

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

<p>SHANNON ARCHER, Plaintiff, vs. POLK COUNTY, IOWA; POLK COUNTY ATTORNEY'S OFFICE, Defendant.</p>	<p>Case No. _____ PETITION and JURY DEMAND</p>
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COMES NOW the Plaintiff, Shannon Archer, and for her cause of action states the following:

INTRODUCTION

1. This is an action under the Iowa Civil Rights Act, challenging Defendant's discrimination, harassment, and retaliation against Plaintiff Shannon Archer.
2. Shannon is a resident of Polk County, Iowa.
3. Defendant Polk County is a political subdivision of the State of Iowa, of which Defendant Polk County Attorney's Office is a part.
4. The acts about which Plaintiff complains occurred in Polk County, Iowa.

PROCEDURAL REQUIREMENTS

5. On August 8, 2022, within 300 days of the acts of which she complains, Plaintiff filed charges of employment discrimination against Defendant with the Iowa Civil Rights Commission.
6. On September 18, 2022, within 300 days of the acts of which she complains, Plaintiff amended her charges of employment discrimination against Defendant with the Iowa Civil Rights Commission to include a constructive discharge claim.

7. On February 21, 2023, less than 90 days prior to the filing of this Petition, the Iowa Civil Rights Commission issued a right to sue letter with respect to Plaintiff's charges.

FACTUAL BACKGROUND

8. Plaintiff Shannon Archer is a woman.

9. On August 30, 2010, Defendant hired Shannon as an Assistant Polk County Attorney.

10. During her twelve years with the Polk County Attorney's Office, Shannon was an exceptional employee and prosecutor.

11. Shannon excelled in prosecuting violent crimes and became a well-regarded domestic violence prosecutor.

12. Shannon provided training on domestic violence to law enforcement, prosecutors, and judges.

13. Shannon worked closely with local victim services organizations and advocacy groups.

14. Shannon also served on the event planning committee for a Polk County-sponsored charity event in recognition of National Crime Victim's Rights Week.

15. The event was scheduled for April 30, 2022.

16. On April 29, 2022, Shannon learned that Laura Roan, a candidate for Polk County Attorney, was planning to speak at the event.

17. Shannon was disappointed because she had assured many victims' services organizations that the event would not be political.

18. Another committee member, Rusty Shore, told Shannon that "someone made [him] ask Laura to speak" at the event.

19. That night, Shannon emailed Ms. Roan from her work account, explaining that the event was intended to be non-partisan and respectfully asked Ms. Roan to refrain from campaigning at the event.

20. Ms. Roan replied to the email, stating that Polk County Attorney John Sarcone asked her to speak at the event.

21. Ms. Roan shared Shannon's email with Mr. Sarcone.

22. Over the weekend, Shannon learned from others that Mr. Sarcone was upset about Shannon's email to Ms. Roan.

23. On Monday, May 2, Shannon received an email from her supervisor, Bureau Chief Thomas Miller, requesting a meeting with her to discuss her email to Ms. Roan.

24. Mr. Miller said Mr. Sarcone asked him to speak with Shannon.

25. Mr. Sarcone was clearly upset with Shannon for interfering with his political agenda.

26. On Tuesday, May 3, Shannon met with Mr. Miller. Union President Todd Copley accompanied her at Shannon's request.

27. In the meeting, Shannon explained the situation and provided further context to her email.

28. Shannon told Mr. Miller that she was a rape survivor, and this event was important to her.

29. Shannon further explained that she did not know Mr. Sarcone had asked Ms. Roan to speak.

30. Shannon told Mr. Miller that she meant no disrespect in sending the email to Ms. Roan, and that it was an honest misunderstanding and miscommunication.

31. Mr. Miller responded by cross-examining Shannon as though she was a criminal defendant.

32. Mr. Miller's body language and tone of voice were accusatory and hostile.

33. Mr. Miller referred to a line in Shannon's email to Ms. Roan where she stated, "I don't know how familiar you are with local programs or how much experience you have had working one-on-one with our local service providers."

34. Mr. Miller interrogated Shannon, asking her, "What kinds of connections do YOU have with local programs, Shannon?"

35. Without allowing Shannon to respond, Mr. Miller asked, "What opportunities have YOU had to work one-on-one with providers?"

