



1 1.2 Matheson also fails to engage in the interactive process when determining if  
2 Matheson can reasonably accommodate employees with disabilities resulting from a workplace  
3 injury, in violation of the WLAD.

4 1.3 Furthermore, Matheson failed to accommodate a pregnant employee who  
5 requested modified duty, while accommodating others with disabilities resulting from workplace  
6 injuries. In so doing, Matheson violated the WLAD.

## 7 II. JURISDICTION AND VENUE

8 2.1 This action is brought by the State of Washington to enforce the WLAD's anti-  
9 discrimination protections in employment, RCW 49.60.030(1)(a); 49.60.180.

10 2.2 The violations alleged in this Complaint were committed in whole or in part in  
11 King County, Washington, by Defendant named herein.

12 2.3 Venue is proper in King County pursuant to RCW 4.12.020; 4.12.025.

## 13 III. THE PARTIES

14 3.1 Plaintiff is the State of Washington.

15 3.2 The Attorney General is authorized to commence this action pursuant to  
16 RCW 43.10.030(1).

17 3.3 Defendant Matheson is a for-profit corporation doing business at 2580 S. 156<sup>th</sup>  
18 Street, Seattle, Washington.

19 3.4 Matheson employs eight or more persons.

20 3.5 Matheson is an employer within the meaning of RCW 49.60.040(11).

## 21 IV. FACTUAL ALLEGATIONS

22 4.1 Matheson is the former employer of Ambreada Richardson ("Richardson").

23 4.2 Richardson was employed by Matheson in the State of Washington from late 2015  
24 to on or about September 1, 2016, as a Material Handler.  
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1           4.3       In late June 2016, Richardson discovered that she was pregnant. Richardson's  
2 physician advised Richardson that she should only work "light" or modified duty, avoid lifting  
3 more than 30 pounds, and avoid strenuous activity during her pregnancy.

4           4.4       Richardson's condition constituted a disability as defined in RCW 49.60.040(7)(a)(i);  
5 49.60.040(7)(c)(i).

6           4.5       On or about July 8, 2016, Richardson reported for work at Matheson and provided  
7 a note from her physician stating that she should work "light" duty during her pregnancy, should  
8 avoid lifting more than 30 pounds, and should avoid strenuous activity.

9           4.6       After Richardson provided the note to Station Manager Gail Drelling, Drelling told  
10 Richardson that Matheson offered modified duty for injuries that "occur on the job but typically  
11 not for pregnancies." Drelling then sent Richardson home.

12          4.7       Matheson then placed Richardson on an unpaid leave of absence. Because  
13 Richardson had no other source of income, she was unable to maintain her residence in  
14 Washington, and relocated to Alabama on or about August 1, 2016. Matheson terminated  
15 Richardson's employment on or about September 1, 2016.

16          4.8       Matheson has a policy or practice of not providing light duty work to employees  
17 who have non-workplace injuries or disabling conditions.

18          4.9       Matheson has a policy or practice of not engaging in the interactive process when  
19 determining if Matheson can reasonably accommodate employees with disabilities resulting  
20 from a workplace injury.

21          4.10      Matheson has a policy or practice of treating pregnancy related temporary  
22 disabilities differently from other temporary disabilities.

23          4.11      Richardson has been injured and suffered damages as a result of Matheson's actions.

24          4.12      On information and belief, other Washington residents who are employees,  
25 prospective employees, past employees, and persons associated with them have been injured as a  
26 result of Matheson's actions.

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**V. CAUSES OF ACTION**

5.1 Plaintiff realleges paragraphs 1.1 through 4.12 and incorporates them herein as if set forth in full.

**FIRST CAUSE OF ACTION**  
**(Disability Discrimination)**

5.2 It is an unfair practice for an employer to discriminate against any person in compensation or in other terms and conditions of employment because of the presence of any sensory, mental, or physical disability.

5.3 By the actions described above, Defendant has:

5.3.1 Discriminated against disabled employees in the terms and conditions of employment by failing to accommodate their disabilities and/or failing to engage in the interactive process, in violation of RCW 49.60.030(1)(a); 49.60.180(3).

**SECOND CAUSE OF ACTION**  
**(Sex Discrimination)**

5.4 It is an unfair practice for an employer, because of pregnancy, to terminate or impose different terms and conditions of employment on a woman.

5.5 By the actions described above, Defendant has discriminated against and discharged Richardson on the basis of sex, in violation of RCW 49.60.030(1)(a); 49.60.180.

**VI. PRAYER FOR RELIEF**

WHEREFORE, Plaintiff, State of Washington, prays that the Court:

6.1 Adjudge and decree that Defendant has engaged in the conduct complained of herein.

6.2 Adjudge and decree that Defendant's conduct violates the Washington Law Against Discrimination, RCW 49.60.030(1)(a); RCW 49.60.180.

6.3 Issue a permanent injunction enjoining and restraining Defendant, and its representatives, successors, assigns, officers, agents, servants, employees, and all other persons

1 acting or claiming to act for, on behalf of, or in active concert or participation with Defendant,  
2 from continuing or engaging in the unlawful conduct complained of herein.

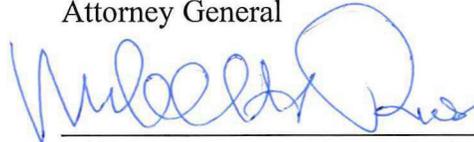
3 6.4 Award damages or other appropriate monetary relief to each person aggrieved by  
4 Defendant's conduct in an amount to be proven at trial.

5 6.5 Make such orders pursuant to RCW 49.60.030(2) to provide that Plaintiff, State  
6 of Washington, recover from Defendant the costs of this action, including reasonable attorney's  
7 fees.

8 6.6 Award such other relief as the Court may deem just and proper.

9 DATED this 28<sup>th</sup> day of November, 2017.

10  
11 ROBERT W. FERGUSON  
12 Attorney General

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