

COMMONWEALTH OF KENTUCKY
2ND JUDICIAL CIRCUIT
McCRACKEN CIRCUIT COURT
CIVIL ACTION NO. 19-CI- 957
FILED ELECTRONICALLY

TRACY JONES

PLAINTIFF

v.

COMPLAINT

McCRACKEN COUNTY, KENTUCKY

Serve: Craig Zeiss Clymer
Judge Executive
300 Clarence Gaines Street
Paducah, Kentucky 42003

and

JULIE GRIGGS

DEFENDANTS

Serve: Julie Griggs
301 South 6th Street
PO Box 609
Paducah, Kentucky 42002

* * * * *

Plaintiff Tracy Jones, by counsel, for her Complaint against Defendants
McCracken County, Kentucky and Julie Griggs states as follows:

PARTIES, JURISDICTION, AND VENUE

1. Plaintiff Tracy Jones is a resident of McCracken County, Kentucky and resides within this circuit.
2. Defendant McCracken County, Kentucky at all times relevant to the complaint is a local unit of government and Jones's employer as defined in KRS 61.101.

3. Upon information and belief, Defendant Julie Griggs is a resident of McCracken County, Kentucky and is the current elected McCracken County Clerk. As McCracken County Clerk, Griggs is responsible for the formulation of policy and/or supervision of subordinate employees and her and her office were Jones's employer as defined in KRS 61.101. Griggs is sued in her official and individual capacity.

4. Subject matter jurisdiction over this action exists under Section 112 of the Kentucky Constitution because the amount in controversy, excluding interest, costs and attorney's fees, exceeds the jurisdictional prerequisites of this Court, and because this Court has original jurisdiction over this matter pursuant to KRS 23A.010 and KRS 61.103(2).

5. Venue is proper in this Court because Plaintiff resides in McCracken County and the Defendants and injuries described herein are/were located in McCracken County.

FACTUAL ALLEGATIONS

A. The 2015 EEOC Complaint

6. Jones was hired by the McCracken County Clerk's Office as a deputy county clerk in 1995 where she worked until her termination in 2019.

7. Defendant Griggs was elected McCracken County clerk in November 2014 and was sworn into office in January 2015. Griggs defeated Jones and several other candidates in the Democratic Party primary election.

8. In May 2015, Jones lodged a complaint with the Equal Employment Opportunity Commission.

9. The complaint notified the EEOC of Griggs's and the McCracken County clerk's office discriminatory hiring practices. Two positions in the clerk's office were not advertised prior to hiring white applicants to fill said positions. Jones witnessed minority applicants attempt to apply for the positions but the minority applicants were told the clerk's office had no job openings.

10. Further, Griggs and the clerk's office hired two white female applicants whose husbands assisted Griggs in her 2014 election campaign. Griggs interviewed both candidates and made the ultimate decision to hire them.

11. In June 2015, shortly after lodging the EEOC complaints, Jones left work to find moist spit with fresh chewing gum down the driver's side of her car.

12. In September 2015, Jones was assisting the family member of a clerk named in the EEOC complaint. The family member specifically asked for Jones to assist him. Jones was helping the family member renew his vehicle registration when he began to lean over the counter and hit his hands on Jones's desk. The family member then began to discuss death and his ability as a hunter, stating he never missed his target. The family member then stated if nothing happened to Jones in the meantime, he looked forward to seeing her the next year. Jones perceived his actions to be a threat on her welfare as a result of her lodging her EEOC complaint.

13. Later the same day, Jones found a dead rabbit next to her vehicle while leaving work. The rabbit's throat had been cut but otherwise showed no injuries. Jones again perceived this to be a threat on her welfare as a result of lodging her EEOC complaint.

14. Jones reported all three of these incidents to the McCracken County Sheriff and was referred to Kentucky State Police.

15. Following the EEOC complaint, several clerks in the office were promoted in secret without the positions being advertised. Despite her experience and tenure in the clerk's office, Jones was never given the opportunity to apply for a promotion nor was she given performance evaluations.

