

ORIGINAL

U. S. DISTRICT COURT  
Southern District of Georgia  
Filed in Office

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA

Aug. 11 1999

UNITED STATES OF AMERICA,

Plaintiff

PAMELA F. STARLING,

Plaintiff-Intervenor

Civil Action No. CV599-68  
(Moore, J.)

vs.

CITY OF ALMA, GEORGIA; and  
BACON COUNTY, GEORGIA,

Defendants

INTERVENOR COMPLAINT

NOW COMES, Pamela F. Starling intervenor plaintiff in the above-styled action,  
Pursuant to this Court's Order of August 3, 1999, by and through her undersigned  
counsel of record and states her Complaint of Intervention as follows:

1.

Intervenor Plaintiff brings this action to enforce the provisions of Title VII of the  
Civil Rights Act of 1964, 42 U.S.C. § 2000e, et seq., as amended.

2.

3.

Defendant City of Alma, Georgia (“Alma”), is a political subdivision of the State of Georgia located within the Southern District and is therefore, subject to the jurisdiction of this Court.

4.

Defendant Alma 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).

5.

Defendant Bacon County, Georgia (“Bacon”), is a political subdivision of the State of Georgia located in the Southern District, and is therefore, subject to the jurisdiction of this Court.

6.

Defendant Bacon 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).

7.

Defendants Alma and Bacon jointly operate an entity known as the Alma-Bacon County Fire and Emergency Medical Service (“Alma-Bacon County Fire and EMS”).

8.

The entity known as the Alma-Bacon County Fire and EMS provides firefighting and emergency medical services throughout the City of Alma and Bacon County, Georgia.

9.

Persons employed in the entity known as the Alma-Bacon County Fire and EMS, including persons employed as full-time Firefighter/Emergency Medical Technicians and Firefighter/Paramedics, are hired pursuant to the Personnel Policy of Defendant Alma, are paid by Defendant Alma, come under Defendant Alma's retirement plan, and are subject to the personnel policies of Defendant Alma.

10.

The Personnel Policies of the City of Alma, Georgia (Effective February 1, 1988; Revised April 1, 1995) provide as a heading to Section 5.11 that the general policy of the defendants with respect to applications for employment is that the process was to be one of "Open Continuous Applications".

11.

The Personnel Policies of the City of Alma, Georgia (Effective February 1, 1988; Revised April 1, 1995) provide within section 5.11 that "[a]s a general policy, in order not to lose competent applicants, applications will be accepted at any time whether or not a vacancy has been announced" and "[a]s a result of a single application, a candidate shall be considered for all classes of positions in which his/her principal qualifications might profitably be used".

12.

The aforementioned Personnel Policy of the City of Alma, Georgia created an open and continuous application process whereby any discrimination in the hiring process would be a "continuing violation" as that term is used in Title VII cases.

13.

By agreement, a portion of the personnel costs for persons employed in the entity known as Alma-Bacon County Fire and EMS are paid by defendant Bacon to Defendant Alma.

14.

Defendants, through the entity known as the Alma-Bacon County Fire and EMS, have discriminated against Pamela F. Starling, on the basis of her sex, in violation of Section 703(a) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e-2(a), among other ways, by:

- a. Failing or refusing to hire, or to periodically consider consistent with their Personnel Policy, her for hire into full-time Firefighter/Emergency Medical Technician and/or Firefighter/paramedic positions on each occasion between the time of her applications for employment and the present when positions were available; and
- b. Failing or refusing to take appropriate action to correct the effects of these discriminatory policies and practices.

15.

The Equal Employment Opportunity Commission (“EEOC”) received a timely charge of discrimination filed by Pamela F. Starling on or about July 26, 1996 (Charge Number 115960501), in which she alleged that she repeatedly had applied to the entity known as the Alma-Bacon County Fire and EMS for a full-time position as an Emergency Medical Technician (“EMT”) since 1993 but that she had been denied hire on the basis of her sex, female. In her charge, Ms. Starling also alleged that the entity known as the Alma-Bacon County Fire and EMS discriminated in hiring against females as a class.

16.

Intervenor Plaintiff further alleges that in keeping with the Open Continuous Application Personnel Policy of the Defendants, she, at various times from the dates of her applications, updated her applications for employment in person and personally periodically checked back with the Defendants for the status of her ongoing application.

17.

The Charge of Discrimination filed by Ms. Starling indicates in the box entitled "Continuing Action" an "X" and likewise indicates that "females as a class are being discriminated against with regards to hiring in this department."

18.

The actions of the charging party, Pamela F. Starling, in timely reporting the charge of discrimination to the EEOC as a continuing violation and by alleging defendants discriminated against females as a class, satisfies all conditions precedent to filing suit with respect to this Intervenor Plaintiff.

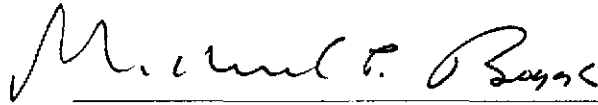
19.

The entity known as the Alma-Bacon County Fire and EMS hired three males for the positions applied for by this intervenor between 1991 and 1998.

WHEREFORE, Intervenor Plaintiff prays for an award of compensatory damages in accordance with 42 U.S.C. § 2000e-5(g)(1), such to make her whole for her suffered

losses as a result of the discriminatory policies and practices alleged in this complaint,  
and (b) for such other and additional relief as this court deems appropriate.

Respectfully submitted this 10<sup>th</sup> day of August, 1999.



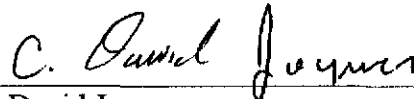
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**CERTIFICATE OF SERVICE**

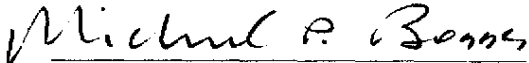
I hereby certify that I have this day served a copy of the within and foregoing INTERVENOR COMPLAINT upon all parties to this matter by depositing a true copy of same in the United States Mail, proper postage prepaid, addressed to counsel of record as follows:

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This 10<sup>th</sup> Day of August, 1999

  
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