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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

EUGENE DIVISION

KIMMIE JACKSON and ANITA SITES,

Case No. 6:23-cv-00690-MK

Plaintiffs,

FIRST AMENDED COMPLAINT

v.

CITY OF YACHATS, a public entity,

JURY TRIAL REQUESTED

Defendant.

NATURE OF THE ACTION

1.

This is an action under Title VII, 42 U.S.C. § 2000e-2, -342 U.S.C. § 2000e-2(a), -3(a) and 42 U.S.C. § 2000e-3(a) (race discrimination opposition).

2.

Plaintiff also brings claims for violation of state law claims of discrimination, retaliation, and discriminatory pay practices all pursuant to the court's supplemental jurisdiction.

JURISDICTION AND VENUE

3.

This Court has jurisdiction over the subject matter of this complaint pursuant to 28 U.S.C. §1331, 1343(a)(3), and 1343(a)(4).

4.

The court has jurisdiction over plaintiff's state law claims set forth in this complaint pursuant to its supplemental jurisdiction to hear related state law claims under 28 U.S.C. § 1367(a). Both the federal and state claims alleged herein arose from a common nucleus of operative fact, the state action is so related to the federal claim that they form part of the same case or controversy, and the actions would ordinarily be expected to be tried in one judicial proceeding.

5.

The allegations described herein are alleged to have been committed in the District of Oregon, Eugene Division.

THE PARTIES

6.

Plaintiff **KIMMIE JACKSON** (“Plaintiff Jackson”) at all relevant times was an employee of Defendant. Plaintiff Jackson is a resident of Yachats, Oregon.

7.

Plaintiff **ANITA SITES** (“Plaintiff Sites”) at all relevant times was an employee of Defendant. Plaintiff Sites is a resident of Waldport, Oregon.

8.

Defendant **CITY OF YACHATS** (“Yachats” or the “City”) is a public entity located in Lincoln County, Oregon. At all material times Yachats was an employer as defined in 42 USC 2000e(b) and ORS 659A.001(4)(a).

PROCEDURAL REQUIREMENTS

9.

Plaintiffs have timely satisfied all administrative prerequisites, if any, to the filing of the statutory claims set forth in this complaint.

STATEMENT OF FACTS

Plaintiff Anita Sites

10.

Plaintiff Sites was first hired as a temporary employee through an agency in September 2019.

11.

The contract ended January 2020 and Plaintiff Sites left the position.

12.

In June 2020, Yachats, through then City Manager Shannon Beaucaire, asked Plaintiff Sites to come back to work based on her previous exemplary work performance.

13.

Plaintiff Sites returned through the same staffing agency.

14.

Shortly after returning Plaintiff Sites began to experience racism as one of only two BIPOC individuals working for Yachats, and one of the few people of Asian descent in the small town.

15.

The change in treatment towards Plaintiff Sites began after she returned and was assigned additional duties beyond her job description, performed them with efficiency, and then requested proper compensation in alignment with those extra duties.

16.

These additional duties included: a) improving administrative efficiencies in handling certain city operations such as processing utility billing, revenues, staff suspension list and progress reports and various communication to the community, b) city newsletter editing, design and production, and c) city website administration and management. For the newsletter duties, Plaintiff Sites requested compensation of \$25/hour for 8 hours a month, and for website management \$50/hour for 10-15 hours a month. These were both duties previously done by Helen

Anderson, a white woman, who was compensated at that rate.

17.

Plaintiff Sites was also subject to racially motivated harassment from individual employees. After being cornered in the break room one day, one of the male Water Treatment Operators said to Plaintiff Sites that if she would "give him time" he'd "set [her] right."

18.

This comment stemmed from stereotype that Asian women are supposed to be soft spoken and defer to men, and the male Operator felt Plaintiff Sites was being too loud and assertive for an Asian woman.

19.

On November 10, 2020, Plaintiff Sites requested a meeting with Ms. Beaucaire to discuss her concerns regarding the threats by the male operator, as well as to request compensation specifically for the two additional responsibilities that she had taken on.

20.

Plaintiff Sites had learned that she was being paid \$11,000 per year less than a similarly situated white woman who had a smaller workload and less experience.

21.

Ms. Beaucaire placated Plaintiff Sites, promising to follow-up with the appropriate governing body. Upon information and belief, she never did.

22.

