

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,
Plaintiff,
vs.

WILLIAM R. JOHNSON, Ashtabula
County Sheriff (in his official
capacity); and the BOARD of
COUNTY COMMISSIONERS OF ASHTABULA COUNTY, :
Defendants.

COMPLAINT

Plaintiff, the 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.*
2. The Court has jurisdiction of this action under 42 U.S.C. § 2000e-5(f) and 28 U.S.C. § 1345.
3. Defendant William R. Johnson, Sheriff of Ashtabula County, ("Sheriff") is an elected official in the State of Ohio. The Defendant Sheriff is sued in his official capacity only.
4. The Sheriff is the chief law enforcement officer of Ashtabula County, a political subdivision of the State of Ohio.
5. The Sheriff has responsibility, among other things, for the selection, hiring and employment of Corrections Officers and Corrections Officers/Medical Officers at the jail of the Ashtabula County Sheriff's Department ("Sheriff's Department"). The Sheriff is a person within the meaning of 42 U.S.C. § 2000e(a), and an employer or an agent of an employer within the meaning of 42 U.S.C. Section 2000e (b).
6. The Defendant Board of County Commissioners of Ashtabula County ("Board of County Commissioners") is the County governing body created pursuant to the laws of the State of Ohio and is vested with powers to carry out the governmental functions necessary for the operation of the County. Defendant Board of County Commissioners appropriates funds for the operation of the Sheriff's Department, including funds for the salaries and wages of employees in the Sheriff's Department.
7. The Board of County Commissioners is named as a party pursuant to Rule 19(a) of the Federal Rules of Civil Procedure.
8. The Sheriff has discriminated against Celecia E. Dibble and similarly situated females in violation of Section 703(a) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-2(a), among other ways, by failing or refusing to hire or to consider them for hire in Corrections Officer and Corrections Officer/Medical Officer positions because of their sex.

9. The Sheriff has discriminated against Celecia E. Dibble in violation of Section 704(a) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-3(a), among other ways, by failing or refusing to hire or consider her for hire in Corrections Officer and Corrections Officer/Medical Officer positions because she filed a charge with Equal Employment Opportunity Commission ("EEOC") alleging that she had been discriminated against on the basis of sex by the Ashtabula County Sheriff's Department.

10. The EEOC received a timely charge of discrimination filed by Celecia E. Dibble on or about July 17, 1996 (Charge Number 220961117), in which she alleged that she had been discriminated against by the Ashtabula County Sheriff's Department by being denied hire as a Corrections Officer on the basis of her sex. In accordance with 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 filed by Ms. Dibble and found reasonable cause to believe that Ms. Dibble was denied hire because of her sex and in retaliation for engaging in activity protected by Title VII. The EEOC attempted unsuccessfully to achieve through conciliation a voluntary resolution of the matter, and subsequently referred the matter to the Department of Justice.

11. All conditions precedent to filing suit have been performed or have occurred.

WHEREFORE, Plaintiff prays that the Court grant the following relief:

(a) Enjoin the Sheriff and the Board of County Commissioners, as appropriate, from failing or refusing to provide sufficient equitable relief to make whole Celecia E. Dibble and similarly situated females for the loss they have suffered as a result of the discrimination against them as alleged in this Complaint;

(b) Award compensatory damages to Celecia E. Dibble as would fully compensate her for injuries caused by the discrimination against her 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.

(c) Enjoin the Sheriff from retaliating against Celecia E. Dibble and any other individuals because those persons file charges with the EEOC or exercise any other rights protected by Title VII;

(d) Enjoin the Sheriff from failing or refusing to hire women on the basis of their sex for any Corrections Officer or Corrections Officer/Medical Officer position unless the Sheriff demonstrates that sex is a bona fide occupational qualification for that position within the meaning of Section 703(e) of Title VII, 42 U.S.C. § 2000e-2(e).

The United States prays for such additional relief as justice may require, together with its 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.

JANET RENO
ATTORNEY GENERAL

By:
BILL LANN LEE
ACTING ASSISTANT ATTORNEY GENERAL

WILLIAM B. FENTON
D.C. Bar Registration No. 414990
JENNY R. YANG
Member of the NY Bar
Attorneys
U.S. Department of Justice
Civil Rights Division
Employment Litigation Section
P.O. Box 65968
Washington, D.C. 20035-5968
(202) 307-3925
EMILY M. SWEENEY
UNITED STATES ATTORNEY
Northern District of Ohio