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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE**

GAIL HARNESS,

Plaintiff,

v.

WILLIAM T. JONES, individually and
in his official capacity; and ANDERSON
COUNTY, TENNESSEE,

Defendants.

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Case No. 3:18-cv-00100
Jury Demanded

COMPLAINT

Plaintiff, Gail Harness, for her Complaint against Defendants, William T. Jones, individually and in his official capacity as the Clerk of the Anderson County Circuit Court, and Anderson County, Tennessee, avers as follows:

Preliminary Statement

1. Individuals have a clear right, protected by the Equal Protection Clause of the Fourteenth Amendment, to be free from discrimination on the basis of sex in public employment, and this extends to protection from hostile work environments. For years preceding the filing of this action, Defendant William T. Jones has subjected Plaintiff and other women working under him to unwelcomed sexual advances, unwanted touching, intimidation, threats of retaliation, retaliation, and epithets offensive to women, culminating in a hostile work environment in violation of the Fourteenth Amendment.

2. Plaintiff brings this action against William T. Jones and Anderson County, Tennessee pursuant to 42 U.S.C. § 1983, to redress the deprivation of her rights,

privileges, and immunities secured by the Equal Protection Clause of the Fourteenth Amendment and to recover money damages and equitable relief.

Jurisdiction and Venue

3. This Court's jurisdiction rests with 28 U.S.C. § 1331 and 28 U.S.C. § 1343(a)(3) and (4).

4. This Court properly maintains supplemental jurisdiction under 28 U.S.C. § 1367 over Plaintiff's state law claims arising under the Tennessee Human Rights Act ("THRA"), Tenn. Code Ann. § 4-20-401, *et seq.*

5. Venue is proper in this Court under 28 U.S.C. § 1391(b)(1) and (2), because Defendants reside in this judicial district and all or a substantial part of the events and omissions giving rise to Plaintiff's claims occurred in this judicial district.

Parties

6. Plaintiff Gail Harness is and was at all relevant times a resident of the State of Tennessee and this judicial district. Plaintiff is and was at all relevant times employed by Defendant Anderson County, Tennessee, in the office of Defendant William T. Jones, Clerk of the Anderson County Circuit Court.

7. Defendant Anderson County, Tennessee ("Anderson County") is a unit of local government organized under the laws of the State of Tennessee. Anderson County is a "person" under 42 U.S.C. § 1983 and at all relevant times acted under color of law.

8. Defendant William T. Jones is and at all relevant times was the Clerk of the Anderson County Circuit Court. Mr. Jones is a "person" under 42 U.S.C. § 1983 and at all relevant times acted under color of law. Mr. Jones is sued in his official and individual capacities.

9. Defendants, either individually or collectively, meet the definition of “employer” under the THRA.

Facts

10. Plaintiff began working for the clerk’s office in January 2016, first as an unpaid intern and then, beginning in February 2016, as a part-time file clerk. At the time, Plaintiff was a senior in college, and the job fulfilled a requirement she had to graduate in May 2016.

11. Jones wasted no time before subjecting Plaintiff to his toxic workplace. Upon being hired, and throughout Plaintiff’s employment, Jones insisted that Plaintiff and the other women working under him call him “Daddy,” and he regularly referred to certain female employees as “Daddy’s bitch” or “Daddy’s prissy bitch.”

12. As a file clerk, Plaintiff would often work alone in the juvenile court file room. There Jones would corner Plaintiff and make suggestive comments about her appearance, encourage her to wear more provocative clothing, and compliment her on her breasts and on her “cleavage.”

13. These encounters made Plaintiff noticeably uncomfortable, and at times left her in tears.

14. But from the beginning, Jones made it clear that he was “the boss,” that he answered to no one, and he often bragged about his position of power and how he was above the law.

15. Additionally, the clerk’s office has no written policy or protocol for reporting such abuses, let alone without fear of retaliation. In fact, in 2016, the Anderson County Government approved an anti-harassment and anti-retaliation policy, but Jones defiantly refused to implement these policies in the clerk’s offices.

16. So like many of the women working under Jones, Plaintiff believed she had no recourse. Submission to Jones's offensive behavior became a condition of her employment, something she had to endure to remain employed.

17. Although Jones's harassment of Plaintiff began in the file room when she was an intern/file clerk earning college credit, it did not end there.

18. Jones subjected Plaintiff to a slew of verbal and physical conduct of a sexual nature throughout her employment. Nearly every time he encountered Plaintiff he would make some suggestive comment about her attire or how she looked; he would frequently approach Plaintiff from behind while she was making copies, and place his hands on her hips; he would often rub Plaintiff's back while she was trying to work; he would often sit on top of Plaintiff's desk, making her work around him; and during his visits to Plaintiff's work area, Jones would pull a chair next to where Plaintiff was working and rest his head on her shoulder, at times staring down her shirt.

