

**UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

WILLIAM JACKSON,
Plaintiff

Case No.: 21-cv-1855

v.

BayCare Health Systems, Inc.,
Defendant.

COMPLAINT AND DEMAND FOR JURY TRIAL

COMES NOW, Plaintiff, WILLIAM JACKSON hereinafter by and through the undersigned counsel and sues BayCare Health Systems, Inc., and states as follows:

JURISDICTION AND VENUE

1. Jurisdiction is invoked pursuant to 29 U.S.C §1331, 42 U.S.C. § 1981 and under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, et seq.
2. Venue lies pursuant to 28 U.S.C. §1391(b), as Plaintiff's claims arise out of his employment relationship with the Defendant, in that a substantial part of the events or motions giving rise to the claim occurred in this district which is located in the United States District Court for the Middle District of Florida, Tampa Division.

PARTIES

1. Plaintiff, William Jackson, ("Plaintiff") resides in Saint Petersburg, Pinellas County, Florida while employed with the Defendant. Plaintiff continues to reside in Pinellas County.
2. BayCare Health Systems, Inc., ("BayCare"), Defendant, is a not-for-profit corporation, and at all relevant times conducting business in the State of Florida, with a physical address of 2985 Drew Street, Clearwater, Florida 33579.

GENERAL ALLEGATIONS

3. At all times material, Defendant acted with malice and reckless disregard for Plaintiff's federal and state protected rights.
4. At all times material, the Plaintiff was qualified to perform his job duties within the expectations of his employer.
5. Plaintiff has retained the undersigned counsel to represent his in this action and is obligated to pay them a reasonable fee for their services.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

6. Plaintiff made a charge of discrimination with the Equal Employment and Opportunity Commission ("EEOC") and the Florida Commission on Human Relations on ("FCHR") on April 8, 2020, (*see* Exhibit A).

7. On May 4, 2021, EEOC issued a dismissal and Notice of Rights. A copy of the Dismissal and Notice of Rights is attached. (*see* Exhibit B). This Complaint has been filed within ninety (90) days of the receipt of the Dismissal and Notice of Rights; therefore, has met all conditions precedent to filing this Complaint.

8. Plaintiff has satisfied all conditions precedent, therefore jurisdiction over this claim is appropriate pursuant to Chapter 760, *Florida Statutes*, because more than one-hundred and eight (180) days have passed since the filing of this Charge.

FACTUAL ALLEGATIONS

9. Mr. William Jackson, an African American, was hired by BayCare on January 4, 2016. Plaintiff was assigned to St. Anthony's Hospital. He was initially employed as a Transporter II.

10. BayCare is a not-for-profit corporation, incorporated in the state of Florida providing health care at fifteen (15) hospitals and other specialty clinics in the central Florida area. BayCare employs over 10,000 employees.

11. By 2018, Plaintiff was employed as a Radiology Technology Assistant ("Tech") at St. Anthony's.

12. The immediate supervisors of the Plaintiff were Rebecca Cunningham (“Cunningham”) Heather Rutkowski (“Rutkowski”), and Brandy Atkins (“Atkins”). Cunningham, Rutkowski and Atkins, are Caucasian.

Cunningham and Rutkowski were inserted in their supervisory positions on around September and October 2018, while Atkins became the Plaintiff’s supervisor in August 2019.

13. In the position as a Tech, Plaintiff was tasked with transporting patients to different areas of the hospital after he was received assignments via an electronic system known as Tele-tracking. Tele-tracking utilized electronic notifications via an iPod device.

14. In mid-2019, Plaintiff voluntarily assumed overtime hours in his department as a Transporter. The overtime hours consisted of duties similar to duties he was assigned during his normal work hours.

15. The duties of a Transporter entailed retrieving and cleaning stretchers in the hospital, transporting patients to various locations in the hospital, transfer patients from wheelchairs to medical scanning equipment, assist with transporting patients, upon discharge from their room to their personal vehicles.

16. Plaintiff, while working in the position of a Tech or a Transporter was required to account for his work hours and work assignments via the Tele-tracking system using the iPod. The iPod's sole means of electronic notification of assignments to the user was via the hospital wi-fi system.

17. Plaintiff signed in and out on the iPod as required.

18. The iPod also received and forwarded assignments to the Plaintiff in his role as a Tech and a Transporter.

19. The iPod historically encountered connectivity issues with the hospital wi-fi and failed to send timely notifications of assignments or capture information input into the device.

20. The issues regarding the inability to sign into the system, receive timely work assignments, and input information were verbally reported directly to supervisors Cunningham and Rutkowski in January 2019.

21. Because of the ongoing connectivity issues, the iPods in Plaintiff's department were replaced for some employees with mobile phones. The devices were replaced in and around February 2019.

22. Plaintiff's iPod was not replaced; he continued to use the malfunctioning iPod device.

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