

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

Civil Action No: 8:03CV165

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

v.

WOODMEN OF THE WORLD LIFE INSURANCE SOCIETY and/or
OMAHA WOODMEN LIFE INSURANCE SOCIETY
a Nebraska Corporation,

Defendant.

AMENDED COMPLAINT AND JURY TRIAL DEMAND

NATURE OF ACTION

This is an action under Title VII of the Civil Rights Act of 1964, as amended (“Title VII”), and Title I of the Civil Rights Act of 1991 (“CRA”) to correct discrimination based on sex(female), sexual harassment and hostile work environment and retaliation, and to provide appropriate relief to Louella Rollins (“Rollins”). As alleged with greater particularity below, the Commission alleges that Rollins was discriminated against on the basis of her sex (female) by Woodmen of the World Life Insurance Society and/or Omaha Woodmen Life Insurance Society (“Defendant” or “Woodmen”); that Rollins was subjected to discrimination on the basis of gender, including sexual harassment and a sexually hostile work environment, by Woodmen; that Woodmen failed to take

corrective action and prevented Rollins from taking any immediate and appropriate corrective actions to eliminate the gender discrimination, sexual harassment and sexually hostile work environment; and, that Woodmen retaliated against Rollins for engaging in Title VII protected activities.

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343, and 1345. This action is authorized and instituted pursuant to § 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-5(f)(1) ("Title VII") and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981A.
2. The employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the District of Nebraska.

PARTIES

3. Plaintiff Equal Employment Opportunity Commission ("EEOC" or "Commission"), is an agency of the United States of America charged with the administration, interpretation, and enforcement of Title VII and is expressly authorized to bring this action by 706(f)(1) and (3) of Title VII, as amended, 42 U.S.C. § 2000e-5(f)(1).
4. At all relevant times, Defendant has continuously been a Nebraska corporation doing business in the State of Nebraska and in the City of Omaha, and continuously has employed at least fifteen persons.

5. At all relevant times, Defendant has continuously been an employer engaged in an industry affecting commerce within the meaning of § 701(b), (g) and (h) of Title VII, 42 U.S.C. §§ 2000e-(b), (g) and (h).

STATEMENT OF FACTS

6. More than thirty days before the institution of this lawsuit, Rollins filed a charge of employment discrimination with the Commission alleging violations of Title VII by Defendant. All conditions precedent to the institution of this lawsuit have been fulfilled.
7. Since February, 1999, the Defendant has engaged in unlawful employment practices at its Omaha, Nebraska Colorado facility, and its Pennsylvania facility, violating § 703(a)(1) of Title VII, 42 U.S.C. § 2000e-2(a)(1). The unlawful practices include: discrimination and harassment based on sex, sexual harassment and hostile work environment; and, retaliation against Rollins for opposing the unlawful conduct.

COUNT I.

DISCRIMINATION AND HARASSMENT BASED ON SEX

8. Charging Party Louella Rollins is female.
9. Charging Party worked for Defendant starting on or about June of 1989.
10. The harassment complained of began in or around June of 1994 and continued until Rollins' demotion in February of 1999.
11. During her tenure as State Manager of Pennsylvania, Rollins supervised Ted Guminey ("Guminey") who openly voiced his resentment over having to work for a woman.

12. Guminey engaged in efforts to remove Rollins from her management position so that he no longer would be supervised by a woman. This included spreading rumors, working less so that Rollins could not meet her sales goals, and discouraging others from coming to work under Rollins.
13. Guminey sexually harassed Rollins to humiliate her and to undermine her authority because he resented working for a woman.
14. Guminey grabbed and slapped Rollins' buttocks, made kissing gestures towards her, winked suggestively at her, and falsely represented to others that she was involved in a lesbian relationship with a co-worker.
15. During her initial meeting with Guminey and Assistant Field Manager Rick Loftin ("Loftin"), Guminey stated "I have a problem working for a woman and her driving in my car. What would people think?" Loftin failed to take any measures to discipline or otherwise discourage Guminey from making further discriminatory comments or from engaging in discriminatory conduct.
16. In February, 1998, Rollins complained to Olivia Crimiel-Minor ("Crimiel-Minor"), Defendant's Human Resources Manager, about Guminey's disparaging conduct and physical harassment. Crimiel-Minor refused to take any corrective action, advising Rollins that Defendant would not investigate her complaint until she filed a formal charge with their EEO Department.
17. In July, 1998, Rollins complained to her supervisor, Danny Cummins ("Cummins"), about Guminey's demeaning and unwanted touching, including slapping and grabbing her buttocks, as well as his constant efforts to undermine her authority

because she was a woman. Instead of taking responsive action or conducting any kind of investigation, Cummins told Rollins that she needed to manage her office better.

