

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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MINNEAPOLIS, MN

EQUAL EMPLOYMENT OPPORTUNITY )  
COMMISSION, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
INDEPENDENT SCHOOL DISTRICT NO. 194 )  
OF LAKEVILLE, MN, )  
 )  
Defendant. )  
\_\_\_\_\_ )

Civil Action No. 05-2086  
RHK/JSM

**COMPLAINT**  
**Jury Trial Demand**

NATURE OF THE ACTION

This is an action under the Age Discrimination in Employment Act ("ADEA") to correct unlawful employment practices on the basis of age, and to provide appropriate relief to Gary Anderson, Donna Curry, Wayne Daugherty, LaVonne Gades, Sharon Laingen, Larry McCaghy, Blair Nelson, Marilyn Oliphant, Dave Page, Michael Sexton, and Maxine Saul, and other similarly situated individuals ("class members"). The U.S. Equal Employment Opportunity Commission ("Commission") alleges that from June 1999 through at least June 2000, Independent School District No. 194 of Lakeville, MN ("ISD 194") discriminated against the class members by paying a early retirement incentive cash benefit and retiree health insurance premium benefits which had been reduced because of age.

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"),

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which incorporates by reference 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.

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

#### PARTIES

3. Plaintiff, the Commission, is an 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, ISD 194 has continuously been a public school district, known as the Lakeville Area Public Schools, operating in Lakeville, Minnesota, and has continuously had at least 20 employees.

5. At all relevant times, ISD 194 has continuously been an employer, a political subdivision of a State, within the meaning of Section 11(b) of the ADEA, 29 U.S.C. § 630(b).

#### CONCILIATION

6. Prior to the 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

7. From at least June 1999 through at least June 2000, ISD 194 engaged in unlawful employment practices in violation of Section 4(a) of the ADEA, 29 U.S.C. § 623(a), by entering into collective bargaining agreements which provided retiring employees a cash early retirement incentive, and retiree health insurance premium benefits. The early retirement incentive consisted of a severance benefit calculated as 5 days pay for each year of service to a maximum of 50 plus 50 percent of pay for unused sick days to a maximum of 50. Teachers were eligible at age 55 with 20 years of service. The early retirement incentive, and the retiree health insurance premium benefits, were reduced because of the employee's age, with retiring employees receiving at age 55, 100%; age 56, 95%; age 57, 90%; age 58, 85%; age 59, 80%; age 60, 75%; age 61, 60%; age 62, 45%; age 63, 30%; age 64, 15%; age 65 or older, 0%. Since June 1999, the following employees who retired from ISD 194 have had their benefits reduced, specifically:

- a. Gary Anderson, who retired in June 2000, had his benefits reduced by 25% because of his age, 60.
- b. Donna Curry, who retired in June 2000, had her benefits reduced by 15% because of her age, 58.
- c. Wayne Daugherty, who retired in June 2000, had his benefits reduced by 15% because of his age, 58.
- d. LaVonne Gades, who retired in June 1999, had her benefits reduced by 5% because of her age, 56.
- e. Sharon Laingen, who retired in June 1999, had her benefits reduced by 20% because of her age, 59.

f. Larry McCaghy, who retired in June 1999, had his benefits reduced by 15% because of his age, 58.

g. Blair Nelson, who retired in June 2000, had his benefits reduced by 5% because of his age, 56.

h. Marilyn Oliphant, who retired in June 2000, had her benefits reduced by 55% because of her age, 62.

i. Dave Page, who retired in June 1999, had his benefits reduced by 20% because of his age, 59.

j. Maxine Saul, who retired in June 2000, had her benefits reduced by 10% because of her age, 57.

k. Michael Sexton, who retired in June 2000, had his benefits reduced by 15% because of his age, 58.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant ISD 194, its appointees, employees, officers, successors, assigns, divisions, and all persons in active concert or participation with them, from engaging in employment practices that discriminate on the basis of age against individuals aged 40 and older.

B. Grant a permanent injunction enjoining Defendant ISD 194 from offering any early retirement incentive program or retiree health insurance premium benefits program which reduce benefits because of age.

C. Grant a judgment requiring Defendant ISD 194 to pay class members the amount of the early retirement incentive benefit and the retiree health insurance premium benefits to which each would have been entitled prior to the reduction based on his or her age, plus prejudgment interest.

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

E. 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.

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COMMISSION

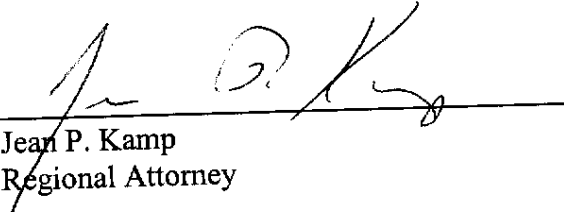
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