

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

RUBY HELVY,

Plaintiff,

v.

ALLEGHENY COUNTY and ALLEGHENY
COUNTY DEPARTMENT OF EMERGENCY
SERVICES

Defendants.

Civil Division – General Docket

No. GD.

COMPLAINT

Filed on Behalf of Plaintiff:
RUBY HELVY

Counsel of Record for this Party:

Joseph D. Pometto, Esq.
PA I.D. # 316346

Michael L. Kraemer, Esq.
PA I.D. # 314204

Kraemer, Manes & Associates
US Steel Tower
600 Grant Street #660
Pittsburgh, PA 15219

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JURY TRIAL DEMANDED

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COUNTY DEPARTMENT OF EMERGENCY
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NOTICE TO DEFEND

You have been sued in Court. If you wish to defend against the claims set forth in the following papers, you must take action within TWENTY (20) days after the Complaint and Notice are served by entering a written appearance personally or by an attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any claims or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. If you do not have a lawyer, go to or telephone the office set forth below. This office can provide you with information about hiring a lawyer. IF YOU CANNOT AFFORD TO HIRE A LAWYER, this office may be able to provide you with information about agencies that may offer legal service to eligible persons at a reduced fee or no fee.

LAWYER REFERRAL SERVICE
The Allegheny County Bar Association
11th Floor Koppers Bldg.
436 Seventh Avenue, Pittsburgh, PA 15219
TELEPHONE: 412-261-5555

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AND NOW comes the Plaintiff, Ruby Helvy, by and through her undersigned counsel and files the following Complaint and in support thereof avers as follows:

PARTIES

1. Plaintiff, Ruby Helvy (hereinafter “Plaintiff”), is an adult individual residing at 120 Lecky Avenue, Pittsburgh, PA 15212 of Allegheny County, Commonwealth of Pennsylvania.

2. Defendant, Allegheny County, is a County of the Second Class, organized and existing under the laws of the Commonwealth of Pennsylvania with an office at 445 Fort Pitt Blvd., Suite 300, Pittsburgh, PA 15219.

3. Defendant, Allegheny County Department of Emergency Services (hereinafter “ACDES”) is a local entity, located within Allegheny County, in the Commonwealth of Pennsylvania. It employs, owns, operates, manages, directs and controls the emergency 9-1-1 communications and emergency dispatchers, including the managers and supervisors named in this Complaint.

4. The ACDES is located within Allegheny County, in the Commonwealth of Pennsylvania. It has a business address of 400 North Lexington Street, Pittsburgh, PA 15208 of Allegheny County, Commonwealth of Pennsylvania.

5. All management personnel described in the common facts below were employees of the ACDES at all times relevant to this Complaint and were subject to the control and supervision of Allegheny County and the ACDES.

COMMON FACTS

6. Plaintiff is an adult, African-American woman.

7. ACDES is a Pennsylvania governmental organization that employed four or more people when the unlawful conduct described below occurred.

8. Plaintiff became employed with the ACDES in October of 2005.

9. Plaintiff was a dispatcher who receives 9-1-1 calls and then relays them to emergency services in the field.

10. On or about December 5, 2012 ACDES' management personnel, supervisors Rebecca Frazier and Stephanie Ware, suspended Plaintiff for one day without pay.

11. ACDES alleged that Plaintiff was suspended because she was not at her desk during a call.

12. However, ACDES did not suspend non-minority co-workers for similar transgressions.

13. On or about January 26, 2013 Rebecca Frazier and Stephanie Ware suspended Plaintiff for 3 days without pay.

14. ACDES alleged that Plaintiff was suspended because she asked officers on the phone line to repeat themselves to an excessive degree.

15. However, ACDES did not suspend non-minority co-workers for similar transgressions.

16. On or about February 15, 2013 Plaintiff filed a formal charge with the Equal Employment Opportunity Commission (“EEOC”) alleging racial discrimination.

17. ACDES suspended Plaintiff from February 17-19, 2013 without pay.

18. ACDES alleged that Plaintiff was suspended due to general attitude, neglect of duty and politeness.

19. However, ACDES did not suspend non-minority co-workers for similar transgressions.

20. ACDES suspended Plaintiff from March 11-17, 2013 without pay.

21. ACDES alleged that Plaintiff provided insufficient effort and inattention to detail on the job.

22. However, ACDES did not suspend non-minority co-workers for similar transgressions.

23. ACDES suspended Plaintiff on or around November of 2013.

24. ACDES also suspended a white, female co-worker on or around November of 2013.

25. ACDES suspended the white, female co-worker for a short period of time and gave her “split-time” so it would not cause any undue hardship.

