

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Northern District of Georgia

VINITHA R. ROBINSON)

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)

Plaintiff(s)

)

v.

Civil Action No. 2:20-cv-108-RWS-JCF

HABERSHAM COUNTY BOARD OF
COMMISSIONERS, AND PHILLIP SUTTON
(INDIVIDUAL CAPACITY)

)

)

)

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)

Defendant(s)

)

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Mr. Stacy Hall Chairman
HABERSHAM COUNTY BOARD OF COMMISSIONERS
130 JACOB'S WAY, SUITE 301
CLARKESVILLE, GA 30523

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Mr. Michael O. Mondy, Esq.
MIHCARL O. MONDY, P.C.
235 PEACHTREE STREET N.E.
SUITE 400
ATLANTA, GEORGIA 30303
MONDY@MONDYPC.COM

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT
JAMES N. HATTEN

Date: 05/06/2020



s/Daniel Ross
Signature of Clerk or Deputy Clerk

U.S.C. § 1391(b) and 42 U.S.C. § 2000e-5(f)(3), as every act of which Ms. Robinson complains occurred in the Gainesville Division of the United States District Court for the Northern District of Georgia.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

3.

Ms. Robinson has satisfied all administrative prerequisites to perfect her claims of discrimination under Title VII. Specifically, Ms. Robinson timely filed Charges of Discrimination with the Equal Employment Opportunity Commission ("EEOC"), and the EEOC issued Notices of Right to Sue to Ms. Robinson.

4.

Ms. Robinson brings this suit within ninety (90) days of receiving notices of right to sue. Ms. Robinson's employer is Habersham County Board of Commissioners ("Board"). The Board has maintained 100 or more employees since 2000.

PARTIES

5.

Ms. Robinson, an African American woman, is now and was at all times relevant to this action, a citizen of the United States entitled to bring lawsuits of

this type and nature. Ms. Robinson is now and was at all times relevant to this action a resident of the State of Georgia.

6.

The Board is the governing body of Habersham County which is located in the northeast corner of the U.S. state of Georgia. The Board has a total of 448 employees for the past two years.

7.

The Board has employed Ms. Robinson since May 16, 2016, as the Human Resources Director. Ms. Robinson has a written employment contract with the Board.

8.

Mr. Phillip Sutton is a Caucasian-American man living in Habersham County, Georgia. Mr. Sutton is being sued in his individual capacity.

9.

Mr. Sutton works for the Board as the County Manager since September 2013. Mr. Sutton is Ms. Robinson's direct supervisor.

10.

As County Manager, Mr. Sutton is responsible for ensuring that the Board's policies are carried out.

11.

As County Manager, Mr. Sutton is responsible for assisting the Board in developing its policies and goals.

12.

As County Manager, Mr. Sutton is responsible for providing administrative leadership to the departments of the county government.

13.

As County Manager, Mr. Sutton is responsible for developing and presenting an annual budget.

14.

As County Manager, Mr. Sutton is responsible for striving for efficiency, effectiveness, and innovation in the delivery and funding of services.

15.

As County Manager, Mr. Sutton is responsible for serving as a liaison between the Commissioners and other elected officials.

16.

The goal of the County Manager is to ensure that county services are delivered in a courteous and professional manner and to enhance the image of the county.

17.

Mr. Michael Beecham is a Caucasian-American man. Mr. Beecham works for the Board as the Planning & Development Director.

18.

Mr. Kurt Cooper is a Caucasian-American man. Mr. Cooper works for the Board as the Director of Parks & Recreation.

19.

Ms. Lynn Smith is a Caucasian-American woman. Ms. Smith works for the Board as the E-911 & Emergency Management Director.

20.

Ms. Mary J Church is a Caucasian-American woman. Ms. Church works for the Board as the Chief Appraiser.

21.

Mr. Derick Canupp is a Caucasian-American man. Mr. Canupp works for the Board as the Public Works Director.

22.

Ms. Heidi Hook is a Caucasian-American woman. Ms. Hook works for the Board as the Finance Director.

23.

Mr. Jeff Cain is a Caucasian-American man. Mr. Cain works for the Board as the Emergency Services Director/Fire Chief.

24.

Ms. Tracy Williamson is a Caucasian-American woman. Ms. Williamson works for the Board as the Information Technology Director.

25.

