive. For a number of years, I made verbal reports regarding discriminatory comments and bias-based harassment by MCPS employees and students to district officials and Department of Transportation supervisors, including [REDACTED]. However, MCPS failed to take corrective action.

In fact, in or around 2012, when I informed [REDACTED] of these comments, [REDACTED] refused to take them seriously. Instead, [REDACTED] expressed that my actions to report students’ behaviors to their respective schools would ruin students’ education, attempted to dissuade me from completing the paperwork, and told me that I was too easily offended.

Beginning in June 2011, I began to try to report major incidents of harassment by students to the school district in writing. I reported **at least twenty-one incidents between June 2011 and September 2016** in which students called me slurs or otherwise harassed me for my religious appearance. These incidents include, but are not limited to:

1. On or about June 1, 2011, [REDACTED] [REDACTED] yelled at me, calling me “Osama bin Laden” outside the bus. A School Bus Disciplinary Report of the incident was submitted to MCPS.
2. On or about June 4, 2011, [REDACTED] [REDACTED] called me “Osama bin Laden.” I submitted a School Bus Disciplinary Report of the incident to MCPS.

3. On or about September 14, 2011, [REDACTED] [REDACTED] called me "Osama bin Laden" and "a terrorist." I submitted a School Bus Disciplinary Report of the incident to MCPS.
4. On or about September 28, 2011, [REDACTED] [REDACTED] called me "Osama bin Laden." I submitted a School Bus Disciplinary Report of the incident to MCPS.
5. On or about December 20, 2011, [REDACTED] [REDACTED] called out to me "Why does Osama bin Laden drive our bus every day?" I submitted a School Bus Disciplinary Report of the incident to MCPS.
6. On or about December 20, 2011, [REDACTED] [REDACTED] called me "Osama bin Laden" as I was departing the bus. I submitted a School Bus Disciplinary Report of the incident to MCPS.
7. On or about October 15, 2012, [REDACTED] [REDACTED] called out "Hey! Osama bin Laden in the bus!" in reference to me. I submitted a School Bus Disciplinary Report of the incident to MCPS.
8. On or about August 26, 2013, [REDACTED] [REDACTED] approached me and reached out to shake my hand. I responded by reaching out to shake [REDACTED] hand, but then the student asked "Do you have bomb?" I reported the incident to teacher [REDACTED] [REDACTED] and [REDACTED].
9. On or about May 7, 2013, [REDACTED] [REDACTED] refused to stay in [REDACTED] seat on the bus. [REDACTED] refused to listen to the bus operator, and called me, the bus route supervisor, "Osama bin Laden." A School Bus Disciplinary Report of the incident was submitted to MCPS.
10. On or about September 10, 2013, [REDACTED] [REDACTED] said to [REDACTED] friend "Hey, look Osama bin Laden" in reference to me while boarding the bus. I reported the incident to [REDACTED] [REDACTED] and [REDACTED].
11. On or about September 26, 2014, several students from [REDACTED] [REDACTED] laughed when they saw me. Later, on the bus, I heard the students mention "Osama bin Laden" and a statement along the lines of

“the bus blowing up.” I reported the incident to [REDACTED]
[REDACTED] and [REDACTED]

12. On or about March 9, 2015, a student [REDACTED] referred to me as “Osama bin Laden.” I stopped the bus and informed [REDACTED] I also reported the incident to [REDACTED]

13. On or about March 19, 2015, several [REDACTED] students began to make fun of me after I told them to stop using profane language. The students referred to me as “Osama bin Laden” and “Allah Deen,” and continued yelling and using obscenities. I reported the incident to [REDACTED] and [REDACTED]

14. On or about May 12, 2015, [REDACTED] told me that my beard looked like Duck Dynasty, pulled my beard, and told me to “get the fuck off the bus.” In response, I told the student to get off the bus, but the student refused. A School Bus Disciplinary Report of the incident was submitted to MCPS. The same student had acted in a racist manner towards me previously.

