

Filing # 47994713 E-Filed 10/24/2016 01:44:19 PM

IN THE CIRCUIT COURT OF THE  
15<sup>TH</sup> JUDICIAL CIRCUIT IN AND FOR  
PALM BEACH COUNTY FLORIDA

CASE NO.

SHARON WILSON

Plaintiff,

vs.

PALM BEACH COUNTY,  
(PALM BEACH COUNTY FIRE RESCUE),  
a political subdivision of the  
State of Florida  
Defendants.

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**COMPLAINT**

COMES NOW, the Plaintiff, SHARON WILSON, by and through her undersigned counsel, and hereby sues Defendants, PALM BEACH COUNTY, a political subdivision of the State of Florida, and alleges:

**JURISDICTION**

1. This is an action for damages in excess of Fifteen Thousand Dollars (\$15,000.00).
2. This is a proceeding for monetary and other damages against Defendant, PALM BEACH COUNTY (hereinafter referred to as "Defendant" and/or "PBC"), by Plaintiff, pursuant to Florida Statutes 760.00.

**PARTIES**

3. Plaintiff is and was at all times material hereto a resident of Broward County, Florida.

4. PBC is a political subdivision of the State of Florida, with offices located at 301 North Olive Avenue, West Palm Beach, FL 33401.

### FACTUAL ALLEGATIONS

5. Plaintiff, a forty-three (43) year old Caucasian female, was hired on April 6, 2015 and immediately placed into Defendant's Fire Rescue Recruit Academy as a probationary fire fighter.
6. The academy is an eight (8) week program consisting of general classes, physical fitness training, fire fighter training operations and live fire training which newly hired fighters must successfully complete.
7. Plaintiff was originally enrolled in Recruit Class 61. On April 14, 2015, Plaintiff suffered a work related fracture of her right wrist, and as a result, was unable to complete Class 61. During her recovery, Plaintiff was assigned to a light duty assignment in Support Services, and was re-enrolled in Recruit Class 63.
8. On May 4, 2015, Plaintiff was issued a written warning by Captain Clark for allegedly not reporting her wrist injury although Captain Clark himself had confirmed the injury had been reported to Captain Charlie Coyle.
9. On June 29, 2015, Plaintiff met with a staff member in Human Resources to express her concerns that she was being treated differently by management and instructors in the academy as a result of her work related wrist injury/disability and feared she would be targeted upon returning to class. No investigation into this complaint was made.
10. On September 23, 2015, Plaintiff was issued a written warning by her supervisor, Captain Bruce Clark, for allegedly violating Academy Rule 1-10 prohibiting the use of cell phones while in the academy. Plaintiff objected to the aforementioned discipline, as she was using her cell phone while at lunch, which pursuant to the rule, was an "authorized break", and therefore, not in violation of policy.
11. On October 6, 2015, Captain Clark issued Plaintiff another disciplinary action, a written reprimand, for allegedly being unable to participate in EVOC training because she did not bring her driver's license to work. Plaintiff objected to the aforementioned discipline, as Recruits were not told beforehand to bring their licenses to class and she had already passed the course that was being offered that day back in April of 2015, and per Rule 1-32 this course is only required every 3 years.

12. Despite these mitigating circumstances, Plaintiff was threatened by Chief Schaffner and Captain Bruce Clark that resigning "immediately" was the only way she could keep her job and allow her to re-apply, re-interview and then be re-hired by Defendant.
13. Plaintiff did as she was instructed and submitted a letter of "forced" resignation, which mirrored the representations made to her by Chief Schaffner and Captain Clark. To date, Plaintiff has been unable to apply to enter a new academy class, since the pool has been closed. See forced letter of resignation attached hereto as Exhibit "A".