On December 8, 2020, Plaintiff Sites requested a follow-up on the status of her complaints.

23.

Ms. Beaucaire advised that the Council did not approve any salary increase as “the city was not in a position” to do so.

24.

On December 10, 2020, after seeing an out of office notification from Ms. Beaucaire, Plaintiff Sites sent an email to the city council and mayor asking what she could do to demonstrate her value to Yachats.

25.

As part of this email, she included examples of the pay differential between her and the similarly situated white woman, including a list of job duties both women undertook.

26.

She also asked about the status of her harassment complaint as there had been no follow-up by Ms. Beaucaire.

27.

Within an hour, Mayor John Moore and Council President Max Glenn came into City Hall for a closed-door meeting with Ms. Beaucaire.

28.

After that meeting, Plaintiff Sites was subsequently asked to email all of the job tasks she “refused” to continue doing, which was concerning since she had not said anything about refusing work.

29.

She responded with a question about the raise, and stating she did not refuse to do any work, to which she received no response.

30.

After that exchange, Plaintiff Sites was subject to a campaign of retaliation based on her allegations of racism and request for equal pay.

31.

The retaliation included a smear campaign against her with many false and defamatory statements made, including Ms. Beaucaire telling two colleagues that she “demanded” to be paid \$50 an hour, that there were “concerns” about her work necessitating a consult with human resources and the city attorney - a discussion that never happened.

32.

Yachats employees stated that she was “aggressive” and a “troublemaker,” that she "can't be trusted," she was "not a team player," and was a "mean girl." It was also alleged that she was involved in vandalism to city property, a completely false accusation. Many of these statements were based on racial tropes about Asian women.

33.

In addition, her work product was publicly called into question, yet there had been no complaints, coaching, or any documented performance problems.

34.

These false allegations were started by Ms. Beaucaire and repeated to City Councilors, the

Mayor, and members of the community.

35.

Most insulting were the jokes and comments based on her race, including Ms. Beaucaire referencing “ESL” (English as a second language) in a sarcastic reference when she warned staff that Plaintiff Sites might find a typo in their written work.

36.

In February 2021, Plaintiff Sites received a call from the Director of Human Resources from the temp agency she had been hired through. The HR Director explained that she had been made aware of Plaintiff Sites’ formal complaint of discrimination and that she was concerned about the hostile environment.

37.

In March 2021, Ms. Beaucaire directed the temp agency to offer an ultimatum to Plaintiff Sites to take on an additional seven pages worth of job responsibilities with no additional pay or vacate the position within 24 hours and leave the keys on the desk.

38.

Plaintiff Sites accepted the new responsibilities for no increase in pay because Ms. Beaucaire had given notice and a new interim City Manager was starting in a few weeks. Plaintiff Sites was hoping that the new person would be more reasonable, and the retaliation and harassment would stop.

39.

Ms. Beaucaire left the position and Lee Elliot took over as Interim City Manager.

40.

Around that same time, the City Council and Union approved extending Plaintiff Sites' contract until August 2021.

41.

Plaintiff Sites went on a scheduled vacation and two days into the vacation was called by the temp agency and notified that her contract with Yachats was terminated.

42.

She reached out to Mr. Elliot for an explanation, but her calls and texts went unanswered.

43.

In July 2021, there was an opening for a position that was similar to the work Plaintiff Sites had been doing for Yachats and for which she was well qualified. The salary range in the job description was \$56,000-\$60,000.

44.

This was the same position which Plaintiff Sites had requested consideration for in February 2021. The position had not been filled since that time.

45.

The new City Manager, Katherine Guenther, recommended her rehire for the position.

46.

After stating her interest in the finance job, Plaintiff Sites was told to "keep [her] head down," and Yachats would see "if [her] work speaks for itself because half of the council [did] not trust [her]."

47.

During the hiring process, Mayor Leslie Vaaler insinuated that Plaintiff Sites was not ethical, but said she would allow her to work in that position if she accepted a salary of \$48,600 – almost \$10,000 below the approved budget for the position.

48.

Prior to this offer, Mayor Vaaler had asked if Yachats had \$76,000 for the other candidate, a white woman.

49.

Plaintiff Sites did not accept the offer and had to pursue a job out-of-state as the reporting of the mistreatment and the smear campaign made her unemployable in Lincoln County.

50.

