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17 **UNITED STATES DISTRICT COURT**  
 18 **EASTERN DISTRICT OF CALIFORNIA**  
 19 **SACRAMENTO DIVISION**

20	UNITED STATES OF AMERICA,	)	
		)	CASE NO.
21	Applicant,	)	
		)	
22	v.	)	<b>COMPLAINT IN APPLICATION FOR</b>
		)	<b>PRELIMINARY RELIEF PURSUANT TO 42</b>
23	CALIFORNIA DEPARTMENT OF	)	<b>U.S.C. § 2000e-5(f)(2)</b>
	CORRECTIONS AND REHABILITATION	)	
24	Defendant.	)	
		)	
25		)	
		)	
26		)	

1. Applicant United States of America brings this action pursuant to Section 706(f)(2) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-5(f)(2) (“Title VII”), and Rule 65 of the Federal Rules of Civil Procedure, against the California Department of Corrections and Rehabilitation (“CDCR”) to seek an order of preliminary relief addressing allegations of employment discrimination on the basis of religion.
2. The United States seeks to (1) enjoin CDCR from enforcing its policies prohibiting facial hair (hereinafter known as the “clean-shaven policy”) on peace officers (“officers”) whose sincerely held religious beliefs require them to wear beards; and (2) order CDCR to engage in good faith interactive processes with CDCR peace officers Mubashar Ali, Ravinder Dhaliwal, Jatinder Dhillon, Amarpreet Pannu, Adam Quattrone, Rajdeep Singh, Satvir Singh, and Manroop Sohal (“Charging Parties”), and any similarly situated peace officers, to determine the availability of alternative accommodations that would eliminate the conflict between the officers’ religious beliefs and the clean-shaven policy.

### **JURISDICTION**

3. The Court has jurisdiction over this action under Section 706(f)(2) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-5(f)(2).
4. The United States, through the Attorney General, is specifically authorized to seek preliminary relief whenever a charge is filed with the U.S. Equal Employment Opportunity Commission (EEOC), and “the Commission concludes on the basis of a preliminary investigation that prompt judicial action is necessary to carry out the purposes” of the statute “in a case involving a government, governmental agency, or political subdivision[.]” 42 U.S.C. § 2000e5(f)(2). Section 706(f)(2) further specifies that “[a]ny temporary restraining order or other order granting preliminary or temporary relief” under this provision “shall be issued in accordance with Rule 65 of the Federal Rules of Civil Procedure” and it “shall be the duty of a court having jurisdiction over proceedings under this section to assign cases for hearing at the earliest practicable date and to cause such cases to be in every way expedited.” *Id.*
5. The EEOC received timely charges alleging, *inter alia*, discrimination based on religion in violation of Title VII from the Charging Parties, all of whom are or were employed by CDCR as

1 peace officers, including: Mubashar Ali (EEOC Charge No. 550-2023-02802 filed August 31,  
2 2023), Ravinder Dhaliwal (EEOC Charge No. 550-2023-02873 filed July 21, 2023), Jatinder  
3 Dhillon (EEOC Charge No. 550-2023-02903 filed July 21, 2023), Amarpreet Pannu (EEOC  
4 Charge No. 550-2023-02860 filed July 21, 2023), Adam Quattrone (EEOC Charge No. 485-  
5 2023-00280 filed May 4, 2023), Rajdeep Singh (EEOC Charge No. 550-2023-02867 filed July  
6 21, 2023), Satvir Singh (EEOC Charge No. 550-2023-02953 filed August 2, 2023), and  
7 Manroop Singh Sohal (EEOC Charge No. 550-2023-03410 filed September 26, 2023).

8 6. Pursuant to Section 706 of Title VII, 42 U.S.C. § 2000e-5, the EEOC continues to investigate  
9 these charges, and, on February 6, 2024, the EEOC notified the Attorney General, through his  
10 designated delegates, of its conclusion that “prompt judicial action” is necessary under Section  
11 706(f)(2) pending the EEOC’s final determination on the merits of the charges.

12 7. On March 11, 2024, the United States notified CDCR of the EEOC’s February 6, 2024,  
13 transmittal of the eight charges. The United States requested that CDCR immediately cease  
14 enforcement of its clean-shaven policy against peace officers whose sincerely held religious  
15 beliefs require them to wear a beard until the EEOC has completed its investigation and issued  
16 final dispositions of the above-mentioned charges or until CDCR has demonstrated that it has  
17 adequately engaged in the interactive process. The correspondence also advised CDCR that if it  
18 did not voluntarily cease further enforcement of its clean-shaven policy and comply with its  
19 obligations under Title VII by March 21, 2024, the United States would seek preliminary relief  
20 in this Court.

21 8. On March 21, 2024, CDCR declined to comply with the United States’ request, taking the  
22 position that it had adequately engaged in the interactive process.

23 9. All conditions precedent to seeking preliminary relief have been satisfied.

24 **VENUE**

25 10. Venue lies in this Court under 28 U.S.C. § 2000e-5(f)(3) because the actions giving rise to this  
26 Complaint took place in this District.

