



1 JURISDICTION AND VENUE

2 2. This Court has jurisdiction over this action under 42 U.S.C. § 2000e-5(f) and 28 U.S.C. §  
3 1345. Venue is proper in this judicial district under 42 U.S.C. § 2000e-5(f)(3) and 28 U.S.C. § 1391(b)  
4 because it is where a substantial part of the events or omissions giving rise to the cause of action herein  
5 occurred.

6 PARTIES

7 3. Plaintiff Therese Scupi ("Scupi) is an African-American female, who lives within this  
8 judicial district.

9 4. Defendant Clark County ("Clark County" or "County") is a governmental subdivision of  
10 the State of Nevada, and is led by a seven-member County Commission.

11 5. Clark County is a "person" within the meaning of 42 U.S.C. § 2000e (a); and an  
12 "employer" within the meaning of 42 U.S.C. § 2000e (b).

13 6. On or about May 15, 2007, Scupi filed a timely charge (Charge No. 487-2007-00467)  
14 against Clark County with the Equal Employment Opportunity Commission ("EEOC"). Pursuant to  
15 Section 706 of Title VII, 42 U.S.C. § 2000e-5, the EEOC investigated the charge of discrimination filed  
16 by Scupi and found reasonable cause to believe Clark County discriminated against Scupi on the basis of  
17 the combination of her race and sex by subjecting her to compensation discrimination in violation of Title  
18 VII. The EEOC attempted unsuccessfully to achieve a voluntary resolution of the charge through  
19 conciliation and subsequently referred the charge to the United States Department of Justice.

20 7. On or about September 15, 2008, Scupi filed a second timely charge (Charge No. 487-  
21 2008-00881) against Clark County with the EEOC. Pursuant to Section 706 of Title VII, 42 U.S.C. §  
22 2000e-5, the EEOC investigated the charge of discrimination filed by Scupi and found reasonable cause  
23 to believe Clark County retaliated against Scupi for engaging in protected activity in violation of Title  
24 VII. The EEOC attempted unsuccessfully to achieve a voluntary resolution of the charge through  
25 conciliation and subsequently referred the charge to the United States Department of Justice.

26 8. All conditions precedent to the filing of suit have been performed or have occurred.

1 **FACTS COMMON TO ALL CLAIMS FOR RELIEF**

2 9. In or about 1999, Scupi was hired as a Senior Analyst in Human Resources.

3 10. In or about June 2002, Scupi was promoted to her current position, Director of Diversity  
4 (“DOD”) at pay grade 33. She was the head of the Office of Diversity (“OOD”).

5 11. Director of Diversity was a new position that performed all of the duties of Director of the  
6 Equal Opportunity Division as well as having several other responsibilities.

7 12. The salary range in pay grade 33 was \$68,265- \$105,788. Scupi was hired at a starting  
8 salary of \$70,185.

9 13. Scupi consistently received satisfactory performance reviews.

10 **COUNT I**

11 **SCUPI WAS SUBJECTED TO COMPENSATION DISCRIMINATION ON THE BASIS**  
12 **OF HER RACE AND SEX IN VIOLATION OF TITLE VII SECTION 703(a) (1)**

13 14. Plaintiff realleges Paragraphs 1 through 14, supra, as if fully set forth herein.

14 15. During the relevant time period, three other County employees held the title of Director  
15 and had duties similar to Scupi or no more demanding than Scupi. Two of the three Directors were white  
16 males and one was a white female. They were hired at pay grade 34. The salary range for pay grade 34  
17 was \$73,715-\$114,254.

18 16. When Scupi’s salary was \$70,185, the salaries of the two white males were \$89,980,  
19 \$92,000, respectively; the white female’s salary was \$94,993.

20 17. During the relevant time period, one other County employee held the title of Assistant  
21 Director and had duties similar to Scupi or no more demanding than Scupi. This Assistant Director was a  
22 white female and hired at pay grade 35. The salary range for pay grade 35 was \$79,601-\$123,385.

23 18. When Scupi’s salary was \$70,185, the salary of this Assistant Director was \$111,000.

24 19. In or about 2005, Scupi learned that her predecessor George Cotton (“Cotton”), an  
25 African-American male, was hired at pay grade 35 at the time that he was the Director of the Equal  
26 Opportunity Division, even though as Director of the Equal Opportunity Division he had fewer

1 responsibilities than Scupi as Director of Diversity.

2         20. In or around January 2006, Scupi made an oral complaint to the Assistant County  
3 Manager, Catherine Cortez-Masto, that she believed she was being paid less than her peers because of her  
4 race and gender.

5         21. In or about February 2006, Scupi discussed her concerns about the pay differential with  
6 Elizabeth Quillan, the new Assistant County Manager.

7         22. As a result of Scupi's inquires, in or about February 2006 the County collected  
8 information regarding the salaries of human resources professionals from nearby cities and counties.

9         23. The County did not adjust Scupi's salary or pay classification after it conducted its salary  
10 analysis.

11         24. In or about early December 2006, Quillan provided Scupi a copy of the County's salary  
12 analysis.

