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12
13 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
14
15 IN AND FOR THE COUNTY OF PIMA

16 THE STATE OF ARIZONA *ex rel.* THOMAS C.
17 HORNE, the Attorney General; and THE CIVIL
18 RIGHTS DIVISION OF THE ARIZONA
19 DEPARTMENT OF LAW,
20

21 Plaintiff,

22 vs.

23 INTERMOUNTAIN CENTERS FOR HUMAN
24 DEVELOPMENT, INC., an Arizona corporation,
25

26 Defendant.

No.

C20113240

COMPLAINT

(Non-Classified Civil)

Scott Rash

27 Plaintiff, the State of Arizona *ex rel.* Thomas C. Horne, the Attorney General, and the
28 Civil Rights Division of the Arizona Department of Law (collectively the "State"), for its
29 Complaint, alleges as follows:
30

1 18. On or about October 8, 2009, Ms. Zamorano suffered a workplace injury when
2 one of the clients to whom she was assigned (“Client Jane Doe”)¹ kicked her in the area of her
3 incision.

4 19. Upon information and belief, ICHD assigned Ms. Zamorano to work with a
5 different client for the remainder of her shift on October 8, 2009 and for several days thereafter.

6 20. After the incident on October 8, 2009, Ms. Zamorano spoke with her immediate
7 supervisor, Jessica Hahn, about being transferred to work with a different client.

8 21. On October 16, 2009, Ms. Zamorano sent a letter to Loretta Kramer requesting
9 that due to her cancer and the treatment for it, she be transferred to another apartment with
10 different clients or, in the alternative, that Client Jane Doe be transferred to another institution.

11 22. On October 20, 2009, Ms. Zamorano sent another letter to Loretta Kramer stating
12 that if she was forced to return to work with Client Jane Doe, she would consider that a refusal
13 of her reasonable accommodation request and that she would be constructively discharged at
14 that time.

15 23. On October 22, 2009, Ms. Zamorano, Ms. Kramer, Ms. Hahn, and Ms. Lee
16 attended a meeting at which the decision by ICHD was to require Ms. Zamorano to continue to
17 work with Client Jane Doe.

18 24. During that meeting, in lieu of accommodation(s), ICHD developed a work plan
19 that included:

20 a. a mediation to be conducted by Jessica Hahn and Rebecca Harris with
21 Client Jane Doe and Ms. Zamorano upon her return to work.

22 b. Ms. Zamorano to attend a scheduled staffing on October 22, 2009 to
23 review the functional assessment for Client Jane Doe.

24 c. Ms. Zamorano to attend the next scheduled Behavioral Theory training.

25 d. Ms. Zamorano to re-take a Safe Crisis Management class at an
26 undetermined time.

¹ To protect the privacy of ICHD’s client, the State will refer to her as Client Jane Doe.

1 e. Ongoing mentorship of Ms. Zamorano by a Coordinator.

2 25. ICHD informed Ms. Zamorano that she was to return to her assignment at Vida
3 Nueva on the afternoon of October 22, 2009.

4 26. The proposed work plan set out during the October 22, 2009 meeting did not
5 include an effective accommodation.

6 27. Ms. Zamorano did not return to work with Client Jane Doe and felt compelled to
7 resign as of October 22, 2009 rather than return to the workplace without effective reasonable
8 accommodation(s).

9 28. Martha Zamorano could perform the essential functions of the BHP position with
10 reasonable accommodation(s).

11 29. Pursuant to A.R.S. § 41-1481(B), the State issued a Reasonable Cause
12 Determination on March 23, 2011, finding reasonable cause to belief that Martha Zamorano is a
13 qualified individual with a disability who was denied reasonable accommodation in her position
14 as a BHP, in violation of A.R.S. § 41-1463(F)(4).

15 30. The State, Martha Zamorano and ICHD have not entered into a Conciliation
16 Agreement.

17
18 **STATEMENT OF CLAIM**
19 **(Discrimination in Violation of A.R.S. § 41-1463)**
20 **Unlawful Employment Discrimination Based on Disability**

21 31. The State realleges and incorporates by reference the allegations contained in
22 paragraphs 1 through 30 of this Complaint.

23 32. Martha Zamorano is an individual with a disability within the meaning of the
24 ACRA.

25 33. Martha Zamorano was qualified to and can perform the essential functions of the
26 BHP position with or without reasonable accommodation(s).

34. Martha Zamorano requested reasonable accommodation(s).

35. ICHD failed to provide Martha Zamorano with effective, reasonable
accommodation(s).

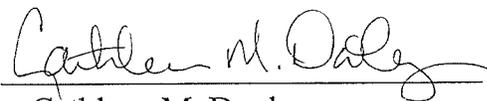
1 F. Order the State to monitor Defendant's compliance with the ACRA.

2 G. Award the State its costs incurred in bringing this action, and its costs in
3 monitoring Defendant's future compliance with the ACRA.

4 H. Grant such other and further relief as this Court may deem just and proper in the
5 public interest.

6 Dated this 2nd day of May, 2011.

7 THOMAS C. HORNE
8 Attorney General

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10 By 
11 Cathleen M. Dooley
12 Assistant Attorney General
13 Arizona Attorney General's Office
14 Civil Rights Division
15 Attorney for Plaintiff

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