27 **PARTIES**

28 11. The Attorney General, through his designated delegates, is responsible for enforcing Title VII on

1 behalf of the United States against state governments, governmental agencies, and political  
2 subdivisions, and is expressly authorized to bring this action under Section 706(f)(2) of Title  
3 VII, 42 U.S.C. § 2000e-5(f)(2).

4 12. The United States has an interest in the enforcement of Title VII to protect the rights of state  
5 government employees to be free from religious discrimination, and to ensure that religious  
6 accommodations are not denied without a proper showing of undue hardship.

7 13. CDCR is a governmental agency created pursuant to the laws of California and is located within  
8 this judicial district.

9 14. CDCR employs approximately 26,000 correctional peace officers statewide.

10 **STATEMENT OF FACTS**

11 **Respiratory Protection in the Workplace**

12 15. California Occupational Safety and Health Administration (“Cal/OSHA”) regulations require  
13 certain employers, including correctional facilities, to protect employees from exposure to  
14 hazards in the workplace, including from aerosol transmissible diseases or noxious gases and  
15 fumes.

16 16. Respirators, which protect the wearer from inhaling hazards such as gases, chemicals, aerosol-  
17 transmissible diseases, or other airborne substances, can function in a variety of ways and may  
18 offer different levels of protection from contaminants. N-95 masks are particulate respirators that  
19 filter out airborne particles. “Gas mask” respirators, including Powered Air Purifying  
20 Respirators (PAPRs), also filter out chemicals and gases. Both N-95s and gas masks (including  
21 PAPRs) are in the category of air-purifying respirators. N-95s and some styles of gas masks are  
22 tight-fitting respirators, while other respirators, like PAPRs, fit loosely.

23 17. Under Section 5144 of the Cal/OSHA regulations, employers must develop and implement a  
24 written respiratory protection program (“RPP”) when an employer determines that respirators are  
25 needed in a specific worksite “to protect the health of employee[s].” Cal. Code Regs. tit. 8, §  
26 5144(c)(1), Respiratory Protection. Employers, not Cal/OSHA, are solely responsible for  
27 evaluating respiratory hazards in the workplace, designating which workplace locations or  
28 assignments, if any, require respirator usage, and selecting and furnishing respirators. *Id.*

- 1 18. Section 5144 also permits employers to select which respirators, if any, to use in the workplace  
2 and requires that respirators be certified by the National Institute for Occupational Safety and  
3 Health (“NIOSH”). Cal. Code Regs. tit. 8, § 5144(d).
- 4 19. Under Section 5199 of the Cal/OSHA regulations, which relates specifically to protection from  
5 exposure to disease transmitted by aerosols or droplets, correctional facilities must conduct a  
6 workplace exposure assessment, have written safety plans, provide protective equipment, as  
7 needed, and train employees on safety procedures.
- 8 20. The Cal/OSHA regulations do not require employers to select or use a specific respirator.
- 9 21. Sections 5144 and 5199 of the Cal/OSHA regulations do not vest Cal/OSHA with authority over  
10 CDCR’s determinations about the number, placement, or duties of employees needed to manage  
11 CDCR’s population of incarcerated persons.
- 12 22. Pursuant to Sections 5144 and 5199, CDCR independently developed and implemented its own  
13 RPPs. CDCR chose two types of NIOSH-approved, tight-fitting respirators for employee use: N-  
14 95 respirators for potential contact with patients with infectious respiratory diseases and work in  
15 isolation or quarantine areas; and MSA Advantage 1000 respirators (a full-face gas mask  
16 equipped with a chemical cartridge) to respond to incidents where mace, pepper spray, or tear  
17 gas may be used. These incidents may be classified as code 1, 2, or 3, and the code level dictates  
18 which employees are called to respond.
- 19 23. In addition to choosing the specific respirators its employees would be required to use, CDCR  
20 was responsible for identifying what workplace hazards exist and determining which employees  
21 may be exposed to those hazards. CDCR, not Cal/OSHA, decided that nearly all CDCR peace  
22 officers must wear tight-fitting respirators.

23 **CDCR’s Facial Hair Policies and Practices**

- 24 24. When an employer determines that its employees should wear tight-fitting respirators, California  
25 law generally requires that facial hair not “interfere” with the “valve functions” of those  
26 respirators. Cal. Code Regs. tit. 8, § 5144(g)(1)(A).
- 27 25. Prior to September 22, 2022, CDCR’s facial hair policy for correctional peace officers permitted  
28 officers to maintain neatly trimmed beards, not more than one inch long, for religious or medical

