

3. The Respondents herein are:

Silver Spring Township
6475 Carlisle Pike
Mechanicsburg, PA 17050

Leroy Hippensteel, Individually
6475 Carlisle Pike
Mechanicsburg, PA 17050

James Sadler, Individually
6475 Carlisle Pike
Mechanicsburg, PA 17050

William S. Cook, Individually
6475 Carlisle Pike
Mechanicsburg, PA 17050

FACTS

4. Complainant, Tracy Miller (hereinafter “Officer Miller”) is a 38-year old woman, single mother of three children, and was recently pregnant.
5. Respondent Silver Spring Township (hereinafter “Respondent Township”), is a municipality and is engaged in commerce and is an employer with 50 or more employees. Its principal place of business is at 6475 Carlisle Pike, Mechanicsburg, Pennsylvania 17050.
6. Respondent Leroy Hippensteel (hereinafter “Respondent Hippensteel”) is employed with Respondent Silver Spring Township as a Sargeant. In his position, Respondent Hippensteel had direct supervisory authority over Officer Miller and controlled the terms, conditions, and privileges of Officer Miller’s employment. He is individually and collectively responsible for the discriminatory and retaliatory actions taken against Officer Miller and is being sued in his individual capacity for aiding, abetting, and enticing in acts of

discrimination and retaliation in violation of the Pennsylvania Human Relations Act.

7. Respondent James Sadler (hereinafter "Respondent Sadler") is employed with Respondent Silver Spring Township as a Chief of Police. In his position, Respondent Sadler had supervisory authority over Officer Miller and controlled the terms, conditions, and privileges of Officer Miller's employment. He is individually and collectively responsible for the discriminatory and retaliatory actions taken against Officer Miller and is being sued in his individual capacity for aiding, abetting, and enticing in acts of discrimination and retaliation in violation of the Pennsylvania Human Relations Act.
8. Respondent William S. Cook (hereinafter "Respondent Cook") is employed with Respondent Silver Spring Township as the Township Manager. In his position, Respondent Cook had direct supervisory authority over Officer Miller and controlled the terms, conditions, and privileges of Officer Miller's employment. He is individually and collectively responsible for the discriminatory and retaliatory actions taken against Officer Miller and is being sued in his individual capacity for aiding, abetting, and enticing in acts of discrimination and retaliation in violation of the Pennsylvania Human Relations Act.
9. In November of 2006, Tracy Miller, a then single mother of two children, proudly graduated from the Police Academy, was eager to begin her new

career as a police officer, and conscientiously applied for her first position as a police officer, including an application to Silver Spring Township.

10. In November of 2006, Ms. Miller was hired for her first police officer position and began working as a Patrol Officer for Respondents at the Silver Spring Township Police Department. This was a part-time position and Ms. Miller earned approximately \$13.00 per hour.
11. Officer Miller was not pregnant at the time she began working for Respondent.
12. At all times relevant hereto, Officer Miller was directly supervised by James Sadler, Chief of Police, and Leroy Hippensteel, Sergeant.
13. Officer Miller is only one of two women employed in the Silver Spring Township Police Department. All the other Police Department employees are men.
14. Respondent Hippensteel, a white male in his 40's, was openly hostile toward women police officers, including Officer Miller who was only the second female police officer in the Department's history. Respondent Hippensteel regularly stated his sexist opinion that "women should not be cops."
15. During Officer Miller's tenure at the Police Department, she received at least one satisfactory performance evaluation.
16. In January of 2007, Officer Miller was promoted to a full-time position with Respondents as a Patrol Officer.