26. However, Plaintiff was not offered such a “sweetheart deal” and was forced to serve a longer suspension without “split-time.”

27. On or about March 23, 2014 supervisor Stephanie Ware reprimanded Plaintiff for cancelling a call.

28. However, ACDES did not reprimand non-minority co-workers for similar transgressions.

29. On September 8, 2014 Plaintiff was issued a right to sue letter by the Department of Justice (“DOJ”).

30. On October 24, 2014 ACDES suspended Plaintiff without pay indefinitely and in anticipation of a termination hearing.

31. Defendant alleged the suspension was the result of Plaintiff’s neglect of duty.

32. However, ACDES did not reprimand non-minority co-workers for similar transgressions.

COUNT I

Racial Discrimination in Violation of the Pennsylvania Human Relations Act (“PHRA”), 43 P.S. §955 v. Allegheny County and the Allegheny County Department of Emergency Services

33. The preceding paragraphs are incorporated herein as if set forth at length.

34. Plaintiff is an African-American.

35. Plaintiff was discriminated against on the basis of being an African-American by ACDES in the following ways:

- a. Plaintiff was suspended and reprimanded on several occasions while similarly situated non-minority co-workers were not suspended for the same or similar transgressions.

36. ACDES and Allegheny County targeted Plaintiff for disproportionate punishment due to being an African-American.

37. ACDES and Allegheny County failed to take prompt remedial action to cure this behavior as it

took place in a continuous and regular pattern from 2012 until late 2014.

38. The conduct described above resulted in racial discrimination towards the Plaintiff in violation of the PHRA.

COUNT II

Racial Discrimination in Violation of Title VII of the Civil Rights Act of 1964 (“Title VII”) v. Allegheny County and the Allegheny County Department of Emergency Services

39. The preceding paragraphs are incorporated herein as if set forth at length.

40. Plaintiff is an African-American.

41. Plaintiff was discriminated against on the basis of being an African-American by the Defendant in the following ways:

a. Plaintiff was suspended and reprimanded on several occasions while non-minority co-workers were not suspended for the same or similar transgressions.

42. ACDES and Allegheny County targeted Plaintiff for disproportionate punishment due to being an African-American.

43. ACDES and Allegheny County failed to take prompt remedial action to cure this behavior as it took place in a continuous and regular pattern from 2012 until late 2014.

44. The conduct described above resulted in racial discrimination towards the Plaintiff in violation of Title VII.

COUNT III

Hostile Environment Racial Discrimination in Violation of the Pennsylvania Human Relations Act (“PHRA”), 43 P.S. §955 v. Allegheny County and the Allegheny County Department of Emergency Services

45. The preceding paragraphs are incorporated herein as if set forth at length.
46. Plaintiff is an African-American female.
47. ACDES discriminated against Plaintiff and took several adverse employment actions against her on the basis of her race.
48. ACDES and Allegheny County were aware that this discriminatory conduct was taking place.
49. ACDES and Allegheny County failed to take prompt remedial action to cure this behavior.
50. The conduct described above resulted in hostile environment sexual harassment towards the Plaintiff in violation of the PHRA.

COUNT IV

Hostile Environment Racial Discrimination in Violation of Title VII of the Civil Rights Act of 1964 (“Title VII”) v. Allegheny County and the Allegheny County Department of Emergency Services

51. The preceding paragraphs are incorporated herein as if set forth at length.
52. Plaintiff is an African-American female.
53. ACDES discriminated against Plaintiff and took several adverse employment actions against her on the basis of her race.
54. ACDES and Allegheny County was aware that this discriminatory conduct was taking place.
55. ACDES and Allegheny County failed to take prompt remedial action to cure this

behavior.

56. The conduct described above resulted in hostile environment sexual harassment towards the Plaintiff in violation of Title VII.