- 1 purposes. Department Operations Manual (hereinafter “DOM”), Section 33020.6.1(a)(2)(A)(3).
- 2 26. Prior to September 2022, the Charging Parties successfully performed all required peace officer  
3 duties while wearing beards in conformance with their religious beliefs.
- 4 27. On September 22, 2022, CDCR issued a statewide memorandum (“September 2022 Memo”)  
5 notifying employees of revisions to the facial hair policy, which CDCR stated were made to  
6 “come into full compliance with CCR Title 8, Section 5144, Respiratory Protection and Section  
7 5199, Aerosol Transmissible Diseases.”
- 8 28. The September 2022 Memo provided notice that staff required by CDCR to wear respirators,  
9 which includes nearly all peace officers, would be prohibited from having “facial hair that comes  
10 between the sealing surface of the respirator and the face or facial hair that may interfere with  
11 valve function.”
- 12 29. The September 2022 Memo also advised that effective December 5, 2022, previously approved  
13 religious accommodations to the facial hair policy would be re-evaluated, that affected  
14 employees would need to renew their religious accommodation requests by December 4, 2022,  
15 and that if religious accommodation requests were denied, staff were to be clean-shaven before  
16 reporting to their next shift or face disciplinary action.
- 17 30. On December 1, 2022, CDCR extended the date for employees to comply with the revised facial  
18 hair policy, making religious accommodation requests due by December 12, 2022, and, if denied,  
19 requiring officers to come into compliance with the policy by February 1, 2023.
- 20 31. CDCR issued the revised formal policy on December 12, 2022, prohibiting employees required  
21 to wear tight-fitting respirators from having beards “between the sealing surface of the face piece  
22 and the face or that interferes with the valve function.” DOM Number 31020.9(d).
- 23 32. And, on January 17, 2023, CDCR revised its “Correctional and Peace Officer Grooming  
24 Standards,” DOM 33020.6, to require nearly all peace officers to comply with the prohibition on  
25 beards contained in revised DOM 31020.9.
- 26 33. Only those peace officers working as Parole Agents, Special Agents, or in the Office of  
27 Correctional Safety were exempted from the revised facial hair policy and are permitted to keep  
28 their beards “clean and neatly groomed.” DOM 33020.6.

- 1 34. After the September 2022 Memo, each of the Charging Parties submitted religious  
2 accommodation requests seeking to wear beards based on their sincerely held religious beliefs.  
3 35. Beginning on or about February 1, 2023, CDCR has denied or refused to act on religious  
4 accommodation requests sought by the Charging Parties, whose religious beliefs require them to  
5 wear beards.

6 **Charging Parties**

7 Mubashar Ali

- 8 36. Charging Party Mubashar Ali, a practicing Muslim, has been employed as a CDCR peace officer  
9 since November 2017. CDCR has applied the September 2022 Memo to Ali's peace officer  
10 position.  
11 37. Since February 28, 2018, Ali has worked at the California Health Care Facility in Stockton,  
12 California ("CHCF").  
13 38. Ali believes that the Sahih Bukhari, a Muslim book of teachings of Muslim Prophet  
14 Muhammad, require him to maintain a well-groomed beard.  
15 39. At CHCF, Ali works in the Medical Guarded Unit ("MGU"), where officers escort inmates to  
16 and from the hospital and medical appointments.  
17 40. Gas masks are not available in the MGU because use of chemical agents is not permitted in that  
18 area of CHCF.  
19 41. There are peace officer assignments at CHCF, such as assignments in the weapons center,  
20 control booth, or gate house, or light duty positions, where officers are not required to respond to  
21 incidents that require a gas mask.  
22 42. CHCF managers are also able to select which officers are staffed on response teams where  
23 respirators may be used.  
24 43. On March 1, 2019, Ali requested a religious accommodation to permit him to wear a beard.  
25 While CDCR did not formally respond to this request for several years, it permitted him to wear  
26 a beard. On October 17, 2022, however, Associate Warden Robert Thomas informed Ali that  
27 his March 1, 2019, religious accommodation request had been denied and instructed Ali to  
28 submit a new request based on CDCR's new clean-shaven policy.

- 1 44. On November 9, 2022, Ali submitted a second request for a religious accommodation to wear a  
2 well-groomed, short beard, which CDCR denied on April 7, 2023. In its denial, CDCR stated  
3 that “after a diligent search and reasonable effort” CDCR had been unable to identify a  
4 reasonable accommodation that would not create an undue hardship, and that no alternative  
5 respirator had been identified. The denial letter did not identify or explain to Ali what efforts  
6 CDCR took to identify alternative accommodations. The only option CDCR presented was for  
7 Ali to find and apply for non-peace officer positions, which he understood would be a demotion  
8 offering less pay and decreased retirement benefits.
- 9 45. On February 10, 2023, when Ali reported to CHCF with a short beard (of less than one inch),  
10 supervisors at the Reception Center refused to let Ali work, sent him home and told him not to  
11 return until he shaved.
- 12 46. To keep his job and provide for his family, Ali began shaving his beard after this incident and  
13 continues to shave under duress.
- 14 47. Ali’s sincerely held religious beliefs require him to have a beard to participate in Eid al-Adha,  
15 one of Islam’s two major holidays. Compliance with CDCR’s clean-shaven policy will either  
16 prevent Ali from participating in Eid al-Adha, which requires that Muslims refrain from cutting  
17 their hair or nails in the ten days leading up to the holiday events, or require him to take 10 days  
18 of personal leave to refrain from shaving during this period.
- 19 48. The emotional toll of dishonoring his religion through shaving makes Ali feel that CDCR has  
20 taken away his identity. Ali has felt heartbroken and has cried at work because he doesn’t feel  
21 like himself.
- 22 49. Ali’s hair grows quickly which forces him to shave every two days. He has very thick hair and a  
23 skin condition that make shaving difficult and painful. Specifically, Ali’s skin condition causes  
24 him to suffer significant cuts every time he shaves. Because Ali works in a medical facility, the  
25 open wounds resulting from shaving create a high risk of contracting a disease because inmates  
26 throw feces, blood, and other contaminants at officers. On two occasions inmates have thrown  
27 bodily fluids at Ali, who, as a result, maintains serious concerns about attending work with open  
28 wounds from shaving.

