

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

FILED
U.S. DISTRICT COURT
INDIANAPOLIS DIVISION
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EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)
)
Plaintiff,)
)
v.)
)
CITY OF INDIANAPOLIS,)
)
Defendant.)
_____)

DELOUPTA
LAURA A. ERICSS
CLERK

CIVIL ACTION NO.
1:02-CV-1499 DFH
- COMPLAINT
JURY TRIAL DEMAND

NATURE OF THE ACTION

This is an action under the Equal Pay Act of 1963 to restrain the unlawful payment of wages to employees of one sex at rates less than the rates paid to employees of the opposite sex, and to collect back wages due to employees as a result of such unlawful payments. As alleged in more particularity in paragraphs 8, 9, and 10 below, the Commission alleges that the City of Indianapolis pays its female dispatchers in the Department of Public Works at wage rates which are less than the rates paid to male employees performing substantially equal work.

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343, and 1345. This action is authorized and instituted pursuant to Sections 16(c) and 17 of the Fair Labor Standards Act of 1938 (the "FLSA"), as amended, 29 U.S.C. §§ 216(c) and 217, to enforce the requirements of the Equal Pay Act of 1963, codified as Section 6(d) of the FLSA, 29 U.S.C. § 206(d).

2. The employment practices alleged to be unlawful were and are being committed within the jurisdiction of the United States District Court for the Southern District of Indiana, Indianapolis Division.

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PARTIES

3. Plaintiff, the Equal Employment Opportunity Commission (the “Commission”), is the agency of the United States of America charged with the administration, interpretation, and enforcement of the Equal Pay Act and is expressly authorized to bring this action by Sections 16(c) and 17 of the FLSA, 29 U.S.C. §§ 216(c) and 217, as amended by Section 1 of Reorganization Plan No. 1 of 1978, 92 Stat. 3781, and by Public Law 98-532 (1984), 98 Stat. 2705.

4. At all relevant times, Defendant City of Indianapolis (the “City”) has continuously been a political subdivision of the State of Indiana.

5. At all relevant times, Defendant City has continuously been a public agency within the meaning of Section 3(x) of the FLSA, 29 U.S.C. § 203(x).

6. At all relevant times, Defendant City has acted directly or indirectly as an employer in relation to employees and has continuously been an employer within the meaning of Section 3(d) of the FLSA, 29 U.S.C. § 203(d).

7. At all relevant times, Defendant City has continuously been an enterprise engaged in commerce or in the production of goods for commerce within the meaning of Sections 3(r) and (s) of the FLSA, 29 U.S.C. §§ 203(r) and (s), in that said enterprise has continuously been an activity of a public agency.

STATEMENT OF CLAIMS

8. Since at least August 27, 1999, Defendant City has violated Sections 6(d)(1) and 15(a)(2) of the FLSA, 29 U.S.C. §§ 206(d)(1) and 215(a)(2), by paying wages to its female dispatchers, in the Department of Public Works, at rates less than the rates paid to male employees in the same establishment for substantially equal work on jobs the performance of

which requires equal skill, effort, and responsibility, and which are performed under similar working conditions.

9. As a result of the acts complained of above, Defendant City unlawfully has withheld and is continuing to withhold the payment of wages due to Dorothy Etter, Kelley Lacey, Patti Means, Charline Polin, Janet Ridener, and any other women dispatchers who were or are being paid less than male dispatchers because of sex.

10. Since at least August 27, 1999, Defendant City has violated Sections 11(c) and 15(a)(5) of the FLSA, 29 U.S.C. §§ 211(c) and 215(a)(5), by failing to make and preserve records of the persons employed by it and of the wages, hours, and other conditions and practices of employment maintained by it, as prescribed by the Commission.

11. The unlawful practices complained of above in paragraphs 8 and 9 were and are willful.

PRAYER FOR RELIEF

Wherefore, the Commission requests that this Court:

A. Grant a permanent injunction enjoining the Defendant City, its officers, successors, assigns, and all persons in active concert or participation with it, from discriminating within any of its establishments between employees on the basis of sex by paying wages to employees of one sex at rates less than the rates at which it pays wages to employees of the opposite sex for substantially equal work on jobs the performance of which requires equal skill, effort, and responsibility, and which are performed under similar working conditions.

B. Order Defendant City, in accordance with the provisions of Sections 11(c) and 15(a)(5) of the FLSA, 29 U.S.C. §§ 211(c) and 215(a)(5), to make and preserve records of the

persons employed by it and of the wages, hours, and other conditions and practices of employment maintained by it, as prescribed by the Commission.

C. Order Defendant City to institute and carry out policies, practices, and programs, which provide equal employment opportunities for women and which eradicate the effects of its past and present unlawful employment practices.

D. Grant a judgment requiring Defendant City to pay appropriate back wages in amounts to be determined at trial and an equal sum as liquidated damages or prejudgment interest in lieu thereof to employees whose wages are being unlawfully withheld as a result of the acts complained of above, including but not limited to Dorothy Etter, Kelley Lacey, Patti Means, Charline Polin, Janet Ridener, and any other women dispatchers who were or are being paid less than male dispatchers because of sex.

E. Grant such further relief as this Court deems necessary and proper in the public interest.

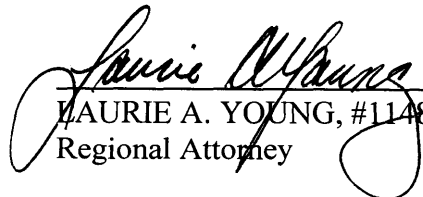
F. Award the Commission its costs of this action.

JURY TRIAL DEMAND

The Commission requests a jury trial on all questions of fact raised by its complaint.

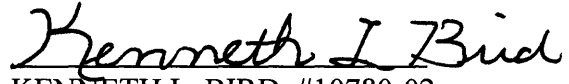
Respectfully submitted,

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