

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

U.S. EQUAL EMPLOYMENT OPPORTUNITY)	
COMMISSION,)	
	)
Plaintiff,)	CIVIL ACTION NO. 3:22-cv-39
	)
	) COMPLAINT
v.)	
	) JURY TRIAL DEMAND
	)
VERONA AREA SCHOOL DISTRICT,)	
	)
Defendant.)	
_____)	

NATURE OF THE ACTION

This is an action under the Equal Pay Act of 1963 (“EPA”) 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. As alleged with greater particularity in paragraphs 8-10 below, Defendant Verona Area School District (“VASD”) violated the EPA by paying female special education teachers Maria Andreano-Beirne, Christine Burton, Maria Do-Carmo Carvalho, Kathleen Gee-Bennett, Sarah Greenlaw, Krista Kasten, Nancy Pschorr, Jennifer Tordeur, and Stacy Tremaine lower wages than a male special education teacher for performing substantially equal work. In addition, Defendant VASD violated the EPA by paying school psychologist Marlene Koch lower wages than a male school psychologist for performing substantially 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 and are now being committed within the jurisdiction of the United States District Court for the Western District of Wisconsin.

PARTIES

3. Plaintiff, the United States Equal Employment Opportunity Commission (the “Commission”), is the agency of the United States of America charged with the administration, interpretation and enforcement of 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 by Public Law 98-532 (1984), 98 Stat. 2705.

4. At all relevant times, Defendant VASD has continuously been a political subdivision of the State of Wisconsin.

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

6. At all relevant times, Defendant VASD has continuously been an employer within the meaning of Section 3(d) of the FLSA, 29 U.S.C. § 203(d), employing approximately 800 employees within the meaning of 29 U.S.C. § 203(e)(2)(C).

7. At all relevant times, Defendant VASD 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)(1)(B), in that said enterprise has continuously been engaged in the operation of a school system.

STATEMENT OF CLAIMS

8. Since at least June 2019, VASD has 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 lower wages to female special education teachers Maria Andreano-Beirne, Christine Burton, Maria Do-Carmo Carvalho, Kathleen Gee-Bennett, Sarah Greenlaw, Krista Kasten, Nancy Pschorr, Jennifer Tordeur, and Stacy Tremaine (“Female Special Education Teachers”) than it pays to male special education teacher Isaiah Crowe for equal work in a job requiring substantially equal skill, effort, and responsibility and performed under similar working conditions.

a. VASD has one job description for the position of special education teacher that applies to all special education teachers in the District.

b. The Female Special Education Teachers and Crowe all have lifetime teaching licenses from the State of Wisconsin and master’s degrees. The Female Special Education Teachers have substantially the same or more teaching experience than Crowe. Greenlaw and Tremaine are nationally board-certified teachers in special education. Crowe is not.

c. In or about June 2019, VASD hired Isaiah Crowe as a special education teacher. It paid Crowe a salary of \$77,147 for the 2019-20 school year. Crowe became the highest paid teacher in the special education department. He made \$78,815 during the 2020-21 school year and will make \$80,924 for the 2021-22 school year.

d. Maria Andreano-Beirne has worked for VASD as a special education teacher since 1994. She was paid \$66,850 for the 2019-20 school year, \$68,614 for the 2020-21 school year, and will make \$70,449 for the 2021-22 school year.

e. Christine Burton has worked for VASD as a special education teacher since 2001. She was paid \$63,983 for the 2019-20 school year, \$65,950 for the 2020-21 school year, and will make \$67,714 for the 2021-22 school year.

f. Maria Carvalho has worked for VASD as a special education teacher since 2002. She was paid \$65,416 for the 2019-20 school year, \$67,269 for the 2020-21 school year, and will make \$69,068 for the 2021-22 school year.

g. Kathleen Gee-Bennett worked for VASD as a special education teacher from 1995 until her retirement at the end of the 2019-20 school year. She was paid \$69,290 for the 2019-20 school year.

