

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA

13 JUN 11 10:02
FOR THE CLERK

UNITED STATES OF AMERICA,

Plaintiff,

v.

GRIFFITH POLICE DEPARTMENT,

Defendant.

CIVIL NO. 2 13 CV 205

JURY TRIAL DEMANDED

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.* (“Title VII”).

JURISDICTION AND VENUE

2. This Court has jurisdiction of the action under 42 U.S.C. § 2000e-5(f), 28 U.S.C. § 1331, and 28 U.S.C. § 1345, and this judicial district is an appropriate venue for this action.

3. Defendant, Griffith Police Department (“the Department”), is a local governmental law enforcement agency and is located within this judicial district.

4. The Department is a “person” within the meaning of 42 U.S.C. § 2000e(a) and an “employer” within the meaning of 42 U.S.C. § 2000e(b).

5. Marlene Starceвич (“Starceвич”) lives within this judicial district, in the Town of Griffith, Indiana.

6. Starceвич filed a timely charge of discrimination (Charge No. 470-2010-02618) against the Department with the United States Equal Employment Opportunity Commission

("EEOC") on or around August 18, 2010. The EEOC Indianapolis District Office investigated the charge.

7. Pursuant to Section 706 of Title VII, 42 U.S.C. § 2000e-5, the EEOC found reasonable cause to believe that Starceвич was discriminated against in violation of Title VII, attempted unsuccessfully to conciliate the charge, and subsequently referred the matter to the United States Department of Justice.

8. All conditions precedent to the filing of suit have been performed or have occurred.

CLAIM FOR RELIEF

9. Marlene Starceвич was hired as a patrol officer at the Department on May 13, 1991. She was promoted to Patrol Corporal on March 15, 1998, and to Patrol Sergeant on June 20, 1999.

10. Starceвич is the first and only female officer in the history of the Department.

11. Prior to July 2010, it had been the Department's practice to assign all Sergeants as Shift Commanders, and to schedule promotions such that the number of Sergeants was the same as the number of Shift Commanders needed.

12. The role of Shift Commander is a supervisory position over all other officers on the shift. For example, Shift Commanders generally have the final word in decisions that affect the shift.

13. Starceвич served as Shift Commander from her promotion to Sergeant in 1999 until 2001.

14. Starceвич was assigned as School Resource Officer in 2001. As School Resource Officer, Starceвич performed school-related duties during the regular school year.

During the summer, she served as a “floater” officer on patrol, assisting on patrol shifts when needed.

15. Starcevich served as School Resource Officer from 2001 to 2010. In May 2010, both Starcevich and Griffith School Superintendent Peter Morikis requested, in writing, that Starcevich be removed as School Resource Officer.

16. At the same time, Starcevich also requested, in writing, that she be returned to patrol and assigned to the next available Shift Commander opening. No Shift Commander opening existed at that time.

17. Chief Kottka removed Starcevich as SRO and assigned her as an officer on Sergeant Jeff Gang’s (“Gang”) shift on or about June 6, 2010.

18. The SRO serves as a “floater” during the summer months when school is closed. Starcevich was not assigned as a “floater” during the summer of 2010.

19. Also on or about June 6, 2010, Officer Peter Ghrist (“Ghrist”) was assigned as the new School Resource Officer. Ghrist was removed from his position on Gang’s shift and placed in a “floater” position on the shift schedule.

20. A Shift Commander opening became available on or about July 4, 2010. Starcevich was not assigned to this Shift Commander opening, despite being the only Sergeant that was not already assigned as Shift Commander. At that time, Starcevich was the most senior Sergeant at the Department based on time in grade, and the second-most senior Sergeant at the Department based on time on the force.

21. Instead of assigning Starcevich to the Shift Commander opening, on or about July 4, 2010, the Department promoted a male officer, Todd Dawes (“Dawes”), from Corporal to Sergeant and assigned him to the Shift Commander opening.

22. Starcevich remained on Gang's crew from June 2010 through December 2011. On Gang's crew, Starcevich served as back-up Sergeant and back-up Shift Commander, in a role akin to that of a Corporal. Gang was always ultimately in charge of the crew.

23. By refusing to assign Starcevich as Shift Commander, the Department assigned her to a position subordinate and inferior to the one she should have had because it afforded reduced supervisory responsibilities, lower rank and prestige within the hierarchy of the Department, and fewer career opportunities.

24. Starcevich was qualified for the open Shift Commander position and was performing her job satisfactorily.

25. The Department treated Starcevich less favorably than similarly situated male officers. The Department has never denied the Shift Commander assignment to a male Sergeant, nor required that a senior male Sergeant serve under a junior Sergeant.

26. The Department did not require any of the male Sergeants to serve as back-up Sergeant on another Sergeant's crew.

27. For the foregoing reasons, *inter alia*, Defendant discriminated against Starcevich, in violation of 42 U.S.C. § 2000e-2(a), by denying her a Shift Commander assignment.

PRAYER FOR RELIEF

WHEREFORE, the United States prays that the Court grant the following relief:

- (a) award compensatory damages to Starcevich to compensate her for the pain and suffering caused by the Department's discriminatory conduct, pursuant to and within the statutory limitations of Section 102 of the Civil Rights act of 1991, 42 U.S.C. § 1981a;
- (b) order the Department to take remedial steps to ensure a nondiscriminatory workplace, including providing adequate training to all employees and officials; and
- (c) award such other relief as justice may require, together with the United States' costs and disbursements in this action.

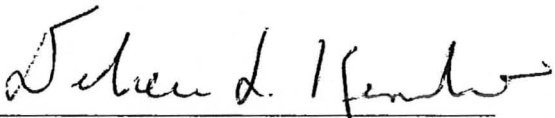
JURY DEMAND


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. § 1981(a).

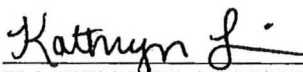
Date: 6/3/2013

Respectfully submitted,

THOMAS E. PEREZ
Assistant Attorney General
Civil Rights Division

BY: 
DELORA L. KENNEBREW (GA Bar No. 414320)
Chief
Employment Litigation Section
Civil Rights Division


KAREN D. WOODARD (MD Bar – No Number Issued)
Deputy Chief
Employment Litigation Section
Civil Rights Division


KATHRYN LADEWSKI (MI Bar No. P74431)
Trial Attorney
Employment Litigation Section
Civil Rights Division
United States Department of Justice
950 Pennsylvania Avenue, NW
Patrick Henry Building, Room 4503
Washington, DC 20530
(202) 353-1099 (phone)
(202) 514-1005 (fax)
Kathryn.Ladewski@usdoj.gov
Karen.Woodard@usdoj.gov

Attorneys for the United States of America