17. On or about October 6, 2008, Officer Miller suspected she was pregnant and her direct supervisor, Respondent Hippensteel was informed of Ms. Miller's suspected pregnancy at that time.
18. Upon learning of Officer Miller's suspected pregnancy, Respondent Hippensteel stated "I hope she doesn't get rid of it."
19. Immediately after Respondent Hippensteel learned of Officer Miller's suspected pregnancy, Respondents subjected Ms. Miller to a series of adverse actions taken because of her sex (female) and pregnancy.
20. For instance, on or about October 13, 2008, Respondent Hippensteel informed Respondent Sadler that Ms. Miller obtained and disseminated driver information.
21. The alleged incidents dated as far back from November 19, 2007 until July 14, 2008.
22. Respondent Hippensteel had this information regarding Officer Miller's alleged rule violations; however, he failed to report or otherwise mention these alleged violations until after he learned of Officer Miller's suspected pregnancy.
23. As a result, Respondent Sadler issued a Notice of Discipline to Officer Miller on or about November 14, 2008 and she received a verbal reprimand and a five day suspension.
24. Similarly situated male employees and non-pregnant employees—including Respondent Hippensteel himself--regularly violate the rules on the use the computer system to obtain driver information.

25. However, no other male and/or non-pregnant employees were ever investigated or disciplined for allegedly violating the rule.
26. In November 2008, Officer Miller treated with her medical provider who confirmed Officer Miller's pregnancy and expected due date of June 15, 2009.
27. Thereafter, per Respondents' policies and the provisions of the Collective Bargaining Agreement, Ms. Miller notified Respondents of her pregnancy in writing on or about November 23, 2008.
28. As a result of her pregnancy, on or about November 24, 2008, Respondents, including Respondent Sadler informed Officer Miller that she was immediately assigned to light duty and was not permitted to work uniform patrol.
29. Per the light duty reassignment, Respondents placed Officer Miller on a permanent 2:00 p.m. to 10:00 p.m. shift.
30. Officer Miller's light duty assignment included the following: making and answering routine phone calls, follow-up report writing, walk-in complaints, crime reports, follow-ups and charges of incoming school reports, and bad check cases.
31. Prior to being reassigned to light duty, Officer Miller had been on rotating shifts, working 6 a.m. to 2:00 p.m., 2:00 p.m. to 10:00 p.m., and 10:00 a.m. to 6:00 p.m.
32. The change in shift from a rotating shift to a permanent 2:00 p.m. to 10:00 p.m. shift negatively interfered with Officer Miller's family responsibilities,

including her responsibilities as a single mother to care for her two teenage children. For instance, Officer Miller was unable to attend her children's after-school activities, help with her children's homework, and make and participate in evening meals with her children.

33. Furthermore, one of Officer Miller's primary responsibilities on light duty was to handle school reports. Because she was not permitted to work prior to 2:00 p.m. each day, Officer Miller was hampered in her ability to speak with school officials regarding following-up and charging school reports, particularly given that most schools closed for the day at approximately 3:00 p.m.
34. No other male or non-pregnant officers were required to work only 2:00 p.m. to 10:00 p.m., including those that were on light duty. Additionally, while Officer Miller was placed on light duty, all of the other police officers began working three, 12-hour shifts per week. Officer Miller, the only pregnant employee, was not permitted to switch to the three, 12-hour shift.
35. After approximately three months of working the permanent 2-10 p.m. shift, on or about February 25, 2009, Officer Miller requested in writing that she be permitted to adjust her schedule to work more daylight hours.
36. On February 26, 2009, Respondents "regretfully" informed Officer Miller that they would not permit her to work daylight shift during the week. Instead, they informed her that her weekend shifts would now be daylight shifts from 8:00 a.m. to 4:00 p.m. Essentially, this meant that Officer Miller had very little time with her teenage children.

37. Respondents, and Respondent Hippensteel in particular, were openly hostile to Officer Miller because of her sex and pregnancy.
38. The hostility increased in April of 2009, after Respondent Sadler, who was the Chief of Police, took a leave of absence to attend the FBI training academy.
39. Per the terms of the Collective Bargaining Agreement, in the Chief of Police's absence, Respondent Hippensteel assumed the role of Chief of Police and had direct supervisory authority over Officer Miller from April of 2009 until she gave birth in June of 2009.
40. In this position, Respondent Hippensteel abused his power and used it to further harass and discriminate against Officer Miller because of her sex and pregnancy.
41. For instance, in April of 2009, Respondent Hippensteel falsely accused Officer Miller of wiretapping Brian Brooks, Officer Miller's fiancé and father of her baby. Importantly, Mr. Brooks did not accuse Officer Miller of wiretapping or violating any law or rule.
42. However, despite not having any evidence or probable cause, Respondent Hippensteel maliciously and falsely accused Officer Miller of said conduct and instructed Les Freeling, a detective in Cumberland County, to investigate Officer Miller.
43. At that time, Respondent Hippensteel made disparaging and sexist comments about Officer Miller motivated by a gender-based discriminatory animus towards women and pregnant women.

