

FILED  
 U.S. DISTRICT COURT  
 DISTRICT OF MARYLAND  
 IN THE UNITED STATES DISTRICT COURT  
 FOR THE DISTRICT OF MARYLAND  
 SOUTHERN DIVISION  
 SEP 30 P 2:21

EQUAL EMPLOYMENT OPPORTUNITY )  
 COMMISSION, )  
 10 S. Howard Street, 3<sup>rd</sup> Floor )  
 Baltimore, MD 21201 )

Plaintiff, )

v. )

PAUL HALL CENTER FOR MARITIME )  
 TRAINING AND EDUCATION, )  
 P.O. Box 75, Route 249 )  
 45353 St. George's Avenue )  
 Piney Point, MD 20674-0075 )

and )

SEAFARERS INTERNATIONAL UNION, )  
 5201 Auth Way )  
 Camp Springs, MD 20746-4275, )

Defendants. )

CLERK'S OFFICE  
 AT BALTIMORE  
 BY \_\_\_\_\_ DEPUTY  
 CIVIL ACTION NO.

MJG 02 CV 3192

COMPLAINT  
JURY TRIAL DEMAND

NATURE OF THE ACTION

This is an action under the Age Discrimination in Employment Act to correct unlawful employment practices on the basis of age and to provide appropriate relief to Steve Rappolee ("Charging Party"), those individuals named on Exhibit A, attached hereto, and other aggrieved individuals at least age 40 who were discouraged from applying and/or refused admission into Defendants' unlicensed apprenticeship program because of their age. The Commission alleges that since at least May 8, 1996, Defendants have discouraged individuals at least 40 years of age

*Dry*

from applying for admission and refused to admit individuals at least 40 years of age into their unlicensed apprenticeship program because they were "too old."

#### 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 Section 7(b) of the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. § 626(b) (the "ADEA"), which incorporates by reference 16(c) and Section 17 of the Fair Labor Standards Act of 1938 (the "FLSA"), as amended, 29 U.S.C. §§ 216(c) and 217.

2. The employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the District of Maryland, Southern Division.

#### 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 ADEA and is expressly authorized to bring this action by Section 7(b) of the ADEA, 29 U.S.C. § 626(b), as amended by Section 2 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, Paul Hall Center for Maritime Training and Education (the "Employer"), has continuously been doing business in the State of Maryland and the City of Piney Point, and has continuously had at least 20 employees.

5. At all relevant times, Defendant Employer has continuously been an employer engaged in an industry affecting commerce within the meaning of Sections 11(b), (g) and (h) of the ADEA, 29 U.S.C. §§ 630(b), (g) and (h).

6. At all relevant times, Defendant Seafarers International Union (the "Union") has continuously been a labor organization which negotiates with and maintains arrangements with employers concerning terms and conditions of employment, has continuously had at least 25 members, and has continuously maintained a hiring hall or hiring office which procures employees for an employer or procures for employees opportunities to work for an employer.

7. At all relevant times, Defendant Union has continuously been a labor organization engaged in an industry affecting commerce within the meaning of Sections 11(d) and (e) of the ADEA, 29 U.S.C. §§ 630(d) and (e).

#### CONCILIATION

8. Prior to institution of this lawsuit, the Commission's representatives attempted to eliminate the unlawful employment practices alleged below and to effect voluntary compliance with the ADEA through informal methods of conciliation, conference and persuasion within the meaning of Section 7(b) of the ADEA, 29 U.S.C. § 626(b).

### STATEMENT OF CLAIMS

9. Since at least May 8, 1996, the Defendant Employer has engaged in unlawful employment practices at its Piney Point, Maryland facility, in violation of Section 4(a) of the ADEA, 29 U.S.C. § 623(a)(1). The practices include discouraging from applying and/or refusing to admit into Defendants' unlicensed apprenticeship program because of their age Charging Party, those individuals named on Exhibit A, attached hereto, and other individuals at least age 40 years who expressed interest in the program.

10. Since at least May 8, 1996, the Defendant Union has engaged in unlawful employment practices at its Camp Springs, Maryland facility, in violation of Section 4(c) of the ADEA, 29 U.S.C. § 623(c). The practices include discouraging from applying and/or refusing to admit into Defendants' unlicensed apprenticeship program because of their age Charging Party, those individuals named on Exhibit A attached hereto, and other individuals at least age 40 who expressed interest in the program

11. The effect of the practices complained of in paragraphs 9 and 10 above has been to deprive Charging Party, all those individuals named on Exhibit A, attached hereto, and other individuals at least age 40 who expressed an interest in the apprenticeship program of equal employment opportunities and otherwise adversely affect their status as applicants for employment, because of their age.

