

# **EXHIBIT “B”**



**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**  
**Kansas City Area Office**

*Andrea Taylor*

400 State Avenue, Suite 905  
Kansas City, KS 66101  
(913) 551-5655  
TTY (913) 551-5657  
FAX (913) 551-6956

**Charge No. 281A11846**

**April Andrews**  
**2910 Penn**  
**Joplin, Mo. 64804**

vs.

**May's Drug Warehouse**  
**3222 S. Main**  
**Joplin, Mo. 64804**

**DETERMINATION**

I issue the following determination on the merits of this charge. All requirements for coverage have been met. Respondent is an employer within the meaning of Title VII of the Civil Rights Act of 1964, as amended.

Charging Party has alleged that she was discriminated against in violation of Title VII of the Civil Rights Act of 1964, as amended, in that she was subjected to unwelcome sexual harassment and a sexually hostile working environment because of her sex, female. As a result of the sexual harassment and hostile work environment, Charging Party alleges that she was constructively discharged. Charging Party further alleges that she was discriminated against by being harassed because of her religious beliefs and denied a religious accommodation.

Respondent contends that it had no knowledge or information regarding Charging Party's sexual harassment allegation, and that Charging Party was aware of Respondent's sexual harassment policy and the Employee Protection Hot Line which is available 24-hours a day to report any inappropriate behavior. Moreover, the alleged harasser denied all allegations of sexual harassment.

The investigation found that Charging Party was subjected to sexual harassment and a sexually hostile work environment. The investigation revealed that Charging Party reasonably did not report the sexual harassment because she was aware that others had complained to Respondent, and that Respondent did not take appropriate remedial action. Moreover, Charging Party's allegations are supported by testimonial evidence from other recent former female employees who were subjected to the same treatment and sexually offensive comments as alleged by Charging Party.

The investigation established that there is reasonable cause to believe that Respondent subjected

Charging Party to unwelcome sexual harassment and constructively discharged her because of her sex, female. The investigation did not establish that Respondent harassed Charging Party and denied a religious accommodation because of her religious beliefs.

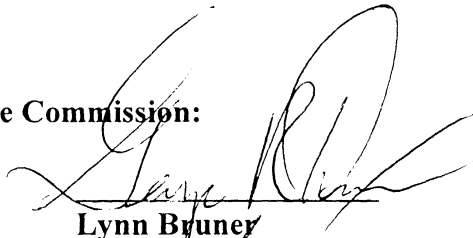
Upon finding that there is reason to believe that a violation has occurred, the Commission attempts to eliminate the alleged unlawful practices by informal methods of conciliation. Therefore, the Commission now invites the parties to join with it in reaching a just resolution of this matter. Disclosure of information obtained by the Commission during the conciliation process will be made in accordance with Section 1601.26 of the Commission's Procedural Regulations.

If the Respondent declines to discuss settlement or when, for any reason, a settlement acceptable to the office Director is not obtained, the director will inform the parties and advise them of the court enforcement alternatives available to aggrieved persons and the Commission.

**On Behalf of the Commission:**

9-27-02

**Date**



**Lynn Bruner**  
**District Director**

## AFFIDAVIT

STATE OF MISSOURI        )  
                                          )        ss.  
COUNTY OF JASPER        )

April Andrews, being duly sworn upon her oath, states as follows:

