

FILED

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

JUL 28 2022

Mark C. McCartt, Clerk
U.S. DISTRICT COURT

1. GRETA J. HURT and
2. JULIE D. LYNN,

Plaintiffs,

v.

1. CITY OF TULSA, OKLAHOMA,
FIRE DEPARTMENT,

Defendant.

Civil Action No. _____

22 CV - 337 CVE - SH

Jury Trial Demanded
Attorney Lien Claimed

COMPLAINT

Plaintiffs Greta J. Hurt and Julie D. Lynn, ("Hurt" and "Lynn") allege:

1. This action is brought on behalf of the Plaintiffs to enforce the provisions of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000 *et seq.* ("Title VII"). As set forth below, the Plaintiffs allege that Defendant, the City of Tulsa, Oklahoma, Fire Department ("Defendant" or "TFD"), has engaged in sex discrimination in violation of Title VII when it subjected firefighters Greta Hurt ("Hurt") and Julie Lynn ("Lynn") to discrimination in the Fire Department promotion process and to a hostile work environment based on their sex. The TFD subjected Lynn to retaliation because she filed a complaint and further subjected Hurt to retaliation because of her complaints of sex discrimination which ultimately resulted in her constructive discharge.

JURISDICTION AND VENUE

2. This Court has jurisdiction over this action under 42 U.S.C. §§ 2000e-5(f)(3), 28 U.S.C. §§ 1331, 1343(a).

3. Hurt and Lynn timely filed a charge alleging sex discrimination and retaliation with the Equal Employment Opportunity Commission ("EEOC"). Hurt's charge is denoted by the EEOC

Counsel
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1 summons

as Charge No. 564202200747. Lynn's charge is denoted by the EEOC as Charge No. 564202200748.

4. On June 30, 2022 the EEOC issued and mailed a Notice of Right to Sue to Hurt and Lynn, attached as exhibits hereto.

5. All conditions precedent to the initiation of this lawsuit have been fulfilled.

6. The employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the Northern District of Oklahoma. Therefore, venue is proper in this judicial district under 42 U.S.C. § 2000e-5(f) and 28 U.S.C. § 1391(b).

PARTIES

7. Plaintiffs are employees of the City of Tulsa, as that term is defined in 42 U.S.C. § 2000e and they are expressly authorized to bring this action by Sections 717(c) of Title VII, 42 U.S.C. § 2000e-16(c).

8. Defendant is a government body, a political subdivision, created pursuant to the laws of the State of Oklahoma and is located within this judicial district.

9. Defendant City of Tulsa maintains the Tulsa Fire Department which employs uniformed firefighters.

10. Defendant City of Tulsa is a person within the meaning of 42 U.S.C. § 2000e(a).

11. Defendant City of Tulsa is an employer within the meaning of Sections 701 of Title VII and 42 U.S.C. § 2000e.

FACTUAL ALLEGATIONS

A. Hurt and Lynn's Experiences as Female Firefighters

12. In March, 1998 Hurt became a Tulsa firefighter. She applied for promotions when eligible. She now holds the position of Chief of Health and Safety.

13. In March 1998, Lynn became a Tulsa firefighter. She applied for promotions when eligible. She now holds the position of District Chief assigned to District 4.

14. During their careers as Tulsa firefighters, both Lynn and Hurt were subjected to numerous incidents of sexual harassment and the tolerance of such harassment by their superiors.

15. In 2020, Hurt and Lynn were the only female firefighters eligible to apply for the position of Deputy Chief of Field Operations (FD-07).

16. TFD maintains a policy of requiring candidate assessment by an outside agency for positions designated as FD-06 and FD-07 when more than three (3) candidates apply.

17. In July, 2020 Hurt and Lynn were candidates for the position of Deputy Chief of Field Operations. Lynn was subjected to pressure from her superiors and other firefighters to withdraw her name so that, with only three (3) candidates, an outside assessment would not be conducted. Hurt was not selected. Brent Goins, a less qualified male candidate, was selected and became the Deputy Chief of Field Operations.

18. Subsequently, Hurt filed a complaint with the Defendant's Human Resources Department alleging discrimination based on sex. She was at that time the Administrative Chief and the first female firefighter to hold that position.

