

CHARGE OF DISCRIMINATION

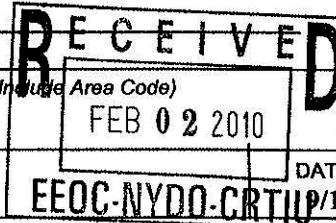
This form is affected by the Privacy Act of 1974; See Privacy Act Statement before completing this form.

AGENCY
 FEPA
 EEOC

CHARGE NUMBER

and EEOC

State or local Agency if any



NAME (Indicate Mr., Ms., Mrs.)
Ms. Jennifer Paviglianiti

HOME TELEPHONE (Include Area Code)

STREET ADDRESS

CITY, STATE AND ZIP CODE

Centereach, NY 11720

DATE OF BIRTH

EEOC-NYDO-CRTIP/17/80

NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below.)

NAME

Café Royale

NUMBER OF EMPLOYEES, MEMBERS

Approximately 50

TELEPHONE (Include Area Code)

631-694-1540

STREET ADDRESS

101 Route 109

CITY, STATE AND ZIP CODE

East Farmingdale, NY 11735

COUNTY

Suffolk

NAME

109 Restaurant Corp.

TELEPHONE NUMBER (Include Area Code)

STREET ADDRESS

101 Route 109

CITY, STATE AND ZIP CODE

East Farmingdale, NY 11735

COUNTY

Suffolk

CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es))

RACE COLOR SEX RELIGION AGE

RETALIATION NATIONAL ORIGIN DISABILITY OTHER (Specify) CONTINUING ACTION

Perceived Pregnancy

DATE DISCRIMINATION TOOK PLACE

EARLIEST (ADEA/EPA)

LATEST (ALL)

I, Jennifer Paviglianiti, have been discriminated against by Café Royale in violation of my civil rights based on sex, pregnancy and perceived disability and in retaliation for complaining about discrimination. In or about May 2008, I was hired as a bartender by Respondent Café Royale. The principal is John Doxey, who owns two other local restaurant/clubs as well, Gaslite in Lindenhurst, NY and Le Café in Bethpage, NY. The corporate parent is 109 Restaurant Corp for Café Royale. I have worked at all three clubs, but I mainly worked at Café Royale, followed by Gaslite and then Le Café, where I worked on two occasions.

On June 29, 2009, I learned that I was pregnant. I informed Mr. Doxey about my pregnancy in August 2009. Everything was fine until I began "showing," when my pregnancy was obvious to anyone who looked at me. In October 2009, Mr. Doxey indicated to me that I could no longer work for Respondent as he told me that a pregnant woman does not belong behind the bar, as customers are "not coming in to see sexy bartenders that are pregnant that are bulging out." This and most of the following statements attributed to Mr. Doxey are corroborated by audiotape and available to the Commission upon request.

On October 28, 2009, Mr. Doxey indicated to me that I could no longer work in the club because "each week you're getting bigger and bigger, more unsexy, ok, it's more obvious, that you're pregnant, ok?" He then lamented one particularly slow night when I was bartending at Gaslite and blamed me, concluding, "the point is maybe they don't go there because the bartender is pregnant and she doesn't look sexy...she's not that much fun with them?" Despite the fact that he agreed that I am an outstanding bartender and capable of performing all my job duties and responsibilities, he said I cannot work there for much longer, as "a pregnant woman behind the bar, in a topless bar, I'm beginning to think that it's hurting the registers and you're incapable [sic] of fulfilling all of your job duties. You're trying, I'm not saying that you're not trying, ok, but number one, I don't want nothing to happen to you, I don't want nothing to happen to you."

Since that conversation, I have encountered continual blatant discrimination. Mr. Doxey added another bartender to my shifts, substantially reducing my gratuity income, and he removed me from other economically desirable work shifts. At Mr. Doxey's request, I provided Respondent with a physician's note, medically clearing me to work throughout my last trimester, with no restrictions. Mr. Doxey then continued his campaign of harassment, creating a severely hostile work environment. As an example, on December 3, 2009, a visibly intoxicated customer angrily confronted me, slurring that he felt a pregnant woman should not serve alcoholic drinks, whereupon Glenn, the club bouncer, ejected the patron immediately. About one week later, Glenn confided in me that Mr. Doxey criticized him for ejecting the inebriated misogynist. He told him he should have let him stay and instead given me "a hard time." When the ammonia-based cleaning products caused me to experience respiratory distress, he refused to allow me to use less noxious products to clean the bar, but then pretended to care about my baby's health, pressuring me to quit by saying, "you're in danger of something happening to the baby and I don't want it to be blamed for that."

On December 4, Mr. Doxey indicated to me that in lieu of firing me, he would offer me another job within the bar, such as cashier, but only offered to pay me at the lesser position's rate of pay. On December 11, 2009, I wrote a letter to Mr. Doxey as Respondent owner, formally complaining of discriminatory treatment due to my sex and pregnancy, and four days later, on December 15, 2009, I was terminated. On January 13, 2010, I was offered to work as a Cashier at Café Royale and given my precarious economic status, I accepted, even though I am now earning substantially less than what I earned as a bartender.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or telephone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

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

Date **1/29/10**

EEOC Form 5 (Test 10/94)

Jennifer Paviglianiti
Charging Party (Signature)

NOTARY - (When necessary for State and Local Requirements)

Les-Ann Finn

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

Jennifer Paviglianiti
SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(Day, month, and year)

29th, Jan. 2010

Les-Ann Finn
Notary Public, State of New York
No. 01F16169359
Qualified in Suffolk County
Commission Expires 06/25/2011