

U.S. Equal Employment Opportunity Commission

<div style="border: 1px solid black; padding: 5px;"> <p>Chief Executive Officer VILLAGE OF CARPENTERSVILLE 1200 L. W. Besinger Drive Carpentersville, IL 60110</p> </div>	<p>PERSON FILING CHARGE</p> <p style="text-align: center;">Kathleen Corbley</p> <p>THIS PERSON (check one or both)</p> <p><input checked="" type="checkbox"/> Claims To Be Aggrieved</p> <p><input type="checkbox"/> Is Filing on Behalf of Other(s)</p> <hr/> <p>EEOC CHARGE NO.</p> <p style="text-align: center;">440-2011-05372</p>
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NOTICE OF CHARGE OF DISCRIMINATION

(See the enclosed for additional information)

This is notice that a charge of employment discrimination has been filed against your organization under:

- Title VII of the Civil Rights Act (Title VII)
 The Equal Pay Act (EPA)
 The Americans with Disabilities Act (ADA)
- The Age Discrimination in Employment Act (ADEA)
 The Genetic Information Nondiscrimination Act (GINA)

The boxes checked below apply to our handling of this charge:

1. No action is required by you at this time.
2. Please call the EEOC Representative listed below concerning the further handling of this charge.
3. Please provide by **26-SEP-11** a statement of your position on the issues covered by this charge, with copies of any supporting documentation to the EEOC Representative listed below. Your response will be placed in the file and considered as we investigate the charge. A prompt response to this request will make it easier to conclude our investigation.
4. Please respond fully by _____ to the enclosed request for information and send your response to the EEOC Representative listed below. Your response will be placed in the file and considered as we investigate the charge. A prompt response to this request will make it easier to conclude our investigation.
5. EEOC has a Mediation program that gives parties an opportunity to resolve the issues of a charge without extensive investigation or expenditure of resources. If you would like to participate, please say so on the enclosed form and respond by **01-SEP-11** to **Julie C. Bretz, ADR Coordinator, at (312) 869-8052**.
 If you DO NOT wish to try Mediation, you must respond to any request(s) made above by the date(s) specified there.

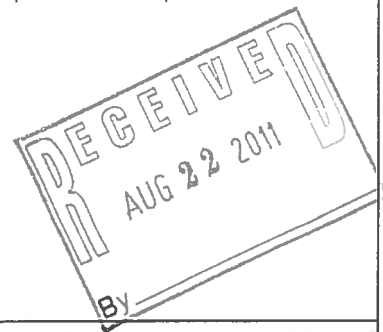
For further inquiry on this matter, please use the charge number shown above. Your position statement, your response to our request for information, or any inquiry you may have should be directed to:

Nanisa Strickler,
Enforcement Supervisor

EEOC Representative

Telephone **(312) 869-8137**

Chicago District Office
500 West Madison St
Suite 2000
Chicago, IL 60661
Fax: (312) 869-8220



Enclosure(s): Copy of Charge

CIRCUMSTANCES OF ALLEGED DISCRIMINATION

- Race
 Color
 Sex
 Religion
 National Origin
 Age
 Disability
 Retaliation
 Genetic Information
 Other

See enclosed copy of charge of discrimination.

Date	Name / Title of Authorized Official	Signature
August 17, 2011	John P. Rowe, District Director	

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- I. Respondent has discriminated, harassed and subjected Complainant to a hostile work environment based on her gender (female) in violation of Title VII of the Civil Rights Act of 1964, § 701 *et seq.*, as amended, 42 U.S.C. § 2000e *et seq.*, and the Illinois Human Rights Act, 775, ILCS 5/2-101 *et seq.*, in an ongoing and continuous basis from September 17, 2010, through the date of her unlawful termination, May 16, 2011.
- A. Complainant was employed by Respondent from January 9, 1991, through the date of her unlawful termination on May 16, 2011.
- B. Complainant was employed by Respondent as an administrative assistant from 1991 to 1999. In or about 2000, she was promoted to Human Resources. Subsequently, Complainant was again promoted to Director of Information Technologies. When Complainant was terminated on May 16, 2011, she was the Director of Information Technologies.
- C. Complainant is a female.
- D. In September 2010, Respondent hired J. Mark Rooney as its Village Manager. Respondent's Village Manager, J. Mark Rooney, would either flirt with female employees or treat female employees worse than male employees. Upon information and belief, Respondent's Village Manager is sexually harassing and/or engaging in a sexual relationship with female employees of Respondent, including but not limited to making statements to a female such as "you don't have to worry about your job as long as we get along," leaving early with a female employee and/or allowing a female employee he liked to leave early, having afternoon meetings with a female employee and doing public displays of affection with a female employee, including but not limited to touching each other on the arm and back. Mr. Rooney did not sexually harassed Complainant, but instead treated her worse than male employees.
- E. Complainant was subjected to discrimination and harassment on the basis of her gender (female) from on or about September 17, 2010, through the date of her unlawful termination on May 16, 2011 by Respondent's Village, J. Mark Rooney, including, but not limited, to the following:
1. Respondent's Village Manager subjected Complainant to derogatory and gender offensive comments including but not limited to telling Complainant that he was not going to "play father to anyone";
 2. Respondent's Village Manager subjected Complainant to demeaning comments including but not limited to saying she "did not have any credibility with the Board or Department Heads because she had been at the Village so long and worked her way up from a secretarial position," but did not do the same to similarly situated male employees who had worked their way up from lower positions with the Village;