19. In March 2021, immediately after that complaint was denied, Hurt was transferred from her position as Administrative Chief to Chief of Health and Safety, perceived to be a position of less significance within TFD. Additionally, Hurt was physically relocated to the most remote office away from the offices of the Fire Chief and executive staff. Further, duties of the new position were reduced and Hurt was excluded from some of the normal involvement that the position of Chief of Health and Safety would logically, and did historically, entail.

20. In August 2021 two (2) positions for Assistant Chief (FD-06) were open. Hurt and Lynn were the only female firefighters qualified to apply and they both applied for each position. Two (2) male candidates applied for each position. No outside assessments were conducted. There were four (4) applicants for each position, two (2) male candidates and two (2) female candidates.

21. On or about August 26, 2021 the two (2) male candidates, who were less qualified than the two (2) female candidates, were selected for the FD-06 positions.

22. On or about August 29, 2021 Hurt sent a complaint to the City of Tulsa Department of Human Resources and the Mayor of Tulsa describing the discrimination based on sex which had occurred in the selection process for the two (2) FD-06 positions. Several days later, Lynn sent a similar complaint. Hurt was effectively shunned by TFD administrators in retaliation for her complaint.

23. Actions of the Defendant, described herein, were done with the intention of discriminating against the Plaintiffs on the basis of their sex.

24. As a result of the retaliation against Hurt, she has experienced high levels of dread, stress, anxiety, humiliation and other detrimental conditions. The aforementioned and the retaliatory actions by Defendant constitute an effective termination and Hurt, therefore, submitted her resignation.

25. As a result of the retaliation against Lynn, she has experienced detrimental conditions.

PRAYER FOR RELIEF

WHEREFORE, the Plaintiffs pray that the Court grant the following relief:

(a) award all appropriate monetary relief, including lost wages and retirement benefits where applicable, to Hurt and Lynn in an amount to be determined at trial to make each whole for any loss suffered as a result of the discrimination and retaliation as alleged in this complaint;

(b) award Hurt and Lynn any prejudgment interest on the amount of lost wages and benefits determined to be due;

(c) award compensatory damages to Hurt and Lynn to fully compensate them for the pain and suffering caused by Defendant's discrimination and retaliation as alleged in this complaint, pursuant to and within the statutory limitations of Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a;

(d) enjoin Defendant from further discrimination and retaliation against Plaintiffs and other female firefighters;

(e) order Lynn to be placed in the next FD-07 position when open;

(f) order Defendant to develop and implement appropriate and effective measures to prevent discrimination and retaliation, including, but not limited to, implementing appropriate anti-discrimination and investigation policies and procedures applicable to employees working at TFD, and implementing adequate training to all employees and officials including, but not limited to: (1) taking proper steps to investigate incidents of complaints of sexual harassment and sex-based discrimination; (2) disciplining employees found responsible for sexual harassment; (3) instituting effective anti-retaliation policies and procedures; (4) disciplining employees found responsible for retaliation; (5) distributing its anti-harassment and anti-retaliation policies to all employees; (6) implementing a zero-tolerance policy for sexual harassment and requiring all firefighters and supervisory personnel to report sexual harassment that they witness, and (7) providing mandatory sexual harassment and anti-retaliation training for all supervisors and employees;

(g) order any further relief necessary to make Hurt and Lynn whole; and

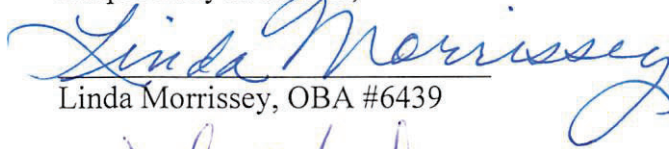
(h) award such additional relief as justice may require, together with the Plaintiffs' attorney fees, costs and disbursements in this action.

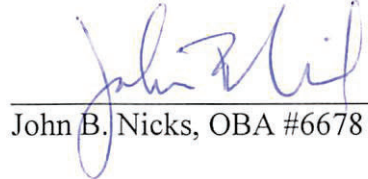
JURY DEMAND

The Plaintiffs hereby demand a trial by jury of all issues so triable pursuant to Rule 38 of the Federal Rules of Civil Procedure and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

Dated this 28th day of July, 2022.

Respectfully submitted,


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