1. I reside at 2910 Pennsylvania, Joplin, Mo 64804.
2. I am 26 years of age; my date of birth is 4-15-75.
3. I began employment at May's Drug Warehouse, 3222 S. Main, Joplin, Mo, in January of 2000, my position Floor Supervisor. My employment ended in January of 2001.
4. During my tenure with May's Drug Warehouse I also performed the duties of pharmacy cashier.
5. The manager of the store during my entire tenure was Charles Brashers.
6. While employed with this company I was subjected to continuing sexual comments, statements and actions from Charles Brashers, including, but not limited to the following:
  - a. Charles would describe dreams that he had which involved female employees engaged in sexual acts and said they were shooting porn videos
  - b. Charles told me if I got pregnant he would fire me
  - c. Charles asked me if I would ever divorce my husband
  - d. Charles asked me how often my husband and I had sex
  - e. Charles told me that I needed to change my name because he hated the name April, he then would call me "Apricot" and said that would make a great stripper name and I should try it out
  - f. Charles told me to kiss Tracy Youngblood while he took a Polaroid picture
  - g. Charles always took pictures of all female employees working at May's Drug Warehouse
  - h. Charles told me I dressed like a guy and that he wanted me to come to work in a cocktail dress and heels
  - i. Charles would tell me that I looked like a hooker when I wore makeup
  - j. Charles said to Tracy and I that he always scheduled us to close because we know how to clean because we were females and he

did not expect the same from Craig Seeman (Assistant Manager)

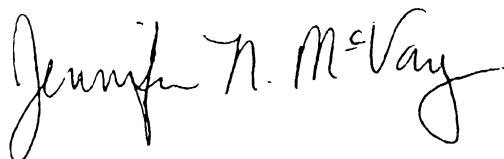
- k. Charles would place his hands on my shoulders or rub the back of my head
- l. Charles asked me if I was a lesbian what girl in our store would I kiss, and that it would have to be open mouth tongue and all, and I had to do it or my husband would die
- m. Charles asked me if I ever took showers with other girls in high school
- n. Charles would talk about all his sexual encounters with strippers and other girls he dated in college
- o. Charles would make comments regarding women who came into May's Drug such as:
  - a. "She's fat"
  - b. "She has big tits"
  - c. "I would like to fuck her"
  - d. "She would be the last person on earth I would fuck"
  - e. "She's too sexy to have a baby"
  - i. "I would like to sleep with her"
- p. Charles told me that my husband would leave me and that I need to move to Colorado with him
- q. Charles told me that I was stupid and naïve
- r. Charles said that I would never be anything except a dumb broad
- s. Charles told me he would not have promoted me to the supervisor position if he had known I was Pentecostal and that I was too radical for him
- t. Charles would make several comments about my religion such as:
  - a. "I sacrifice chickens"
  - b. "I brainwash people"
  - c. "I'm a snake charmer"
  - d. "I am part of a cult"
  - e. That I was Satan
  - f. "I'm a right wing fanatic"
- u. Charles did not want to work around my schedule so that I could attend counseling classes at Life Choices – a Christian organization for teens facing pregnancies
- v. Charles asked me if I would be a topless waitress in ~~the~~<sup>a</sup> bar that he would open <sub>AA</sub>

- w. Charles always wanted to take the female employees out to dinner or lunch
  - x. Charles wanted to take pictures of the female employees hands and feet
  - y. Charles invited Tracy and I over to his house to watch movies
  - z. Charles would make comments to other female employees about being able to see through their clothes
  - aa. Charles would always tell sexual jokes everyday
  - bb. Charles would say degrading remarks such as:
    - 1. You're a loser
    - 2. I don't know anything
    - 3. You're stupid
    - 4. Find another job
  - cc. Charles would ask other female employees to work as strippers and dancers in his bar
  - dd. Charles asked me how often I shaved my legs and if I shaved them in the winter
  - ee. Charles would tell certain employees that it was okay to jack-off to porn videos
  - ff. Charles asked me if I would ever have sex with another female
  - gg. Charles asked me how many guys I have had sex with
7. The above comments, statements, and actions were all relayed while I was at work at May's Drug Warehouse.
8. Upon my employment ending, I turned in a resignation letter stating that I could not work in a hostile environment. I also stated that I did not deserve the continuous sexual and religious harassment.

  
April Andrews

Subscribed and sworn to before me this 17<sup>th</sup> day of August, 2001.

My commission expires: Nov. 16, 2003



JENNIFER N. McVAY  
Notary Public - Notary Seal  
State of Missouri  
County of Jasper  
My Commission Expires Nov 16, 2003