18. On or about September 21, 1998, when Rollins requested permission from another supervisor, Desi Doise (“Doise”), to fire Guminey, Doise responded that it was time for Charging Party to step down. Doise reasoned that firing Guminey would only make things worse, and therefore denied Rollins the authority to fire him.
19. Woodmen tolerated Guminey’s harassment of Rollins based upon her sex.

COUNT II.

SEXUAL HARASSMENT

20. Plaintiff repeats and realleges the allegations of all previous paragraphs as if fully set forth herein.
21. Guminey, on numerous occasions, slapped, rubbed or otherwise handled Rollins buttocks, made kissing gestures towards her, and spread rumors that Rollins was engaging in an intimate relationship with a same-sex coworker.
22. Rollins demoted Guminey, but his harassment continued.
23. Although Rollins complained to her supervisor about the sexual harassment, she was told that she needed to manage her office better. When she requested permission to fire Guminey, she was denied the requisite authority.
24. Rather than allow Rollins to fire Guminey for sexually harassing her, Defendant demoted Rollins.

COUNT III.

GENDER DISCRIMINATION--DEMOTION

25. Plaintiff repeats and realleges the allegations of all previous paragraphs as if fully set forth herein.
26. On December 4, 1998, Rollins filed a formal complaint with the Defendant's EEO Department concerning the sexual harassment described above.
27. On December 10, 1998, the Defendant placed Rollins on minimum production requirements – standards that so high that were she could not possibly have met with Guminey acting against her.
28. Rollins was advised that failure to meet these requirements by the end of March of 1999 would result in her termination.
29. However, in February of 1999 the Defendant demoted Rollins to Area Manager.
30. Other similarly situated males were not subjected to the same requirements when their performance was unsatisfactory.

COUNT IV.

RETALIATION- HARASSMENT AND DEMOTION

31. Plaintiff repeats and realleges the allegations of all previous paragraphs as if fully set forth herein.
32. On or about September 21, 1998, Rollins complained to her supervisor, Desi Doise, about Guminey's unwanted touching and efforts to force her from her management position.

33. During that same conversation, Rollins requested permission to fire Guminey. Doise responded that it was time for Charging Party to step down because, in his opinion, firing Guminey would only make things worse. Doise then denied Rollins the authority to fire Guminey.
34. Doise then made a series of offers to Rollins. The alternative positions, all requiring relocation, provided Rollins with less authority and less attractive compensation packages.
35. On or about December 4, 1998, Rollins filed a formal complaint with Defendant's EEO Department, alleging that she had been subjected to sexual harassment, gender discrimination and retaliation.
36. Six days later, Defendant placed Rollins on stringent minimum production requirements, which if not met by March, 1999, would result in her termination or demotion.
37. In February of 1999, however, Defendant demoted Rollins.

PRAYER FOR RELIEF

WHEREFORE, the Commission respectfully requests that this Court:

- A. Grant a permanent injunction enjoining Defendant, its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in discrimination based on sex, sexual harassment, and any other discriminatory employment practice, and from retaliating against employees for engaging in protected activity.

- B. Order Defendant to institute and carry out policies, practices, and programs that proscribe workplace discrimination based on sex and that proscribe retaliation.
- C. Order Defendant Employer to make whole Charging Party by providing appropriate backpay with prejudgment interest, compensatory damages in amounts to be proved at trial, and other affirmative and equitable relief necessary to eradicate the effects of its unlawful employment practices, including but not limited to, rightful-place reinstatement or front pay where appropriate.
- D. Order Defendant to make Charging Party whole, by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described herein, in amounts to be determined at trial.
- E. Order Defendant to make Charging Party whole by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of above, including physical and emotional pain and suffering, inconvenience, loss of enjoyment of life, and medical expenses, in amounts to be determined at trial.
- F. Order Defendant to pay Charging Party punitive damages for its malicious conduct and conduct in reckless disregard of the law, in amounts to be determined at trial.
- G. Grant such further relief as the Court deems necessary and proper in the public interest.
- H. Award the Commission the costs of bringing this action.

JURY TRIAL DEMAND FOR OMAHA, NEBRASKA

This Commission requests a jury trial on all questions of fact raised by this Complaint. The Commission requests this jury trial in Omaha, Nebraska.

Dated this 20th day of May 2003.

Respectfully submitted,

GWENDOLYN REAMS
Associate General Counsel

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PLEASE NOTE:

It is sufficient for purposes of service on the EEOC that pleadings, notices and any other court documents be served on

the Trial Attorney. Therefore, duplicate service is **not** required on the General Counsel located in Washington, D.C.