

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

FRANKLIN COUNTY, NORTH  
CAROLINA,

Defendant.

Civil Action No. 5:09cv00415

JURY TRIAL DEMANDED

**COMPLAINT**

Plaintiff, United States of America, alleges:

1. This action is brought on behalf of the United States to enforce the provisions of Title VII of the Civil Rights Act of 1964, *as amended*, 42 U.S.C. § 2000e, *et seq.* (“Title VII”).

**JURISDICTION AND VENUE**

2. This Court has jurisdiction of the action under 42 U.S.C. § 2000e-5(f) and 28 U.S.C. § 1345.

3. Defendant Franklin County, North Carolina (the “County”), is a corporate, governmental body and a political subdivision of the State of North Carolina, established pursuant to the laws of North Carolina.

4. The County is a “person” within the meaning of 42 U.S.C. § 2000e(a) and an “employer” within the meaning of 42 U.S.C. § 2000e(b).

5. Karen Dorrans (“Dorrans”) lives within this judicial district in Louisburg, North Carolina.

6. Dorrans filed a timely charge of retaliation (Charge Number 433-2008-06198) against the County with the Equal Employment Opportunity Commission ("EEOC") on or around July 25, 2008.

7. Pursuant to Section 706 of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-5, the EEOC investigated the charge of retaliation filed by Dorrans, issued a Determination finding that there is reasonable cause to believe the County retaliated against Dorrans in violation of Title VII, and unsuccessfully attempted to conciliate the charge. The EEOC subsequently referred the matter to the United States Department of Justice.

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

#### **CLAIM FOR RELIEF**

9. On or about January 14, 2008, Dorrans began working as a Waste Water Treatment Plant Operator I in the County's Department of Public Utilities.

10. Waste Water Treatment Plant Superintendent Steven Styers supervised Dorrans during her employment with the County.

11. On May 21, 2008, Dorrans complained to Styers that a co-worker, Mark Prowell ("Prowell"), had inappropriately stared at a female customer while Dorrans and Prowell were at Wal-Mart on county business, and that Prowell repeatedly watched Dorrans at her desk and while she mowed the lawn at the plant, and that this conduct made Dorrans uncomfortable.

12. Following her complaint to Styers, Dorrans saw no change in Prowell's behavior.

13. On June 18, 2008, Dorrans contacted County Human Resources Manager Kelly

Faulkner ("Faulkner") to complain again. Dorrans told Faulkner about the Wal-Mart incident, Prowell watching her in the office and on the lawnmower, and that Prowell had also rubbed his groin area while watching her. Dorrans explained to Faulkner that Prowell's actions made her uncomfortable and that she was afraid to confront him about them. However, Faulkner instructed Dorrans that, in accordance with the County's policies, Dorrans was required to confront Prowell about his offensive conduct. Faulkner took no further action on Dorrans' complaint.

14. The County's written policies do not require an employee to confront an alleged harasser. Instead, the County's written policies provide four alternatives, one of which is to confront the alleged harasser, while another alternative is to complain to an immediate supervisor, which Dorrans did when she complained to Styers.

15. In accordance with the County's practices, it is also appropriate for an employee to complain about harassment to the County's Human Resources Manager, which Dorrans also did. Nonetheless, on July 11, 2008, Franklin County extended Dorrans' probationary period for six months for violating the County's administrative policies because she did not confront Prowell about his behavior. As a result, she was denied a five percent (5%) salary increase.

16. The County's insistence that Dorrans confront Prowell, her alleged harasser, constitutes a facially retaliatory practice.

17. On July 16, 2008, approximately four weeks after Dorrans complained to the

County's Human Resources Manager, the County issued Dorrans a "final warning" regarding "personal conduct, including personal communications, that compromises or strains working relationships with co-workers within this department . . . ."

18. On July 17, 2008, Dorrans received her six-month performance appraisal from the County. In that appraisal, the County rated Dorrans significantly lower, as compared with her three-month performance appraisal, in the "communication" and "working relationships" job performance factors. In the six-month appraisal, her Department Superintendent stated that Dorrans' "open criticisms and complaints have made coworkers uncomfortable and guarded around her . . . . her behavior and actions on the job have created unfavorable working conditions here at the plant . . . ."

19. The extension of Dorrans' probationary period, the denial of a five percent (5%) salary increase, the issuance of a "final warning," and Dorrans' lower performance ratings were all done in retaliation for her complaint of harassment. As a result, Dorrans' salary and opportunity for advancement were negatively effected. In addition, the County's retaliatory conduct has caused Dorrans to suffer significant emotional distress.

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

- (a) declare that the County violated Title VII by retaliating against Dorrans because of her complaints about sexual harassment;
- (b) enjoin the County from further retaliation against Dorrans and/or other employees in violation of Title VII;
- (c) award back pay to Dorrans in an amount to be determined at trial;

(d) award compensatory damages to Dorrans to fully compensate her for the pain, suffering, and out of pocket medical expenses, caused by the County's retaliatory conduct as alleged in this Complaint, pursuant to, and within the statutory limitations of, Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a;

(e) order the County to remove from Dorrans' personnel files and any other County files any negative references related to Dorrans' complaints of discrimination and retaliation, as well as the retaliatory extension of her probation and the issuance of her "final warning;"

(f) order the County to take remedial steps to ensure a non-retaliatory workplace for County employees, including revising its policies and providing adequate training to all employees and officials responsible for making determinations regarding complaints of discrimination and retaliation;

(g) award Dorrans any prejudgment interest on the amount of lost wages and benefits found due; and

(h) award such additional relief as justice may require, together with Plaintiff's costs and disbursements in this action.

#### **JURY DEMAND**

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

Date: September 25, 2009

Respectfully submitted,

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