

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

EQUAL EMPLOYMENT OPPORTUNITY	)	
COMMISSION,	)	
	)	
Plaintiff,	)	
	)	CIVIL ACTION NO.
v.	)	
	)	
MAIN LINE HEALTH, INC.	)	<u>COMPLAINT</u>
	)	<u>JURY TRIAL DEMANDED</u>
	)	
Defendant.	)	
	)	

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964, Title I of the Civil Rights Act of 1991 and the Age Discrimination in Employment Act to correct unlawful employment practices on the bases of race (black) and age, and to provide appropriate relief to Charging Parties Lorestine Pressley and Diann King, who were adversely affected by such practices. As articulated with greater particularity in paragraph 12 below, the Commission alleges that Ms. Pressley, age 53, and Ms. King, age 50, both of whom are black, applied for transfer and promotion into the position of Lead Accounts Receivable Representative, a supervisory position for which they were both well qualified. Although the Charging Parties were interviewed for the promotion, Defendant selected a 28-year-old white applicant, who did not meet the Defendant's stated requirements for the position. As a result of the Defendant's discriminatory denial of the promotion, Ms. Pressley and Ms. King, suffered backpay losses and emotional distress damages.

## 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 § 706(f) (1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-5(f)(1) and (3)” (“Title VII”) and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981A.

2. Jurisdiction of this Court is also 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 Sections 16(c) and 17 of the Fair Labor Standards Act of 1938 (the “FSLA”), as amended, 29 U.S.C. §§ 216(c) and 217.

3. The employment practices alleged to be unlawful were and are now being committed within the jurisdiction of the United States District Court for the Eastern District of Pennsylvania.

## PARTIES

4. 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 Title VII, and is expressly authorized to bring this action by Section 706(f)(1) and (3) of Title VII, 42 U.S.C. § 2000(e)-5(f) (1) and (3).

5. At all relevant times, Defendant Employer, Main Line Health, Inc. has continuously been and is now a Pennsylvania Corporation doing business in the State of Pennsylvania, and the Town of Wynnewood, and has continuously had at least fifteen (15) employees.

6. At all relevant times, Defendant Employer has also continuously been an employer

engaged in an industry affecting commerce within the meaning of Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. §§ 2000e(b), (g) and (h).

7. 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.

8. At all relevant times, Defendant Employer, Main Line Health, Inc. has continuously been and is now a Pennsylvania Corporation doing business in the State of Pennsylvania, and the Town of Wynnewood, and has continuously had at least twenty (20) employees.

9. 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).

#### CONCILIATION

10. 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

11. More than thirty days prior to the institution of this lawsuit, Charging Parties Lorestine Pressley and Diann King filed charges of discrimination with the Commission alleging violations of Title VII and the ADEA by Defendant Employer. All conditions precedent to the

institution of this lawsuit have been fulfilled.

12. Since at least August 2004, Defendant Employer has engaged unlawful employment practices at its Wynnewood, Pennsylvania facility in violation of Section 703(a)(1) of Title VII, 42 U.S.C. § 2000e-2(a) (1) , and in violation of Section 4(a)(1) of the ADEA, 29 U.S.C. § 623 (a)(1), by failing to promote Charging Parties Pressley and King to the position of Lead Accounts Receivable Representative, while selecting a less qualified younger white employee. The unlawful employment practices include, but are not limited to, the following:

(a) Charging Party Lorestine Pressley, who is black, applied at the age of 53 for transfer/promotion into the position of Lead Accounts Receivable Representative on May 5, 2004 and was interviewed on July 19, 2004. At that time, Ms. Pressley had earned an Associates' Degree in Business Administration from the Wharton School of Business' Evening Program, possessed over 20 years of experience in accounts receivable and billing in healthcare settings, and had been employed by Defendant as an Accounts Receivable Representative since 1995. She earned effective ratings in all of her performance evaluations.

(b) Charging Party Diann King, who is black, applied at the age of 50 for transfer/promotion into the position of Lead Accounts Receivable Representative on June 19, 2004 and was interviewed on July 19, 2004. At that time, Ms. King had thirteen years of experience in accounts receivable and billing, had developed proficiency in computer skills and third party billing, and had been employed by Defendant as an Accounts Receivable Representative since February 2000. She earned effective ratings in all of her performance evaluations.

