

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
NORTHERN DIVISION

U.S. EQUAL EMPLOYMENT)	
OPPORTUNITY COMMISSION,)	Civil Action No.
10 S. Howard Street, Third Floor)	
Baltimore, MD 21201)	
)	
Plaintiff,)	<u>COMPLAINT</u>
)	
v.)	
)	JURY TRIAL DEMAND
ENOCH PRATT FREE LIBRARY,)	
400 Cathedral Street)	
Baltimore, MD 21201)	
)	
and)	
)	
MAYOR AND CITY COUNCIL OF BALTIMORE,)	
100 North Holiday Street)	
Baltimore, MD 21202)	
)	
Defendants.)	

NATURE OF THE ACTION

This is an action under the Equal Pay Act of 1963 to restrain the unlawful payment of wages to employees of one sex at rates less than the rates paid to employees of the opposite sex, and to collect back wages due to employees as a result of such unlawful payments. The United States Equal Employment Opportunity Commission (“the EEOC” or the “Commission”) alleges that Defendants Enoch Pratt Free Library and Defendant Mayor and City Council of Baltimore (collectively “Defendants”) discriminated against Librarian Supervisor I Ann Marie Harvey and a class of aggrieved female employees by paying them lower wages than those paid to their male counterpart for performing equal work.

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 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, to enforce the requirements of the Equal Pay Act of 1963, codified as Section 6(d) of the FLSA, 29 U.S.C. § 206(d).

2. The employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the District of Maryland, Northern 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, *inter alia*, the Equal Pay Act, and is expressly authorized to bring this action by Sections 16(c) and 17 of the FLSA, 29 U.S.C. §§ 216(c) and 217, as amended by Section 1 of Reorganization Plan No. 1 of 1978, 92 Stat. 3781, and Public Law 98-532 (1984), 98 Stat. 2705.

4. At all relevant times, Defendant Enoch Pratt Free Library (“Defendant Enoch Pratt”) has continuously been the library system throughout the City of Baltimore in the State of Maryland.

5. At all relevant times, Defendant Mayor and City Council of Baltimore (“Defendant Baltimore City”) has continuously been a city government in the State of Maryland.

6. At all relevant times, Defendant Enoch Pratt has acted directly or indirectly as an employer in relation to employees and has continuously been an employer within the meaning of Section 3(d) of the FLSA, 29 U.S.C. § 203(d).

7. At all relevant times, Defendant Baltimore City has acted directly or indirectly as an employer in relation to employees and has continuously been an employer within the meaning of Section 3(d) of the FLSA, 29 U.S.C. § 203(d).

8. At all relevant times, Defendant Enoch Pratt has continuously been a public agency within the meaning of Sections 3(x) of the FLSA, 29 U.S.C. § 203(x).

9. At all relevant times, Defendant Baltimore City has continuously been a public agency within the meaning of Sections 3(x) of the FLSA, 29 U.S.C. § 203(x).

10. At all relevant times, Defendant Enoch Pratt has continuously employed employees engaged in commerce or in the production of goods for commerce within the meaning of Sections 3(b), (i) and (j) of the FLSA, 29 U.S.C. §§ 203(b), (i) and (j) and has continuously been an enterprise engaged in commerce or in the production of goods for commerce within the meaning of Sections 3(r) and (s) of the FLSA, 29 U.S.C. §§ 203(r) and (s), in that said enterprise has continuously been an enterprise that has employees engaged in an activity of a public agency.

11. At all relevant times, Defendant Baltimore City has continuously employed employees engaged in commerce or in the production of goods for commerce within the meaning of Sections 3(b), (i) and (j) of the FLSA, 29 U.S.C. §§ 203(b), (i) and (j) and has continuously been an enterprise engaged in commerce or in the production of goods for commerce within the meaning of Sections 3(r) and (s) of the FLSA, 29 U.S.C. §§ 203(r) and (s), in that said enterprise has continuously been an enterprise that has employees engaged in an activity of a public agency.