19. Early on Jones also began to communicate with Plaintiff via Snapchat, an instant messaging app. Snapchat is an ideal tool for the harasser, because messages are automatically deleted unless "saved." If "saved," the sender (in this case Jones) receives a notification that the message was saved by the recipient. Indeed, knowing this, on more than one occasions Jones warned Plaintiff against saving his Snapchat messages.

20. At first Jones's Snapchat messages to Plaintiff were more of the same, comments about her attire, for example. But around April/May 2016, a full-time position in the juvenile court clerk's office became available. Plaintiff, who was nearing graduation, expressed to Jones that she had a serious interest in filling the position. She needed full-time work to support her family, even if it meant seeking such opportunities outside the clerk's office, and Jones was well aware of this.

21. Knowing he had a job to hold over Plaintiff's head, Jones's Snapchat messages turned sexually explicit and vulgar.

22. Plaintiff tried reasoning with Jones. She reminded him that she was a married woman and that he (Jones) was a married man. She also told him that if his behavior continued he was going to get himself in trouble.

23. A couple weeks later, in June 2016, Jones called Plaintiff into his office. During this meeting, Jones told Plaintiff that his wife had discovered his Snapchats. He accused Plaintiff of telling his wife (no doubt recalling Plaintiff's earlier attempts at reasoning with him), and he told Plaintiff that she could forget being hired full-time. Jones said, "you're going to pay for it."

24. About a month later, between July 22 and 25, 2016, Plaintiff's husband called the Anderson County Mayor. He spoke directly to the mayor and told her that Jones was refusing to hire Plaintiff, because his (Jones's) wife had learned about the Snapchats. The information Plaintiff's husband supplied to the mayor should have been enough to put her on notice that Jones was, once again, engaging in inappropriate behavior of a sexual nature.

25. Indeed, according to documents produced by the County in response to a public records request, the mayor was on notice of Jones's offensive conduct towards female employees since May 2015, when then-HR Director Russell Bearden reported serious allegations of sexual harassment involving another female employee. Remarkably, at the time, the mayor told Bearden "I can't do anything about it, that's just the way it is in Local Government."

26. In Plaintiff's case, the mayor once again failed to take any corrective action. Instead, her solution, upon information and belief, was to encourage Jones to hire

Plaintiff for the full-time position in question, a quid-pro-quo, which he did a few weeks later in August 2016.

27. In any event, Jones ceased sending Plaintiff offensive Snapchats after his wife caught on, but to be clear, he never stopped the sexual harassment. He continued to leer at Plaintiff, suggest she should dress to please him, sit on her desk, touch her, and he continued to pull a chair up next to Plaintiff's and rest his head on her shoulder. In fact, during the summer of 2017, Plaintiff and her female co-workers hid the chair that Jones would use for this purpose. Jones got angry, found the chair, and put a sign on it which read "not to be removed" or words to similar effect.

28. Meanwhile, in keeping with his promise to make Plaintiff "pay for it," Jones began to punish Plaintiff, as if to put her in her place. Around October or November 2016, he told Plaintiff "Well, you're lucky you're still employed because your husband almost got you completely fired for running his mouth." Then, on February 9 and again on March 30, 2017, Jones issued Plaintiff two written disciplinary warnings for bogus, trumped-up infractions. Remarkably, evincing his clear intent to punish Plaintiff rather than to document actual performance deficiencies, Jones did not even place these warnings in Plaintiff's personnel file. Their sole purpose was to intimidate and punish Plaintiff.

29. During the summer of 2017, Jones also began to threaten Plaintiff with relocating her to the clerk's Oak Ridge office, which is widely known as the "clerk's graveyard."

30. Realizing that her job was in jeopardy, even if she were to continue to remain silent about the sexual harassment, Plaintiff bravely contacted then-HR Director Russell

Bearden on August 9, 2017, and opened up about the harassment, intimidation, and threats of retaliation.

31. Five days later, on August 14, 2017, Jones carried through with his threat to transfer Plaintiff to Oak Ridge.

32. Jones then began to visit Plaintiff in Oak Ridge. During these visits, Jones would ask Plaintiff about her efforts to find a new job, and on one occasion bragged about his close relationship with the County's law director, implying that he not only knew about Plaintiff's reports to Bearden, but also that her days working for the County were consequently numbered.

33. Finally, on September 14, 2017, the county's HR Department placed Plaintiff on an indefinite paid leave of absence, removing her from Jones's supervision. To this date, however, Plaintiff still does not know whether or if she will be able to return to her job, an uncertainty that has led to serious mental anguish and distress.

Count I – Against William T. Jones
Hostile Work Environment in Violation of the Equal Protection Clause of the
Fourteenth Amendment to the U.S. Constitution

34. Plaintiff incorporates by reference the allegations contained in Paragraphs 1–33 as if set forth fully herein.

35. By the acts and practices described above, William T. Jones, in his individual capacity and under color of law, discriminated against Plaintiff in the terms and conditions of her employment on the basis of her sex, including creating a hostile work environment based on sex, thus depriving Plaintiff of her rights under the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution, in violation of 42 U.S.C. § 1983.