44. Such malicious and discriminatory statements to Officer Miller's co-workers included falsely accusing Officer Miller of being a "crooked cop" and statements to the effect that "she can't be that good in bed." Respondent Hippensteel also alleged that Officer Miller was engaging in oral sex while on duty in her patrol car.
45. Additionally, on or about April 29, 2009, Respondent Hippensteel sent a mass email harshly objecting to the purchase of a baby swing for Officer Miller as a baby shower gift.
46. Despite the increasingly hostile environment Officer Miller was subjected to because of her sex and pregnancy, she continued to work light duty and perform her duties to the best of her ability. In fact, Officer Miller received a satisfactory performance evaluation in April of 2009.
47. Officer Miller continued working up until the day she gave birth on June 8, 2009 to a healthy baby boy.
48. As the sole economic supporter of her family, Officer Miller was eager to return to work after giving birth, for financial reasons and also professional reasons. As such, she fully expected to return to work two weeks after giving birth and was physically capable of returning to work at that time.
49. To that end, on June 22, 2009, Officer Miller's treating OB/GYN cleared Officer Miller to return to work light duty. Her release was effective June 23, 2009 and was provided to Respondents prior to Officer Miller's anticipated return to work.

50. However, despite having medical clearance to return to work light duty, Respondents refused to allow her to return to work light duty. At that time, Respondents, and Respondent Cook in particular, specifically informed Officer Miller she was not permitted to return to work until she was released without restrictions.
51. Similarly situated male and/or non-pregnant employees were permitted to return to work light duty after an injury, illness, or other disability.
52. As a result of Respondents refusal to restore Officer Miller to her position, Officer Miller went without pay, which caused an economic hardship for her as a single mother of three children.
53. Thereafter, in June of 2009, Officer Miller engaged in protected activity of which Respondents were aware by contesting Respondents' adverse action of failing to allow her to return to work, including filing a collective bargaining grievance and complaining to the Pennsylvania Human Relations Commission of illegal discrimination based on sex and pregnancy.
54. Because Respondents would not allow Officer Miller to return to work when she was cleared for light duty, Officer Miller had to wait until approximately July 23, 2009 to return to her position.
55. Upon Officer Miller's return to work in August of 2009 after giving birth, she was subjected to further adverse actions, a continued hostile environment, and discrimination based on her sex, pregnancy, and in retaliation for complaining of discrimination.

56. For instance, on or about August 19, 2009, Officer Miller met with Respondents, including the Respondent Township Supervisors regarding her grievance on the Respondents' failure to allow Officer Miller to return to work after giving birth.
57. During that meeting, Officer Miller was subjected to openly discriminatory remarks about women, pregnant women, and working mothers. For instance, Respondent Jan LeBlanc stated "If you would have had a c-section, then we might have let you return on light duty." They also questioned why Officer Miller could not return to work full duty immediately if she were breast feeding.
58. Again in August of 2009, Respondents, and Respondent Hippensteel in particular, excluded Officer Miller from qualifying on her shotgun and rifle, which she needed to do to perform her position as a Police Officer.
59. At that time, Respondents continued to treat similarly situated male and non-pregnant employees differently and more favorably than Officer Miller and in fact were given two days on the shooting range to qualify on their handguns, shotguns, and rifles.
60. Additionally, upon her return to work after giving birth, Respondent Hippensteel, who is responsible for making the schedule, did not assign another Officer to work with Officer Miller on her shifts. Essentially, Respondent Hippensteel denied back-up to Officer Miller.
61. Similarly situated male and non-pregnant employees were assigned back-up on their shifts.

