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## M.T.A. Is Sued Over Its Policy on Muslim Head Coverings

By MICHAEL LUO

**T**he Justice Department sued the Metropolitan Transportation Authority and New York City Transit yesterday, charging them with discriminating against Muslim and Sikh employees who wear turbans and head scarves for religious reasons.

But in a statement, transit officials declared the lawsuit "totally without merit," arguing that no one in the Justice Department's Civil Rights Division had discussed the issue with them and that they had already changed their policy on uniforms to allow religious head coverings provided by the authority.

The lawsuit stems from a series of incidents dating back to 2002. Since then, four Muslim women - all bus drivers for New York City Transit - have been barred from operating buses on the road and reassigned to work inside bus depots because they refused to wear regulation caps over their head scarves, known as hijabs. More recently, transit managers briefly reassigned Kevin Harrington, a Sikh train operator, to a railyard because he refused to take off his turban at work. After his case drew public attention, he was allowed back on his old job in June.

Taken together, the actions constitute a "pattern and practice" of religious discrimination, says the lawsuit, filed in Federal District Court in Brooklyn. It calls for the transit authority to provide accommodations for Muslim, Sikh and other employees whose beliefs require them to wear the head coverings, as well as compensation for those who claim that they lost overtime opportunities because of their transfers.

Transit officials pointed out that charges brought by the bus operators were dismissed after an investigation by the United States Equal Employment Opportunity Commission. An independent arbitrator also ruled against the women, concluding that the transit agency had properly accommodated them by giving them alternative jobs.

Union leaders, however, argued that the jobs inside the depot were not equivalent because they provided fewer opportunities for overtime, a significant part of bus drivers' income, said Arthur Schwartz, a lawyer for Local 100 of the Transport Workers Union. The Justice Department's lawsuit makes the same case.

Even if the jobs were equivalent in pay and other benefits, reassigning them placed an unfair stigma on them, Mr. Schwartz said, adding that one of the women had been wearing her head scarf while driving a passenger bus for more than 10 years without any problem.

Three of the Muslim women are once again in arbitration, he said, because they have been trying to change depots, but the transit agency has refused to allow them to do so.

None of the employees have decided yet whether they will wear the alternative head coverings that the transit agency presented to them last week, he said, scarves made out of blue cloth that match their uniforms and bear

the M.T.A.'s logo. Some of them may not be able to, Mr. Schwartz said, if their religious leaders say they cannot.

"The union has supported the rights of these individuals to wear religious headwear from the beginning, and we're excited that the government is coming in on the side of the employees and their right to exercise their religious beliefs," he said.