

ORIGINAL

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FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

JUN 11 1999

JAMES B. LARSEN, CLERK

DEPUTY

Attorneys for Plaintiff

8 UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF WASHINGTON  
10 AT SPOKANE

11 EQUAL EMPLOYMENT OPPORTUNITY  
12 COMMISSION,

Plaintiff,

v.

14 KAISER ALUMINUM & CHEMICAL  
15 CORPORATION,

Defendant.

CIVIL NO.

COMPLAINT

CS-99-0169-EFS

17 NATURE OF THE ACTION

18 This is an action under Title VII of the Civil Rights Act of 1964 and Title I  
19 of the Civil Rights Act of 1991 to correct unlawful employment practices on the  
20 basis of sex, and to provide appropriate relief to Kelly Flynn and a group of  
21 similarly situated female applicants who were adversely affected by Kaiser  
22 Aluminum & Chemical Corporation's use of a pre-employment physical test that  
23 has a disparate impact on women that cannot be justified by business necessity or  
24 job-relatedness.  
25

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1 Flynn filed a charge with the Commission alleging violations of Title VII by  
2 defendant Employer. All conditions precedent to the institution of this lawsuit  
3 have been fulfilled.

4 7. Since at least 1995, defendant Employer has engaged in unlawful  
5 employment practices at its Trentwood, Washington facility, in violation of 703(a)  
6 of Title VII, 42 U.S.C. §2000e-2(a). These practices include Kaiser's use of a pre-  
7 employment physical test that has an adverse impact on female applicants that  
8 cannot be justified by business necessity or job-relatedness.

9 8. The effect of the practices complained of in paragraph 7 above has  
10 been to deprive Kelly Flynn and a group of similarly situated female applicants of  
11 equal employment opportunities and otherwise adversely affect their status as  
12 applicants, because of their sex (female).

13 **PRAYER FOR RELIEF**

14 Wherefore, the Commission respectfully requests that this Court:

15 A. Grant a permanent injunction enjoining defendant Employer, its  
16 officers, successors, assigns, and all persons in active concert or participation with  
17 it, from engaging in any employment practice which discriminates on the basis of  
18 sex.

19 B. Order defendant Employer to institute and carry out policies,  
20 practices, and programs which provide equal employment opportunities for female  
21 applicants, and which eradicate the effects of its past and present unlawful  
22 employment practices.

23 C. Order Defendant Employer to make whole Kelly Flynn and a group  
24 of similarly situated female applicants for positions with Defendant, by providing  
25 appropriate backpay with prejudgment interest, in amounts to be determined at

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1 trial, and other affirmative relief necessary to eradicate the effects of its unlawful  
2 employment practices.

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

5 E. Award the Commission its costs of this action.

6 DATED this 7<sup>th</sup> day of June, 1999.

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12 BY: *A. Luis Lucero Jr*  
13

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