

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

AZANEAN PETTY,

Plaintiff,

Case No. 20-

-CZ

v.

Hon.

COUNTY OF WAYNE,

Defendant.

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BLANCHARD & WALKER PLLC  
ANGELA L. WALKER (P67625)  
FRANCES HOLLANDER (P82180)  
Attorneys for Plaintiff  
221 N. Main Street, Suite 300  
Ann Arbor, MI 48104  
(734) 929-4313  
walker@bwlawonline.com  
hollander@bwlawonline.com

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*There is no other pending or resolved civil action arising out of the transaction or occurrence alleged in the complaint.*

**COMPLAINT AND JURY DEMAND**

**INTRODUCTION**

1. During the COVID-19 pandemic, Plaintiff Azanean Petty was forced to choose between her safety and her job at the Wayne County Juvenile Detention Facility when Defendant denied her request to wear a protective mask while working in an environment with insufficient sanitation measures and inadequate social distancing. Plaintiff was directed to hand in her resignation after she spoke up about safety concerns and refused to work without a mask for the protection of herself, the juvenile detainees, and the other employees in the facility. This

constitutes a constructive discharge in violation of the Michigan Whistleblowers' Protection Act, PA 469 of 1980, MCL 15.361 *et seq.*

**PARTIES, JURISDICTION, AND VENUE**

2. Plaintiff Azanean Petty is a resident of Detroit, Michigan in the County of Wayne.

3. Defendant Wayne County is a local governmental entity that regularly conducts business and employs individuals in the State of Michigan, including in Wayne County, Michigan.

4. This lawsuit includes claims for retaliation under the Michigan Whistleblowers' Protection Act ("the WPA"), PA 469 of 1980, MCL 15.361 *et seq.*

5. Jurisdiction in this Court over Plaintiff's state claims is proper under MCL 600.605, as this is a court of original jurisdiction and Plaintiff's damages exceed twenty-five thousand (\$25,000) dollars.

6. Venue is proper in the County of Wayne pursuant to MCL 600.1615 and MCL 600.1629, because it is the county in which the injury occurred.

**GENERAL ALLEGATIONS**

7. Plaintiff began her employment with Defendant in July 2019 as a juvenile detention specialist at Wayne County Juvenile Detention Facility ("the Facility").

8. As a juvenile detention specialist, Plaintiff regularly interacted with the detainees and with other staff of the Facility.

*Outbreak of COVID-19 in Michigan*

9. On March 10, 2020, Michigan's Governor Gretchen Whitmer declared a state of emergency in Michigan after two Michigan residents tested presumptive positive for coronavirus disease 2019 (COVID-19).

10. COVID-19 is a contagious respiratory virus for which there is no approved vaccine or medication.

11. Since the Governor declared a state of emergency, the number of confirmed positive cases and the numbers of deaths have grown significantly. As of April 22, 2020, there are 33,966 confirmed positive cases of COVID-19 in Michigan, including 14,561 in Wayne County. As of April 22, 2020, there have been 2,813 deaths caused by COVID-19 in Michigan, including 1,319 in Wayne County.

*Defendant Allowed the Facility to Maintain Unsanitary Conditions*

12. Throughout the time Plaintiff worked at the Facility, Defendant maintained an inadequate supply of hygiene and cleaning materials that would have been required to keep the Facility sanitary and to allow the detainees to maintain basic hygiene.

13. Employees frequently had to bring in supplies as basic as hand soap so detainees and staff could wash their hands. Employees had to pay for these supplies out of their own pockets.

14. Defendant's inadequate supply of hygiene and cleaning materials continued even after the outbreak of COVID-19 in Michigan, such that detainees and employees were not adequately protected.

15. Plaintiff complained to management on multiple occasions about the inadequate sanitation in the Facility.

16. On or around March 20, 2020, after the outbreak of COVID-19 in Michigan, Plaintiff and other juvenile detention specialists were informed in a group meeting that Director Michele Hall was aware that they were bringing in sanitation and hygiene supplies. Plaintiff and other juvenile detention specialists were warned to stop and that they would be reprimanded if they were caught bringing such supplies.

*Defendant Refused to Allow Plaintiff to Work with a Protective Mask and Required Staff to Work in the Facility Despite Inadequate Social Distancing and Sanitation Measures*

17. On or around March 22, 2020, Plaintiff arrived at work and learned that her direct supervisor had suddenly passed away. It is unknown whether Plaintiff's supervisor had COVID-19.

18. Plaintiff was concerned due to the sudden and unexplained nature of her supervisor's death and her close proximity to her supervisor the day before she died.

19. Plaintiff was told that Defendant did not know the cause of death, but that it was "not COVID-19," without offering any further information as to how Defendant knew that was the case.

20. On March 23, 2020, Plaintiff went on a medical quarantine as recommended by her doctor due to potential exposure to COVID-19 outside of the facility after she learned that two individuals she had been in contact with may have contracted COVID-19.

21. On April 6, 2020, Plaintiff returned to work at the Facility following the end of her two-week quarantine period.

22. When Plaintiff returned to work on April 6, 2020, Plaintiff learned that another juvenile detention specialist had recently passed away after experiencing COVID-19 symptoms.

