

6. Deidre Jackson (“Jackson”) filed a timely charge with the United States Equal Employment Opportunity Commission (“EEOC”) (Charge No. 510-2016-00733) on or about November 23, 2015, alleging that Defendant discriminated against her in employment based on her race (Black). Pursuant to Section 706 of Title VII, 42 U.S.C. § 2000e-5, the EEOC investigated the charge, found reasonable cause to believe Jackson was subjected to discrimination on the basis of her race, attempted unsuccessfully to achieve resolution of this matter through conciliation, and subsequently referred the charge to the Department of Justice.

7. All conditions precedent to this lawsuit have been performed or have occurred.

FACTUAL ALLEGATIONS

8. From March 2007 until May 2015, Jackson was employed by the Defendant as a Communications Specialist at the Florida Space Coast Office of Tourism (“Tourism Office” or “Office”), the department of County government charged with promoting the County as a tourist destination.

9. During her eight-year tenure as a County employee in the Tourism Office, Jackson had an exemplary work record. Jackson received only positive ratings in written performance evaluations, including the highest possible rating of “exceptional” in her last evaluation, for the period from October 1, 2013 to September 30, 2014, and was never disciplined.

10. In November 2014, Eric Garvey (“Garvey”), who is white, was hired as the Director of the Tourism Office. At that time, the Office had about 13 employees, all of whom were white, except for Jackson and Kalina Subido-Person (“Subido-Person”), an Asian-American.

11. Before being hired as Tourism Office Director, Garvey had never worked for the Tourism Office or the County, and had never worked with Jackson.

12. During the period Jackson worked under Director Garvey, he documented no performance or conduct problems on her part, and he never told Jackson of any concerns in her performance or in the way she performed her job duties.

13. Throughout Jackson's tenure in the office with Garvey, he noticeably avoided interacting with her during the work day. The Tourism Office employees all worked together in the same contiguous workspace; however, Garvey avoided conversing or interacting with Jackson while he regularly and routinely conversed and interacted with the white employees every day. Before terminating her, Garvey met with her only twice in his office: the first time to introduce himself and the second time to briefly chat about job duties.

14. On or about April 30, 2015, Garvey summoned Jackson to a meeting in his office, with no advance notice of the meeting or its purpose. At their meeting, Garvey communicated to Jackson that she was terminated. Garvey told Jackson that she did not fit what his vision of what he wanted the Office to look like and there was no place for her in the Office. Garvey also told Jackson that he wanted her gone in 14 days. When Jackson asked Garvey if there was anything wrong with her job performance, Garvey answered "no." At the meeting, Garvey provided Jackson with no specific reason for her termination. Their meeting lasted no more than several minutes.

15. Defendant never notified Jackson of any reason for her termination in a termination letter or other writing.

16. Jackson's termination from the Tourism Office was effective on May 15, 2015.

17. On or about April 30, 2015, the same day Garvey terminated Jackson, Garvey also met with Subido-Person, a 25-year employee of the Tourism Office with a history of positive evaluations and no disciplines, and told her if she did not resign she would be terminated. Subido-Person thereafter resigned from the Tourism Office. Later, in January 2019, Subido-Person filed a lawsuit against the County in state court, alleging racially discriminatory termination in violation of the Florida Civil Rights Act of 1992. According to Subido-Person's lawsuit, Garvey gave her no reasons for her termination, nor did any legitimate reasons exist.

18. During Garvey's four-year tenure as Director of the Tourism Office, Jackson and Subido-Person were the only employees who were terminated.

19. After terminating Jackson and Subido-Person, the Tourism Office had only white employees.

20. After terminating Jackson, at the end of 2015, Garvey hired two white individuals from outside the Tourism Office, Jeanna Wood and Deborah Webster, to replace Jackson in the Office and perform her duties.

21. Upon information and belief, since Jackson and Subido-Person were terminated, the County has only hired white individuals to work in the Tourism Office.

CLAIM FOR RELIEF

COUNT I

Disparate Treatment Based on Race

22. The United States repeats and incorporates by reference the factual allegations set forth in paragraphs 1 - 21.

23. At times relevant here, Defendant discriminated against Jackson on the basis of race (Black), in violation of Section 703(a) of Title VII, when it terminated her employment with the Tourism Office in 2015.

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

A. Provide make-whole relief to Jackson, including backpay and reinstatement to her former job with accompanying benefits and retroactive seniority, to compensate her for the loss she has suffered as a result of Defendant's discriminatory conduct alleged in this Complaint;

B. Award Jackson any prejudgment interest on the amount of lost wages and benefits determined to be due;

C. Award damages to Jackson to fully compensate her for pain and suffering caused by Defendant's discriminatory conduct alleged in this Complaint, pursuant to and within the statutory limitations of section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a; and

D. Award such additional relief as justice may require, together with the United States' costs and disbursements in this matter.

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.

§ 1981a.

Date: July 27, 2020

Respectfully submitted,

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