The position offered to Plaintiff Sites continued to be performed by two contractors at \$55/hour each, at a cost to Yachats of over \$100,000 per year.

51.

Both the contractors were white.

Plaintiff Jackson

52.

Plaintiff Jackson began working for Yachats on July 15, 2011.

53.

She is the only black employee and was the only employee of color until Plaintiff Sites was hired. After Plaintiff Sites' termination, she continues to be the only employee of color.

54.

Since she began her position, Plaintiff Jackson watched as the City Manager position was passed from white person to white person, with none lasting more than a few years. Joan Davies held the position from 2015-2017, Shannon Beaucaire from 2017 until approximately March 18, 2021, Lee Elliot from March 18, 2021 to June 3, 2021, and Katherine Guenther from June 4, 2021 until approximately February 2022.

55.

Heide Lambert was hired on February 14, 2022, as the current City Manager.

56.

Plaintiff Jackson made complaints to each City Manager since she began working, including Shannon Beaucaire beginning in 2017, Lee Elliot and Katherine Guenther in 2021, as well as Mayor Vaaler and several City Councilors, about the systemic discrimination and harassment she experienced, not only as an employee of the city but that permeates all parts of life in Yachats.

57.

For example, after being hired as City Manager in June 2016-2017, Joan Davies subjected Plaintiff Jackson has been subjected to the use of racial and ethnic slurs when speaking to and about her, and false accusations of laziness, incompetence, and other racist tropes used against her. Between 2017 and 2018, Joan Davies and Clerk III Judie Richter accused Plaintiff Jackson of running a notary business from the office and was subject to increased scrutiny by public enforcement after false claims were made against her to the agencies.

58.

In another instance occurring in approximately 2018, after stepping down as City Manager, Joan Davies appointed herself “code enforcement” and began following Plaintiff Jackson to her medical appointments when she took time off during the day. When Plaintiff Jackson reported this behavior to then-City Manager, Shannon Beaucaire, it was not addressed.

59.

Plaintiff Jackson has been one of the only employees to remain consistent at the City of Yachats for over a decade. However, white co-workers would come in, be paid more for the same work and were instructed to keep “watch” on Plaintiff Jackson. Under City Manager Beaucaire’s watch in 2018, Clerk III Judie Richter went so far as to record every time Plaintiff Jackson got up from her desk to use the bathroom. When Plaintiff notified Beaucaire, her response was to have Plaintiff begin providing documentation of all her work. Spanning multiple years, City Manager and City Hall office employees alike would micromanage Plaintiff and treat her like a child, then leave the City just as quickly as they had arrived.

60.

Plaintiff Jackson reported this to each of the City Managers, the mayor, and city councilors, yet nothing was ever done.

61.

In another example, in approximately 2018-2019, toward the end of her tenure, Ms. Beaucaire hired the Council of Government (COG) to do the finance, planning, and human resources functions.

62.

In 2019, COG restricted all of Plaintiff Jackson's access to utility billing and other job functions that prevented her from doing her job. COG stated to Ms. Beaucaire that Plaintiff Jackson should not be doing the duties she had been performing for seven years. Plaintiff Jackson had expressed concern to Ms. Beaucaire, and she claimed she was not aware of access being taken away despite her being the administrator.

63.

Soon after this in 2019, a staff member of COG went through Plaintiff Jackson's desk and made the comment: "I see that voodoo doll. Don't do voodoo on me." as she was walking out the door. There was no doll. Plaintiff Sites witnessed this incident.

64.

Plaintiff Jackson reported this to Ms. Beaucaire. Nothing was done.

65.

In 2020, Plaintiff Jackson asked Ms. Beaucaire to reinstate some of her job duties that had been stripped by COG. Ms. Beaucaire gave her back some of her old duties, but also added additional duties that created an overload on Plaintiff Jackson.

66.

It was so much additional work Plaintiff Jackson requested temporary office help since she was the only full-time City office staff that had knowledge and access to all functions of running Yachats operations.

67.

She was ignored and received no additional help and was still expected to take on all the extra work, as she always had after each of the white co-workers left and the city managers changed from underqualified white person to underqualified white person.

68.

In between official City Manager appointments, as was the case following Beaucaire's departure in 2021, all the administrative work of the City Manager fell on Plaintiff Jackson's desk.

69.