STATEMENT OF EQUAL PAY ACT CLAIMS

12. Since at least June 27, 2016, Defendants have violated Sections 6(d)(1) and 15(a)(2) of the FLSA, 29 U.S.C. §§ 206(d)(1) and 215(a)(2), by paying Ann Marie Harvey and a class of aggrieved female employees lower wages than those paid to their male colleagues for performing equal work.

a. Ann Marie Harvey (“Harvey”) began working for Defendants on March 10, 1997 as a Librarian I. In January 2002, Defendants promoted Harvey to a Librarian Supervisor I at their Waverly Branch within their Neighborhood Library Services Division (“NLS”).

b. Librarian Supervisor I’s working within NLS are responsible for administering and operating a branch library.

c. Librarian Supervisor I’s working within NLS have moderate-sized staffs and administrative responsibilities.

d. Librarian Supervisor I’s working within NLS perform the same core duties.

e. The requirements for the Library Supervisor I position in NLS include a Master’s Degree in Library science from a college or university accredited by the American Library Association and three years of experience including one year in supervising subordinate library staff.

f. The position of Librarian Supervisor I falls within Defendants’ Managerial and Professional (MAPS) classification system.

(1) Up until July 2015, Defendants’ classification system was based on longevity of service.

(2) In July 2015, Defendants transitioned to a Pay for Performance system consisting of an open salary range and no formal steps.

- (3) Merit increases are now determined annually based on a performance evaluation process.
- (4) The salary range for a Librarian Supervisor I is now between \$59,600 and \$95,400.
- (5) New employees may be hired up to the mid-point of the classification's range (\$77,500).
- (6) Branch location has no impact on the salaries of Library Supervisor I's.

g. On or about June 27, 2015, Defendants hired Willie Johnson as a Librarian Supervisor I at the salary of \$68,900. Johnson had previously resigned from Defendants on February 5, 2014 to accept a Branch Manager position with Cecil County Public Library, a smaller library system with only seven branches.

h. Prior to his resignation, Defendants employed Willie Johnson as a Librarian Supervisor I for 10 years (August 2004 to February 2014); as a Librarian for two years (September 2002 to August 2004) and as a Security Officer for approximately four years (August 1998 to September 2002).

i. Prior to his resignation in 2014, Defendants paid Willie Johnson a lower annual salary than that paid to Librarian Supervisor I's Harvey, Linda Schwartz, Carletta Young, Julia Johnson and Nancy Yob.

- (1) Defendants paid Willie Johnson \$56,500 in 2013.
- (2) Defendants paid Linda Schwartz \$63,900 in 2013.
- (3) Defendants paid Carolotta Young \$60,800 in 2013.
- (4) Defendants paid Ann Marie Harvey \$59,300 in 2013.
- (5) Defendants paid Nancy Yob \$59,300 in 2013.

(6) Defendants paid Julia Johnson \$59,200 in 2013.

j. Harvey, Schwartz, Young, Johnson and Yob had more years of librarian experience than did Willie Johnson.

k. Harvey, Schwartz, Young, Johnson and Yob had more years of supervisory librarian experience than did Willie Johnson.

l. According to Defendants' personnel policy, Defendants may reinstate an individual to a position in the same job classification from where he/she voluntarily resigned provided that not more than one year has transpired since the employee's resignation.

m. According to Defendants' personnel policy, if more than one year has lapsed since the employee's resignation, the individual must follow the normal rules for applying for employment with Defendants.

n. More than a year after his resignation from Defendants, Johnson reached out to Defendants for re-employment.

o. Defendants rehired Johnson on or about June 27, 2015, without a specific open vacancy, placing him for approximately seven months at their Brooklyn Branch where there was already another Library Supervisor I, Linda Schwartz. Johnson's and Schwartz's management branch management duties at Brooklyn Branch overlapped.

p. In or around January 2016, Defendants reassigned Johnson to the Northwood Branch following the retirement of Library Supervisor I Sylvia Coker. Johnson's pay did not change with his reassignment to different branch.