h. Sarah Greenlaw has worked for VASD as a special education assistant or teacher since 2005. She was paid \$60,290 for the 2019-20 school year, \$62,168 for the 2020-21 school year, and will make \$63,816 for the 2021-22 school year.

i. Krista Kasten has worked for VASD as a special education teacher since 2003. She was paid \$66,133 for the 2019-20 school year, \$68,614 for the 2020-21 school year, and will make \$70,449 for the 2021-22 school year.

j. Nancy Pschorr worked for VASD as a special education teacher from 1996 until her retirement at the end of the 2020-21 school year. She was paid \$74,016 for the 2019-20 school year and \$75,755 for the 2020-21 school year.

k. Jennifer Tordeur has worked for VASD as a special education teacher since 1998. She was paid \$69,000 for the 2019-20 school year, \$71,386 for the 2020-21 school year, and will make \$73,295 for the 2021-22 school year.

l. Stacy Tremaine has worked for VASD as a special education teacher since 2003. She was paid \$63,778 for the 2019-20 school year, \$65,973 for the 2020-21 school year, and will make \$67,722 for the 2021-22 school year.

9. Since at least July 2018, VASD has 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 lower wages to female school psychologist Marlene Koch than it pays to male school psychologist William Howlett for equal

work in a job requiring substantially equal skill, effort, and responsibility and performed under similar working conditions.

a. VASD has one job description for the position of school psychologist that applies to all school psychologists in the District.

b. Koch and Howlett both have lifetime licenses in pupil services from the State of Wisconsin. They both have masters' degrees in education and education specialist degrees. Koch is a nationally board-certified school psychologist. Howlett is not. Koch has one more year of experience as a school psychologist than Howlett.

c. In or about August 2017, VASD hired Howlett as a school psychologist. VASD paid Howlett \$80,060 for the 2017-18 school year, \$82,190 for the 2018-19 school year, \$82,907 for the 2019-20 school year, \$85,312 for the 2020-21 school year, and will pay him \$87,595 for the 2021-22 school year.

d. Marlene Koch has worked as a school psychologist for VASD since 2004. VASD paid her \$62,298 for the 2017-18 school year, \$64,990 for the 2018-19 school year, \$66,133 for the 2019-20 school year, \$68,814 for the 2020-21 school year, and will pay her \$70,449 for the 2021-22 school year.

10. As a result of the acts complained of above, VASD unlawfully has withheld and is continuing to withhold the payment of wages due to Maria Andreano-Beirne, Christine Burton, Maria Do-Carmo Carvalho, Kathleen Gee-Bennett, Sarah Greenlaw, Krista Kasten, Nancy Pschorr, Jennifer Tordeur, Stacy Tremaine, and Marlene Koch.

11. The unlawful practices complained of above in paragraphs 8-10 were and are willful.

PRAYER FOR RELIEF

Wherefore, the Commission requests that this Court:

A. Grant a permanent injunction enjoining the Defendant VASD its officers, agents, servants, employees, attorneys, and all persons in active concert or participation with them, from paying female special education teachers and school psychologists lower wages than male special education teachers and school psychologists for performing substantially equal work on jobs the performance of which requires equal skill, effort, and responsibility, and which are performed under similar working conditions.

B. Order Defendant VASD to institute and carry out policies, practices, and programs, which provide equal employment opportunities for women and which eradicate the effects of its past and present unlawful employment practices.

12. Grant a judgment requiring Defendant VASD to pay appropriate back wages in amounts to be determined at trial, an equal sum as liquidated damages, or prejudgment interest in lieu thereof to employees whose wages are being unlawfully withheld as a result of the acts complained of above, including Maria Andreano-Beirne, Christine Burton, Maria Do-Carmo Carvalho, Kathleen Gee-Bennett, Sarah Greenlaw, Krista Kasten, Nancy Pschorr, Jennifer Tordeur, Stacy Tremaine, and Marlene Koch.

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

D. 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.

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