12. The unlawful employment practices complained of in paragraphs 9 and 10 above were and are willful within the meaning of Section 7(b) of the ADEA, 29 U.S.C. § 626(b).

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant Employer, its officers, successors, assigns and all persons in active concert or participation with it, from engaging in the discouragement and rejection of qualified applicants at least age 40 and any other employment practice which discriminates on the basis of age against individuals 40 years of age and older.

B. Grant a permanent injunction enjoining Defendant Union, its officers, successors, assigns and all persons in active concert or participation with it, from engaging in the discouragement and rejection of qualified applicants at least age 40 and any other employment practice which discriminates on the basis of age against individuals 40 years of age and older.

C. Order Defendant Employer to institute and carry out policies, practices and programs which provide equal employment opportunities for individuals 40 years of age and older, and which eradicate the effects of its past and present unlawful employment practices.

D. Order Defendant Union to institute and carry out policies, practices and programs which provide equal employment

opportunities for individuals 40 years of age and older, and which eradicate the effects of its past and present unlawful employment practices.

E. Grant a judgment requiring Defendant Employer to pay appropriate back wages in an amount to be determined at trial, an equal sum as liquidated damages, and prejudgment interest to individuals whose wages are being unlawfully withheld as a result of the acts complained of above, including but not limited to Charging Party, those individuals named on Exhibit A, attached hereto, and those individuals at least age 40 years who expressed an interest in the program and were discouraged from applying and/or rejected for admission.

F. Grant a judgment requiring Defendant Union to pay appropriate back wages in an amount to be determined at trial, an equal sum as liquidated damages, and prejudgment interest to individuals whose wages are being unlawfully withheld as a result of the acts complained of above, including but not limited to Charging Party, those individuals named on Exhibit A, attached hereto, and those individuals at least age 40 years who expressed an interest in the program and were discouraged from applying and/or rejected for admission.

G. Order Defendant Employer to make whole all individuals adversely affected by the unlawful practices described above, by providing the affirmative relief necessary to eradicate the effects of its unlawful practices, including but not limited to

the rightful-place hiring of Charging Party, those individuals named on Exhibit A, attached hereto, and those individuals at least age 40 years who expressed an interest in the program and were discouraged from applying and/or rejected for admission, and/or provide front pay where appropriate.

H. Order Defendant Union to make whole all individuals adversely affected by the unlawful practices described above, by providing the affirmative relief necessary to eradicate the effects of its unlawful practices, including but not limited to the rightful-place hiring of Charging Party, those individuals named on Exhibit A, attached hereto, and those individuals at least age 40 years who expressed an interest in the program and were discouraged from applying and/or rejected for admission, and/or provide front pay where appropriate.

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


J. Award the Commission its costs of this action.

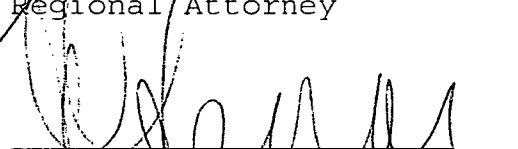
JURY TRIAL DEMAND


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

Respectfully submitted,

GWENDOLYN YOUNG REAMS  
Associate General Counsel

  
Gerald S. Kiel  
Regional Attorney

  
Debra M. Lawrence  
Supervisory Trial Attorney

  
Maria Morocco  
Trial Attorney

EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION  
10 S. Howard Street  
3rd Floor  
Baltimore, Maryland 21201



**EXHIBIT A**

1. Walter W. Anderson
2. Robert L. Bell
3. David Beust
4. Alfred F. Bierlair
5. Douglas. Bigelow
6. Lorraine A. Bigelow
7. Lilton V. Carter
8. Gerardo A. Cerrato
9. Dale C. Chambers
10. David F. Chisholm
11. John M. Clowney
12. Kathy J. Conner
13. Michael D. Daguio
14. Jonas Davis
15. Donald A. Dittmer, Jr.
16. Geoffrey R. Dixon
17. Jeffrey C. Felber
18. Lorilynne Franc
19. Mason J. Green
20. Michael J. Hogentogler
21. Jimmy Lee Jones
22. Karl S. King
23. Herschel E. Kirkland
24. John C. Kizner
25. Victor R. LaTorre
26. Francisco V. Martinez
27. James J. Meadowcraft, Jr.
28. Patrick Miller
29. Frank A. Moore
30. William E. Patterson, II
31. Pedro A. Maurice
32. Dana F. Pepin
33. Jose Perez
34. Robert R. Price
35. Michael A. Razmek
36. Ismael Cabassa Ruiz
37. Gerardo Salazar
38. Sherrond Sherrond
39. Richard M. Smith
40. Thomas W. Strother
41. Kevin P. Tillett
42. Ronald R. Webb
43. Richard Ben Wurth