Ravinder Dhaliwal

1  
2  
3 50. Charging Party Ravinder Dhaliwal began working as a peace officer at the Wasco State Prison  
4 Reception Center (“WSP”) in February 2017. He is assigned to D Yard and D Dorm, an open-  
5 setting dormitory where inmates are not confined to cells. CDCR has applied the September  
6 2022 Memo to Dhaliwal’s peace officer position.

7 51. Dhaliwal is a practicing Sikh who believes that the Guru Granth Sahib, the holy scripture of  
8 Sikhism, and 10<sup>th</sup> Guru Goban Singh, require Sikh men to wear beards because Sikhs are never  
9 to alter the way that God made them.

10 52. Since early 2023, N-95s are no longer required or available in the inmate housing unit where  
11 Dhaliwal is assigned.

12 53. On April 20, 2022, Dhaliwal requested a religious accommodation to maintain a beard consistent  
13 with his Sikh faith. CDCR granted the request in June 2022.

14 54. Based on the September 2022 Memo, Dhaliwal re-submitted his religious accommodation  
15 request for re-evaluation. On October 20, 2022, Dhaliwal submitted a second religious  
16 accommodation. Dhaliwal has still not received a formal response on renewed religious  
17 accommodation requests submitted on May 23 and October 5, 2023.

18 55. In early November 2022, however, WSP EEO Administrator Daranee Aviles gave Dhaliwal a  
19 verbal ultimatum to forego his religious accommodation request or find and apply for non-peace  
20 officer positions, a demotion.

21 56. Non-custody positions have lower pay, diminished retirement pay and benefits, fewer to no  
22 options for overtime and decreased opportunities for promotion than peace officer positions.

23 57. To keep his job and provide for his family, Dhaliwal began shaving and continues to shave under  
24 duress.

25 58. Being forced to shave to keep his job has caused stress, guilt, anger, depression, anxiety, and  
26 isolation for Dhaliwal. As a result, in the past year, he has gained almost forty pounds, been  
27 prescribed a daily medication for weight management, and told by his doctor that he should take  
28 anxiety medication.

1 59. CDCR's current clean-shaven policy has stopped Dhaliwal from attending Sunday services  
2 because of the shame he feels and the pressure he receives from "uncles" (older, male Sikhs) at  
3 the Gurdwara (Sikh house of worship) to grow his beard. Now, Dhaliwal only visits the  
4 Gurdwara at times when fewer people are likely to be present.

5 60. Dhaliwal stopped attending Sikh weddings because priests stress the importance of adherence to  
6 the faith and uniformity in appearance by all in attendance, and being the only person without a  
7 beard was depressing and humiliating.

8 Jatinder Dhillon

9 61. Charging Party Jatinder Dhillon has been employed by CDCR since 2011. He started as a nurse,  
10 became a medical technical assistant in 2012, and, in 2020, became an officer at Folsom State  
11 Prison ("FSP"). He is assigned to inmate housing unit 3. CDCR has applied the September 2022  
12 Memo to Dhillon's peace officer position.

13 62. Dhillon is a practicing Sikh who believes not shaving is one of the five articles of Sikhism and  
14 that scripture teaches Sikhs to not cut their hair because it is a living thing. He believes that  
15 growing his beard allows him to live in harmony with the divine God.

16 63. On January 31, 2023, Associate Warden Justi Caraballo advised Dhillon that all peace officers  
17 had to be clean-shaven starting the next day. Dhillon explained that he did not intend to shave  
18 because of a pending accommodation request. Caraballo told Dhillon that he would not be  
19 allowed to work with a beard, would have to use personal leave for any workdays he was not  
20 clean-shaven, and then removed Dhillon from the schedule for several days.

21 64. To keep his job and support his family, on February 4, 2023, Dhillon shaved, and continues to  
22 shave under duress.

23 65. For years prior to February 4, 2023, Dhillon successfully performed his peace officer duties  
24 while wearing a beard.

25 66. On June 1, 2023, Dhillon submitted a religious accommodation request through his attorneys,  
26 and is still awaiting a response from CDCR.

27 67. Being forced to shave to keep his job has altered Dhillon's self-image, and caused anxiety,  
28 sleeplessness, and feelings of isolation.

