

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
DANVILLE DIVISION

Clerk's Office U.S. Dist. Court  
AT ROANOKE, VA.

**FILED**

*In Danville*  
JUN 29 1983

JOYCE F. WITT, Clerk  
By: *Carrie Howard*  
Deputy Clerk

UNITED STATES OF AMERICA,  
Plaintiff,

v.

JESSE W. WILLIAMS, SHERIFF OF  
PATRICK COUNTY, a Constitutional  
Officer of the Commonwealth of  
Virginia and elected under the  
laws of the Commonwealth,  
Defendant.

CIVIL ACTION NO. 83-0094-D

COMPLAINT

Plaintiff United States of America alleges:

1. This action is brought by the Attorney General 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. This Court has jurisdiction of the action under 42 U.S.C. §2000e-5(f) and 28 U.S.C. §1345.

3. Defendant Jesse W. Williams is the Sheriff of Patrick County, a Constitutional Officer of the Commonwealth of Virginia elected under the laws of the Commonwealth. Defendant Sheriff of Patrick County is responsible for the protection of life and property, the maintenance of order and the enforcement of State laws and local ordinances within Patrick County.

4. In order to carry out his responsibilities, defendant Sheriff of Patrick County maintains and operates a Sheriff's Department (the "PCSD"). The Sheriff is responsible for the administration and operation of the PCSD, including the recruitment, selection, hiring and appointment of all applicants for employment in the PCSD, and the assignment, transfer, promotion, demotion and termination of all employees of the PCSD.

5. Defendant Sheriff of Patrick County employs approximately twenty-two (22) persons on a full-time basis, sixteen (16) of whom are employed as sworn officers and six of whom are employed in non-sworn, or civilian, jobs. Fifteen (15) of the sixteen (16) sworn officers are men. Of these fifteen (15) male sworn officers, two are employed as supervisors, two as investigators, four as road deputies, two as court security deputies and five as correctional officers. The one female sworn officer is employed as a civil process server. Until August 1982, no woman had ever been employed as a sworn officer by the Sheriff of Patrick County.

6. Defendant Sheriff of Patrick County is an employer within the meaning of 42 U.S.C. 2000e-(b).

7. Defendant Sheriff of Patrick County has engaged and continues to engage in employment practices that discriminate against women and that deprive or tend to deprive women of employment as sworn officers in the PCSD. Defendant has implemented and continues to implement these practices, among other ways, by:

a. failing or refusing to recruit, select, hire and appoint women as sworn officers on an equal basis with men;

b. applying standards to women that differ from those applied to men in the selection of sworn officers and that are not job related;

c. failing or refusing to establish and follow valid and objective standards in the selection of sworn officers which do not unlawfully discriminate against women;

d. providing women employees in the PCSD with terms and conditions of employment less favorable than those provided to men employees; and

e. failing or refusing to take appropriate action to eliminate discrimination against women employees and applicants for employment in the PCSD, and to redress the wrongs suffered by those women who were the subjects of past discriminatory practices.

8. The Equal Employment Opportunity Commission (the "EEOC") received a timely filed charge alleging that defendant Sheriff of Patrick County discriminated on the basis of sex by refusing to hire and appoint women applicants as sworn officers, in violation of Section 703 of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-5. In accordance with Section 706 of Title VII, 42 U.S.C. § 2000e-5, the EEOC investigated the charge, found reasonable cause to believe that the Sheriff had engaged in employment discrimination on the basis of sex, attempted unsuccessfully to achieve a voluntary resolution of the charge through conciliation, and subsequently referred the charge to the Department of Justice.

9. On July 22, 1982, the Department of Justice notified defendant Sheriff of Patrick County that the Department had received the charge of discrimination referred to it by the EEOC, and that the Department was reviewing the matter to determine whether enforcement action by the Department was warranted. The Department of Justice further investigated this charge, concluded therefrom that the Sheriff was engaged in employment practices that discriminate against women on the basis of sex, and so advised the Sheriff. The Department of Justice thereafter attempted unsuccessfully to eliminate those practices described in Paragraph 7, supra, through negotiation and settlement.

10. The employment practices of defendant Sheriff of Patrick County, described in Paragraph 7, supra, have deprived and continue to deprive women of the full enjoyment of their right to equal employment opportunity without discrimination based upon sex. These practices are of such nature and are intended to deny the full exercise by women of their rights under Title VII of the Civil Rights Act of 1964, as amended. Unless restrained by order of this Court, the Sheriff will continue to pursue these practices.

WHEREFORE, plaintiff United States prays for an order preliminarily and permanently enjoining defendant Sheriff of Patrick County, his officers, agents, employees, successors and all persons in active concert or participation with them, from engaging in discriminatory employment practices against women based upon sex, and specifically from:

a. discriminating on the basis of sex in the recruitment, hiring and appointment of women applicants for employment, and in the assignment and transfer of women employees, in the PCSD;

b. failing or refusing to cease applying non job-related standards to women that are different than those applied to men in the selection of sworn officers;

c. failing or refusing to establish and follow valid and objective standards in the selection of sworn officers which do not unlawfully discriminate against women;

d. failing or refusing to provide women employees in the PCSD with terms and conditions of employment equal to those provided to men employees; and

e. failing or refusing to take appropriate measures to terminate the discriminatory practices, including the following affirmative steps:

(1) establishing and conducting a program designed to recruit women applicants for employment as sworn officers in numbers commensurate with their interest in and ability to qualify, under non-discriminatory selection standards, for such employment;

(2) providing to any woman who has been unlawfully denied employment (whether by failure or refusal to hire, appoint, assign, promote or transfer) as a sworn officer, remedial relief, including an offer of employment, retroactive seniority, monetary compensation and all pension and health benefits, for the loss suffered as a result of such unlawful denial; and

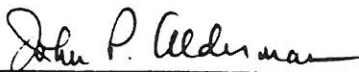
(3) taking such other reasonable action as is necessary to overcome the present effects of such past discriminatory practices.

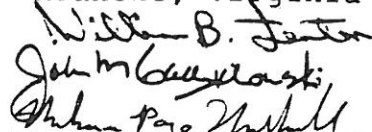
Plaintiff further prays for such other relief as justice may require and for its costs in this action.

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