

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF OKLAHOMA

FILED

JUN 17 2009

WILLIAM B. GUTHRIE  
Clerk, U.S. District Court  
By \_\_\_\_\_  
Deputy Clerk

UNITED STATES OF AMERICA,

Plaintiff,

v.

BILL STURCH, Sheriff of Bryan County,  
Oklahoma (in his official capacity),

Defendant.

CIV 09 - 234 - FHS

Civil Action No. \_\_\_\_\_

**COMPLAINT**

Plaintiff, the United States of America, alleges:

1. This action is brought by the United States to enforce Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, *et seq.* ("Title VII").

2. This Court has jurisdiction of the action under 42 U.S.C. § 2000e-6(b) and 28 U.S.C. § 1345.

3. Defendant, Bill Sturch ("Sheriff Sturch"), the Sheriff of Bryan County, Oklahoma, is an elected official in the State of Oklahoma. Sheriff Sturch is sued in his official capacity only.

4. Sheriff Sturch has the responsibility for the employment of persons in the Bryan County Jail ("BCJ"), including, among other things, the selection, hiring and employment of personnel at the BCJ. The Sheriff also is responsible for establishing the terms, conditions, policies and practices that affect personnel employed at the BCJ.

5. Sheriff Sturch is a “person” within the meaning of 42 U.S.C. § 2000e(a) and an employer or agent of an employer within the meaning of 42 U.S.C. § 2000e(b).

### CAUSE OF ACTION

6. On or about March 10, 2007, upon giving notice of her pregnancy, Candy Williams, an employee of the County at the BCJ, was removed from her position as a BCJ Confinement Officer and placed on mandatory light duty.

7. In or about September 2007, upon giving notice of her pregnancy, Tonya Smith, an employee of the County at the BCJ, was removed from her position as a BCJ Confinement Officer and placed on mandatory light duty.

8. In or about August 2007, upon giving notice of her pregnancy, Christine Crow-Johnson, an employee of the County at the BCJ, was removed from her position as a BCJ Confinement Officer and placed on mandatory light duty.

9. Since approximately February 2007, Sheriff Sturch has had a practice of requiring that pregnant BCJ Confinement Officers, immediately upon notifying their supervisors of their pregnancy, be removed from their Confinement Officer position and be placed on mandatory light duty.

10. In or about October 2007, Sheriff Sturch issued a written policy requiring all female BCJ Confinement Officers, in the event that they became pregnant, to provide the Sheriff or other managerial personnel with written medical documentation of their ability to continue employment in their capacity as BCJ Confinement Officers or to face mandatory removal from their Confinement Officer position and reassignment to a light duty position.

11. The acts and practices of Sheriff Sturch, described in paragraphs 6 through 10

above, were based on Sheriff Sturch's stated purpose of protecting the health and well-being of pregnant, female BCJ Confinement Officers, together with the health and well-being of their unborn babies, and were without regard to the individual's ability to perform the essential duties of her job.

12. The acts and practices of Sheriff Sturch, described in paragraphs 6 through 10 above, constitute a pattern or practice of intentional resistance to the full enjoyment of the rights of pregnant females employed as BCJ Confinement Officers to equal employment opportunities without discrimination based on sex and pregnancy, in violation of § 707 of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-6.

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

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

- (a) enjoin Sheriff Sturch from subjecting any applicant for employment or employee who is pregnant or may become pregnant to a policy or practice that discriminates on the basis of sex and pregnancy;
- (b) require Sheriff Sturch to:
  - (i) adopt a policy or policies regarding light duty for pregnant employees that complies with Title VII;
  - (ii) adopt a policy that establishes an effective mechanism for receiving and responding to complaints of sex and pregnancy discrimination;
  - (iii) provide adequate training to all employees and officials under the Sheriff's supervision who are responsible for making

- determinations regarding complaints of sex and pregnancy discrimination; and
- (iv) take other appropriate nondiscriminatory measures to overcome the effects of sex and pregnancy discrimination.
- (c) award such additional relief as justice may require, together with the United States' costs and disbursements in this action.

LORETTA KING  
Acting Assistant Attorney General  
Civil Rights Division

By:



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