1 68. Due to the shame and embarrassment compliance with CDCR's current clean-shaven policy has  
2 caused, Dhillon stopped attending weekly services at the Gurdwara. He now goes to the  
3 Gurdwara approximately once a month and only at times when there are likely to be few people  
4 present.

5 Amarpreet Pannu

6 69. Charging Party Amarpreet Pannu began his employment with CDCR as a peace officer trainee in  
7 May 2018, and has worked as an officer at High Desert State Prison ("HSP") since August 2018.  
8 He works as a Coverage Relief Officer at HSP who, at each shift, is assigned to work any post  
9 where coverage is needed. CDCR has applied the September 2022 Memo to Pannu's peace  
10 officer position.

11 70. As a Sikh, Pannu adheres to the practice of Kesh, or allowing one's hair to grow. Pannu wore a  
12 beard up to one inch in length to work for many years before CDCR began enforcing its clean-  
13 shaven policy.

14 71. On January 31, 2023, Pannu requested a religious accommodation to CDCR's clean-shaven  
15 policy and attached documentation describing the Sikh religious practice of Kesh.

16 72. On February 1, 2023, a CDCR supervisor sent Pannu home on eight hours of unpaid leave for  
17 failing to shave his beard. Pannu received a "training letter," a disciplinary action, for having a  
18 beard and was told that he must report to work clean-shaven or he would be sent home again,  
19 disciplined, and ultimately terminated.

20 73. In its February 10, 2023, denial of Pannu's accommodation request, CDCR stated that "after a  
21 diligent search and reasonable effort" CDCR had been unable to identify a reasonable  
22 accommodation that would not create an undue hardship, and that no alternative respirator had  
23 been identified. The denial letter did not identify or explain to Pannu what efforts CDCR took to  
24 identify alternative accommodations. The only option CDCR presented was for Pannu to find  
25 and apply for another position, which he understood would be a demotion.

26 74. To keep his job and provide for his family, Pannu began shaving and continues to shave under  
27 duress.  
28

1 75. On February 14, 2023, Pannu sent a memorandum to HSP Warden Rob St. Andre noting that he  
2 was complying under duress with the CDCR's mandate to be clean-shaven because to do so  
3 violated his Sikh faith. The next day, Warden St. Andre responded that CDCR had "not changed  
4 its policy, [but] was only enforcing the policy as stated in Title 8, which is law." Warden St.  
5 Andre also referred Pannu back to the February 10, 2023, denial letter and invited Pannu to  
6 contact an Assistant EEO Coordinator with further questions.

7 76. Pannu's attorneys renewed his religious accommodation request on June 1, 2023. CDCR has not  
8 yet responded.

9 77. Compliance with CDCR's clean-shaven policy has caused Pannu shame and embarrassment with  
10 family and friends and made him irritable and depressed. Pannu does not attend family events  
11 and is distressed that after performing his job well, CDCR is holding his religion against him.

12 Adam Quattrone

13 78. Charging Party Adam Quattrone began his employment with CDCR in March 2016. He works in  
14 the control booth of the Restricted Housing Unit at the Substance Abuse Treatment Facility in  
15 Corcoran, California. CDCR has applied the September 2022 Memo to Quattrone's peace officer  
16 position.

17 79. Quattrone is a practicing Odinist who has sincerely held religious beliefs that a prominent beard  
18 is an indicator of masculinity, character, and good name. Odinism is an ancient religion that  
19 originated in Northern Europe and involves the worship of Norse gods, such as Thor and chief  
20 god Odin.

21 80. Quattrone wore a beard to work for many years before CDCR began enforcing its clean-shaven  
22 policy.

23 81. Quattrone has never had to wear a gas-mask-type respirator as part of his job duties. He is not  
24 permitted to leave the control booth for any reason while on duty, and therefore does not respond  
25 to code incidents.

26 82. On September 23, 2022, Quattrone requested a religious accommodation to maintain a "neat,  
27 conservative beard of no more than two inches" to bring himself "closer to God and into his  
28 favor."

1 83. CDCR denied Quattrone’s request to wear a beard on May 1, 2023. CDCR told Quattrone that it  
2 had been unable to identify a reasonable accommodation that would not create an undue  
3 hardship, and that no alternative respirator had been identified. No explanation was given to  
4 Quattrone on what efforts CDCR took to identify alternative accommodations.

5 84. On February 3, 2023, a CDCR supervisor sent Quattrone home on unpaid leave for failing to  
6 shave his beard. The next day, he shaved enough facial hair to comply with CDCR’s clean-  
7 shaven policy.

8 85. To keep his job and provide for his family, Quattrone continues to shave under duress.

9 86. Being forced to shave to keep his job has made Quattrone feel like he has fallen out of favor with  
10 his religion and resulted in insomnia. It has also caused him to constantly fear discipline, feel  
11 isolated from his religious community, and to suffer humiliation and teasing at work.