Mr. Chad Black is a Caucasian-American man. Mr. Black works for the Board as the Emergency Services Director.

FACTS

26.

On or about September 8, 2016, the Board created a Classification & Compensation Plan ("Plan") for the county. The Plan develops a new classification and compensation for all departments covered under the county's personnel plan.

27.

The Board asked Mr. Beecham what his job duties and responsibilities for his position with the county were. Mr. Beecham explained to the Board what all his job duties and responsibilities were. The Board increased Mr. Beecham's salary by taking into account all his job duties and responsibilities for his position with the county.

28.

The Board asked Mr. Beecham how many hours per week, he worked fulfilling his job duties and responsibilities. Mr. Beecham explained to the Board

the number of hours he worked per week. The Board increased Mr. Beecham's salary by taking into account the number of hours he works per week.

29.

The Board asked Mr. Cooper what his job duties and responsibilities for his position with the county were. Mr. Cooper explained to the Board what all his job duties and responsibilities were. The Board increased Mr. Cooper's salary by taking into account all his job duties and responsibilities for his position with the county.

30.

The Board asked Mr. Cooper how many hours per week, he worked fulfilling his job duties and responsibilities. Mr. Cooper explained to the Board the number of hours he worked per week. The board increased Mr. Cooper's salary by taking into account the number of hours he works for the county.

31.

The Board asked Ms. Smith what her job duties and responsibilities for her position with the county were. Ms. Smith explained to the Board what all her job duties and responsibilities were. The Board increased Ms. Smith's salary by taking into account all her job duties and responsibilities for her position with the county.

32.

The Board asked Ms. Smith how many hours per week, she worked fulfilling her job duties and responsibilities. Ms. Smith explained to the Board the number of hours she worked per week. The Board increased Ms. Smith's salary by taking into account the number of hours she works for the county.

33.

The Board asked Ms. Church what her job duties and responsibilities for her position with the county were. Ms. Church explained to the Board what all her job duties and responsibilities were. The Board increased Ms. Church's salary by taking into account all her job duties and responsibilities for her position with the county.

34.

The Board asked Ms. Church how many hours per week, she worked fulfilling her job duties and responsibilities. Ms. Church explained to the Board the number of hours she worked per week. The Board increased Ms. Church's salary by taking into account the number of hours she works for the county.

35.

The Board asked Mr. Canupp what his job duties and responsibilities for his position with the county were. Mr. Canupp explained to the Board what all his job duties and responsibilities were. The Board increased Mr. Canupp salary by taking into account all his job duties and responsibilities for his position with the county.

36.

The Board asked Mr. Canupp how many hours per week, he worked fulfilling his job duties and responsibilities. Mr. Canupp explained to the Board the number of hours he worked per week. The Board increased Mr. Canupp's salary by taking into account the number of hours she works for the county.

37.

The Board asked Ms. Hook what her job duties and responsibilities for her position with the county were. Ms. Hook explained to the Board what all her job duties and responsibilities were. The Board increased Ms. Hook's salary by taking into account all her job duties and responsibilities for her position with the county.

38.

The Board asked Ms. Hook how many hours per week, she worked fulfilling her job duties and responsibilities. Ms. Hook explained to the Board the number of hours she worked per week. The Board increased Ms. Hook's salary by taking into account the number of hours she works for the county.

39.

The Board asked Mr. Cain what his job duties and responsibilities for his position with the county were. Mr. Cain explained to the Board what all his job duties and responsibilities were. The Board increased Mr. Cain's salary by taking into account all her job duties and responsibilities for his position with the county.

40.

The Board asked Mr. Cain how many hours per week, he worked fulfilling his job duties and responsibilities. Mr. Cain explained to the Board the number of hours he worked per week. The Board increased Mr. Cain's salary by taking into account the number of hours he works for the county.

41.

The Board asked Ms. Williamson what her job duties and responsibilities for her position with the county were. Ms. Williamson explained to the Board what all his job duties and responsibilities were. The Board increased Ms. Williamson's salary by taking into account all her job duties and responsibilities for her position with the county.

42.

The Board asked Ms. Williamson how many hours per week, she worked fulfilling her job duties and responsibilities. Ms. Williamson explained to the Board the number of hours she worked per week. The Board increased Ms. Williamson's salary by taking into account the number of hours she works for the county.

43.