**COUNT I: PLAINTIFF'S CLAIM AGAINST DEFENDANT PBC FOR VIOLATION OF THE FLORIDA CIVIL RIGHTS ACT, FLORIDA STATUTES, CHAPTER 760**

14. Plaintiff restates and re-alleges the allegations contained in Paragraphs 1 through 14, above, as if fully restated herein.
15. Defendant was aware Plaintiff had complained to management about the unfair discipline imposed upon her by Chiefs Schaffner and Clark after she suffered her work related wrist fracture in April of 2015. It was further made aware of Plaintiff's supervisor's retaliatory behavior after she was coerced/forced to resign her position on October 6, 2015 with the promise of being re-hired soon thereafter.
16. Plaintiff believes Defendant's actions, through her supervisor, violates Florida Statutes, Chapter 760.00, the Florida Civil Rights Act prohibiting discrimination, harassment and retaliation based upon age, disability and sex in the work place.
17. PBC is in violation of Florida Statutes 760.10 and PBC's violation was a direct and proximate cause of damages to Plaintiff as follows:
  - a. emotional distress;
  - b. humiliation, mental pain, and suffering;
  - c. psychological pain and psychic injury; and
  - d. loss of income, including back pay/front pay/compensatory damages.
18. Plaintiff has performed all conditions precedent prior to bringing this action by filing a Charge with the Equal Employment Opportunity Commission and subsequently receiving a Notice of Determination/Right to Sue dated July 29, 2016. See Right to Sue attached hereto as Exhibit "B".

WHEREFORE, Plaintiff, SHARON WILSON, requests judgment for damages against the Defendant, PALM BEACH COUNTY, a political subdivision of the State of Florida, for compensatory damages and reinstatement to the position Plaintiff held prior to her forced resignation. Additionally, Plaintiff requests an award of attorney's fees pursuant to Florida Statutes §760.00, §760.10 and §760.11(5), trial by jury, costs of this action, and for such other and further relief as this Court deems just and proper.

**DEMAND FOR JURY TRIAL**

Plaintiff, SHARON WILSON, requests a trial by jury on all issues so triable.

Alan M. Aronson, Esquire  
Rosenthal, Levy, Simon & Ryles  
1401 Forum Way, Sixth Floor  
West Palm Beach, FL 33401

By: 

Alan M. Aronson, Esquire  
Fl Bar# 895997

**EXHIBIT "A"**

NOT A CERTIFIED COPY

Oct. 6, 2015

Dear PBCFR:

Being left no other option, I am currently forced to

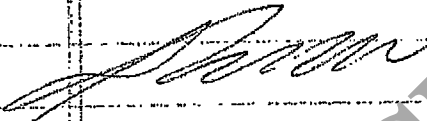
resign and being told this is the only way to keep my

job; <sup>by</sup> ~~and~~ reapplying and getting rehired. I will reapply and

re-interview because I want to work here long-term

and I'm doing a great job in Class 623.

Sharon Wilson



**EXHIBIT "B"**

NOT A CERTIFIED COPY

EEOC Form 181-B (11/09)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: Sharon Wilson
7100 Nova Drive, Apt. 304
Davle, FL 33317

From: Miami District Office
Miami Tower, 100 S E 2nd Street
Suite 1500
Miami, FL 33131

On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

Table with 3 columns: EEOC Charge No., EEOC Representative, Telephone No.
510-2016-00118, Dennis Kendrick, Investigator, (305) 808-1807

(See also the additional information enclosed with this form.)

NOTICE TO THE PERSON AGGRIEVED:

Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), or the Genetic Information Nondiscrimination Act (GINA): This is your Notice of Right to Sue, issued under Title VII, the ADA or GINA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII, the ADA or GINA must be filed in a federal or state court WITHIN 90 DAYS of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

- More than 180 days have passed since the filing of this charge.
Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of this charge.
The EEOC is terminating its processing of this charge.
The EEOC will continue to process this charge.

Age Discrimination in Employment Act (ADEA): You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, the paragraph marked below applies to your case:

- The EEOC is closing your case. Therefore, your lawsuit under the ADEA must be filed in federal or state court WITHIN 90 DAYS of your receipt of this Notice. Otherwise, your right to sue based on the above-numbered charge will be lost.
The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of the charge, you may file suit in federal or state court under the ADEA at this time.

Equal Pay Act (EPA): You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission

Signature of Michael J. Farrell

JUL 29 2016

Enclosures(s)

MICHAEL J. FARRELL, District Director

(Date Mailed)

cc: Karen Thompson, H.R. Director
PALM BEACH COUNTY FIRE RESCUE
100 Australian Blvd.
West Palm Beach, FL 33406

Alan M. Aronson, Esq.
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West Palm Beach, FL 33401