12 Rajdeep Singh

13 87. Charging Party Rajdeep Singh began his employment with CDCR as a trainee in July 2021. He  
14 was promoted to an officer position at the California State Prison (“CSP”) in Sacramento,  
15 California in October 2021. He is a healthcare access officer assigned to escort inmates to the  
16 clinic from other CSP buildings. CDCR has applied the September 2022 Memo to R. Singh’s  
17 peace officer position.

18 88. Rajdeep Singh is a practicing Sikh who believes he is called by God and community to wear a  
19 beard, and that Sikh scriptures teach that hair equalizes all Sikhs and honors the perfection of  
20 God’s creation.

21 89. Rajdeep Singh wore a beard up to one inch in length to work for many years before CDCR began  
22 enforcing its clean-shaven policy.

23 90. In June 2022, Rajdeep Singh requested a religious accommodation to maintain his beard. After  
24 the September 2022 Memo, Rajdeep Singh re-submitted his religious accommodation request.

25 91. In its September 8, 2023, denial of Rajdeep Singh’s religious accommodation, CDCR stated that  
26 “after a diligent search and reasonable effort” CDCR had been unable to identify a reasonable  
27 accommodation that would not create an undue hardship, and that no alternative respirator had  
28 been identified. The denial letter did not identify or explain to Rajdeep Singh what efforts CDCR

1 took to identify alternative accommodations. The only option CDCR presented was for Rajdeep  
2 Singh to find and apply for another position, which he understood would be a demotion.

3 92. When Rajdeep Singh reported to work on February 1, 2023, a CDCR supervisor sent him home  
4 for failing to shave his beard and indicated that he must be clean-shaven to return to work or face  
5 discipline.

6 93. Rajdeep Singh's supervisors and co-workers often joke about his request to wear a beard in  
7 observance of his faith. The jokes are embarrassing and create anxiety for him. The jokes also  
8 cause him to feel isolated and like he is experiencing college-style hazing.

9 94. To keep his job and provide for his family, Rajdeep Singh began shaving and continues to shave  
10 under duress.

11 95. Being forced to shave humiliates and makes Rajdeep Singh feel like an outcast at his Gurdwara.

12 96. In March and August 2023, Rajdeep Singh was supposed to be a groomsman in the weddings of  
13 two of his family members. He could not participate because the Granthi (Sikh priests) require  
14 everyone in wedding parties to present equally in appearance.

15 97. Because of the stress of being forced to shave to adhere to CDCR's clean-shaven policy, in April  
16 2023, Rajdeep Singh began having difficulty sleeping and has been prescribed a CPAP to  
17 address his sleep issues.

18 Satvir Singh<sup>1</sup>

19 98. Charging Party Satvir Singh began his employment with CDCR in March 2022 at the California  
20 State Prison ("CSP") in Sacramento, California and was assigned to B Yard. CDCR has applied  
21 the September 2022 Memo to S. Singh's peace officer position.

22 99. Satvir Singh is a practicing Sikh who believes that growing his beard allows him to live in  
23 harmony with the will of God.

24 100. Until being required to shave to adhere to CDCR's clean-shaven policy, Satvir Singh had worn a  
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26 <sup>1</sup> Satvir Singh worked as a peace officer at the California State Prison in Sacramento, California from March 2022  
27 until August 4, 2023, when he was placed on paid administrative leave for reasons unrelated to this matter. He is  
28 currently appealing his October 20, 2023, termination with the California State Personnel Board and thus faces  
the possibility of future harm from again having to shave under duress. For purposes of this Complaint, unless  
otherwise stated, all references to Satvir Singh or his inclusion in statements relating to the Charging Parties as a  
whole refer to the time period from the start of his employment to August 4, 2023.

1 beard since his teenage years.

2 101. Satvir Singh wore a beard up to one inch in length to work before CDCR began enforcing its  
3 clean-shaven policy.

4 102. Satvir Singh sought a religious accommodation to CDCR's clean-shaven policy on three separate  
5 occasions – December 8, 2022, and February 7 and June 1, 2023.

6 103. While CDCR has not provided an official response to Satvir Singh's religious accommodation  
7 requests, in early February 2023, a sergeant called S. Singh into the office and told him that it  
8 was a requirement that he shave, and that if Satvir Singh failed to do so he would have to take a  
9 demotion to a non-custody position.

10 104. To keep his job and provide for his family, Satvir Singh shaved under duress for the remainder of  
11 his employment with CDCR.

12 105. Being forced to shave to comply with CDCR's policy caused Satvir Singh to gain ten to fifteen  
13 pounds and to become isolated from family and friends, stressed, and depressed.

14 Manroop Singh Sohal

15 106. In 2019, Charging Party Manroop Singh Sohal began his employment with CDCR as a  
16 correctional officer at the Salinas Valley State Prison, and transferred to the California Health  
17 Care Facility ("CHCF") in Stockton, California in October 2022. He is a building officer who  
18 works in a maximum-security unit. CDCR has applied the September 2022 Memo to Sohal's  
19 peace officer position.

20 107. Sohal is a practicing Sikh who believes that growing his beard naturally is required to respect  
21 God and creation.