The Board asked Mr. Black what his job duties and responsibilities for his position with the county were. Mr. Black explained to the Board what all his job

duties and responsibilities were. The Board increased Mr. Black's salary by taking into account all his job duties and responsibilities for his position with the county.

44.

The Board asked Mr. Black how many hours per week, he worked fulfilling his job duties and responsibilities. Mr. Black explained to the Board the number of hours he worked per week. The Board increased Mr. Black's salary by taking into account the number of hours she works for the county.

45.

In July 2016, the Board approved contract renewals for four employees and approved a payment in an increase of 7% for contract renewal. Phillip Sutton, County Manager; Derick Canupp, Public Works Director; Jeff Cain, Fire Chief; and Crystal Ward, County Clerk.

46.

The board renewed Ms. Robinson's contract in May 2017, May 2018, and May 2019. The board did not approve a pay increase for the contract renewal.

47.

The Board approved pay increases for employees who were assigned additional duties. The board approved additional duties for the following employees: Jeff Cain, W/M, Jim Chambers W/M, Sharon Roach W/F, Barbara Overton, W/F, Heather Cobb W/F, Heather Cobb W/F, Andrew Stevenson W/M,

Hannah Wilbanks W/F, Kiani Holden W/F, Kristen Witherow W/F, Jonathan Garrett W/M, Wayne Higgins W/M, Jeff Adams W/M, Tammy Carter W/F, Mandy Green W/F, Terri Lewis W/F, Kelly O'Mary W/F, 3 Battalion Chiefs all W/M. The board increased the pay for these 20 employees by 10%.

48.

In July 2019, Mrs. Robinson requested her position to be re-evaluated based on additional duties assigned. The Board denied the request for an additional 10% pay increase.

49.

Mr. Sutton gave Ms. Robinson the responsibility to Create Budget Projections, Reports, and Presentations ("CBPRP") as the Human Resources Director.

50.

The CBPRP responsibility requires Ms. Robinson to develop budget presentations for the Board covering financial projections for salary and benefits information.

51.

The CBPRP responsibility requires Ms. Robinson to participate heavily in the annual budget process by preparing and presenting various financial reports

and cost projections for employee merit increases, workers compensation costs, and self-insured benefit program costs.

52.

No employees of the Board performed the duties of the CBPRP before Ms. Robinson being hired as the Human Resources Director.

53.

Ms. Robinson spends a total of six hours per week, performing the duties of the CBPRP.

54.

Mr. Sutton and the Board did not consider the fact Ms. Robinson performs the additional duties of the CBPRP when they calculated her salary under the Plan.

55.

Mr. Sutton gave Ms. Robinson the responsibility to participate in the Annual Financial Audits working closely with financial auditors to complete annual financial audits for payroll and workers compensation.

56.

The Finance Director and Payroll Clerk performed the duties of participating in the Annual Financial Audits before Ms. Robinson being hired as the Human Resources Director.

57.

Ms. Robinson spends a total of two hours per week performing the duties of participating in the Annual Financial Audits.

58.

Mr. Sutton and the Board did not consider the fact Ms. Robinson performs the duties of participating in the Annual Financial Audits when they calculated her salary under the Plan.

59.

Mr. Sutton gave Ms. Robinson the responsibility for New Policy Formulation to develop and implement new policies for the county as the need arises most recently four new policies were introduced: Compensation Policy, Performance Management Policy, Retaliation Protection Policy, Paid Sick Leave and Extended Family and Medical Leave Policy under FFCRA.

60.

No policies had been created since 2015. The County Attorney/County Manager typically performed the duties of New Policy Formulation before Ms. Robinson being hired as the Human Resource Director.

61.

Ms. Robinson spends a total of two hours per week, performing the duties of New Policy Formulation.

62.

Mr. Sutton and the Board did not consider the fact Ms. Robinson performs the duties of New Policy Formulation when they calculated her salary under the Plan.

63.

Mr. Sutton gave Ms. Robinson the responsibility to manage the new Compensation Plan ensuring the consistent administration of the plan. Responsible for performing job audits, writing new job descriptions, re-evaluating jobs, revising job descriptions, and making recommendations for job grade assignments.

64.

No employees of the Board performed the duties of managing the Compensation Plan before Ms. Robinson being hired as the Human Resource Director.

65.

Ms. Robinson spends a total of three hours per week, performing the duties of managing the Compensation Plan.

66.