15. In the Spring of 2015, a large group of students at [REDACTED] began shouting, “The bus driver is kidnapping us! The driver is going to blow up the bus!” while I drove the bus. I reported the incident to [REDACTED]

16. On or about November 10, 2015, a group of students from [REDACTED] called me “Osama Bin Laden,” laughed at me, and made fun of my turban and beard. I reported this behavior to [REDACTED] and [REDACTED]

17. On or about November 30, 2015, a group of [REDACTED] students stated that they would not get on the bus because “the driver is a terrorist.” I pulled the bus over to the sidewalk and reported to incident to [REDACTED] boarded the bus and spoke to the students about respecting diversity. Despite the [REDACTED] intervention, one of the students still refused to board the bus.

18. On or about January 6, 2016, when I was driving bus [REDACTED] as a substitute driver, [REDACTED] a [REDACTED] student at [REDACTED] [REDACTED] said loudly that I looked like Osama bin Laden as [REDACTED]

boarded the bus. I reported the incident to [REDACTED]

19. On or about February 11, 2016, a student at [REDACTED] began to board my bus, and when [REDACTED] saw me, the student stepped back, pointed at me, and said loudly to the group of students present, "Look at the driver! We are all going to die today!" I immediately reported the incident to [REDACTED] and later informed [REDACTED] and [REDACTED].
20. On or about September 22, 2016, [REDACTED] students called me Osama bin Laden from a moving bus. I reported the incident to [REDACTED].
21. On or about September 27, 2016, two [REDACTED] students said, "Oh my God, you scared me," and "you look scary because of your moustache." I reported this incident to [REDACTED] and [REDACTED].

In addition to the harassment and ridicule, I believe I have been denied opportunities for professional development and required to do less complex work when compared to my non-Sikh, non-South Asian, non-Indian origin colleagues. Although I am a Bus Route Supervisor, [REDACTED] assigns me to only the most menial of tasks, including driving, parking and cleaning school buses. My co-workers with the same job title have had more opportunities to develop their professional skills.

For example, [REDACTED] has denied my requests for professional development courses in English and computer skills. It is my understanding that non-Sikh, non-South Asian, non-Indian origin employees working under [REDACTED] receive such opportunities.

In or around late 2015, I sought legal assistance from the Sikh Coalition, a Sikh civil rights organization, to address the discrimination I faced in the workplace. From January to April of 2016, my counsel at the Sikh Coalition communicated in writing and/or in person several times with MCPS to force my employer to acknowledge and resolve the discrimination that I faced in the workplace. Although we requested a number of remedies from MCPS, the school district failed to meet most of these demands.

After the Sikh Coalition intervened on my behalf, [REDACTED] and MCPS retaliated against me. MCPS gave me a Notice of Violation stating that on or about May 11, 2016, I had committed a "Critical Offense" for allegedly putting a student off the bus at an inappropriate location. (I had dropped students at their home instead of their caregiver's home, and believed them when they told me they had lost their parents' note about the change.) On or about July 25, 2016, [REDACTED] informed me that I would be suspended without pay for 10 days and the Critical Offense would be noted in my record. A Critical

Offense in my personnel file bars me from eligibility for a promotion for at least three years.

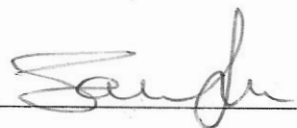
MCPS subjected me to disproportionately harsh disciplinary action. Other non-Sikh, non-South Asian, non-Indian origin co-workers have been subjected to less severe discipline – or none at all – for alleged offenses of a similar or more egregious nature. I had an otherwise clean disciplinary record.

During a meeting with [REDACTED] on or about July 25, 2015, I reiterated that I was eager for opportunities for professional advancement, including work befitting the bus route supervisor position. Instead of providing me with opportunities for more advanced skill development, however, [REDACTED] has been retaliating against me by assigning me additional menial labor, such as hauling boxes of paper, which [REDACTED] has not assigned to other co-workers. I am fearful of further retaliation.

I believe that MCPS has discriminated against me and subjected me to a hostile work environment and retaliation in violation of state and federal laws. This discrimination has negatively impacted my mental and physical health, and has caused me ongoing emotional distress.

I declare under penalty of perjury that the foregoing is true and correct.

Sawinder Singh



Date:

12/06/2016