

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

MARY V. WILLIAMS,

Plaintiff,

v.

GIBSON COUNTY, TENNESSEE,

Defendant.

Civil Action No.

COMPLAINT

Plaintiff, Mary V. Williams, (“Ms. Williams”) by the undersigned attorneys, makes the following averments:

1. This is a civil action brought pursuant to the Uniformed Services Employment and Reemployment Rights Act of 1994, 38 U.S.C. §§ 4301 - 4333 (“USERRA”).

JURISDICTION AND VENUE

2. This Court has jurisdiction over the subject matter of this action pursuant to 38 U.S.C. § 4323(b).

3. Venue is proper in this district under 38 U.S.C. § 4323(c)(2) and 28 U.S.C. § 1391(b), because defendant, Gibson County (the “County”), maintains a place of business in this judicial district.

4. All statutory conditions precedent to the institution of this lawsuit have been fulfilled.

PARTIES

5. Ms. Williams resides at 109 North High Street, Trenton, Tennessee, which is within the jurisdiction of this Court.

6. The County is a corporate governmental body and political subdivision of the State of Tennessee, and is located within the jurisdiction of this Court. The County operates the “Gibson County Emergency Medical Service” (“GCEMS”) and is an employer within the meaning of 38 U.S.C. § 4303(4)(A).

CLAIMS FOR RELIEF

7. Ms. Williams joined the Army National Guard (“Guard”) in 1988 and, since that time, has served in the Guard.

8. On May 21, 2004, Ms. Williams was hired by the County as a part-time Emergency Medical Technician (“EMT”) in the GCEMS.

9. On June 15, 2004, and while she was working as a part-time EMT with the County, Ms. Williams notified the County of her orders to report to active duty with the Guard on July 6, 2004, and she provided the County with a copy of her orders.

10. Ms. Williams was on active duty with the Guard from July 6, 2004 until July 7, 2006, and spent all or substantially all of her two-year active duty stationed in Iraq as a paramedic.

11. On July 7, 2006, Ms. Williams completed her active duty with the Guard and received an honorable discharge.

12. On July 8, 2006, Ms. Williams contacted her supervisor at the County, Operations Manager Doug Lockard, advised Mr. Lockard that she had returned from active duty, advised

Mr. Lockard that she wanted the County to reemploy her in her EMT position with the County, and advised Mr. Lockard that she could begin work immediately. Mr. Lockard responded to Ms. Williams that the County would place her back on the “part-time EMT list” when part-time EMT positions became available.

13. The County did not offer Ms. Williams reemployment on July 8, 2006; nor did the County contact Ms. Williams about reemployment with the County until October 2006.

14. In early October 2006, Mr. Lockard advised Ms. Williams that a part-time EMT position was going to be available later that month. On October 25, 2006, the County reemployed Ms. Williams as a part-time EMT, a position she has continuously held with the County since that date.

15. Also, on or about October 7, 2006, the County promoted a part-time EMT to a full-time EMT position. Ms. Williams had more seniority with the County than the EMT promoted to this position. Based upon the County’s practice of promoting part-time EMTs to full-time EMT positions based upon seniority, Ms. Williams should have been promoted to this full-time EMT position.

16. The County violated Sections 4312 and 4313 of USERRA, among other ways, by: (a) failing or refusing to promptly reemploy Ms. Williams as a part-time EMT upon her return from military service and timely request for reemployment; and (b) failing or refusing to promote Ms. Williams to a full-time EMT position on or about October 7, 2006.

17. Ms. Williams has suffered substantial loss of earnings and other benefits of employment as a result of the County’s violations of USERRA.

PRAYER FOR RELIEF

WHEREFORE, Ms. Williams prays that the Court enters judgment against the County, its officers, agents, employees, successors and all persons in active concert or participation with it, as follows:

1. declare that the County violated Sections 4312 and 4313 of USERRA, among other ways, by: (a) failing or refusing to promptly reemploy Ms. Williams as a part-time EMT upon her return from military service and timely request for reemployment; and (b) failing or refusing to promote Ms. Williams to a full-time EMT position on or about October 7, 2006;
2. order that the County fully comply with the provisions of USERRA, and promptly promote Ms. Williams to a full-time EMT position at the level of seniority, status and compensation that she would have enjoyed had she remained employed continuously with the County from May 21, 2004 until such promotion, including during the time of her active duty service in the Guard;
3. order that the County fully comply with the provisions of USERRA, and promptly pay Ms. Williams for her loss of earnings and benefits suffered by reason of the County's failure or refusal to comply with USERRA;
4. award Ms. Williams prejudgment interest on the amount of lost wages and benefits;
5. enjoin the County from failing to comply in the future with all provisions of USERRA; and

6. grant such other and further relief as may be just and proper together with the costs and disbursements of this lawsuit.

GRACE CHUNG BECKER
Acting Assistant Attorney General
Civil Rights Division

BY:

s/ JOHN M. GADZICHOWSKI (WI Bar No. 1014294)
Acting Chief
Employment Litigation Section

s/ KAREN D. WOODARD (MD Bar - No Number Issued)
Deputy Chief

ANTOINETTE BARKSDALE (DC Bar No. 433201)
Trial Attorney
U.S. Department of Justice
Civil Rights Division, Employment Litigation Section
950 Pennsylvania Avenue, NW - PHB, Rm. 4032
Washington, DC 20530
Telephone: (202) 307-6012
Facsimile: (202) 514-1005

DAVID KUSTOFF
United States Attorney

BY:

s/ HARRIETT MILLER HALMON (TN Bar 05320)
Assistant United States Attorney
167 N. Main Street, Suite 800
Memphis, TN 38103
Telephone: (901) 544-4231

Attorneys for Plaintiff