36. Shannon was shocked by Mr. Miller's aggressive questioning.

37. Mr. Miller was clearly trying to intimidate Shannon and had no intention of hearing her side.

38. Mr. Miller flippantly asked, "Don't you find this offensive, Shannon?"

39. Shannon then referred Mr. Miller to the next line of her email, which said, "There will be many wonderful representatives in attendance."

40. Shannon explained that her intent was to notify Ms. Roan of the opportunity to connect with program representatives at the event.

41. Mr. Miller then threw a copy of Shannon's email on the table and loudly berated her with accusations that the email was offensive and inappropriate.

42. Mr. Copley interrupted Mr. Miller and told him the questioning was inappropriate.

43. At this point, Shannon was in tears, and she excused herself to get a tissue.

44. Mr. Copley and Mr. Miller continued to argue in Shannon's absence.

45. When Shannon returned, Mr. Miller began badgering her with personal questions.

46. Mr. Miller asked Shannon if she "had a problem controlling her emotions."

47. Mr. Miller asked Shannon if she "needed help with alcohol."

48. Shannon was confused, having no idea what led Mr. Miller to ask her these questions.

49. Shannon was still crying, but Mr. Miller continued to probe her, asking again, “Do you need help with your emotions, Shannon? Do you have an alcohol problem?”

50. Mr. Copley interrupted Mr. Miller and asked if he had any reason to believe that Shannon had an emotional problem or an alcohol problem.

51. Mr. Miller said, “No,” turned back to Shannon, and repeated his questions.

52. Again, Mr. Copley interjected and asked whether there had been any complaints about Shannon’s work performance that would lead Mr. Miller to believe she had a problem with alcohol or her emotions.

53. Again, Mr. Miller said, “No.”

54. Mr. Miller’s accusation that Shannon had an alcohol problem was completely unfounded.

55. Shannon did not have an alcohol problem, and she had no issues with her work that would lead Mr. Miller to this conclusion.

56. Prior to the meeting, Mr. Miller was aware that Shannon had Post-Traumatic Stress Disorder (“PTSD”) and that she was taking medication for anxiety.

57. Mr. Miller improperly conflated Shannon’s passion with emotional instability and implied that Shannon’s mental health impaired her ability to do her job.

58. Mr. Miller’s questioning about Shannon’s emotional stability was also motivated by gender bias, implying Shannon could not control her emotions because she is a woman.

59. The purpose of the meeting was to intimidate and harass Shannon.

60. Defendant would not have reacted the same way if the email had come from a male Assistant County Attorney.

61. On May 4, Shannon emailed Mr. Sarcone to report Mr. Miller’s harassing and inappropriate conduct.

62. Shannon told Mr. Sarcone that she did not know if she would be comfortable continuing to report to Mr. Miller.

63. Mr. Sarcone failed to respond to Shannon's complaint.

64. The next day, Shannon received a phone call from her former supervisor, Bureau Chief Jeff Noble.

65. Mr. Noble said that Mr. Sarcone asked if he would be willing to supervise Shannon and to assign her to one of his misdemeanor dockets.

66. Shannon had almost exclusively handled violent crimes and felonies for several years.

67. Assigning Shannon to a misdemeanor docket would be a demotion.

68. Mr. Noble told Shannon that she was good at her job, but if she wanted to keep her current role, she needed to "swallow the crow" and withdraw her complaint against Mr. Miller.

69. Shannon resisted, explaining that she had done nothing wrong and insisted that she should be able to maintain her caseload.

70. Still, Mr. Noble warned that Mr. Sarcone would likely officially demote Shannon to the misdemeanor docket if she did not withdraw her complaint.

71. Mr. Noble advised Shannon to keep her head down and leave quietly when she was able to.

72. Mr. Noble stated that he was providing advice "as a friend" and "off the record."

73. Afterwards, Shannon sought the advice of a friend who was a former bureau chief under Mr. Sarcone. He encouraged Shannon to leave the Polk County Attorney's Office quietly for fear that Mr. Sarcone would engage in further retaliation and damage her career.

74. On May 8, Shannon sent a complaint to Human Resources Deputy Director Blair Parker.

75. Shannon's complaint documented a year's worth of disrespect and discrimination from Mr. Miller and Mr. Sarcone.

76. On May 10, Ms. Parker asked Shannon to file an official complaint, which Shannon did later that day.

77. Shannon's complaint described the incident with Ms. Roan and Defendant's subsequent retaliation against Shannon.

78. The complaint also listed instances when male county attorneys had been reported for emotional outbursts, problems with alcohol, and inappropriate sexual contact, yet never faced discipline.