When Ms. Guenther was appointed as the interim City Manager in June 2021, she was appointed without any application process, even though she had no municipal experience and had only recently started her position as a City Planner.

70.

No one asked Plaintiff Jackson at any time to take over as Interim City Manager despite her taking on the job duties in between City Managers.

71.

Instead, interim City Manager Lee Elliot told Ms. Guenther not to worry about not having any experience with the position, as "Kimmie will do all the work" and she could just hand it all to Plaintiff Jackson.

72.

Because of the continuing racism, discrimination, harassment, and retaliation, Plaintiff

Jackson took protected medical leave on December 22, 2021.

73.

On January 21, 2022, Plaintiff Jackson filed a tort claim notice and on March 17, 2022, a complaint was filed with the Oregon Bureau of Labor and Industries (BOLI).

74.

Plaintiff Jackson remained on medical leave until July 5, 2022.

75.

Upon her return, she was subject to retaliation by City Manager Lambert, including stripping her of job duties and responsibilities, denying previously approved and provided accommodations for her disability, and attempted discipline.

76.

Plaintiff Jackson's job duties and responsibilities had been created in a combined effort between Yachats and the union prior to Plaintiff Jackson's medical leave in 2021.

77.

Those job duties and responsibilities include: • Establish and maintain City record management and retention systems as required by State and Federal archival laws. Respond to Public Records Requests in compliance with Oregon Public Records Law. • Oversee the maintenance of original City agreements, contracts, leases, easements, and deeds in accordance with City of Yachats policies and records retention laws. • Certify the authenticity of official City documents, including attesting to the City Manager's or the Mayor's original signatures on official documents. • Maintain utility accounts, including account changes, delinquency notices,

correspondence, meter readings, and invoicing. Receive and process payments and prepare bank deposits for utility billing. • Assist City Manager in developing department budget, reviewing, and approving purchase orders and monitoring expenses for adherence to approved budget. • Review and recommend revisions of codes and policies where appropriate in order to ensure best practices for citizens, businesses, and the community are considered. • Maintain work areas in a clean and orderly manner and follow all safety rules and procedures established for work areas. • Represent the City of Yachats by responding to the public, citizen, employee, or other stakeholders in a prompt, professional, respectful, and courteous manner while continuously maintaining a positive customer service demeanor. • Assist with public communications, including media press releases and social media as well as provide information to the public. • Assist with support of Human Resources functions, including but not limited to setting up personnel files, filing confidential documents, and other Human Resources related needs including but not limited to, training suggestions, as directed. • TR & Business Licensing, Tax collection & billing • Perform other duties as assigned, including backing up other positions and assisting other departments including accounts payable and payroll. • May act as the City Manager in their absence.

78.

All of these job duties and responsibilities had been part of Plaintiff Jackson's work over the course of her almost 12 years of employment.

79.

Upon her return from protected medical leave in June 2022, Plaintiff Jackson was reassigned from her workspace to another desk and had all but two of her job functions removed.

80.

Plaintiff Jackson is left-handed and has a cage in her back from some back surgeries that still cause her pain. Her workspace was set up specifically as an accommodation for her back.

81.

When Plaintiff Jackson returned from leave, she was told she would no longer be in her workspace and would be working at a new desk away from the front door. Plaintiff Jackson had spent her entire employment as one of the faces of the City and had a good rapport with people who came into the office.

82.

Plaintiff Jackson then informed Ms. Lambert of the reason for needing her desk back, including telling her it was an accommodation for her disability. Ms. Lambert refused, saying that she couldn't have the desk back as two other temporary white co-workers were going to be assigned to that space.

83.

For the remainder of 2022, Plaintiff Jackson was left working in pain with the new setup that forced her to lean to the left to do her work.

84.

Additionally, for the last 9 years Plaintiff Jackson has had her registered service animal with her at work as an accommodation for her qualified medical disability.

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85.

Upon her return, she was told by Ms. Lambert that she was not allowed to have her service animal in the office because she was allergic to dogs. However, Ms. Lambert's office is on the other side of the building and has a door that can be closed.

86.

In addition to taking away all but two of her job responsibilities, Plaintiff Jackson's email was changed from the one she used for the previous 11 years. The old email account, which housed many important documents from the past decade with the City, was no longer available to Plaintiff Jackson.

87.