(c) In addition to the qualifications described above, both Ms. Pressley and Ms. King had supervisory experience in medical billing that enhanced their qualifications for Lead Accounts

Receivable position. Ms. Pressley had 13 years as a supervisor of outpatient billing at Jefferson University Hospital, and Ms. King had three years of experience as a physician billing supervisor for Presbyterian Medical Center.

(d) On August 25, 2004, Charging Parties Pressley and King learned through a departmental e-mail that Colleen Ward, who was 28 years of age at that time and is white, was selected for the Lead Accounts Receivable Position.

(e) At the time of her selection for the lead position, Ms. Ward had been employed by Defendant for seven months as an Accounts Receivable Billing Clerk, with her previous job experience only as a waitress and bartender.

(f) Defendant's stated job requirements for the position of Lead Accounts Receivable Representative required the following: Business studies/accounting experience preferred with 3-5 years billing/follow-up experience required; 3 years A/R experience.

(g) Ms. Ward, who is white and was 28 years of age when selected for the lead position, did not meet Defendant's stated job requirement of 3-5 years experience in billing and follow up and 3 years of experience with accounts receivables.

(h) Both Charging Parties, who are black and over the age of 50, had extensive experience in the required work areas and had worked in Defendant's own Accounts Receivable Department for nine and four years, respectively.

(i) Ms. Pressley, Ms. King, and Ms. Ward were the only applicants for the Lead Accounts Receivable Position.

13. The effect of the practices complained of in paragraph 12, above, has been to deprive Lorestine Pressley and Diann King of equal employment opportunities and otherwise adversely affect their status as employees because of their race, black and age, over 40.

14. The unlawful employment practices complained of in paragraph 12, above, were intentional.

15. The unlawful employment practices complained of in paragraph 12, above, were done with malice or with reckless indifference to the federally protected rights of Lorestine Pressley and Diann King.

16. The unlawful employment practices complained of in paragraph 12, 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 any employment practice which discriminates on the basis of race or on the basis of age (over 40).

B. Order Defendant Employer to institute and carry out policies and practices which effectively prohibit race discrimination in the work place, 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

C. Order Defendant Employer to make Ms. Pressley and Ms. King whole by providing appropriate backpay with prejudgment interest, where applicable, in amounts to be determined at trial, an equal sum as liquidated damages, prejudgment interest, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices, including but not limited to promotion or frontpay only if promotion is not feasible.

D. Order Defendant Employer to make whole Ms. Pressley and Ms. King by providing compensation for past and future pecuniary losses resulting from the unlawful

employment practices described in paragraph 12, above, including but not limited to out-of-pocket losses in amounts to be determined at trial.

E. Order Defendant Employer to make Ms. Pressley and Ms. King whole by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in paragraphs 12, above, including but not limited to pain and suffering, humiliation, loss of life's pleasures, depression, anxiety, stress, panic, and other physical and psychological symptoms and conditions, in amounts to be determined at trial.

F. Order Defendant Employer to pay Ms. Pressley and Ms. King punitive damages for its malicious and reckless conduct described in paragraph 12, above, in amounts to be determined at trial.

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

H. Award the Commission its costs of this action.

JURY TRIAL DEMAND

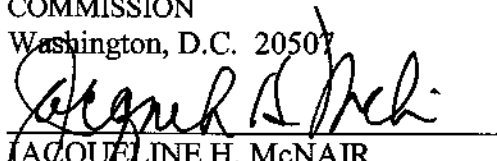
The Commission requests a jury trial on all questions of fact raised by its complaint.

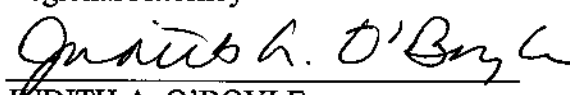
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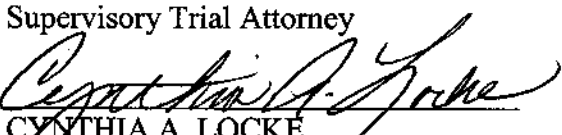
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