Mr. Sutton and the Board did not consider the fact Ms. Robinson performs the duties of managing the Compensation plan when they calculated her salary under the Plan.

67.

Mr. Sutton gave Ms. Robinson the responsibility to implement new supervisor training programs to include educating supervisors on employment practices, safety training, and performance evaluations, and other employment laws for supervisors.

68.

No employees of the Board performed the duties of implementing new supervisory training programs before Ms. Robinson being hired as the Human Resource Director.

69.

Ms. Robinson spends a total of two hours per week performing the duties of implementing new supervisory training programs.

70.

Mr. Sutton and the Board did not consider the fact Ms. Robinson performs the duties of implementing new supervisory training programs when they calculated her salary under the Plan.

71.

Mr. Sutton gave Ms. Robinson the responsibility to implement New Employee Orientation, safety training, harassment training, annual seat belt training, and other mandated training programs.

72.

No employees of the Board performed the duties of implementing New Employee Orientation and training programs before Ms. Robinson being hired as the Human Resource Director.

73.

Ms. Robinson spends a total of two hours per week performing the duties of implementing New Employee Orientation and training programs

74.

Mr. Sutton and the Board did not consider the fact Ms. Robinson performs the duties of implementing New Employee Orientation and training programs when they calculated her salary under the Plan.

75.

Mr. Sutton gave Ms. Robinson the responsibility to implement the County's Safety Discount Program to improve worker's compensation, property, and liability programs.

76.

Ensure program requirements are implemented. Oversee the implementation of recommendations made by ACCG's safety and liability inspector. Organize safety and wellbeing committee and plan, organize, and conduct bi-monthly meetings.

77.

No employees of the Board performed the duties implementing the County's Safety Discount Program before Ms. Robinson being hired as the Human Resource Director.

78.

Ms. Robinson spends a total of two hours per week, performing the duties of implementing the County's Safety Discount Program.

79.

Mr. Sutton and the Board did not consider the fact Ms. Robinson performs the duties of duties implementing the County's Safety Discount Program when they calculated her salary under the Plan.

80.

Mr. Sutton gave Ms. Robinson the responsibility to centralize the administration of the County's workers' compensation program, train all supervisors on workers' compensation policies and procedures, manage claims, report all workers' compensation claims, conduct follow-up investigations, review loss run reports, make recommendations for accident prevention.

81.

Multiple employees of the Board performed the duties of managing the Workers' Compensation program before Ms. Robinson being hired as the Human Resource Director.

82.

Ms. Robinson spends a total of two hours per week performing the duties of managing the Workers' Compensation program

83.

Mr. Sutton and the Board did not consider the fact Ms. Robinson performs the duties of managing the Workers' Compensation program when they calculated her salary under the Plan.

84.

Mr. Sutton gave Ms. Robinson the responsibility to serve as Drug and Alcohol Program Management, administer DOT Drug and Alcohol Testing and maintain certification by attending course every other year.

85.

No employees of the Board performed the duties of managing the DOT Drug and Alcohol Program before Ms. Robinson being hired as the Human Resources Director.

86.

Ms. Robinson spends an average of one hour per week, performing the duties of managing the DOT Drug and Alcohol Program.

87.

Mr. Sutton and the Board did not consider the fact Ms. Robinson performs the duties of managing the DOT Drug and Alcohol Program when they calculated her salary under the Plan.

88.

Mr. Sutton gave Ms. Robinson the responsibility to manage the Performance Management Program. Ensure program effectiveness by directing all activities of the performance evaluation and merit program, track all performance evaluations, notify directors when performance evaluations are due, review scoring, and implement merit increases.

89.

No employees of the Board performed the duties of managing the Performance Management Program before Ms. Robinson being hired as the Human Resource Director.

90.

Ms. Robinson spends a total of two hours per week, performing the duties of managing the Performance Management Program.

91.

Mr. Sutton and the Board did not consider the fact Ms. Robinson performs the duties of managing the Performance Management Program when they calculated her salary under the Plan.

92.

Mr. Sutton gave Ms. Robinson the responsibility to develop and implement Time Clock Plus. Develop and implement Time Clock Plus Software to begin having all hourly employees time recorded through a timeclock and managed through a time and attendance software.

93.

No employees of the Board performed the duties to develop and implement Time Clock Plus Software before Ms. Robinson being hired as the Human Resource Director.