In August 2022, Plaintiff Jackson asked IT employee, Neal Morphis, to help but was told there was nothing he could do.

88.

Plaintiff Jackson then went to Ms. Lambert, expressing concern that the destruction of the files violated state regulations on retention of files for the public, and other rules and regulations as there were 11 years' worth of files in that email.

89.

When told of this issue, Ms. Lambert told Ms. Jackson to think of it as "starting over" and did not express any concern at the potential violations of law.

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90.

As she began doing her work, Plaintiff Jackson discovered that access necessary to do her job, including access to the website for agendas and documents to be posted, and access to shared drives where the documents reside, were taken away.

91.

When she again had to ask Ms. Lambert about the restrictions in her job, she was told she had to now send her work to a temporary, white “Office Manager” with no city experience to be reviewed and posted.

92.

Prior to her medical leave and filing of her BOLI complaint, Plaintiff Jackson had not, in her 12 years as a City employee, been given any discipline related to her work, or even been told that there were concerns over her work product.

93.

Ms. Lambert required Plaintiff Jackson to account for every minute of her workday, including any doctor’s appointments, of which there were many for ongoing medical issues. For example, instead of allowing Plaintiff Jackson to make up time for a medical appointment like her white co-workers were allowed to do, she was told she had to take unpaid leave.

94.

In addition, Ms. Lambert told at least one of the temporary employees that they were not to assist Plaintiff Jackson in any way with her work.

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95.

As of May 10, 2023, Ms. Lambert had yet to review the majority of the work Plaintiff Jackson sent her for review, creating a backlog for the release of public information. In fact, Ms. Lambert has not released a single document since May 10, 2023.

96.

On March 6, 2023, there was an incident at the office involving a male community member and the temporary female employees of the city. Plaintiff Jackson was not present.

97.

After that incident the female employees told Ms. Lambert that they felt unsafe, and she needed to keep them safe.

98.

Within days of that report, Ms. Lambert put a hold on the hiring process, and forced all of the women to leave.

99.

When Plaintiff Jackson arrived back at the office after a scheduled vacation, she found that she was the only person working. By 9:30am, no one had come into the office, not even Ms. Lambert.

100.

Because Ms. Lambert had still not reinstated Plaintiff Jackson's access to crucial data, nor given her the ability to answer phone calls or help the public in any meaningful way, Plaintiff Jackson was forced to close the office due to no staff.

101.

In fact, for most of 2023, Ms. Lambert did not come into the office with any regularity. When she was in the office, she would have her door shut and only interact with a few white staff members. She would not acknowledge or interact with Plaintiff Jackson.

102.

Shortly thereafter, Ms. Lambert gave her notice of resignation, effective May 31, 2023.

103.

On or about April 10, 2023, Plaintiff Jackson wrote a letter to her union, the Mayor, and City Council laying out in detail the retaliation she has faced since returning from medical leave, that she was the only employee remaining at the City, and that she was left with no way to help the public or do any work, and that she did not know what else to do. She asked for help in any way they could manage.

104.

She received no response.

105.

At the April 19, 2023, City Council meeting, Ms. Lambert was asked how the city was functioning when there were no employees except her, Plaintiff Jackson, and two new people, and how she planned to transition to a new City Manager.

106.

Ms. Lambert told the City Council, on the record, that Plaintiff Jackson was “helping” with billing. This was an untrue statement as Plaintiff Jackson still does not have access to any work-

related systems as of the date of this complaint and has been relegated to sitting at her desk and doing nothing.

SUPPLEMENTAL ALLEGATIONS

107.

On or about June 1, 2023, Rick Sant was appointed as interim city manager. He previously worked for a newspaper in CA for his career and retired up to Yachats. He has zero experience working for a city, or in city management.

108.

Mr. Sant agreed to be interim City Manager until November 2023.

109.

After Ms. Lambert left, Mr. Sant allowed Plaintiff Jackson full access to all the accounting information and other systems that she had been refused access to during Ms. Lambert's tenure.

110.

With full access restored, Plaintiff Jackson uncovered over \$75,000 worth of checks and cash that had not been deposited or recorded. She further found that billing and duties for utilities had not been completed properly.

111.

Since her return to full access after Ms. Lambert, Plaintiff Jackson has essentially done the job of City Manager including re-writing job descriptions, training all the new staff or providing them with resources on how to obtain proper training, and even helped to hire proper staff.

