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

EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)

Plaintiff,)

v.)

O'BRIEN-KREITZBERG, INC., a subsidiary of)
URS CORPORATION,)

Defendant.)

CIVIL ACTION NO.

3: CV 02 1963

COMPLAINT

JURY TRIAL DEMAND

NATURE OF 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 Carl J. Petro. As described with greater particularity in Paragraph 7, below, the Commission alleges that in May, 2001, Defendant failed to hire Mr. Petro for the position of Mechanical Inspector due to his age, then 67. As a result of Defendant's failure to hire him, Mr. Petro suffered 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 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.

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

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 Employer, O'Brien-Kreitzberg, Inc., a subsidiary of URS Corporation, a California corporation (the "Employer"), has continuously been doing business in the Commonwealth of Pennsylvania and the Cities of Honesdale and/or Waymart, 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).

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. Since at least August, 2000, Defendant Employer has engaged in unlawful employment practices at its facilities in Honesdale and/or Waymart, Pennsylvania, in violation of Section 4(a)(1) of the ADEA, 29 U.S.C. § 623 (a)(1) as follows:

(a) Mr. Petro, then age 67, applied for the position of Mechanical Inspector in August, 2000, in response to a newspaper advertisement, and was interviewed on September 22, 2000 by Defendant's officials;

(b) After receiving and completing a formal application, Mr. Petro met with Defendant's representatives for a second interview in April, 2001, at which time he toured the work site. He was informed by Project Manager Joseph Storonas, referring to the site, "this will be your new home if we can reach an agreement today on your coming on board."

(c) During the second interview, Storonas stated that he was prepared to offer \$48,000.00 in salary for the first year, which Mr. Petro accepted. At that meeting, job benefits were also discussed. Mr. Petro was asked if he was receiving social security; Mr. Petro's age was discussed and he was told that he did not "look his age." At the conclusion of the second meeting, Mr. Storonas shook Mr. Petro's hand, announced that was glad to have Mr. Petro "on board," and told Mr. Petro that he would be sent paperwork and arrangements for a urine test and would be

contacted within a week.

(d) Two weeks after the second interview, Mr. Petro had not received any paperwork and he contacted Mr. Storonas, who stated that he also had not received it. Mr. Petro's subsequent telephone calls to check on the status of the paperwork were ignored by Defendant, and he received a letter of rejection dated May 10, 2001. Mr. Petro then sent a letter stating that the offer had already been made and accepted at the second interview, but he received no response from Defendant.

(e) Mr. Petro was well qualified for the position, was initially ranked in the top two of seven applicants, and had background in the exact type of construction work that Defendant was performing on the project.

(f) Defendant hired a less qualified 24-year-old applicant for the position, who did not possess the job knowledge, experience, and qualifications of Mr. Petro.

8. The effect of the practices complained of in Paragraph 7 above has been to deprive Carl J. Petro of equal employment opportunities and otherwise adversely affect his status as an employee because of his age.

9. The unlawful employment practices complained of in Paragraph 7 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 failing to hire applicants and engaging in any other employment practices which discriminate on the basis of age against individuals 40 years of age and older.

B. 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.

C. 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 Carl J. Petro.

D. 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 hiring of Carl J. Petro, or frontpay in lieu thereof if hiring is not feasible.

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

F. Award the Commission its costs in this action.

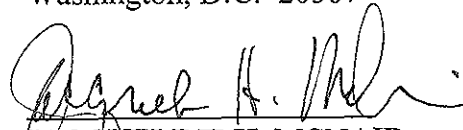
JURY TRIAL DEMAND

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

Respectfully submitted,

GWENDOLYN YOUNG REAMS
Associate General Counsel

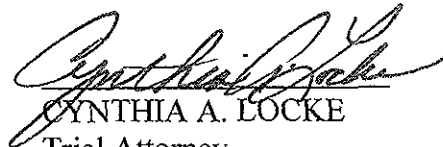
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