13         25. Scupi orally disagreed with Quillan about the salary analysis and recommended that she  
14 be compared to other Directors within the County. Scupi informed Quillan that the non-County  
15 employees were not true comparators because of the location of the job, the size of the entity, the number  
16 of employees, the complexity of the job, and the level of management responsibilities in those  
17 comparator positions.

18         26. During this same time, Quillan asked Scupi to conduct her own salary analysis. Scupi  
19 compared her salary and pay grade to other, similar County Directors.

20         27. In or about mid-December 2006, Scupi met with Quillan to discuss her salary analysis and  
21 pay disparities. Scupi compared her salary and pay grade to other, similar County employees as listed in  
22 paragraphs 15 and 16.

23         28. In or about February 2007, after that presentation, the County reclassified Scupi's job to  
24 the 34 pay grade.

25         29. Despite the change in pay grade, Scupi's salary was not increased.  
26

1 30. The County did not give Scupi any retroactive pay for the period of time that she was paid  
2 at pay grade 33.

3 31. In or about May 2007, Scupi filed her first EEOC charge (Charge No. 487-2007-00467)  
4 alleging discrimination on the basis of race and sex by subjecting her to compensation discrimination.

5 **COUNT II**

6 **SCUPI WAS SUBJECTED TO RETALIATION FOR ENGAGING IN PROTECTED**  
7 **ACTIVITY IN VIOLATION OF TITLE VII SECTION 704(a)**

8 32. Plaintiff realleges Paragraphs 1 through 33, supra, as if fully set forth herein

9 33. As Director of Diversity, Scupi is responsible for providing position statements,  
10 conducting all internal and external equal employment opportunity investigations, and providing  
11 diversity training, Title VII training, and ADA training.

12 34. Directly after Scupi filed her charge with the EEOC, the County began to retaliate against  
13 her by changing and decreasing her job duties and responsibilities and the duties and responsibilities of  
14 her office and making it more difficult for Scupi to successfully complete her required tasks.

15 35. In or about June 2007, directly after Scupi filed her EEOC charge, the County began  
16 having meetings about Equal Employment Opportunity ("EEO") matters without Scupi or a member of  
17 her staff present. This was a change from the practice prior to Scupi filing her EEOC charge.

18 36. In late 2007, Scupi was denied access to the 6th floor, the County Manager's Office, for  
19 no apparent reason and in contrast to unfettered access given to other Directors in the County and to  
20 Scupi and her staff prior to Scupi filing the EEOC charge. This action was significant because the  
21 County maintained personnel files and recruitment records in this area, and Scupi needed access to those  
22 files in order to conduct the work of the Office of Diversity ("OOD").

23 37. In 2008 and 2009, Scupi was routinely excluded from meetings about EEO matter.

24 38. In or about 2010, Scupi's authority to enter into settlement agreements for the County was  
25 revoked.

26 39. Following this long-standing but gradual diminution of Scupi's job

1 responsibilities, the County released a new policy in February 2011 that formally and  
2 significantly altered Scupi's job duties as the Director of the OOD.

3 40. The February 2011 policy states that Scupi's department no longer has jurisdiction over  
4 Title VII investigations in instances where it is necessary to (i) "redistribute County workload" or (ii) "to  
5 obtain certain subject matter or specialized investigatory expertise."

6 41. The County reduced Scupi's duties in retaliation for her filing EEOC Charge No. 487-  
7 2007-00467.

8 42. On September 15, 2008 Scupi filed a second charge with the EEOC, Charge No. 487-  
9 2008-00881, alleging retaliation for her filing of the original charge.

10 43. The County subjected Scupi to retaliation that adversely affected the terms, conditions and  
11 privileges of her employment because she engaged in activity protected under Title VII, violation of  
12 Section 704 of Title VII, U.S.C. § 2000e-3(a).

13 **PRAYER FOR RELIEF**

14 WHEREFORE, the United States prays that the Court grant the following relief:

15 (a) Enjoin Clark County from discriminating and retaliating against employees who  
16 engage in activity protected under Title VII;

17 (b) Order Clark County to develop and implement appropriate and effective measures  
18 designed to prevent and correct discrimination and retaliation, including but not limited to policies and  
19 training for employees, supervisors, managers, directors, officers, and elected and appointed officials;

20 (c) Award make-whole remedial relief to Scupi, including, but not limited to back pay  
21 and interest, to compensate her for the loss she suffered as a result of the discriminatory and retaliatory  
22 conduct alleged in this Complaint;

23 (d) Award compensatory damages to Scupi to fully compensate her for the pain and  
24 suffering caused by Clark County pursuant to and within the statutory limitations of Section 102 of the  
25 Civil Rights Act of 1991, 42 U.S.C. § 1981a; and  
26

1 (e) Award such additional relief as justice may require, together with the United  
2 States' costs and disbursements in this action.

3 **JURY DEMAND**

4 The United States hereby demands a trial by jury of all issues so triable pursuant to Rule 38 of the  
5 Federal Rules of Civil Procedure and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981(a).

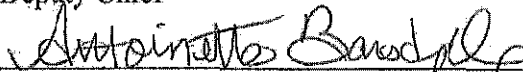
6 Dated this 2<sup>nd</sup> day of April, 2014.

7  
8 Respectfully submitted,

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Civil Rights Division

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