112.

On July 1, 2023, Plaintiff Jackson asked Mr. Sant for out-of-class pay for the work she had been doing, starting in June. Mr. Sant did not agree but did start out-of-class pay on July 15, 2023.

113.

Soon after, Plaintiff Jackson also discovered that after her medical leave, Ms. Lambert had reduced her pay from approximately \$63,000 annually to approximately \$60,000.

114.

In October 2023, Plaintiff Jackson again wrote a letter to the City asking for compensation for fulfilling the roles of City Recorder and Assistant City Manager, both of which she had been doing without commensurate compensation. She received no response.

115.

Refusing to pay for a proper search for the next City Manager, the City decided to hire Bobbi Price, an event coordinator who ran the Newport Seafood and Wine Festival, to be the City Manager.

116.

Ms. Price, who started as City Manager on November 1, 2023, has no City Manager experience. Her job description includes the duties of City Recorder and Public Works Director.

117.

The City is paying Ms. Price approximately \$120,000.

118.

A City Recorder salary averages about \$90,000 per year.

119.

Plaintiff Jackson is fulfilling the City Recorder job functions with no additional pay.

120.

The City is also paying hourly for employees to cover the Public Works Director role.

121.

The City pays a bookkeeper approximately \$75,000 per year despite the bookkeeper having no degree, certifications, or experience bookkeeping for a large organization, let alone a public entity. Upon information and belief, prior to being hired as a bookkeeper, the white woman in the position was a tattoo artist who kept the books for her tattoo shop. Plaintiff Jackson has to constantly double-check the bookkeeper's work as it is often incorrect.

122.

The City also pays a separate finance person \$55 per hour for approximately 50-90 hours per week to work on finances as well.

123.

As of March 2024, Plaintiff Jackson is still being paid approximately \$63,000 annually including her out-of-class pay.

124.

Plaintiffs hereby reserve the right to amend this complaint pursuant to ORS 31.725.

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DAMAGES ALLEGATIONS

125.

As a result of the actions alleged herein, plaintiffs have suffered, and will continue to suffer economic damages. Plaintiffs are entitled to recover from defendant such lost wages and benefits of employment and other economic losses in such amount as may be established at trial.

126.

As a further result of defendant's actions alleged herein, plaintiffs have suffered and are entitled to recover for their noneconomic damages in an amount found to be appropriate by a jury based on the evidence presented at trial.

127.

Plaintiffs are entitled to such equitable and other relief in their favor on such terms as the court may direct.

128.

Plaintiffs are entitled to recover their reasonable attorney's fees, reasonable expert witness fees, and other costs of the action to be paid by the defendant pursuant to 42 U.S.C. § 2000e-5(k); ORS 659A.885; and/or ORS 20.107.

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FIRST CLAIM FOR RELIEF AGAINST DEFENDANT

Race Discrimination

(42 U.S.C. § 2000e-2(a))

(All Plaintiffs against Defendant)

129.

Plaintiffs incorporate and reallege paragraphs 1 through 112 as though fully set forth herein.

130.

Defendant discriminated against plaintiffs in the terms and conditions of their employment as alleged herein in substantial motivating part due to their race.

SECOND CLAIM FOR RELIEF AGAINST DEFENDANT

Race Discrimination

(ORS 659A.030)

(All Plaintiffs against Defendant)

131.

Plaintiffs incorporate paragraphs 1 through 112 by reference as though set forth fully herein.

132.

It is an unlawful employment practice for any employer to refuse to hire, employ or promote, to bar or discharge from employment or to discriminate in compensation or in terms, conditions, or privileges of employment on the basis of an individual's race or national origin.

133.

Defendant discriminated against Plaintiffs in the terms and conditions of their employment as alleged herein in substantial motivating part due to plaintiffs' race and/or national origin.

134.

Defendant's conduct as described herein is in violation of ORS 659A.030(1)(b).

THIRD CLAIM FOR RELIEF

(Retaliation ORS 659A.030(1)(f))

(All Plaintiffs against Defendant)

135.

Plaintiffs incorporate and reallege paragraphs 1 through 112 by reference as though set forth fully herein.

136.

It is an unlawful employment practice for any person to discharge, expel or otherwise discriminate against any other person because that person has opposed any unlawful practice under ORS Chapter 659A or has attempted to do so.