94.

Ms. Robinson spends a total of one hour per week, performing the duties to develop and implement Time Clock Plus Software.

95.

Mr. Sutton and the Board did not consider the fact Ms. Robinson performs the duties to develop and implement Time Clock Plus Software when they calculated her salary under the Plan.

96.

Mr. Sutton gave Ms. Robinson the responsibility to process and distribute annual tax reporting forms, including W-2 tax forms and 1095-C tax benefit forms.

Oversee the administration of payroll for all employees with the added duties of annual tax reporting and processing of W-2 tax forms and 1095 tax benefit forms.

97.

The Finance employees of the Board performed the duties of processing W-2 forms and distributing annual tax reporting forms, including W-2 tax forms and 1095-C tax benefit forms before Ms. Robinson being hired as the Human Resource Director.

98.

Ms. Robinson spends a total of one hour per week performing the duties of processing W-2 forms and distributing annual tax reporting forms

99.

Mr. Sutton and the Board did not consider the fact Ms. Robinson performs the duties of processing W-2 forms and distributing annual tax reporting forms when they calculated her salary under the Plan.

100.

Mr. Sutton gave Ms. Robinson the responsibility of monitoring claims trends and activities of the County's self-insured medical plan. Facilitate claims appeals on the employee's behalf. Make recommendations to the Board of Commissioners on ways to reduce plan costs. Provide communication and education materials to the workforce and coordinates monthly wellness activities.

101.

No employees of the Board performed the duties of monitoring claims trends and activities of the County's self-insured medical plan before Ms. Robinson being hired as the Human Resource Director.

102.

Ms. Robinson spends a total of one hour per week performing the duties of monitoring claims trends and activities of the County's self-insured medical plan.

103.

Mr. Sutton and the Board did not consider the fact Ms. Robinson performs the duties of monitoring claims trends and activities of the County's self-insured medical plan when they calculated her salary under the Plan.

104.

Mr. Sutton gave Ms. Robinson the responsibility of ensuring proper tracking, reporting, and processing of all retirement plan participants. Communicate and educate employees on retirement benefits, ensure enrollment of participants, advise employees on retirement benefits, and process retirement applications.

105.

GEBCorp Representatives performed the duties of ensuring proper tracking, reporting, and processing of all retirement plan participants prior to Ms. Robinson being hired as the Human Resource Director.

106.

Ms. Robinson spends a total of one hour per week performing the duties of ensuring proper tracking, reporting, and processing of all retirement plan participants.

107.

Mr. Sutton and the Board did not consider the fact Ms. Robinson performs the duties of ensuring proper tracking, reporting, and processing of all retirement plan participants when they calculated her salary under the Plan.

108.

Mr. Sutton gave Ms. Robinson the responsibility to prepare open records requests along with the County Clerk to respond to certain requests involving staffing and employee records.

109.

The County Clerk performed the duties of preparing open records requests prior to Ms. Robinson being hired as the Human Resource Director.

110.

Ms. Robinson spends a total of one hour per week, performing the duties of prepare open records requests.

111.

Mr. Sutton and the Board did not consider the fact Ms. Robinson performs the duties of prepare open records requests when they calculated her salary under the Plan.

COUNT I

**42 U.S.C. § 1981 – Race Discrimination (Asserted via 42 U.S.C. § 1983)
Against Defendant Phillip Sutton in his individual capacity.**

112.

Ms. Robinson incorporates paragraphs 1 through 111, as if stated fully herein.

113.

Mr. Sutton continues to give Ms. Robinson duties that are beyond her job description.

114.

Mr. Sutton refuses to evaluate Ms. Robinson job duties and reclassify her position and job salary.

115.

Mr. Sutton has evaluated the job duties of employees who are not black women. Mr. Sutton has reclassified the non-black women's job description and raised their salary.

116.

Mr. Sutton refuses to give Ms. Robinson the same treatment as the other employees. Mr. Sutton has never given a reason why Ms. Robinson is treated differently from the other employees.

117.

Mr. Sutton treats Ms. Robinson differently from the other employees because she is a black woman.

118.

Mr. Sutton's discrimination against Ms. Robinson is a violation of the above statute. Mr. Sutton is liable to Ms. Robinson because of the discrimination.

COUNT II

Mixed- Motive - 42 U.S.C. § 1981 – Race Discrimination (Asserted via 42 U.S.C. § 1983) Against Phillip Sutton in his individual capacity.

