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Plaintiff would be employed in the Middle District of Pennsylvania, but for the unlawful employment practices and Defendant employs numerous individuals in the Middle District of Pennsylvania. Accordingly, venue lies in the United States District Court for the Middle District of Pennsylvania.

PARTIES

4. Plaintiff is an adult individual, who currently resides in New Brunswick, New Jersey. She is a former resident of Pennsylvania. Plaintiff was employed by the defendant in State College, Pennsylvania, before she was constructively discharged.

5. Defendant provides home medical care services to patients. The Defendant's main office is located at 2437 Commercial Blvd., State College, Centre County, Pennsylvania.

6. Defendant was Plaintiff's employer until she was constructively discharged on July 14, 2020, due to discrimination, a hostile work environment, and retaliation.

FACTUAL BACKGROUND -

7. The Plaintiff began employment as a Customer Service Representative with the Defendant in October of 2019.

8. The Plaintiff is African American.

9. From the time her employment started until her constructive discharge, Plaintiff was treated differently than her white co-workers and was subjected to a hostile work environment because of her race.

10. In October of 2019, Plaintiff was denied the ability and opportunity to sign up for employee benefits in a timely manner.

11. Beginning in October of 2019 and continuing thereafter, Plaintiff was subjected to highly offensive and repeated racial slurs and harassment by co-workers and the Office Manager.

12. The Office Manager made several racial slurs. He stated: (1) “the N word means black people,” and he and a co-worker discussed actively searching Google for the word nigger, and (2) he told Plaintiff that his uncle was dark-skinned and they called him “Coon.” The same co-worker mentioned that her daughter was pregnant by a deadbeat black man and now they will be having an “oreo baby.”

13. In or around December of 2019, the Office Manager engaged in an extremely offensive and derogatory act because of Plaintiff’s race. The manager asked white co-workers to video a white respiratory therapist putting a white hood over Plaintiff’s head, because the manager thought it funny to see a white hood placed on a black woman’s head.

14. Plaintiff complained to Defendant’s human resources office and the Office Manager’s boss about the racial harassment and discrimination, yet nothing was done in response to her complaints.

15. After Plaintiff complained the Office Manager made a comment that Plaintiff could make complaints against him all she wanted but he will never be fired and he will never go to jail.

16. Thereafter, the Office Manager refused to let Plaintiff work any overtime while he permitted white co-workers to work overtime. He also refused to allow Plaintiff to participate in company training for new software programs which was essential to Plaintiff’s work performance. The Office Manager also began to refer to Plaintiff’s work as menial.

17. In June and July of 2020, the Office Manager became verbally and physically aggressive towards Plaintiff. On July 7, 2020, he twice forcefully snatched papers from Plaintiff’s hand.

18. When the Office Manager’s conduct became physical, Plaintiff became very concerned for her safety given the racial animosity she had already endured, and she felt compelled

to tendered her resignation. In Plaintiff's notice of resignation, she noted the physical aggression, hostility, bullying, disparate treatment, and racial slurs.

19. During Plaintiff's final week of employment, which ended on July 14, 2020, no action was taken to address the harassment, discrimination, and retaliation she had endured.

RACIAL DISCRIMINATION AND HARASSMENT

Count I

20. Plaintiff incorporates by reference the averments of Paragraphs 1-19 of the Complaint as if the same were set forth in full.

21. Plaintiff was subjected to intentional harassment, a hostile working environment, and discrimination during her employment because of her race.

22. Plaintiff was qualified to perform her job as a customer service representative and would have continued working for defendant but for the unabated racial discrimination and hostile work environment she endured.

23. Defendant intentionally created a work atmosphere that became so intolerable that Plaintiff was forced to resign.

24. Plaintiff resigned because the racial harassment, discrimination, and retaliation became intolerable.

25. The above-described unlawful employment practices by Defendant, its agents, servants and employees violate 42 U.S.C. § 1981.

26. The Defendant's actions were performed with malice and/or reckless indifference to the Plaintiffs' federally protected rights.

27. As a direct and proximate result of the above-mentioned employment practices, Patricia Holmes was deprived of her job and has lost income in the form of back and front pay,

fringe benefits, retirement contributions, medical insurance, lost future job opportunities, future substantial pecuniary losses, non-pecuniary losses, and she has suffered embarrassment, humiliation, emotional distress, pain, suffering, inconvenience and mental anguish for which she seeks damages.

WHEREFORE, Patricia Holmes demands judgment against Defendant and damages in an amount that this Court and a jury deem fair and reasonable including, but not limited to, front pay, back pay from the date of the constructive discharge, equitable relief, compensatory damages, punitive damages, prejudgment interest, post-judgment interest and reasonable attorney's fees including litigation expenses and the costs in this action.

DISCRIMINATION/RETALIATION

Count II

28. Plaintiff incorporates by reference the averments of Paragraphs 1-27 of the Complaint as if the same were set forth in full.

29. Patricia Holmes reported the racial slurs, discrimination, and hostile work environment to Defendant's Human Resources Department and management on several occasions.

30. As a result of making reports about the racial discrimination, and harassment, the Office Manager retaliated against Plaintiff and stated that she could complain all she wanted but that nothing was going to happen to him. He then became verbally and physically aggressive towards Plaintiff, prompting Plaintiff's resignation.

31. Patricia Holmes was constructively discharged on July 14, 2020.

32. The above-described unlawful employment practices by Defendant, its agents, servants and employees violate 42 U.S.C. § 1981.

33. The Defendant's actions were also performed with malice and/or reckless indifference to the Plaintiffs' federally protected rights.

34. As a direct and proximate result of the above-mentioned employment practices, Patricia Holmes was deprived of her job and has lost income the form of back and front pay, fringe benefits, retirement contributions, medical insurance, lost future job opportunities, future substantial pecuniary losses, non-pecuniary losses and she has suffered embarrassment, humiliation, emotional distress, pain, suffering, inconvenience and mental anguish for which she seeks damages.

WHEREFORE, Patricia Holmes demands judgment against Defendant and damages in an amount that this Court and a jury deem fair and reasonable including, but not limited to, front pay, back pay from the date of her constructive discharge, equitable relief, compensatory damages, punitive damages, prejudgment interest, post-judgment interest and reasonable attorney's fees including litigation expenses and the costs in this action.

Respectfully submitted,

THOMSON, RHODES & COWIE, P.C.

Dated September 30, 2021

/s Thomas B. Anderson
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