137.

Further, it is an unlawful employment practice for any person to discharge, expel or otherwise discriminate against any other person because that person has filed a complaint under ORS Chapter 659A.

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138.

Defendant discriminated against plaintiffs in the terms and conditions of their employment as alleged herein in retaliation for plaintiffs' opposition to and complaints and reports of discrimination due to race which constitute violations of law, regulation, and rule and for filing this complaint.

THIRD CLAIM FOR RELIEF
(Retaliation 42 U.S.C. §2000e-3(a))
(All Plaintiffs against Defendant)

139.

Plaintiffs incorporate and reallege paragraphs 1 through 112 as though fully set forth herein.

140.

Plaintiffs resisted and opposed discriminatory actions directed toward them by defendant as alleged herein.

141.

Plaintiffs' complaints are protected opposition to discrimination under federal law.

142.

Because of plaintiffs' protected opposition, defendant engaged in conduct that would dissuade a reasonable worker from making or supporting a charge of discrimination in violation of 42 U.S.C. § 2000e-3(a).

FOURTH CLAIM FOR RELIEF
(Disability Discrimination – ORS 659A.112)
(Plaintiff Jackson against Defendant)

143.

Plaintiff incorporates and realleges paragraphs 1 through 112 by reference as though set forth fully herein.

144.

Plaintiff had at all material times a physical impairment that substantially limited one or more major life activities or was regarded as or perceived as having such physical impairments.

145.

Plaintiff is protected by statute as an individual with a disability due to her actual disability, because of her record of disability, and because defendant regarded her as disabled.

146.

Defendant discriminated against Plaintiff in the terms and conditions of her employment based on her disability.

147.

Defendant discriminated against Plaintiff by taking adverse employment action against her and/or failing to engage in the interactive process and/or failing to make a reasonable accommodation in violation of this statute as alleged herein.

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FIFTH CLAIM FOR RELIEF

(Retaliation ORS 659A.230)

(Plaintiff Jackson against Defendant)

148.

Plaintiff incorporates and realleges paragraphs 1 through 112 as though fully set forth herein.

149.

It is an unlawful employment practice for an employer to discharge, demote, suspend or in any manner discriminate or retaliate against an employee with regard to promotion, compensation or other terms, conditions or privileges of employment for the reason that the employee has in good faith brought a civil proceeding against an employer.

150.

Plaintiff's filing of her BOLI complaint constitutes protected conduct under ORS 659A.230.

151.

Defendant discriminated against Plaintiff in the terms and conditions of her employment as alleged herein because of such protected conduct in violation of ORS 659A.230.

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SIXTH CLAIM FOR RELIEF

(Medical Leave Interference and Retaliation – ORS 659A.183/ORS 659A.030(g))

(Plaintiff Jackson Against Defendant)

152.

Plaintiff incorporates and realleges paragraphs 1 through 112 as though fully set forth herein.

153.

Plaintiff was an eligible employee as defined by ORS 659A.150(2) and not excluded from eligibility by ORS 659A.156.

154.

Defendant was a covered employer as defined by ORS 659A.153(1).

155.

In response to plaintiff's protected medical leave, defendant discriminated and retaliated against plaintiff in the terms and conditions of her employment by subjecting her to adverse employment actions including removing all job duties and functions, treating her differently than her colleagues, and attempting to discipline her in violation of ORS 659A.183(2).

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SEVENTH CLAIM FOR RELIEF

Equal Pay Act - 29 U.S.C. §206(d)(1), ORS §652.220

(Plaintiff Sues against Defendant)

156.

Plaintiff incorporates paragraphs 1 through 112 as though fully set forth herein.

157.

Plaintiff is an Asian woman and identifies as Asian.

158.

Plaintiff was performing work comparable to that of white co-workers. The work required substantially equal skill, effort, and responsibility and under similar conditions.

159.

Plaintiff was paid less for the same work.

160.

Defendant's actions violated 29 U.S.C. §206(d)(1), ORS §652.220 and Plaintiff is entitled to appropriate relief.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment as follows:

1. Economic damages against the defendant as alleged herein;
2. Non-economic damages against the defendant as alleged herein;
3. Attorney fees and costs as allowed by law, as well as prejudgment and post-judgment interest; and

4. Any other relief the Court deems just and equitable.

Dated this 25th Day of March 2024.

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