119.

Ms. Robinson incorporates paragraphs 1 through 111, as if stated fully herein.

120.

Mr. Sutton continues to give Ms. Robinson duties that are beyond her job description.

121

Mr. Sutton refuses to evaluate Ms. Robinson job duties and reclassify her position and job salary.

122.

Mr. Sutton has evaluated the job duties of employees who are not black women. Mr. Sutton has reclassified the non-black women's job description and raised their salary.

123.

Mr. Sutton refuses to give Ms. Robinson the same treatment as the other employees. Mr. Sutton has never given a reason why Ms. Robinson is treated differently from the other employees.

124.

Mr. Sutton treats Ms. Robinson differently from the other employees because she is a black woman.

125.

Mr. Sutton's discrimination against Ms. Robinson is a violation of the above statute. Mr. Sutton is liable to Ms. Robinson because of the discrimination.

COUNT III

DENIAL OF EQUAL PROTECTION – 42 U.S.C. § 1981 (Asserted via 42 U.S.C. § 1983). Against Defendant Phillip Sutton in his individual capacity.

126.

Ms. Robinson incorporates paragraphs 1 through 111, as if stated fully herein.

127.

Mr. Sutton continues to give Ms. Robinson duties that are beyond her job description.

128.

Mr. Sutton refuses to evaluate Ms. Robinson job duties and reclassify her position and job salary.

129.

Mr. Sutton has evaluated the job duties of employees who are not black women. Mr. Sutton has reclassified the non-black women's job description and raised their salary.

130.

Mr. Sutton refuses to give Ms. Robinson the same treatment as the other employees. Mr. Sutton has never given a reason why Ms. Robinson is treated differently from the other employees.

131.

Mr. Sutton treats Ms. Robinson differently from the other employees because she is a black woman.

132.

Mr. Sutton's discrimination against Ms. Robinson is a violation of the above statute. Mr. Sutton is liable to Ms. Robinson because of the discrimination.

COUNT IV
Denial of Equal Protection of the Laws based on Race in Violation of the Fourteenth Amendment to the Georgia and United States Constitution Against Defendant Phillip Sutton in his individual capacity (Asserted via 42 U.S.C. § 1983).

133.

Ms. Robinson incorporates paragraphs 1 through 111, as if stated fully herein.

134.

Mr. Sutton continues to give Ms. Robinson duties that are beyond her job description.

135.

Mr. Sutton refuses to evaluate Ms. Robinson job duties and reclassify her position and job salary.

136.

Mr. Sutton has evaluated the job duties of employees who are not black women. Mr. Sutton has reclassified the non-black women's job description and raised their salary.

137.

Mr. Sutton refuses to give Ms. Robinson the same treatment as the other employees. Mr. Sutton has never given a reason why Ms. Robinson is treated differently from the other employees.

138.

Mr. Sutton treats Ms. Robinson differently from the other employees because she is a black woman.

139.

Mr. Sutton's discrimination against Ms. Robinson is a violation of the above statute. Mr. Sutton is liable to Ms. Robinson because of the discrimination.

COUNT V
Punitive Damages against Defendant Phillip Sutton in his individual capacity.

140.

Ms. Robinson incorporates paragraphs 1 through 111, as if stated fully herein.

141.

Mr. Sutton continues to give Ms. Robinson duties that are beyond her job description.

142.

Mr. Sutton refuses to evaluate Ms. Robinson job duties and reclassify her position and job salary.

143.

Mr. Sutton has evaluated the job duties of employees who are not black women. Mr. Sutton has reclassified the non-black women's job description and raised their salary.

144.

Mr. Sutton refuses to give Ms. Robinson the same treatment as the other employees. Mr. Sutton has never given a reason why Ms. Robinson is treated differently from the other employees.

145.

Mr. Sutton treats Ms. Robinson differently from the other employees because she is a black woman.

146.

Mr. Sutton's discrimination against Ms. Robinson is a violation of the above statute. Mr. Sutton is liable to Ms. Robinson because of the discrimination.

COUNT VI

**Title VII Intentional Race Discrimination Against HABERSHAM COUNTY
BOARD OF COMMISSIONERS.**

147.

Ms. Robinson incorporates paragraphs 1 through 111, as if stated fully herein.

148.

