## ORIGINA

A. Luis Lucero, Jr. Claire Cordon Wesley Katahira Equal Employment Opportunity Commission 909 First Avenue, Suite 400 Seattle, WA 98104-1061 Telephone: (206) 220-6906

Plaintiff,

Defendant.

Attorneys for Plaintiff

v.

J. R. SIMPLOT CO.,

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COMMISSION,

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UNITED STATES DISTRICT COURT DISTRICT OF IDAHO

EQUAL EMPLOYMENT OPPORTUNITY

COMPLAINT

JURY TRIAL DEMAND

## NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964 and Title I of the Civil Rights Act of 1991 to correct unlawful employment practices on the basis of national origin, and to provide appropriate relief to Raquel Villagomez and a group of similarly situated Hispanic and Asian American applicants and employees who were adversely affected by J.R. Simplot, Co.'s use of a test that has a disparate impact that cannot be justified by business necessity or job-relatedness.

> U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION Seattle District Office

909 First Avenue, Suite 400 Seattle, Washington 98104-1061 Telephone: (206) 220-6883 Facsimile: (206) 220-6911 TDD: (206) 220-6882 Jurisdiction of this Court is invoked pursuant to 28

This action is

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of Title VII of the Civil Rights Act of 1964, as amended, 42
U.S.C. §2000e-5(f)(1) and (3) ("Title VII") and Section 102 of
the Civil Rights Act of 1991, 42 U.S.C. §1981A.

2. The employment practices alleged to be unlawful were
committed within the jurisdiction of the United States District

authorized and instituted pursuant to Section 706(f)(1) and (3)

U.S.C. §§451, 1331, 1337, 1343 and 1345.

Court for the District of Idaho.

## **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 Title VII and is expressly authorized to bring this action by Section 706(f)(1) and (3) of Title VII, 42 U.S.C. S§2000e-5(f)(1) and (3).
- 4. At all relevant times, defendant, J.R. Simplot Co.(the "Employer"), has continuously been an Idaho corporation doing business in the State of Idaho, and has continuously had at least 15 employees.
- 5. At all relevant times, defendant Employer has continuously been an employer engaged in an industry affecting commerce within the meaning of Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. §§2000e(b), (g) and (h).

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More than thirty days prior to the institution of this

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lawsuit, Raquel Villagomez filed a charge with the Commission alleging violations of Title VII by defendant Employer. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Since 1992, defendant Employer has engaged in unlawful

- 7. Since 1992, defendant Employer has engaged in unlawful employment practices at its Heyburn, Idaho, facility, in violation of 703(a) of Title VII, 42 U.S.C. §2000e-2(a). These practices include Simplot's use of a test that has an adverse impact on Hispanic and Asian American employees and applicants that cannot be justified by business necessity or jobrelatedness.
- 8. The effect of the practices complained of in paragraph 7 above has been to deprive Raquel Villagomez and a group of similarly situated Hispanic and Asian American applicants and employees of equal employment opportunities and otherwise adversely affect their status as applicants and employees, because of their national origin and race.

## PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining defendant

Employer, its officers, successors, assigns, and all persons in

active concert or participation with it, from engaging in any

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employment practice which discriminates on the basis of national origin.

- B. Order defendant Employer to institute and carry out policies, practices, and programs which provide equal employment opportunities for Hispanic and Asian American applicants and employees, and which eradicate the effects of its past and present unlawful employment practices.
- C. Order Defendant Employer to make whole Raquel
  Villagomez and a group of similarly situated Hispanic and Asian
  American applicants and employees of Defendant, by providing
  appropriate back pay with prejudgment interest, in amounts to be
  determined at trial, and other affirmative relief necessary to
  eradicate the effects of its unlawful employment practices.
- 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.

DATED this 38th day of September, 1999

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OPPORTUNITY COMMISSION
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