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**BEFORE THE ADMINISTRATIVE LAW JUDGE
FOR A HUMAN RIGHTS COMMISSION HEARING**

WASHINGTON STATE HUMAN
RIGHTS COMMISSION, presenting the
case in support of the complaint filed by
JILLIENNE JEFF,

Complainant,

v.

HUGHES GROUP LLC,

Respondent.

WSHRC Case No. 27EZ-0680-16-7
OAH Docket No.

AMENDED COMPLAINT

Complainant Washington State Human Rights Commission (the Commission) submits
this amended complaint and states as follows:

I. UNFAIR PRACTICES ALLEGED

1. This is an action under the Washington Law Against Discrimination to correct
unlawful and discriminatory employment practices, and to provide appropriate relief to
Jillienne Jeff, who was adversely affected by such practices. The Commission alleges that
Respondent, Hughes Group, unlawfully discriminated against Ms. Jeff, their employee, by
terminating Ms. Jeff's employment in violation of RCW 49.60.210.

II. JURISDICTION

2. The Commission has jurisdiction to prosecute this case. RCW 49.60.240, .250.
RCW 49.60.240(1)(a) requires the Commission to evaluate and investigate complaints of

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1 discrimination and, once it makes a finding of reasonable cause to believe discrimination has
2 occurred, to seek relief for such discrimination. If an agreement to eliminate the unfair practice
3 is not reached, RCW 49.60.250(1) directs the Commission to request appointment of an
4 administrative law judge to hear its complaint.

5 **III. FACTUAL BASIS FOR ALLEGATIONS**

6 3. Jillienne Jeff was hired by Respondent Hughes Group LLC on or around
7 December 20, 2016, as its Human Resources Manager.

8 4. Respondent Hughes Group LLC is a for-profit business in the State of
9 Washington that provides logistical support for residential and commercial customers. Its
10 principal place of business is 3701 S Lawrence St, Tacoma, WA 98409.

11 5. Respondent Hughes Group LLC employed or employs eight or more employees
12 at all relevant periods and is therefore an employer under the WLAD. *See* RCW 49.60.040(11).

13 6. On or about February 17, 2017, Respondent's employee, Brittany Crespo,
14 complained to her manager, Malika Ali, that she was uncomfortable with a proposed office
15 rearrangement that would require her and another employee, Edward Farabee, to share an
16 office. She explained that Mr. Farabee had made unwelcome sexual advances toward her and
17 that she was not comfortable being alone with him.

18 7. That same day, Respondent owner, Patrick Hughes, asked Ms. Jeff and her
19 coworker Aubrey Robertson, Western Region Program Manager, to investigate Ms. Crespo's
20 complaint.

21 8. On or around February 23, 2017, Ms. Jeff and Mr. Robertson interviewed
22 Ms. Crespo, Mr. Farabee, and Ms. Ali.

23 9. From her interviews, Ms. Jeff understood that Mr. Farabee tried to pursue a
24 romantic relationship with Ms. Crespo. Mr. Farabee and Ms. Crespo had gone to lunch together
25 on several occasions. After work on or around November 15, 2016, Mr. Farabee approached
26 Ms. Crespo who was in her car and opened the car door intending to ask her out. Ms. Crespo

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1 rejected his advance. Later that day, Mr. Farabee texted Ms. Crespo to again pursue a romantic
2 relationship. Ms. Crespo again rejected his advance.

3 10. Ms. Jeff understood that even though Ms. Crespo had rejected Mr. Farabee's
4 advances several months ago, Mr. Farabee's actions continued to make Ms. Crespo
5 uncomfortable. Mr. Farabee's conduct included, but was not limited to, commenting about
6 Ms. Crespo's clothing, staring at her, making comments when no one was around, and going
7 into her office and closing the door. Ms. Crespo stated that she no longer wore makeup and
8 changed her work attire because she was uncomfortable with Mr. Farabee, and that she felt
9 anxious working in the same office as Mr. Farabee.

10 11. On or about February 24, 2017, Mr. Hughes, Ms. Jeff, and Mr. Robertson
11 discussed the findings of the investigation. Based on her investigation, Ms. Jeff believed that
12 Mr. Farabee had sexually harassed Ms. Crespo and consequently recommended separating
13 Ms. Crespo and Mr. Farabee's work stations to ensure they are not left alone with each other,
14 reprimanding Mr. Farabee, and requiring Mr. Farabee to attend sexual harassment training.

15 12. Mr. Robertson expressed agreement with Ms. Jeff's recommendations.

16 13. Mr. Hughes said that he would make the final decision and that he disagreed
17 with reprimanding Mr. Farabee or separating their work stations. He explained that there is no
18 proof that Ms. Crespo did not also harass Mr. Farabee and that Ms. Crespo probably led on
19 Mr. Farabee.

20 14. After that meeting, Ms. Jeff was asked to sign findings related to the
21 investigation. The findings recommended no disciplinary action, and that while "Ms. Crespo
22 states that Mr. Farabee appeared to be staring at her on at least two occasions she could not say
23 to a certainty that he was indeed staring at her or whether she was over sensitive because she
24 has become unnerved and uncomfortable with his approaching her about a personal
25 relationship."

26 15. Ms. Jeff did not sign the memorandum because she did not agree with it.