1. At the time of Johnson's rehire in June 2015, Defendants paid Willie Johnson a higher annual salary than that paid to Harvey, Schwartz, Young, Julia Johnson and Yob.

(1) Defendants paid Willie Johnson \$68,900 in 2015.

- (2) Defendants paid Linda Schwartz \$67,800 in 2015.
- (3) Defendants paid Carolotta Young \$64,500 in 2015.
- (4) Defendants paid Ann Marie Harvey \$62,900 in 2015.
- (5) Defendants paid Nancy Yob \$62,900 in 2015.
- (6) Defendants paid Julia Johnson \$62,900 in 2015.

r. Defendants did not compensate Harvey for the more demanding responsibilities she assumed during and after the renovation of the Waverly Branch.

s. In or around March 2016, after learning of Johnson's published salary, Harvey complained to Defendants about the disparate wages.

t. Harvey, Young, Yob and Julia Johnson continue to earn lower wages than those paid to Willie Johnson when he was a Library Supervisor I.

u. Prior to her retirement in April 2016, Schwartz earned lower wages than those paid to Willie Johnson when he was a Library Supervisor I.

13. As a result of the acts complained of above, Defendants unlawfully have withheld the payment of wages and is continuing to withhold the payment of wages due to Harvey and a class of aggrieved female employees.

14. The unlawful practices complained of in paragraph 12 above were willful.

PRAYER FOR RELIEF

Wherefore, the Commission requests that this Court:

A. Grant a permanent injunction enjoining Defendants, their officers, agents, servants, employees, attorneys, and all persons in active concert or participation with them, from discriminating against females with respect to their compensation and from paying female employees lower compensation than their male comparators for performing equal work.

B. Order Defendants to institute and carry out policies, practices and programs that provide equal employment opportunities for women and eradicate the effects of their past and present unlawful employment practices.

C. Order Defendants to make whole Harvey and a class of aggrieved female employees by providing appropriate backpay with prejudgment interest, in amounts to be proved at trial, and an equal sum as liquidated damages, as a result of the acts complained of above.

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

E. Award the Commission its costs of this action.

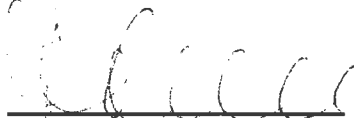
JURY TRIAL DEMAND

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

Respectfully submitted,

JAMES L. LEE
Acting General Counsel

GWENDOLYN YOUNG REAMS
Associate General Counsel



DEBRA M. LAWRENCE
Regional Attorney



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Baltimore, Maryland 21201

JS 44 (Rev. 12/12)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS
 Equal Employment Opportunity Commission, Baltimore Field Office
 10 S. Howard Street, 3rd Fl.
 Baltimore, MD 21201

(b) County of Residence of First Listed Plaintiff _____
 (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
 Maria Salacuse, Supervisory Trial Attorney
 Baltimore Field Office, 10 S. Howard St., 3d Fl., Baltimore, MD 21201
 (410) 209-2763

DEFENDANTS
 Enoch Pratt Free Library, 400 Cathedral St., Baltimore, MD 21201
 Mayor and City Council of Baltimore, 100 North Holiday St., Baltimore, MD 21202

County of Residence of First Listed Defendant _____
 (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

1 U.S. Government Plaintiff

2 U.S. Government Defendant

3 Federal Question (U.S. Government Not a Party)

4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES		
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY - Product Liability <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes	
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609

V. ORIGIN (Place an "X" in One Box Only)

1 Original Proceeding

2 Removed from State Court

3 Remanded from Appellate Court

4 Reinstated or Reopened

5 Transferred from Another District (specify)

6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
 Equal Pay Act of 1963, as amended

Brief description of cause:
 Defendants have paid lower wages to Anne Marie Harvey and class of female employees b/c of sex (female).

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$ _____

CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY (See instructions): _____

JUDGE _____ DOCKET NUMBER _____

DATE: 9/27/17

SIGNATURE OF ATTORNEY OF RECORD: *Maria Salacuse*

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____