

**UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT
OF NORTH CAROLINA, ASHEVILLE DIVISION**

UNITED STATES OF AMERICA,	§	
	§	
Plaintiff,	§	Civil Action No. _____
	§	
v.	§	
	§	
BURKE COUNTY DEPARTMENT OF SOCIAL SERVICES,	§	
	§	
Defendant.	§	
	§	

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.

3. Venue is proper in the Asheville Division of the United District Court of the Western District of North Carolina because all, or a substantial part, of the United States claims occurred or arose in Burke County, North Carolina.

4. Defendant BURKE COUNTY DEPARTMENT OF SOCIAL SERVICES ("Burke County") is a government entity created pursuant to the laws of the State of North Carolina. Burke County 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). Burke County is dedicated to assist

individuals who reside in the County and who require or request applicable social work services to maintain or enhance the quality of their lives.

5. The Equal Employment Opportunity Commission (“EEOC”) received a timely charge (EEOC Charge No. 430-2008-00139) filed by Ruth Roseboro (“Roseboro”), a black female. In her EEOC Charge, Roseboro alleged, *inter alia*, that she was subjected to a racially hostile work environment during the period between May 30, 2006 and August 31, 2007 and that Burke County failed to timely respond to Roseboro’s complaint of discrimination.

6. Pursuant to Section 706 of Title VII, the EEOC investigated the charge and found reasonable cause to believe that Roseboro was subjected to race-based discrimination. The EEOC attempted unsuccessfully to conciliate the charge, and subsequently referred the matter to the Department of Justice.

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

CAUSE OF ACTION

8. Roseboro began her employment with Burke County as an Administrative Assistant I on August 1, 2005.

9. Roseboro’s direct supervisor from August 1, 2005, until June 30, 2007, was Rebecca Harbison (“Harbison”), a Puerto Rican female.

10. Between May 30, 2006 and June 30, 2007, Roseboro was subjected to race-based harassment by Harbison.

11. More specifically, between May 30, 2006 and June 30, 2007, on at least three separate occasions, Harbison used the racial epithet “nigger” (hereafter referred to as the “n-word”) in Roseboro’s presence and on at least four other separate occasions, Harbison used the n-word in the presence of other Burke County employees.

12. On each occasion Harbison used the n-word in Roseboro's presence, Roseboro requested that Harbison cease and desist.

13. In or about late June 2007 or early July 2007, Roseboro complained to the then Director of the Burke County Department of Social Services, David Smith, and to County Manager, Ron Lewis, about both Harbison's use of the n-word and harassment.

14. Harbison's use of the n-word and harassment continued after Roseboro's complaints.

15. During the relevant time period, the County did not have an effective anti-discrimination policy in place and did not provide any anti-discrimination training to either its supervisors or its employees.

16. By its conduct, the County has discriminated against Roseboro in violation of Section 703(a) of Title VII, 42 U.S.C. § 2000e-2(a), among other ways, by:

- (a) creating and maintaining a hostile work environment sufficiently severe or pervasive to alter the terms, conditions or privileges of her employment;
- (b) failing to have an adequate anti-discrimination policy in place that clearly explained how, and to whom, reports of harassment should be made;
- (c) failing or refusing to take prompt or adequate remedial action in response to Roseboro's complaints of harassment;
- (d) failing or refusing to take prompt or adequate remedial action when the County knew, or should have known, about the harassment of Roseboro; and
- (e) failing to provide anti-discrimination training to its supervisors and its employees.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that the Court grant the following relief:


(a) Order Defendant Burke County to develop and implement appropriate and effective measures designed to prevent race discrimination and harassment in violation of Title VII; and


(b) Award such additional relief as justice may require, together with Plaintiff's 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).

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