62. Most recently, Respondents alleged that Officer Miller illegally passed a school bus on September 17, 2009.
63. Officer Miller denied passing the school bus; however, Respondents contacted the Pennsylvania State Police who issued a citation to Officer Miller. Officer Miller did not plead guilty to the citation and is contesting its validity.
64. Subsequently, on September 25, 2009, Respondents placed Officer Miller on paid administrative leave pending their investigation into the citation.
65. Similarly situated male and/or non-pregnant employees were not investigated, cited, and/or disciplined for allegedly violating a traffic law as Officer Miller was.
66. To date, Officer Miller remains on administrative leave.
67. As a direct and proximate result of Respondents' actions and omissions, ongoing discrimination, retaliation, and severe and pervasive hostile environment, Officer Miller has suffered and will continue to suffer loss of employment, lost wages, extreme mental anguish, severe anxiety, personal humiliation, painful embarrassment, disruption of her personal life, and loss of enjoyment of life.

COUNT 1

Sex Discrimination in Violation of Title VII of the Civil Rights Act and the Pennsylvania Human Relations Act

Against All Respondents, Collectively and Individually

68. Paragraphs 1 through 67 are incorporated herein by reference as though set forth in full.
69. Officer Miller is a member of a protected class (sex - female).
70. Officer Miller was qualified to perform her position as a Patrol Officer with Respondents.
71. Officer Miller was subject to an adverse employment decisions as more fully outlined herein, including denial of return to work after giving birth and being suspended.
72. Respondents treated similarly situated male employees differently and more favorably than Officer Miller, including being permitted to return to work on light duty and not being disciplined for an alleged traffic violation.
73. Respondents have no legitimate business reason for subjecting Officer Miller to the different treatment which is more fully outlined herein.
74. As a result of Respondent's willful violations of Title VII, Officer Miller has suffered damages, including loss of reputation, loss of pay and benefits, loss of future income and growth opportunities, damage to her career, loss of happiness and well-being, and other emotional distress and compensatory damages.
75. Respondent engaged in the discriminatory and retaliatory conduct as fully set forth above and incorporated herein by reference with malice and/or intentional indifference to Officer Miller's statutory civil rights protected by federal and state law.

76. As a direct and proximate result of Respondent's actions and omissions, Officer Miller has suffered and will continue to suffer loss of employment, lost wages, extreme mental anguish, severe anxiety, personal humiliation, painful embarrassment, disruption of her personal life, and loss of enjoyment of life.
77. The acts complained of were extreme and outrageous, and were engaged in with malice and/or reckless indifference to Officer Miller's well being, thereby entitling her to punitive damages.

COUNT II

Pregnancy Discrimination in Violation of the Pennsylvania Human Relations Act and Title VII of the Civil Rights Act

Against All Respondents, Collectively and Individually

78. Paragraphs 1 through 77 are incorporated herein by reference as though set forth in full.
79. Officer Miller was pregnant during her employment with Respondents.
80. Respondents knew Officer Miller was pregnant.
81. Officer Miller was qualified to perform her position with Respondents.
82. As more fully outlined herein, Respondents subjected Officer Miller to adverse employment actions, including not being permitted to return to work on light duty after the birth of her child and being suspended.
83. There is a relationship between Ms. Miller's pregnancy and the Respondents' adverse employment actions.
84. Respondents treated similarly situated non-pregnant employees treated differently and more favorably than Officer Miller, including allowing them to

return to work on light duty and not suspending them for alleged traffic violations.

85. Respondents failed to provide Officer Miller with the tools necessary to successfully perform her job duties, while providing the tools to similarly situated male employees.
86. Therefore, Respondents willfully violated Title VII of the Civil Rights Act by discriminating against Officer Miller on the basis of her sex in the terms, conditions, and privileges of her employment.
87. As a result of Respondents' willful violations of Title VII and the PHRA, Officer Miller has suffered damages, including loss of reputation, loss of pay and benefits, loss of future income and growth opportunities, damage to her career, loss of happiness and well-being, and other emotional distress and compensatory damages.
88. Respondents engaged in the discriminatory and retaliatory conduct as fully set forth above and incorporated herein by reference with malice and/or intentional indifference to Officer Miller's statutory civil rights protected by federal and state law.
89. As a direct and proximate result of Respondents' actions and omissions, Officer Miller has suffered and will continue to suffer loss of employment, lost wages, extreme mental anguish, severe anxiety, personal humiliation, painful embarrassment, disruption of her personal life, and loss of enjoyment of life.