The Board continues to give Ms. Robinson duties that are beyond her job description.

149.

The Board refuses to evaluate Ms. Robinson job duties and reclassify her position and job salary.

150.

The Board has evaluated the job duties of employees who are not black women. The Board has reclassified the non-black women's job description and raised their salary.

151.

The Board refuses to give Ms. Robinson the same treatment as the other employees. The Board has never given a reason why Ms. Robinson is treated differently from the other employees.

152.

The Board treats Ms. Robinson differently from the other employees because she is a black woman.

153.

The Board's discrimination against Ms. Robinson is a violation of the above statute. The Board is liable to Ms. Robinson because of the discrimination.

COUNT VII
Mixed-Motive – Title VII Race Discrimination Against HABERSHAM
COUNTY BOARD OF COMMISSIONERS.

154.

Ms. Robinson incorporates paragraphs 1 through 111, as if stated fully herein.

155.

The Board continues to give Ms. Robinson duties that are beyond her job description.

156.

The Board refuses to evaluate Ms. Robinson job duties and reclassify her position and job salary.

157.

The Board has evaluated the job duties of employees who are not black women. The Board has reclassified the non-black women's job description and raised their salary.

158.

The Board refuses to give Ms. Robinson the same treatment as the other employees. The Board has never given a reason why Ms. Robinson is treated differently from the other employees.

159.

The Board treats Ms. Robinson differently from the other employees because she is a black woman.

160.

The Board's discrimination against Ms. Robinson is a violation of the above statute. The Board is liable to Ms. Robinson because of the discrimination.

COUNT VIII

Denial of Equal Protection of the Laws based on Race in Violation of the Fourteenth Amendment to the Georgia and United States Constitution against HABERSHAM COUNTY BOARD OF COMMISSIONERS.

161.

Ms. Robinson incorporates paragraphs 1 through 111, as if stated fully herein.

162.

The Board continues to give Ms. Robinson duties that are beyond her job description.

163.

The Board refuses to evaluate Ms. Robinson job duties and reclassify her position and job salary.

164.

The Board has evaluated the job duties of employees who are not black women. The Board has reclassified the non-black women's job description and raised their salary.

165.

The Board refuses to give Ms. Robinson the same treatment as the other employees. The Board has never given a reason why Ms. Robinson is treated differently from the other employees.

166.

The Board treats Ms. Robinson differently from the other employees because she is a black woman.

167.

The Board's discrimination against Ms. Robinson is a violation of the above statute. The Board is liable to Ms. Robinson because of the discrimination.

**COUNT IX
PERMANENT INJUNCTION HABERSHAM COUNTY BOARD OF
COMMISSIONERS**

168.

Ms. Robinson incorporates paragraphs 1 through 111, as if stated fully herein.

169.

The Board continues to give Ms. Robinson duties that are beyond her job description.

170.

The Board refuses to evaluate Ms. Robinson's job duties and reclassify her position and job salary.

171.

The Board has evaluated the job duties of employees who are not black women. The Board has reclassified the non-black women's job description and raised their salary.

172.

The Board refuses to give Ms. Robinson the same treatment as the other employees. The Board has never given a reason why Ms. Robinson is treated differently from the other employees.

173.

The Board treats Ms. Robinson differently from the other employees because she is a black woman.

174.

The Board's discrimination against Ms. Robinson is a violation of the above statute. The Board is liable to Ms. Robinson because of the discrimination.

PRAYER FOR RELIEF

WHEREFORE, Ms. Robinson demands a trial by jury and respectfully request that the Court:

A. adjudicate and declare that Defendants has violated Ms. Robinson federally protected rights as pled above;

B. permanently enjoin Defendants from committing similar violations in the future;

C. award Ms. Robinson back pay, including all lost wages and benefits, pay increases she would have received absent discrimination, and all other benefits of employment reducible to a dollar value,

D. award Ms. Robinson pre-judgment and post-judgment interest as required by law,

E. award Ms. Robinson compensatory damages for emotional pain and suffering as determined by the enlightened conscience of a jury,

F. award Ms. Robinson punitive damages against Phillip Sutton,

G. award reasonable attorney fees and expenses, and

I. grant such additional relief as may be proper and just.

Submitted this May 4, 2020.

s/ Michael O. Mondy
Michael O. Mondy, Esq.
Georgia Bar No. 897950
Attorney for Plaintiff

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