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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

HILDA L. SOLIS, SECRETARY OF)	CIVIL ACTION
LABOR, UNITED STATES)	
DEPARTMENT OF LABOR)	
)	
Plaintiff)	CASE NO:
)	
VS.)	
)	
ALCAN ELECTRICAL & ENGINEERING,)	COMPLAINT
INC.,)	
)	
Defendant)	

Plaintiff, HILDA SOLIS, Secretary of Labor, United States Department of Labor, brings this action for injunctive relief and other relief pursuant to the provisions of §11(c) of the Occupational Health and Safety Act of 1970 as amended (29 U.S.C. §651 *et seq.* (“the Act”), and the Regulations published at 29 C.F.R. Part 1977.

I

Jurisdiction of this action is conferred upon the Court by 29 U.S.C. §660(c)(2), namely, §11(c)(2) of the Act.

II

Defendant, Alcan Electrical & Engineering, Inc., is a corporation in the State of Alaska, with a place of business located at 6670 Artic Spur Road, Anchorage, Alaska 99518, within the jurisdiction of this Court, where it engages in the business of electrical contracting.

III

Defendant corporation is now, and has been at all times material herein, a person as defined in the Act as codified at 29 U.S.C. §652(4).

IV

Prior to October 9, 2007 and at all times material hereto, Randall Prater was employed by the Defendant employer as both terms are defined by 29 U.S.C. §§652(5) and (6).

V

On October 30, 2007, Randall Prater contacted Alaska's Department of Labor & Workforce Development ("DLWD") and was informed that DLWD was the appropriate agency to receive a complaint of retaliation. Randall Prater subsequently filed a complaint with DWLD alleging retaliation under Alaska Statute 18.60.089, a state law provision parallel to 29 U.S.C. §660(c), on November 6, 2007. On or about February 14, 2008, DLWD informed Plaintiff that it believed that Plaintiff had jurisdiction over Defendant's work site on the man made island of Ooguruk in Prudhoe Bay, Alaska. The complaint was transferred to Plaintiff on February 14, 2008, alleging that the Defendant discriminated against Randall Prater in violation of §11(c)(1) of the Act.

VI

Plaintiff thereafter investigated the above complaint in accordance with §11(c)(2) of the Act and determined that Defendant violated §11(c)(1) of the Act.

VII

On or about October 6, 2007, Defendant reassigned Randall Prater to work outside on a catwalk more than 20 feet above the ground because he engaged in activity protected by Section 11(c)(1) of the Act.

VIII

On or about October 9, 2007, Defendant discharged employee Randall Prater because he engaged in activity protected by Section 11(c)(1) of the Act.

IX

After his termination, Defendant persuaded other employers to refuse to hire Randall Prater because he engaged in activity protected by Section 11(c)(1) of the Act.

X

By the acts described in paragraphs VII-IX, and by each of said acts, Defendant did discriminate and is discriminating against Randall Prater, its former employee, because he exercised his rights under or related to the Act, and thereby Defendant did engage in, and is engaging in, conduct in violation of §11(c)(1) of the Act.

WHEREFORE, cause having been shown, Plaintiff prays for a Judgment against Defendant as follows:

(1) For an Order permanently enjoining Defendant, its officers, agents, servants, employees and all persons acting or claiming to act in their behalf and interest from violating the provisions of §11(c)(1) of the Act (29 U.S.C. §660(c)(1)); and

(2) For all appropriate relief, including payment to Randall Prater for lost wages and benefits including interest thereon, compensatory damages and exemplary damages, and

(3) For an Order requiring posting in a prominent place for 60 (sixty) consecutive days and compliance with a Notice stating Defendant will not in any manner discriminate against employees because of engagement, whether real or perceived, in activities protected by §11(c) of the Act and for the costs of this action; and

(4) For an Order granting such other and further relief as may be necessary and appropriate.

DATED this 8th day of January 2010:

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Gary Guarino
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By: 
Jeremiah Miller, Attorney
U.S. DEPARTMENT OF LABOR