90. The acts complained of were extreme and outrageous, and were engaged in with malice and/or reckless indifference to Officer Miller's well being, thereby entitling her to punitive damages.

COUNT III

Retaliation in Violation of the Pennsylvania Human Relations Act and Title VII of the Civil Rights Act

Against All Respondents, Collectively and Individually

91. Paragraphs 1 through 90 are incorporated herein by reference as though set forth in full.
92. During her employment with the Respondents, Officer Miller asserted her rights under federal and state law to work with Respondents in a non-discriminatory, non-retaliatory environment.
93. When Officer Miller asserted her rights under federal and state law, Respondents had actual notice of Officer Miller's basis for a discrimination complaint.
94. After complaining to Respondents, Officer Miller suffered illegal retaliation by Respondents and its employees, more fully outlined above, which was materially adverse to a reasonable employee.
95. Officer Miller warned Respondents that she was being subjected to discrimination in the form of unfair and disparate practices and being subjected to a hostile work environment by Respondents, and specifically Respondent Hippensteel, her direct supervisor.

96. Respondents and its supervisory employees failed or refused to investigate, alleviate, or eliminate the discrimination being practiced against Officer Miller despite her complaint thereof.
97. The acts and omissions described herein were illegally motivated by Officer Miller engaging in protected activity and/or being a member of a protected class.
98. Additionally, the retaliation negatively affected the terms, conditions, and privileges of Officer Miller's employment with Respondents.
99. Respondents' actions against Officer Miller, as more fully outlined above, were harmful to the point that they could well dissuade a reasonable worker from making or supporting a charge of discrimination.
100. Respondents have violated Title VII of the Civil Rights Act and the Pennsylvania Human Relations Act by retaliating against Officer Miller for asserting her rights under federal and state law.
101. As a result of Respondents' willful violations of Title VII and the PHRA, Officer Miller has suffered damages, including loss of reputation, loss of pay and benefits, loss of future income and growth opportunities, damage to her career, loss of happiness and well-being, and other emotional distress and compensatory damages.
102. Respondents engaged in the discriminatory and retaliatory conduct as fully set forth above and incorporated herein by reference with malice and/or intentional indifference to Officer Miller's statutory civil rights protected by federal and state law.

103. As a direct and proximate result of Respondents' actions and omissions, Officer Miller has suffered and will continue to suffer loss of employment, lost wages, extreme mental anguish, severe anxiety, personal humiliation, painful embarrassment, disruption of her personal life, and loss of enjoyment of life.
104. The acts complained of were extreme and outrageous, and were engaged in with malice and/or reckless indifference to Officer Miller's well being, thereby entitling her to punitive damages.

REMEDIES SOUGHT


105. Paragraphs 1 through 104 are incorporated herein by reference as though set forth in full.
106. Complainant seeks any and all appropriate remedies under the Title VII of the Civil Rights Act, the Pregnancy Discrimination Act, and the Pennsylvania Human Relations Act.

DUAL FILING

This complaint will also be filed concurrently at the United States Equal Employment Opportunity Commission.

RESPECTFULLY SUBMITTED,

BY AND THROUGH HER
ATTORNEYS,

A handwritten signature in black ink, appearing to read 'Lisa Matukaitis', written over a horizontal line.

Lisa Matukaitis, Esq.

PA BAR ID # 202467

MATUKAITIS LAW LLC

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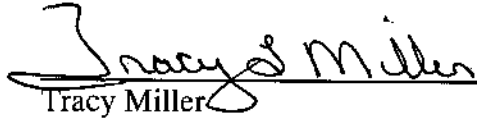
lm@matlawllc.com

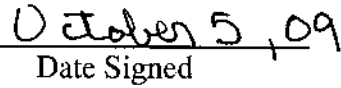
www.matlawllc.com

Dated: October 5, 2009

VERIFICATION

I hereby verify that the statements contained in this complaint are true and correct to the best of my knowledge, information and belief. I understand that false statements contained herein are subject to the penalties of 18 PA.C.S. Section 4904, relating to unsworn falsification to authorities.


Tracy Miller


Date Signed