16. In October 2018, Jones asked Griggs if she could attend the Kentucky County Clerks Association's Fall Conference in November 2018, which offers training for county clerks. Griggs told Jones she could not go because deputy clerks were not allowed to attend. Griggs then attended the conference with three other deputy clerks from the office.

17. Jones was under strict orders from her immediate supervisors to go to them, not Griggs, with issues or concerns. Griggs would often ignore Jones completely and refuse to speak to her. Instead of handing Jones her pay stub, Griggs would instead throw the envelope in the vicinity of Jones's desk.

18. When Griggs did speak to Jones, it was often to berate her, both in public and private. On one such occasion, in February 2019, Griggs became abruptly belligerent and berated Jones in front of co-workers and customers while Jones was

doing homework for a class on her break. Griggs's actions, including their public nature, caused Jones to have an anxiety attack and require ambulance transportation from the clerk's office to the emergency room at Western Baptist Hospital.

19. On another occasion, Griggs allowed two supervisors at the clerk's office to take Jones to the vault in the office and interrogate her after another co-worker falsely reported Jones had stolen money out of her drawer. Jones also had an anxiety attack following this incident.

20. On another occasion, another black clerk posted a sign at her desk that read "My name is [EMPLOYEE'S NAME] I am NOT Tracy." Jones informed Griggs she felt the sign was offensive and racist and requested it be taken down. Despite her request, Griggs allowed the sign to remain for over two months.

21. At one point during her employment, Jones went to Griggs to attempt to clear the air between them, establish a more professional working environment, and better serve the community. Griggs told Jones she was having trouble doing so because Jones filed the EEOC discrimination complaint.

22. As a result of years of harassment and the hostile work environment, Jones has been diagnosed with depression, anxiety disorder, anxiety attacks, and high blood pressure requiring her to take medication. Jones is also now in counseling as a result of the harassment and hostile work environment.

B. The 2019 Kentucky Attorney General Complaint.

23. During the 2018 election season, Griggs delegated the county clerk's election operation to Lyne Dickey, a deputy clerk working in the office. Dickey was the only clerk allowed to handle the vote cartridges carrying scanned ballots received from the precincts and feed them through the vote cartridge reading machine.

24. According to campaign finance records, Dickey donated \$1,300.00 to Griggs's 2014 campaign.

25. On November 6, 2018, election day, Lyne Dickey and her husband counted votes in the manner described above behind a locked door in a windowless file room at the clerk's office. The room has no video camera or surveillance system inside. No other employees of the county clerk's office were allowed in the room.

26. During Jones's entire employment, the county clerk's office had never conducted its vote count in secret behind a locked door until November 2018. In every election prior, members of the two major political parties and members of the press were present to witness votes being counted. Jones felt it was her duty to report this conduct in order to preserve, at minimum, the appearance of free and fair elections as a corner stone of the democratic process.

27. On March 17, 2019, Jones lodged a whistleblower complaint with the Kentucky Attorney General's office pursuant to KRS 61.101 *et seq.* against Defendants wherein Jones disclosed the election night procedures described above.

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28. In March 2019, the Kentucky Attorney General's office informed Griggs of the whistleblower complaint lodged against her and her office.

29. On May 2, 2019, Defendants terminated Jones's employment with the clerk's office.

30. The pretextual reason offered by Defendants for Jones's termination was unsatisfactory work performance. During her entire employment at the McCracken County clerk's office, Jones never received any verbal or written warnings nor did Griggs or any of Jones's supervisors ever discuss her poor work performance with her until the day Griggs terminated her.

31. After termination, Jones applied for unemployment benefits which were initially denied on May 22, 2019.

32. Jones appealed the Unemployment Commission's initial decision and presented her case before an Unemployment Appeals Referee on July 24, 2019 and August 28, 2019.

33. During the course of the hearing, Griggs falsely testified she had not received notice and was unaware of Jones's whistleblower complaint with the Kentucky Attorney General's office before Jones's termination on May 2, 2019.