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3. Respondent's Village Manager questioned her credibility and ability to do her job based on her gender and working her way up from a secretarial position, but did not do the same to male employees who had worked their way up from lower positions with the Village;
4. Respondent's Village Manager refused to respond to her requests or emails regarding scheduling, but would not do the same to similarly situated male employees;
5. Respondent's Village Manager treated her differently/worse than male employees including but not limited to refusing to acknowledge her emails, questions and requests, not allowing her to attend a meeting via conference call (as she had previously done) without informing her of the change, alleging that she was not working from home, without any basis, and refusing to pay her for hours she worked at home, auditing her department without any basis, failing to consult her regarding hiring contractors/consultants to do work/audits in her department, expecting work that Complainant was not informed of or consulted regarding be paid out of her department's budget, assigning her work unrelated to her position, informing Complainant that he was taking over her office and she had to move her office to the basement or out of the building, and requiring Complainant to provide memos to justify her suggestions or rational on issues;
6. When Complainant was on vacation, out of the office or on leave, Respondent's Village Manager directed the employees she supervised to do work, including contact an outside consultant to assist with a project, and explicitly told them not to tell Complainant, but did not do the same to similarly situated male employees;
7. Respondent's Village Manager discussed information technologies and changing the network system with male department directors, even though their departments were unrelated to information technology or the Village's network, but would not discuss the same with Complainant;
8. Respondent's Village Manager would set up meetings with consultants, order audits and order work to be done in Complainant's department, without her authority or knowledge, but would not do the same to similarly situated male employees;
9. Respondent's Village Manager threatened Complainant's position, including but not limited to stating "I would hate to fire someone over an outlet being in the wrong spot" when discussing plans for a new facility, but did not do the same to similarly situated male employees including but not limited to Bob Cole. Complainant discussed the statement with Respondent's Public Works Director, Bob Cole (male), who asked

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Complainant “he threatened your job.” When Complainant responded “yes,” Mr. Cole stated “he has never done that to me”;

10. Respondent’s Village Manager excluded Complainant from a holiday party for the department heads and employees, but did not do the same to similarly situated male employees;
11. Respondent’s Village Manager refused and/or failed to provide Complainant with instructions or details as how he wanted projects to be done, but would provide detailed instructions and information as to how he wanted projects done to similarly situated male employees;
12. Respondent’s Village Manager treated Complainant differently and/or worse than male employees in the terms, privileges, benefits responsibilities and conditions of her employment;
13. Respondent’s Village Manager disciplined her more and for actions/behaviors that similarly situated male employees were not disciplined for;
14. Respondent’s Village Manager terminated Complainant on May 16, 2011 based on her gender and in retaliation for her complaints of gender discrimination. Respondent’s Village Manager did not terminate any similarly situated male employee for the same actions/behavior as Complainant;
15. When Complainant questioned her termination and the reasons for her termination, Respondent’s Village Manager refused and/or failed to talk with other employees that Complainant said would verify she had done her job as requested; and
16. Respondent’s Village Manager replaced Complainant with a younger male within one week of terminating her. Upon information and belief, Respondent did not advertise her position or accept applications for her position and had intended to hire the younger male to replace her when it terminated her.

F. The gender discrimination and harassment by Respondent and Respondent’s employees was so severe and/or pervasive that it both subjectively and objectively created a hostile work environment and has interfered with Complainant’s ability to perform her job responsibilities.

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- G. Complainant complained to Respondent's Human Resources and told her that Respondent's Village Manager was "piling all these projects on me to make me fail." In response Respondent's Human Resources told Complainant that "he is doing it to everyone." However, to Complainant's knowledge Respondent's Village Manager was not treating male employees the same as her and increasing their workloads. After Complainant complained to Respondent's Human Resources she experienced more gender discrimination and harassment, and was ultimately terminated.
 - H. Complainant was a qualified, competent, and dedicated employee. At all relevant times herein, Complainant was performing all of her job duties/responsibilities in an outstanding manner and there was no legitimate non-discriminatory reason for the discrimination, harassment and termination as alleged herein.
 - I. Complainant has and continues to suffer, severe injury and damage as a direct and proximate result of Respondent's gender discrimination and harassment, including but not limited to loss of wages and emotional distress.
- II. Complainant was retaliated against and terminated by Respondent due to her gender and for her reports/complaints of gender discrimination and harassment in violation of Title VII of the Civil Rights Act of 1964, § 701 *et seq.*, as amended, 42 U.S.C. § 2000e *et seq.*, and the Illinois Human Rights Act, 775, ILCS 5/2-101 *et seq.***
- A. Complainant re-alleges and incorporates by reference the discrimination, harassment, and hostile work environment as alleged herein, as though fully stated herein.
 - B. Complainant complained to Respondent's Human Resources Director of how Respondent's Village Manager was treating her and that she thought he was trying to set her up to fail.
 - C. After Complainant complained to Respondent's Human Resources the gender discrimination and harassment, as alleged herein, increased.
 - D. Subsequently, Respondent terminated Complainant on May 16, 2011. Complainant was terminated because of her gender (female) and/or her complaints of gender discrimination and harassment.
 - E. Complainant suffered severe and egregious injury and damage as a direct and proximate result of Respondent's retaliatory treatment and termination of Complainant including but not limited to loss of wages and emotional distress.

