

**CHARGE OF DISCRIMINATION**

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**AGENCY**

IDHR

EEOC

**CHARGE NUMBER**

2014SF1952

# 14M0127-10

**Illinois Department of Human Rights and EEOC**

**NAME OF COMPLAINANT** (Indicate Mr. Ms. Mrs.)

Ms. Patricia K. Tilton

**TELEPHONE NUMBER** (Include area code)

**STREET ADDRESS**

**CITY, STATE AND ZIP CODE**

**DATE OF BIRTH**

M D YEAR

**NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (IF MORE THAN ONE LIST BELOW)**

**NAME OF RESPONDENT**

Bloomington-Normal Public Transit System

**NUMBER OF EMPLOYEES, MEMBERS 15+**

**TELEPHONE** (Include area code)

309-828-9331

**STREET ADDRESS**

**CITY, STATE AND ZIP CODE**

**COUNTY**

351 Wylie Drive

Normal, IL 61761

McLean

**CAUSE OF DISCRIMINATION BASED ON:**

Retaliation

**DATE OF DISCRIMINATION EARLIEST (ADEA/EPA) LATEST (ALL)**

CONTINUING ACTION

**THE PARTICULARS OF THE CHARGE ARE AS FOLLOWS:**

SEE ATTACHED

Dept. of Human Rights  
SWITCHBOARD

JAN 27 2014

RECEIVED

By: KO

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I also want this charge filed with the EEOC. I will advise the agencies if I change my address or telephone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

**SUBSCRIBED AND SWORN TO BEFORE ME**

THIS 3 DAY OF January, 2014.

Christine M. Staub  
NOTARY SIGNATURE



NOTARY STAMP

X 1/6  
SIGNATURE OF COMPLAINANT

1/3/14  
DATE

I declare under penalty that the foregoing 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

## CHARGE OF DISCRIMINATION

### A. ISSUE/BASIS

On August 14, 2013 and thereafter, alteration of job responsibilities and retaliation for filing a charge of sex discrimination / hostile work environment.

### B. PRIMA FACIE ALLEGATIONS

1. Patricia Tilton filed a charge of discrimination with the Illinois Department of Human Rights and the EEOC sex discrimination and retaliation for her report of sex discrimination on December 23, 2010. Ill. Dept. Of Human Rights Case No. 2011SF1778; EEOC No. 21B-2011-00618. The EEOC issued Tilton a notice of Right to Sue. On January 23, 2012, Tilton filed a joint complaint with a second plaintiff, Angela Lancaster, against their employer, the Bloomington-Normal Public Transportation System (BNPTS), in federal court for the Central District of Illinois. C.D. Ill. Case No. 12-1029.
2. The parties conducted a mediation before a federal magistrate judge, where both plaintiffs settled their claims against the BNPTS. A stipulation of dismissal of Tilton's claims was filed on February 5, 2013. Upon returning to work, the managerial agents for the BNPTS retaliated against Tilton because of her filing of the charge of discrimination and a complaint in Federal Court against the BNPTS.
3. On June 3, 2013, the BNPTS hired Ami Armitage for the position of Labor Relations Liaison. Two weeks later Armitage was given the job title as Administrative Assistant to General Manager, Andrew Johnson. Then on August 30, 2013 Andrew Johnson and Jennifer Clark, Human Resources Director, terminated Armitage's employment. Armitage was employed by the BNPTS for 87 days. The reason for her termination is because "she was not a good fit."
4. In May of 2013, Armitage had three interviews with the H.R. Director, then Michelle Ferguson, and General Manager Andrew Johnson. During each of the interviews, Ferguson and Johnson told Armitage that she would be taking over some of Tilton's job duties. That would not occur immediately, but over time because the BNPTS's lawyers told them a radical change of Tilton's job duties would be opposed by the Union of which Tilton was a member.
5. During the interviews, Ferguson and Johnson told Armitage that Tilton had filed a lawsuit, and "she had bit the hand that fed her", and they were going to terminate her employment. They told Armitage, their attorneys had told them in order

to terminate Tilton's employment they would have to cross their "t's" and dot their "i's" and have enough disciplinary entries in her file to justify her termination.

6. Ferguson and Johnson also told Armitage to shut off her computer and turn her papers upside down because Tilton would read those material and report them to the Union. Tilton never made an attempt to look at Armitage's computer of papers.

7. The BNPTS was looking for someone to fill the vacant Community Relations Director position. The BNPTS received numerous resumes for the position, but Jennifer Clark, H.R. Director, told Armitage none of the applicants were good candidates. Armitage stated to Clark that Tilton would be a great person to fill the position. Jennifer replied, "Like that will ever happen. Andrew will never go for that."

8. Periodically, Andrew Johnson would ask Armitage if there was anything Tilton has said or done that Armitage should report to Johnson. Armitage truthfully responded there was nothing to report and Tilton was doing her job.

9. General Manager Johnson held a August 14, 2013 with Armitage. Johnson told her that it had been brought to his attention that Armitage had become friendly with Tilton. Armitage responded by stating she considered Tilton a friend, as well as the receptionist, and hoped she could be friends with the new H.R. director. She stated, "Don't you want me to be friendly with my co-workers?". Johnson replied, "Ami it is all about perception. It is not that you are divulging management secrets to Trish, but if you are friendly, they will assume you are divulging management secrets and management will no longer trust you." After the August 14, 2013 meeting, Johnson did not speak to Armitage, and then on August 30, 2013 Armitage's employment with the BNPTS was terminated.

10. Trish Tilton applied for open position of BNPTS Community Relations. Tilton was qualified for the Community Relations position, and was interviewed for it on Friday, September 20, 2013. She was interviewed by Jennifer Clark, Human Resource Director, Roy Rickert, Operations Director, Patrick Kuebrich, Finance Director, and Tom Crouch, Maintenance Assistant. The BNPTS did not hire Tilton for the Community Relations position, and filled with vacancy with another applicant. Before BNPTS interviewed Tilton for the Community Relations position, the BNPTS managerial agents already made the decision not to hire Tilton because she filed a charge and lawsuit for sex discrimination / hostile work environment against the BNPTS.

11. The managerial agents of the BNPTS retaliated against Tilton since the dismissal of her lawsuit by shunning her unless it is required for them to talk to her, taken away most of Tilton's job responsibilities, give her nothing to do, and refuse to assign her tasks and provide her direction on what need to be done. The BNPTS also

retaliated against Tilton by refusing to hire Tilton for the Community Relations position because she filed a charge and lawsuit for sex discrimination / hostile work environment. Other similarly situated employees who had not filed a charge of discrimination or a lawsuit were not treated in the same manner.