

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

EQUAL EMPLOYMENT OPPORTUNITY)	
COMMISSION,)	
)	
Plaintiff,)	
)	CIVIL ACTION NO.
v.)	
)	<u>COMPLAINT</u>
FORT OSAGE SCHOOL DISTRICT,)	
)	JURY TRIAL DEMAND
<u>Defendant.</u>)	

NATURE OF 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 an employee as a result of such unlawful payments. As alleged with greater particularity in the Statement of Claims section below, the Equal Employment Opportunity Commission ("the Commission") alleges that Defendant Fort Osage School District paid a Dr. Jahala Kinser, a female assistant superintendent, at wage rates which were and are less than the rates paid to its male assistant superintendents performing substantially equal work. The Commission further alleges that Defendant also discriminated against Dr. Kinser by nonrenewing her employment contract because she opposed a practice made unlawful by the Equal Pay Act.

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 committed within the jurisdiction of the United States District Court for the Western District of Missouri, Western Division.

PARTIES

3. Plaintiff, 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 Section 16(c) and 17 of the FLSA, as amended, 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 Ft. Osage School District has continuously been a political subdivision of the state of Missouri.

5. At all relevant times, Defendant School District 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).

6. At all relevant times, Defendant 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 engaged in the operation of a school system.

STATEMENT OF CLAIMS

7. Since at least May 1, 2000, Defendant School District 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 Dr. Kinser, a female assistant superintendent, at rates less than the rates paid to male assistant superintendents 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.

8. As a result of the acts complained of above, Defendant School District unlawfully withheld and is continuing to withhold the payment of wages due to Dr. Kinser.

9. Since at least May 1, 2000, Defendant violated Section 15(a)(3) of the FLSA, 29 U.S.C. § 215(a)(3), by discriminating against Dr. Kinser by nonrenewing her employment contract because she complained about her unequal pay in comparison to male assistant superintendents to the school's Superintendent.

10. The unlawful practices complained of above in paragraphs 7 and 9 above were and are willful.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant School District, its officers, successors, assigns, and all persons in active concert or participation with them, 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 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 School District 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.

C. Grant a judgment requiring Defendant School District to pay appropriate back wages in amounts to be determined at trial, 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 Dr. Kinser.

D. Order Defendant to make whole Dr. Kinser, by providing compensation for past and future pecuniary losses resulting from the unlawful practices described in paragraph 9 above in amounts to be determined at trial.

E. Order Defendant Employer to make whole Dr. Kinser by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in paragraph 9 above, including emotional pain, suffering, inconvenience, loss of enjoyment of life and humiliation, in amounts to be determined at trial.

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

G. 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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