36. As a direct and proximate result of Jones's violation of Plaintiff's rights secured by the Equal Protection Clause, Plaintiff has suffered and will continue to suffer irreparable injury, monetary damages, and damages for mental anguish, emotional distress, and humiliation unless and until this Court grants relief.

37. Jones engaged in these practices with malice and with reckless indifference to Plaintiff's federally protected rights, thus entitling Plaintiff to punitive damages under applicable law.

38. Plaintiff is entitled to reasonable attorneys' fees and costs under 42 U.S.C. § 1983.

Count II – Against Anderson County
Hostile Work Environment in Violation of the Equal Protection Clause of the
Fourteenth Amendment to the U.S. Constitution

39. Plaintiff incorporates by reference the allegations contained in Paragraphs 1–38 as if set forth fully herein.

40. As an elected office holder, Defendant William T. Jones has and at all relevant times had final policy making authority over all relevant aspects of the Anderson County Circuit Court Clerk's Office, including all decisions affecting personnel, the policies and practices of the workplace, and all decisions to hire, fire, promote, demote, and discipline employees working in the clerk's offices.

41. By the acts and practices described above, Plaintiff was subjected to a hostile work environment because of her sex in violation of the Equal Protection Clause.

42. The hostile work environment was the result of a policy or custom of Anderson County, Tennessee, in that William T. Jones, who created the hostile work environment in violation of Plaintiff's constitutional rights, wields final policy making authority over the County's employees working in the Anderson County Circuit Court Clerk's office.

. 43. Furthermore, at least as early as May 2015, Anderson County was on notice of the hostile work environment created by Jones, yet took no corrective action.

44. As a direct and proximate result of Anderson County's unconstitutional policies and customs, Plaintiff has suffered and will continue to suffer irreparable injury, monetary damages, and damages for mental anguish, emotional distress, and humiliation unless and until this Court grants relief.

45. Plaintiff is entitled to reasonable attorneys' fees and costs under 42 U.S.C. § 1983.

Count III – Against Anderson County
Hostile Work Environment in Violation of the THRA

46. Plaintiff incorporates by reference the allegations contained in Paragraphs 1–45 as if set forth fully herein.

47. The sexually harassing conduct to which Plaintiff was subjected became sufficiently severe and pervasive so as to unreasonably interfere with Plaintiff's job, in violation of the THRA.

48. The sexually harassing conduct to which Plaintiff was subjected created an intimidating, hostile, abusive and offensive work environment.

49. Defendant failed to exercise reasonable care to prevent and correct promptly any sexually harassing behavior, in that Defendant does not maintain any policy, written or otherwise, against harassment in the clerk's office, nor does Defendant provide employees in the clerk's office with any reasonable method of reporting sexual harassment allegations.

50. Additionally, Defendant knew or should have known of the sexual harassment to which Plaintiff was subjected, and Defendant violated the THRA by failing to take prompt corrective action.

51. As a direct and proximate result of this violation of THRA by Defendant, Plaintiff has suffered and will continue to suffer irreparable injury, monetary damages, and damages for mental anguish, emotional distress, and humiliation unless and until this Court grants relief.

52. Plaintiff is entitled to reasonable attorneys' fees and costs under the THRA.

Count IV – Against Anderson County
Unlawful Retaliation in Violation of the THRA

53. Plaintiff incorporates by reference the allegations contained in Paragraphs 1–52 as if set forth fully herein.

54. Plaintiff engaged in protected activity under the THRA by opposing Jones's sexual advances and by reporting Jones's misconduct to the Anderson County's human resources department.

55. Defendant unlawfully retaliated against Plaintiff by transferring her from the clerk's offices in Clinton to the clerk's offices in Oak Ridge, an objectively worse position, one known to provide no opportunity for advancement.

56. As a direct and proximate result of this violation of THRA by Defendant, Plaintiff has suffered and will continue to suffer irreparable injury, monetary damages, and damages for mental anguish, emotional distress, and humiliation unless and until this Court grants relief.


57. Plaintiff is entitled to reasonable attorneys' fees and costs under the THRA.

Prayer for Relief

WHEREFORE, Plaintiff Gail Harness, respectfully prays for relief as follows:

1. That process issue and that Defendants be required to answer this Complaint within the time prescribed by the Federal Rules of Civil Procedure.
2. That this Court declare unlawful the acts and practices complained of herein;
3. That this Court permanently restrain Defendants from engaging in the unlawful acts and practices complained of herein;
4. That Defendants take such affirmative action as is necessary to ensure that the effects of these unlawful employment practices are eliminated and do not continue;
5. That Plaintiff be awarded compensatory damages for mental anguish, emotional distress and humiliation;
6. That Plaintiff be awarded punitive damages against Defendants;
7. That Plaintiff be awarded pre- and post-judgment interest to the extent applicable;
8. That Plaintiff be awarded reasonable attorney's fees and the costs of this action;
9. That Plaintiff be awarded such other legal and equitable relief to which she may be entitled; and
10. Plaintiff further demands a Jury to try this cause.

Respectfully submitted,



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