COUNT V

Retaliation in Violation of the Pennsylvania Human Relations Act (“PHRA”), 43 P.S. §955 v. Allegheny County and the Allegheny County Department of Emergency Services

57. The preceding paragraphs are incorporated herein as if set forth at length.

58. Plaintiff filed a complaint with the EEOC on or about February 15, 2013.

59. ACDES punished the Plaintiff in the following ways in the months and years following the filing of the EEOC complaint:

a. Suspension: February 17-19, 2013.

b. Suspension: March 11-17, 2013.

c. Suspension: November of 2013.

d. Reprimand: March 23, 2014

e. Suspension with termination hearing scheduled: October 24, 2014.

60. These punishments resulted in Retaliation for opposing practices made illegal under the PHRA.

COUNT VI

Retaliation in Violation of the Pennsylvania Human Relations Act (“PHRA”), 43 P.S. §955 v. Allegheny County and the Allegheny County Department of Emergency Services

61. The preceding paragraphs are incorporated herein as if set forth at length.

62. Plaintiff filed a complaint with the EEOC on or about April 25, 2013.

63. Plaintiff filed a complaint with the EEOC on or about February 15, 2013.

64. ACDES punished the Plaintiff in the following ways in the months and

years following the filing of the EEOC complaint:

- f. Suspension: February 17-19, 2013.
- g. Suspension: March 11-17, 2013.
- h. Suspension: November of 2013.
- i. Reprimand: March 23, 2014
- j. Suspension with termination hearing scheduled: October 24, 2014.

65. These punishments resulted in Retaliation for opposing practices made illegal under Title VII.

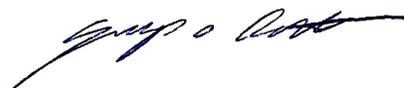
Request for Relief

WHEREFORE, Plaintiff respectfully requests that this Court enter judgment against Allegheny County and the Allegheny County Department of Emergency Services for the following in a total amount in excess of the arbitration limits of this court:

- a. Loss of income;
- b. Back wages;
- c. Front wages;
- d. Emotional damages;
- e. Plaintiff's legal fees;
- f. Additional punitive damages;
- g. Pre-Judgment, interest, court costs and other such relief as the Court may deem just and proper.

Respectfully Submitted,

KRAEMER, MANES & ASSOCIATES



BY: _____
JOSEPH D. POMETTO

Counsel for Plaintiff
RUBY HELVY

JURY TRIAL DEMANDED

VERIFICATION

The undersigned, Ruby Helvy, avers that the statements of fact contained in the attached Complaint are true and correct to the best of her information, knowledge and belief and are made subject to the penalties of 18 Pa. C.S.A. § 4904 relating to unsworn falsification to authorities.

Date: 10-24-14

Ruby Helvy

RUBY HELVY

412-637-0232



U.S. Department of Justice

Civil Rights Division

NOTICE OF RIGHT TO SUE
WITHIN 90 DAYS

CERTIFIED MAIL
2015 3745

950 Pennsylvania Avenue, N.W.
Karen Ferguson, EMP, PHB, Room 4239
Washington, DC 20530

September 8, 2014

Ms. Ruby E. Helvy
c/o Joseph D. Pometto, Esquire
Law Offices of Kraemer, Manes & Assocs.
US Steel Tower
600 Grant St., Suite 660
Pittsburgh, PA 15219

Re: EEOC Charge Against Allegheny County, Emergency Services 911 Call Center
No. 533201300601

Dear Ms. Helvy:

Because you filed the above charge with the Equal Employment Opportunity Commission, and more than 180 days have elapsed since the date the Commission assumed jurisdiction over the charge, and no suit based thereon has been filed by this Department, and because you through your attorney have specifically requested this Notice, you are hereby notified that you have the right to institute a civil action under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e, et seq., against the above-named respondent.

If you choose to commence a civil action, such suit must be filed in the appropriate Court within 90 days of your receipt of this Notice.

The investigative file pertaining to your case is located in the EEOC Cleveland District Office, Cleveland, OH.

This Notice should not be taken to mean that the Department of Justice has made a judgment as to whether or not your case is meritorious.

Sincerely,

Molly J. Moran
Acting Assistant Attorney General
Civil Rights Division

by


Karen L. Ferguson
Supervisory Civil Rights Analyst
Employment Litigation Section

cc: Cleveland District Office, EEOC
Allegheny County, Emergency Services 911 Call Center