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- III. Respondent discriminated against Complainant based on her age (over forty), in violation of the Age Discrimination in Employment Act, 29 U.S.C. §§ 621-634 (ADEA) and the Illinois Human Rights Act, 775, ILCS 5/2-101 *et seq.*, (“IHRA”) in an ongoing manner from on or about from September 17, 2010, through the date of her unlawful termination, May 16, 2011.
- A. Complainant re-alleges and incorporates by reference the discrimination, harassment, hostile work environment and retaliation as alleged herein, as though fully stated herein.
 - B. Complainant is fifty-four (54) years old.
 - C. Complainant was the Informational Technologies Director for the Village of Carpentersville.
 - D. Complainant was a highly qualified, competent, and dedicated employee of Respondent that was discriminated, harassed and subjected to a hostile work environment based on her age including but not limited to, the following:
 - 1. Respondent’s Village Manager subjected Complainant to unequal/worse terms, responsibilities and conditions of her employment with Respondent than younger employees, including but not limited to the following:
 - i. Respondent tried to force Complainant to pay things out of her departments budget that he did not consult her on, but did not do the same to Respondent’s Finance Director, Lisa Happ;
 - ii. Respondent allowed Respondent’s Finance Director, Lisa Happ, to leave early and not work from the office; and
 - iii. Respondent’s Village Manager never threatened Ms. Happ’s job.
 - 2. Respondent’s Village Manager terminated Complainant based on her age; and
 - 3. Respondent’s Village Manager replaced Complainant with a younger male employee, Kevin Goethals, one week after terminating her. Upon information and belief, Respondent did not advertise her position or accept applications for her position and had intended to hire the younger male to replace her when it terminated her.
 - E. There was no legitimate non-discriminatory basis for Respondent’s discriminatory/harassing treatment of Complainant.

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- F. At all relevant times, Complainant performed all of the essential functions of her job in an outstanding manner that met and/or exceeded her employer's legitimate business expectations

- G. As a direct and proximate result of Respondent's discriminatory conduct and unlawful termination in violation of the ADEA and the IHRA, Complainant has suffered severe and egregious injury and damages, including but not limited to emotional distress and lost of wages.



**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Chicago District Office**

500 West Madison St., Suite 2000
Chicago, IL 60661
PH: (312) 869-8000
TTY: (312) 869-8001
MEDIATION FAX: (312) 869-8060

INVITATION TO MEDIATE

Dear Respondent:

This is an invitation to participate in the EEOC's Mediation Program regarding the enclosed charge of employment discrimination. Mediation is a no-cost, voluntary, and confidential opportunity to work with a third party neutral and Charging Party to discuss and resolve the EEOC charge before the EEOC investigates the charge. If you choose to participate in mediation, there is no requirement that you submit a position statement or make any response to the charge at this time. If the matter is resolved through mediation, no EEOC investigation will occur.

Below are a few of the many important benefits of the EEOC's Mediation Program:

- **Mediation is fair, neutral, and voluntary.** Participation in mediation does not constitute an admission by Respondent of any violation of the statutes enforced by the EEOC. Parties have the opportunity for equal contribution to the process and in deciding settlement terms. ~~The mediator is not a decision-maker and will not evaluate whether there has been discrimination.~~
- **Mediation works, saves time and money, and avoids litigation.** In the Chicago District Office, over 70% of all cases in mediation are resolved through mediation, thereby avoiding the possibility of lengthy and costly litigation. Most mediations are completed in one session. Because mediation is an informal process, legal or other representation is not required.
- **Mediation proceedings are confidential.** The EEOC does not share any information obtained during the mediation process with anyone outside the Mediation Unit, whether or not the charge is resolved. Mediation avoids disclosure of private or sensitive matters.

Please fill out the enclosed forms regarding your contact information and willingness to mediate and return to Mary B. Manzo, ADR Coordinator for the Mediation Program, within ten (10) days of the Charge date. If you have questions regarding whether mediation is right for you, please contact Ms. Manzo by telephone at (312)869-8052, or by fax at (312)869-8060.

If all parties agree to mediate, the charge will be referred to a mediator, and you will be contacted in the near future to arrange for a mediation conference. If there is an objection to mediation, the charge will be forwarded to a Chicago District Office Enforcement Unit for investigation.

Sincerely,

John P. Rowe

John P. Rowe
District Director