

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

**DISMISSAL AND NOTICE OF RIGHTS**

To: **Kathleen Corbley**  
 646 David Street  
 Lake In The Hills, IL 60156

From: **Chicago District Office**  
 500 West Madison St  
 Suite 2000  
 Chicago, IL 60661

CERTIFIED MAIL 7011 1570 0003 6190 7488

On behalf of person(s) aggrieved whose identity is  
 CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.	EEOC Representative	Telephone No.
440-2011-05372	<b>Alison Fisher,</b> Investigator	(312) 869-8147

**THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:**

- The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.
- Your allegations did not involve a disability as defined by the Americans With Disabilities Act.
- The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.
- Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge
- The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.
- The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.
- Other (briefly state)

**- NOTICE OF SUIT RIGHTS -**

(See the additional information attached to this form.)

**Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act:** This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

**Equal Pay Act (EPA):** EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

*John P. Rowe*  
 \_\_\_\_\_  
**John P. Rowe,**  
 District Director

*12/28/11*  
 \_\_\_\_\_  
 (Date Mailed)

Enclosures(s)

cc: **VILLAGE OF CARPENTERSVILLE**

### CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):

FEPA

EEOC

440-2011-65372

### Illinois Department Of Human Rights

and EEOC

State or local Agency, if any

Name (indicate Mr., Ms., Mrs.)

Ms. Kathleen Corbley

Home Phone (Incl. Area Code)

(847) 458-2241

Date of Birth

12/15/1956

Street Address

646 David Street

City, State and ZIP Code

Lith, IL 60156

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

Village of Carpentersville

No. Employees, Members

15+

Phone No. (Include Area Code)

(847) 426-3439

Street Address

1200 L.W. Besinger Drive

City, State and ZIP Code

Carpentersville, IL 60110

Name

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

RACE

COLOR

SEX

RELIGION

NATIONAL ORIGIN

RETALIATION

AGE

DISABILITY

OTHER (Specify below.)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

Latest

09/17/10 - 05/16/11

CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

(SEE ATTACHED)

RECEIVED

AUG 16 2011

CHICAGO DISTRICT OFFICE

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

NOTARY - When necessary for State and Local Agency Requirements

I declare under penalty of perjury that the above is true and correct.

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

X 08/11/11

*Kathleen Corbley*

Date

Charging Party Signature

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)

ADDENDUM TO CHARGE OF DISCRIMINATION

*Kathleen Corbley v. Village of Carpentersville*

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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 harass 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

ADDITIONAL ALLEGATIONS TO CHARGE OF DISCRIMINATION

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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.

ADJUDICATORY ORDER TO CHARGE OF DISCRIMINATION

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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  
ENFORCEMENT FAX: (312) 869-8220

## NOTICE OF DISCLOSURE RIGHTS

Parties to an EEOC charge are entitled to review and obtain copies of documents contained in their investigative file. Requests must be made in writing to Sylvia Bustos and mailed to the address above or faxed to (312) 869-8220.

If you are the Charging Party and a RIGHT TO SUE has been issued, you may be granted access to your file:

- \* Before filing a lawsuit, but within 90 days of your receipt of the Right to Sue, or
- \* After your lawsuit has been filed. If more than 90 days have elapsed since your receipt of the Right to Sue, include with your request a copy of the first page of your court complaint reflecting the docket number.

If you are the Respondent you may be granted access to the file only after a lawsuit has been filed. Include with your request a copy of the first page of the court complaint reflecting the docket number.

Pursuant to federal statutes, certain documents, such as those which reflect the agency's deliberative process, will not be disclosed to either party.

You must sign an Agreement of Nondisclosure **before** you are granted access to the file. (Statutes enforced by the EEOC prohibit the agency from making investigative information public.)

Your request for access to your file will be acted upon no later than ten (10) days following receipt of your request.

When the file becomes available for review, you will be contacted. You may review the file in our offices and/or request that a copy of the file be sent to you. Files may not be removed from the office.

Your file will be copied by Aloha Document Services, 60 East Van Buren, Suite 1502, Chicago, IL 60606, (312) 542-1300. You are responsible for the copying costs and must sign an agreement to pay these costs before the file will be sent to the copy service. Therefore, it is recommended that you first review your file to determine what documents, if any, you want copied. EEOC cannot review your file or provide a count of the pages contained in it. If you choose not to review your file, it will be sent in its entirety to the copy service, and you will be responsible for the cost. Payment must be made directly to Aloha Document Services.