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UNITED STATES DISTRICT COURT  
 FOR THE DISTRICT OF ALASKA

EQUAL EMPLOYMENT OPPORTUNITY	)	
COMMISSION,	)	
	)	
Plaintiff,	)	
	)	Case No. _____
vs.	)	
	)	<u>COMPLAINT</u>
PROVIDENCE HEALTH SYSTEM -	)	
WASHINGTON dba PROVIDENCE	)	JURY DEMAND
ALASKA MEDICAL CENTER,	)	
	)	
Defendant.	)	
_____	)	

NATURE OF THE ACTION

This is an action under the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. section 621 *et seq.* ("ADEA"), to correct unlawful employment

practices on the basis of age and to provide appropriate relief to Rebecca Petrie, Gola Anderson, Milagros Lopez, Lawrence Harris, and Canijie Sadiku. As alleged with greater particularity in paragraphs 7, 8 and 9 below, since at least January, 2005, Providence Health System - Washington dba Providence Alaska Medical Center ("Providence" or "defendant"), discriminated against Ms. Petrie, Ms. Anderson, Ms. Lopez, Mr. Harris and Ms. Sadiku because of their age, by failing to rehire them after a layoff.

### 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 ADEA, 29 U.S.C. § 626(b), 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 District of Alaska.

### 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 (or the "employer") has continuously been a corporation doing business in the State of Alaska and has continuously had at least 20 employees.

5. At all relevant times, defendant 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).

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, 2005, the defendant has engaged in unlawful employment practices at its Anchorage, Alaska facility, in violation of Section 4(a)(1) of the ADEA, 29 U.S.C. § 623(a)(1), by failing to rehire from layoff Rebecca Petrie, Gola Anderson, Milagros Lopez, Lawrence Harris, and Canijie Sadiku because of their age, all of whom were over 40 years of age.

8. The effect of the practices complained of in paragraph 7 above has been to deprive Ms. Petrie, Ms. Anderson, Ms. Lopez, Mr. Harris and Ms. Sadiku of equal

employment opportunities and otherwise adversely affect their status as employees because of their age.

9. The unlawful employment practices complained of in paragraphs 7 and 8 above were 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, its officers, successors, assigns and all persons in active concert or participation with it, from terminating individuals because of their age, and from committing 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 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 to pay appropriate back wages in an amount to be determined at trial, and an equal sum as liquidated damages, and prejudgment interest to Ms. Petrie, Ms. Anderson, Ms. Lopez, Mr. Harris and Ms. Sadiku, whose wages are being unlawfully withheld as a result of the acts complained of above.

D. Order defendant to make whole Ms. Petrie, Ms. Anderson, Ms. Lopez, Mr. Harris and Ms. Sadiku, who are 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 rightful-place hiring and/or reinstatement and front pay.

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

F. 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.

DATED this 14th day of June, 2006.

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