22 108. Sohal wore a beard to work for many years before CDCR began enforcing its clean-shaven  
23 policy.

24 109. In November 2022, Sohal submitted a request for religious accommodation that CDCR denied.  
25 In addressing CDCR's denial with Sohal, Associate Warden Miguel Divero informed Sohal that  
26 the only accommodation available was for Sohal to find and apply for another position, which he  
27 understood would be a demotion.

28 110. To keep his job and provide for his family, Sohal shaved, and continues to shave under duress.

1 111. Being forced to shave to comply with CDCR's clean-shaven policy caused Sohal to lose weight  
2 and suffer insomnia, anxiety, stress, humiliation, and embarrassment. Now, he often skips family  
3 events and only goes to the Gurdwara at times when there are fewer people.

4 **CDCR's Failure to Adequately Engage in the Interactive Process and Meet Its Title VII**

5 **Obligations to Reasonably Accommodate Employees' Religious Beliefs**

6 112. To comply with CDCR's clean-shaven policy, the Charging Parties and similarly situated peace  
7 officers continue to shave their beards in contravention of their sincerely held religious beliefs.

8 113. CDCR has either denied or failed to respond to the Charging Parties' requests for religious  
9 accommodation to CDCR's clean-shaven policy and has refused to accommodate the Charging  
10 Parties' religious practices.

11 114. CDCR has claimed that it denied the Charging Parties' requests for religious accommodations  
12 because correctional officers' ability to wear a tight-fitting respirator is an essential job function  
13 necessary to ensure their safety for nearly every officer. CDCR also maintains that applicable  
14 regulations prohibit the officers from wearing facial hair with the tight-fitting N-95 and A1000  
15 respirators required by CDCR.

16 115. Upon information and belief, there are secured areas within each CDCR institution where peace  
17 officers assigned to those locations are not permitted to leave their post even in the event of a  
18 security incident.

19 116. Upon information and belief, CDCR has not adequately evaluated whether the ability to wear a  
20 tight-fitting respirator is necessary to perform the essential job functions of every peace officer  
21 assignment, including but not limited to, assignments in areas where chemical agents are not  
22 permitted, control booths, weapons centers, gates, and light duty positions.

23 117. Upon information and belief, there are other correctional institutions that have tailored their  
24 respiratory protection programs and have structured their staffing and incident response to  
25 accommodate officers' religious beliefs while meeting safety requirements.

26 118. From approximately April 2020 to February 2023, CDCR's policy on face coverings for prison  
27 staff required all personnel to wear N-95 masks to combat the spread of COVID-19. Throughout  
28 the pandemic, the Charging Parties wore beards under their N-95 masks.

- 1 119. As of February 16, 2023, CDCR no longer required staff and inmates to wear N-95 masks at all  
2 times.
- 3 120. In declining officers' religious accommodations requests to CDCR's clean-shaven policy, CDCR  
4 indicated that the only option available to address Charging Parties' religious conflicts was for  
5 the Charging Parties to find and apply for another position, all of which the Charging Parties  
6 understood would function as a demotion from their peace officer positions.
- 7 121. CDCR has never affirmatively offered a specific, available position as an accommodation to any  
8 of the Charging Parties.
- 9 122. Similarly, although positions as Parole Agents, Special Agents, or in the Office of Correctional  
10 Safety are exempted from CDCR's revised facial hair policy, CDCR never discussed or offered  
11 any of these positions to the Charging Parties to accommodate their religious beliefs.
- 12 123. Additionally, on several occasions between March 30 and June 1, 2023, Charging Parties'  
13 counsel provided CDCR a three-page list of alternative respirators to tight-fitting masks with  
14 descriptions and informational links for each alternative. The list identified eight alternative  
15 respirators as well as their manufacturers and recommended that the manufacturers (six in total)  
16 be contacted because all offer options to configure the respirators listed to the needs of the  
17 employer.
- 18 124. Upon information and belief, CDCR has not contacted the respirator manufacturers identified by  
19 the Charging Parties to ascertain the availability of respirators that would address both CDCR's  
20 safety concerns and the Charging Parties' religious needs.
- 21 125. CDCR has not adequately assessed all available PAPRs or other alternative accommodations.

22 **CLAIM – IRREPARABLE HARM ABSENT PRELIMINARY RELIEF**

- 23 126. The Charging Parties allege that CDCR has discriminated against them on the basis of religion in  
24 violation of Title VII, 42 U.S.C. § 2000e(a)(2), by:
- 25 a. Failing to provide a religious accommodation;
- 26 b. failing to adequately engage in the interactive process with the Charging Parties, including by  
27 failing to make good faith efforts to consider whether alternative accommodations will  
28 eliminate the conflict between the Charging Parties' religious beliefs and CDCR's clean-

1 shaven policy; and

2 c. failing to demonstrate that implementing the alternative accommodations proposed by the  
3 Charging Parties would pose an undue hardship.