79. One such instance had occurred in June 2021, when Shannon reported Mr. Miller for sexual harassment.

80. While attending the Iowa County Attorney's Conference, Shannon learned that Mr. Miller behaved inappropriately with a newly hired female attorney.

81. Shannon reported the situation to Mr. Noble.

82. On another occasion, Mr. Miller was so intoxicated that he was unable to attend a conference programming the following day.

83. No one accused Mr. Miller of having an alcohol problem.

84. There have been several other complaints made against male attorneys in the office for inappropriate sexual contact.

85. None of the male attorneys were transferred for their indiscretions, nor were their case assignments impacted.

86. Defendant has a pattern of allowing men to get away with misconduct.

87. Shannon's complaint also included examples of Mr. Sarcone discriminating against her in the past.

88. For instance, in 2021, Mr. Noble offered Shannon a homicide case.

89. Shannon requested Kailyn Heston as her co-counsel. Ms. Heston was a veteran prosecutor who was new to the felony team.

90. Mr. Sarcone revoked the assignment, insisting that Shannon was not “experienced enough” to handle a homicide.

91. Mr. Sarcone instead assigned the case to Assistant County Attorney Kevin Bell.

92. At that point, Shannon had prosecuted seven homicide jury trials, while Mr. Bell had prosecuted only one.

93. Shannon confronted Mr. Sarcone about the decision and presented data showing that she was underutilized in the office.

94. Shannon also reminded Mr. Sarcone that Mr. Bell had been *her intern*.

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95. Shannon asked Mr. Sarcone if there was anything she had done to make him think she could not handle the case.

96. Mr. Sarcone replied that there were “many factors” he considers in assigning cases.

97. Mr. Sarcone was clearly displeased with Shannon for questioning his decision.

98. Mr. Sarcone has a track record of showing preferential treatment to male county attorneys.

99. After Shannon filed her complaint in May 2022, her caseload changed dramatically.

100. Before Shannon complained, she had a steady caseload of violent felony crimes.

101. For the next month, she was assigned fifteen non-violent Class D felony offenses.

102. Mr. Sarcone knew that Shannon’s passion was assisting victims of violent crime and that she excelled in prosecuting violent crimes.

103. There was no legitimate reason for Mr. Sarcone to take those cases off Shannon's docket.

104. Mr. Sarcone also increased the quantity of cases he assigned to Shannon. He assigned more cases to Shannon than any of her colleagues on the same docket.

105. Mr. Sarcone intentionally assigned Shannon more of the cases she least enjoyed in an effort to try and force her to quit.

106. On May 16, Mr. Sarcone denied Shannon an opportunity to work on a search warrant for a violent crime without explanation.

107. Mr. Noble told Shannon that two other attorneys had been working with law enforcement on the case.

108. However, the police officer involved told Shannon that was not true.

109. On May 25, Shannon filed a retaliation complaint with Human Resources.

110. On May 31, Shannon spoke with Blair Parker about her complaints.

111. Shannon told Ms. Parker that she felt disrespected, unsupported, and unsafe at her office.

112. Shannon explained that since her complaints to Human Resources, it had become unbearable to continue working at the Polk County Attorney's office.

113. Several attorneys who were close to Mr. Miller had started ignoring Shannon.

114. They refused to respond to Shannon's emails and physically turned their backs on her when she entered rooms.

115. On June 15, Shannon presented at an internal conference for county attorneys.

116. Ms. Roan, Mr. Miller, and Mr. Sarcone were all present at the conference.

117. Ms. Roan made a rude comment about Shannon's clothing and then left at the beginning of Shannon's presentation.

118. Mr. Miller left in the middle of Shannon's presentation.

119. Mr. Sarcone slept through Shannon's presentation.

120. They did not treat any other presenter this way.

121. On June 17, a Polk County judge asked Shannon to help a victim in a stalking case.

122. Shannon worked on the case all weekend and ended up filing felony charges.

123. On June 20, Mr. Sarcone assigned the case to another attorney.

124. There was no reason to take the case from Shannon other than retaliation.

125. On June 21, Shannon had a panic attack at the office.

126. Shannon's psychiatrist determined it was best for Shannon's health to remove herself from the hostile work environment.