34. After the hearing, the Appeals Referee reversed the Commission's initial determination and awarded Jones unemployment benefits.

CLAIM ONE
Violation of the Kentucky Whistleblower Act, KRS 61.101 et seq.
(All Defendants)

35. Jones was at all times relevant hereto an "employee" as that term is

defined in KRS 61.101(1).

36. Defendants were “employers” as that term is defined in KRS 61.102(2).

37. During her employment by Defendants, Jones reported and disclosed, in good faith, facts and information relative to actual and/or suspected mismanagement, waste, fraud, abuse of authority, violations of federal and state law, statutes, policies and regulations occurring within and in the course of the operation of the McCracken County clerk’s office to appropriate authorities, including the Equal Opportunity Employment Commission and the Kentucky Attorney General.

38. As a direct result of Jones’s disclosures referenced in the preceding paragraph, Defendants subjected the Jones to retaliation and reprisal which culminated in Jones’s ultimate termination.

39. The aforementioned conduct was committed in violation of KRS 61.101, *et seq.*

40. As a result of Defendants’ unlawful conduct, Jones has suffered and will continue to suffer damages in an amount to be determined at trial.

41. Defendants’ conduct constitutes fraud, oppression, and/or malice pursuant to KRS 411.184 and KRS 411.186 entitling Jones to punitive damages.

42. Further, in addition to the compensatory damages described above, Jones is entitled to injunctive relief requiring Defendants to reinstate her to her former position with back pay, front pay, and other benefits.

CLAIM TWO
Intentional Infliction of Emotional Distress
(Defendant Griggs)

43. By engaging in the conduct described above, Defendant Griggs acted intentionally and willfully in an extreme and outrageous manner and/or with reckless disregard of the consequences of her actions.

44. Defendant Griggs's actions were outrageous and intolerable, and they offend generally accepted standards of decency and morality.

45. As a direct and proximate result of Defendant Griggs's intentional, extreme, and outrageous conduct and/or her disregard for the consequences of her actions, Jones has suffered and will continue to suffer damages in an amount to be determined at trial.

46. Defendant Griggs's conduct constitutes fraud, oppression, and/or malice pursuant to KRS 411.184 and KRS 411.186 entitling Jones to punitive damages.

47. Further, in addition to the compensatory damages described above, Jones is entitled to injunctive relief requiring Defendants to reinstate her to her former position with back pay, front pay, and other benefits.

CLAIM THREE
Violation of the Kentucky Unemployment Compensation Act,
KRS 341 *et seq.* and KRS 446.070.
(All Defendants)

48. Jones performed "covered employment" as defined in KRS 341.050.

49. The McCracken County Clerk's Office is a "subject employer" as defined by KRS 341.070.

50. Defendants knowingly made false statements and material omissions in violation of KRS 341.990(6)(a) during the July 24, 2019 and August 29, 2019 hearing.

51. Defendants' false statements and material omissions were intended to cause the Commission to deny Jones unemployment benefits she was otherwise entitled to, causing her damage.

52. As a result of Defendants' false statements and material omissions, Jones has suffered and will continue to suffer damages in an amount to be determined at trial.

53. Defendants' conduct constitutes fraud, oppression, and/or malice pursuant to KRS 411.184 and KRS 411.186 entitling Jones to punitive damages.

54. Further, in addition to the compensatory damages described above, Jones is entitled to injunctive relief requiring Defendants to reinstate her to her former position with back pay, front pay, and other benefits.

REQUEST FOR RELIEF

Plaintiff Tracy Jones, by counsel, respectfully requests the Court grant trial by jury on all claims so triable, grant judgment against Defendants, and award her:

- a. Injunctive relief requiring Defendants to reinstate her to her former position with back pay, front pay, and other benefits
- b. Actual damages;
- c. Punitive damages;
- d. Attorney's fees;

- e. Costs incurred in prosecuting this action;
- f. Pre- and post-judgment interest; and
- g. Any other relief to which she is entitled.

Respectfully submitted,

CRAIG HENRY PLC

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