4 127. Each of the Charging Parties and similarly situated CDCR peace officers have and continue to  
5 suffer extreme emotional injury as a direct and proximate result of CDCR's enforcement of its  
6 clean-shaven policy and denial of their religious accommodation requests. The injury suffered by  
7 the Charging Parties and similarly situated officers include, but are not limited to, mental  
8 anguish, stress, anxiety, depression, fear, loss of identity, humiliation, embarrassment, social  
9 isolation and withdrawal, insomnia, weight loss or weight gain and other physical symptoms;  
10 and mental anguish when going to and/or at work.

11 128. Pursuant to Section 706 of Title VII, 42 U.S.C. § 2000e-5, the EEOC is actively engaged in  
12 investigating the charges filed by the Charging Parties.

13 129. Preliminary injunctive relief pursuant to Section 706(f)(2) of Title VII, 42 U.S.C. § 2000e-  
14 5(f)(2), is necessary because there is no adequate legal remedy to address the continuing harm to  
15 the Charging Parties and similarly situated CDCR peace officers from having to shave in  
16 violation of their sincerely held religious beliefs to keep their jobs.

17 **PRAYER FOR RELIEF**

18 For the foregoing reasons, the United States respectfully requests that this Court enter a  
19 Preliminary Relief Order against CDCR:

- 20 1. Enjoining CDCR from statewide enforcement of its policies prohibiting facial hair for peace  
21 officers whose sincerely held religious beliefs require them to wear beards;
- 22 2. Ordering CDCR to:
- 23 a. Immediately communicate to all CDCR personnel that no peace officer who requests  
24 to wear a beard due to sincerely held religious beliefs may be disciplined, threatened  
25 with discipline, demoted, involuntarily reclassified or transferred, prohibited from  
26 working, required to use accrued time off, terminated, or retaliated against for not  
27 being clean-shaven, for the duration of this Preliminary Relief Order;
- 28

- 1           b. Until the Preliminary Relief Order is lifted by this Court, eliminate the conflict  
2           between correctional peace officers' sincerely held religious beliefs requiring them to  
3           wear beards and CDCR's peace officer job requirements, whether by granting them  
4           paid leave, requiring them to work in other positions while receiving their current or  
5           prior peace officer rate of pay, or via other alternatives that do not financially  
6           disadvantage peace officers; and
- 7           c. Comply with its obligations under Title VII by engaging in good faith discussions  
8           with CDCR peace officers Mubashar Ali, Ravinder Dhaliwal, Jatinder Dhillon,  
9           Amarpreet Pannu, Adam Quattrone, Rajdeep Singh, Satvir Singh, and Manroop Sohal  
10          (collectively, "the Charging Parties), and any similarly situated peace officers whose  
11          sincerely held religious beliefs require them to wear beards, regarding CDCR's clean-  
12          shaven policy to determine if there are alternative accommodations that would  
13          eliminate the conflict between the officers' religious beliefs and the clean-shaven  
14          policy by evaluating every potential accommodation proposed by a peace officer or  
15          the United States, including, but not limited to: (i) providing alternative respirators;  
16          (ii) narrowly tailoring CDCR's respiratory protection program to align respirator  
17          requirements and officer duties and assignments in a manner that accommodates  
18          employees whose religious beliefs require them to wear a beard; or (iii) offering  
19          transfers to specific positions within CDCR that maintains the peace officer rate of  
20          pay and benefits.
- 21          3. Maintaining jurisdiction over this matter until the earlier of: (a) the EEOC completing its  
22          statutorily mandated investigation and issuing a final disposition of the charges of  
23          discrimination filed by the Charging Parties, or (b) CDCR fulfilling its obligation to  
24          participate in a good faith interactive process by evaluating potential accommodations  
25          proposed by the United States or an officer, or demonstrating to this Court that undue  
26          hardship would be created by all potential accommodations identified by a peace officer and  
27          the United States; and
- 28

1 4. Granting any further relief as is just and proper under the circumstances.  
2  
3

4 Dated: March 25, 2024

Respectfully submitted,

5  
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8 Eastern District of California

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CIVIL COVER SHEET

Case 2:24-at-00364 Document 1-1 Filed 03/25/24 Page 1 of 2

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

(b) County of Residence of First Listed Plaintiff (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

DEFENDANTS

County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff, 2 U.S. Government Defendant, 3 Federal Question (U.S. Government Not a Party), 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, PTF DEF, 1 1, 2 2, 3 3, 4 4, 5 5, 6 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

Table with 5 columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, INTELLECTUAL PROPERTY RIGHTS, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes codes like 110 Insurance, 310 Airplane, 365 Personal Injury, etc.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding, 2 Removed from State Court, 3 Remanded from Appellate Court, 4 Reinstated or Reopened, 5 Transferred from Another District, 6 Multidistrict Litigation - Transfer, 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause:

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE DOCKET NUMBER

DATE SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

**INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44**

## Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.  
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.  
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.  
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.  
 Original Proceedings. (1) Cases which originate in the United States district courts.  
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.  
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.  
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.  
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.  
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.  
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.  
**PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.  
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.  
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover sheet.