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1 16. Mr. Hughes asked about the signed copy and Ms. Jeff told him that she lost it.
2 Mr. Hughes provided a copy and told her that she will sign this and it will not be lost.

3 17. On or around March 2, 2017, Mr. Clayton Jones, Ms. Jeff's supervisor, spoke
4 with Ms. Jeff about performance issues and areas for improvement, and provided a form
5 indicating a written warning and suggestions as to how to improve her job performance.
6 Ms. Jeff signed the reprimand form, explaining that she disagreed with the conclusions and
7 that she had discussed it with Mr. Jones.

8 18. Later that same day, Mr. Hughes arranged to speak with Ms. Jeff and Mr. Jones.
9 During that meeting, Mr. Hughes said that he felt Ms. Jeff was not loyal to the company
10 because she recommended that Mr. Farabee be reprimanded. Ms. Jeff explained that she could
11 not support or protect any illegal conduct and that Mr. Farabee had clearly sexually harassed
12 Ms. Crespo.

13 19. In light of her response, and less than one week after Ms. Jeff recommended
14 that Mr. Farabee be reprimanded, Mr. Hughes told Ms. Jeff that he originally intended to
15 reprimand her, but would now terminate her for failing to protect the company and taking
16 Ms. Crespo's side in the investigation. Mr. Hughes told Ms. Jeff to leave.

17 20. Respondent never provided Ms. Jeff a letter of separation or a written
18 explanation regarding her termination.

19 21. Respondent provided Ms. Jeff's personnel file to the Human Rights
20 Commission, which included a reprimand form indicating that her employment was terminated
21 on March 2, 2017, for "not meeting job expectations." The "Employee Signature" and
22 "Employee Remarks" sections were left blank.

23 22. Respondent's employee handbook defines sexual harassment to include, among
24 other actions, leering, pressuring other employees for a date, or invading another employee's
25 personal space.
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23. The handbook states that employees who believe they are victims of sexual harassment are to report those concerns to their supervisor or the human resources manager, and requires Respondent Hughes Group to promptly investigate the matter.

24. Respondent's employee handbook provides that allegations of sexual harassment are evaluated by a reasonable victim, and explains that if a female employee makes an allegations, then the standard would be whether "a reasonable woman" would feel offended, uncomfortable, threatened or intimidated.

25. If an investigator determines that the policy has been violated, they will "recommend disciplinary action to the President of Hughes Group LLC."

26. The employee handbook further provides: "An individual who reports sexual harassment or *who is involved in the investigation of harassment* will not be subject to reprisal or retaliation." (Emphasis added.)

27. Due to Respondent's unlawful actions, Ms. Jeff had to relocate herself and her family out of the State to find comparable work.

IV. FIRST CAUSE OF ACTION

(Violation of the Washington Law Against Discrimination – Retaliation)

28. The Commission realleges and incorporates by reference the allegations set forth in each of the preceding paragraphs of this Amended Complaint.

29. Individuals have a right to retain employment free from discrimination, RCW 49.60.030(1)(a), and it is unlawful for employers to discriminate against individuals in the terms or conditions of their employment because of sex, RCW 49.60.180(3).

30. It is unlawful to discharge, expel, or otherwise discriminate against an individual because they have opposed any practice forbidden under the WLAD, RCW 49.60. RCW 49.60.210(1).

31. Ms. Jeff reasonably believed Respondent Hughes Groups's employment practices discriminated against another employee based on sex.

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32. Respondents discharged, expelled, or otherwise discriminated against Ms. Jeff because of her opposition to their discriminatory practices, in violation of RCW 49.60.210.

V. REQUEST FOR RELIEF

33. The Commission requests an order declaring that Respondents have engaged in the conduct complained of herein, and that said conduct violated the Washington Law Against Discrimination, RCW 49.60.210.

34. Ms. Jeff should be awarded damages for harm caused by the unlawful retaliation and termination; inconvenience caused by participating in the investigation and prosecution of her discrimination complaint; pain and suffering; financial hardship; embarrassment; emotional distress; and other damages to be proved at hearing.

35. Respondents should be ordered to attend equal employment opportunity training approved by the Commission and/or the Attorney General's Civil Rights Division.

36. Respondents should be enjoined from discriminating against, retaliating against, and/or harassing persons for opposing any practice forbidden under the WLAD, and should be required to change their policies and procedures to comply with this injunction.

37. Other equitable relief should be ordered which this tribunal finds necessary to eliminate the effects of past discrimination, to prevent future discrimination, and to restore Ms. Jeff as closely as possible to the position she would have been in, but for Respondent's discrimination. This includes retaining jurisdiction, if necessary, to fully effectuate this tribunal's order.

DATED this 9th day of August, 2022.

ROBERT W. FERGUSON
Attorney General

/s/ Daniel J. Jeon
Daniel J. Jeon, WSBA #58087
Anthony Thach, WSBA #50004
Assistant Attorney General
Office of the Attorney General

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Attorneys for Complainant Washington State
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1 I, Cheryl Stobert, Acting Executive Director of the Washington State Human Rights
2 Commission, verify that I have reviewed the above amended complaint and that the unfair
3 practices charged, the factual allegations set forth, and the relief requested are true, correct and
4 appropriate to the best of my knowledge and belief.

5 Signed this 8th day of August, 2022

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7 /s/ Cheryl Stobert
8 Cheryl Stobert
9 Acting Executive Director
10 Washington State Human Rights Commission
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