23. When Plaintiff arrived to work that day, nurses were checking employees in and taking their temperatures. Plaintiff brought her own protective mask and asked if she would be permitted to wear it in the Facility. Plaintiff was told she could not wear the mask she had brought, but she would be issued an N-95 mask. However, the nurses told Plaintiff that she would not be allowed to wear the mask inside the Facility and directed her upstairs to speak with the Director of the Medical Division, Kimberly Dotch-Heard.

24. When Plaintiff arrived upstairs, multiple shift supervisors told her that the employees were not permitted to wear protective masks on the second floor, where the juvenile detainees were housed. Plaintiff was directed to speak with the Deputy Manager of the Facility, Ranelle Plowden.

25. When Plaintiff went downstairs, the Deputy Manager was not there. Instead, Plaintiff spoke to the Director of the Facility's Medical Division.

26. The Director of the Facility's Medical Division told Plaintiff that she would not be allowed to wear the mask when she was on the second floor, which contained the pods where the detainees were housed, or elsewhere inside the Facility.

27. Plaintiff continued to complain about the lack of safety at the Facility and requested to wear a mask while inside the Facility. Plaintiff raised concerns that the lack of safety could impact her immediate family members in her household, including her newborn son, her mother, and her father.

28. Plaintiff's immediate family members have serious health conditions that make them more vulnerable to severe complications if they were to contract COVID-19. Plaintiff's newborn baby had been born premature in November 2019 and had respiratory problems at birth. Plaintiff's parents both have serious health conditions related to their lungs, an organ that is particularly impacted by COVID-19.

29. In denying her request, the Director of the Medical Division told Plaintiff that she was protected by God and that she had to have faith that she would be protected. The Director of the Medical Division told Plaintiff that her mother had already lived her life, and Plaintiff only needed to worry about financially taking care of her son. Plaintiff's mother is only 49 years old.

30. When the Deputy Manager of the Facility arrived, she told Plaintiff that there was no order permitting employees to wear protective masks while they were inside the Facility and the order stated they were only permitted to wear protective masks while they were in public places outside of the Facility.

31. Plaintiff complained about Defendant's order that she work in an unsafe environment and reiterated her safety concerns to the Deputy Manager of the Facility.

32. Plaintiff also complained to the Deputy Manager of the Facility and the Director of the Medical Division that Defendant's order was putting herself and her co-workers at risk by requiring them to work without protective masks in an unsafe environment. Plaintiff complained that everyone was at risk and complained that the environment was not sanitary because there were not even enough supplies to complete the weekly pod clean-up.

33. The Deputy Manager of the Facility refused to take Plaintiff's complaint seriously. The Deputy Manager of the Facility simply stated that her "hands were tied" and that Plaintiff could not wear a mask while working.

34. Plaintiff was also aware that the Facility was unable to maintain appropriate social distancing due to the number of detainees in the pods and the size of the pods. Similarly, the employee break room was too small to allow for adequate social distancing.

35. In response to Plaintiff's complaint regarding Defendant's maintenance of an unsafe work environment, the Deputy Manager of the Facility forced Plaintiff to resign, telling her if she was unwilling to work without a mask, she should go ahead and submit her resignation.

36. Immediately after this, the Deputy Manager of the Facility escorted Plaintiff to her office, stood over Plaintiff's shoulder while she submitted her resignation, and then escorted Plaintiff out of the building.

**Count I: Whistleblower Retaliation**  
**(Michigan Whistleblower Protection Act, MCL 15.361 *et seq.*)**

37. Plaintiff hereby realleges and incorporates by reference paragraphs 1-36 above.

38. Plaintiff was an “employee” of Wayne County within the meaning of the WPA.

39. Defendant was Plaintiff’s “employer” within the meaning of the WPA.

40. Defendant is a “public body” within the meaning of the WPA.

41. Plaintiff engaged in protected activity under the WPA by complaining to a public body about Defendant’s safety violations when she objected to working in an unsanitary environment without proper social distancing or personal protective equipment during the COVID-19 outbreak.

42. Plaintiff had a good faith basis to believe Defendant was violating the law when she spoke up about Defendant’s unsafe practices.

43. Plaintiff complained to multiple layers of supervisors, including Kimberly Dotch-Heard, the Director of the Facility’s Medical Division, and Ranelle Plowden, the Deputy Manager of the Facility.

44. Plaintiff suffered objectively adverse employment actions when she was forced to resign in retaliation for speaking up about safety violations in Defendant’s facility.

45. As a result, Plaintiff was harmed, and continues to be harmed, in that she was denied the benefits of employment and suffered economic loss, damage to her professional reputation, emotional distress, and damage to her health.

**RELIEF REQUESTED**

WHEREFORE, Plaintiff seeks actual damages for humiliation, emotional distress, lost wages (including front pay, back pay, and benefits), and out of pocket medical expenses, punitive

damages, exemplary damages, injunctive relief, costs, attorney's fees, and all other relief in law or equity that this Court may deem just and proper.

Respectfully submitted,  
BLANCHARD & WALKER, PLLC

*/s/ Angela L. Walker*  
Angela L. Walker (P67625)  
Frances J. Hollander (P82180)  
Attorneys for Plaintiff  
221 North Main Street, Suite 300  
Ann Arbor, MI 48104  
(734) 929-4313  
walker@bwlawonline.com  
hollander@bwlawonline.com

Dated: April 22, 2020