127. On June 22, Shannon started FMLA leave because the constant discrimination and retaliation had taken a toll on her mental health.

128. Defendant failed to take any steps to discipline Mr. Miller or Mr. Sarcone for their discrimination or retaliation.

129. After consulting with her medical providers, Shannon determined that she could not reasonably continue working in the environment.

130. On September 8, 2022, Shannon was constructively discharged.

131. Jeff Noble was an employee and agent of Defendant, acting at all material times within the scope of his employment and agency.

132. Thomas Miller was an employee and agent of Defendant Polk County and Polk County Attorney's Office, acting at all material times within the scope of his employment and agency.

133. John Sarcone was an employee and agent of Defendant Polk County and Polk County Attorney's Office, acting at all material times within the scope of his employment and agency.

134. Blair Parker an employee and agent of Defendant Polk County and Polk County Attorney's Office, acting at all material times within the scope of her employment and agency.

**COUNT I
VIOLATIONS OF THE IOWA CIVIL RIGHTS ACT
SEX DISCRIMINATION**

135. Plaintiff repleads paragraphs 1 through 134 as if fully set forth herein.

136. Defendant discriminated against Plaintiff with respect to the terms and conditions of her employment in violation of the Iowa Civil Rights Act.

137. Plaintiff's sex was a motivating factor in the discrimination.

138. As a result of Defendant's acts and omissions, Plaintiff has in the past and will in the future suffer injuries and damages including, but not limited to, mental and emotional distress, fear, anguish, humiliation, intimidation, embarrassment, stress, lost enjoyment of life, medical expenses, lost wages and employment benefits.

WHEREFORE, Plaintiff demands judgment against Defendant in an amount which will fully and fairly compensate her for her injuries and damages, for appropriate equitable relief, for prejudgment and postjudgment interest, for attorney fees and litigation expenses, for the costs of this action, and for such other relief as may be just in the circumstances and consistent with the purpose of the Iowa Civil Rights Act.

**COUNT II
VIOLATION OF THE IOWA CIVIL RIGHTS ACT
DISABILITY DISCRIMINATION**

139. Plaintiff repleads paragraphs 1 through 138 as if fully set forth herein.

140. Plaintiff was disabled within the meaning of the ICRA.

141. Plaintiff's PTSD substantially interfered with one or more of the following major life activities: sleeping, thinking, concentrating, and eating.

142. Plaintiff's PTSD symptoms impacted the normal functioning of her neurological and digestive systems.

143. In the alternative, Defendant perceived Plaintiff as disabled.

144. Plaintiff could perform the essential functions of her job with or without reasonable accommodation.

145. Defendant discriminated against Plaintiff in her employment in violation of the Iowa Civil Rights Act.

146. Plaintiff's actual or perceived disability was a motivating factor in Defendant's discrimination.

147. As a result of Defendant's illegal acts and omissions, Plaintiff has in the past and will in the future suffer injuries and damages including, but not limited to, mental and emotional distress, fear, anguish, humiliation, betrayal, stress, lost enjoyment of life, lost wages, medical expenses, employment benefits, and future earnings.

**COUNT III
VIOLATION OF THE IOWA CIVIL RIGHTS ACT
RETALIATION**

148. Plaintiff repleads paragraphs 1 through 147 as if fully set forth herein.

149. Plaintiff engaged in protected activity by opposing and making internal complaints about conduct she reasonably believed was illegal discrimination, harassment, and retaliation; for suggesting measures to combat the discrimination, harassment, and retaliation; for cooperating in an investigation; and for filing a civil rights complaint against Defendant with the Iowa Civil Rights Commission.

150. Defendant retaliated against Plaintiff.

151. Plaintiff's protected activity was a motivating factor in the retaliation.

152. As a result of Defendant's illegal acts and omissions, Plaintiff has in the past and will in the future suffer injuries and damages as set forth above.

WHEREFORE, Plaintiff demands judgement against Defendant in an amount which will fully and fairly compensate her for her injuries and damages, for appropriate equitable relief, for prejudgment and postjudgment interest, for attorney fees and litigation expenses, for the costs of this action, and for such other relief as may be just in the circumstances and consistent with the purpose of the Iowa Civil Rights Act.

JURY DEMAND

COMES NOW the Plaintiff and requests a trial by jury.

/s/ Amy Beck
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