

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION

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U.S. DISTRICT COURT  
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EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION,

Plaintiff,

v.

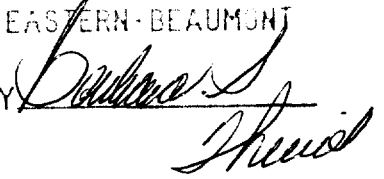
HOUSING AUTHORITY of the  
CITY OF PORT ARTHUR, TEXAS

Defendant.

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TX-EASTERN-BEAUMONT

BY



CIVIL ACTION NO.

1:01CV-520

JURY TRIAL DEMANDED

ORIGINAL COMPLAINT  
OF THE  
UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

TO THE HONORABLE UNITED STATES DISTRICT COURT:

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 individuals 70 years of age and older -- including Joseph E. Londow and Thelma "Skeeter" Williams -- who were involuntarily retired or otherwise discriminated against by Defendant. As alleged with greater particularity below, Defendant for several years maintained an unlawful written policy of discrimination against employees who "reach[ed] their 70<sup>th</sup> birthday."

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 "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 Eastern District of Texas, Beaumont 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, the Housing Authority of the City of Port Arthur, Texas (the "Housing Authority"), has continuously been an Agency or Instrumentality of the City of Port Arthur, Texas.

5. At all relevant times, the Housing Authority has continuously been an employer within the meaning of Section 11(b) of the ADEA, 29 U.S.C. § 630(b).

CONCILIATION

6. 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

7. Since at least January 1999, the Defendant Housing Authority engaged in unlawful employment practices, in violation of § 4(a)(1) of the ADEA, 29 U.S.C. § 623(a)(1).

8. The Housing Authority discriminated against qualified individuals who were age 70 and older by discharging or otherwise discriminating against these individuals, because of their age. These discharged individuals include Joseph E. Londow, who was involuntarily retired. Individuals who were "otherwise discriminated against" include Thelma "Skeeter" Williams, whose hours were reduced by half.

9. The Housing Authority had a personnel policy which stated as follows: "Employees may be retired from regular employment with the Authority upon reaching their 70<sup>th</sup> birthday."

10. Beginning in 1990, Joseph E. Londow worked for the Housing Authority as a "Mechanic B." Mr. Londow was born on October 6, 1930. His seventieth birthday was October 6, 2000.

11. The Housing Authority's Executive Director, Bobby

Feemster, signed a letter dated September 15, 2000, which was addressed to Mr. Londow. The letter began as follows: "Dear Mr. Londow: It is with great pleasure that I congratulate you on your forthcoming retirement on Friday, October 6, 2000." However, Mr. Londow had not announced an intent to retire. To the contrary, after having been informed that the Housing Authority was involuntarily retiring him, Mr. Londow requested to be allowed to continue his employment. His request was denied.

12. The Housing Authority has discriminated against other employees who reached their 70<sup>th</sup> birthday. Concerning Thelma "Skeeter" Williams, the Housing Authority has stated that "[s]he was allowed to continue working past age 70, but her schedule was reduced from 40 hours per week to 20 hours per week." This reduction in hours because of age constitutes unlawful age discrimination.

13. The effect of the practices complained of in paragraphs 8-12 above has been to deprive Joseph E. Londow and other individuals who were involuntarily retired or otherwise discriminated against by Defendant of equal employment opportunities and otherwise adversely affect their status as employees because of their age.

14. The unlawful employment practices complained of in paragraphs 8-12 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 Housing Authority of the City of Port Arthur, Texas, its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in age discrimination in discharges or reductions in hours, and any other employment practice which discriminates on the basis of age against individuals 40 years of age and older.
- B. Order Defendant to institute and carry out policies, practices and programs which provide equal employment opportunities for individuals 70 years of age and older, and which eradicate the effects of its past and present unlawful employment practices.
- C. Grant a judgment requiring Defendant to make whole Joseph E. Londow, Thelma Williams, and other individuals identified during discovery as victims or unlawful age discrimination by providing appropriate back wages, in an amount to be determined at trial, and an equal sum as liquidated damages, or pre-judgment interest in lieu thereof, as well as appropriate contributions to pension, benefit, or insurance plans and other affirmative relief necessary to eradicate the effects of Defendant's

unlawful employment practices, including, but not limited to, rightful-place instatement of Joseph E. Londow and other class members, or in the alternative, front pay.

- 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

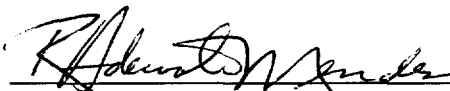
The Commission requests a jury trial on all questions of fact raised by its complaint.

Respectfully submitted,

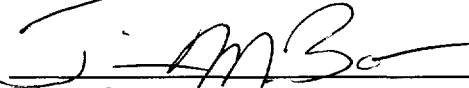
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