

EEOC FORM 131-A (11/09)

**U.S. Equal Employment Opportunity Commission**

**GENESH INC. D/B/A BURGER KING**  
**8831 Long St.**  
**Lenexa, KS 66215**

PERSON FILING CHARGE

**Kenya Watkins**

THIS PERSON (check one or both)



Claims To Be Aggrieved



Is Filing on Behalf of Other(s)

EEOC CHARGE NO.

**28D-2016-00190**

FEPA CHARGE NO.

**38411-16****NOTICE OF CHARGE OF DISCRIMINATION IN JURISDICTION WHERE A FEP AGENCY WILL INITIALLY PROCESS**

(See the enclosed for additional information)

THIS IS NOTICE THAT A CHARGE OF EMPLOYMENT DISCRIMINATION UNDER



Title VII of the Civil Rights Act (Title VII)



The Equal Pay Act (EPA)



The Americans with Disabilities Act (ADA)



The Age Discrimination in Employment Act (ADEA)



The Genetic Information Nondiscrimination Act (GINA)

HAS BEEN RECEIVED BY



The EEOC and sent for initial processing to \_\_\_\_\_

(FEP Agency)

The **Kansas Human Rights Commission**

(FEP Agency)

and sent to EEOC for dual filing purposes.

While EEOC has jurisdiction (upon expiration of any deferral requirement if this is a Title VII, ADA or GINA charge) to investigate this charge, EEOC may suspend its investigation and await the issuance of the Agency's final findings and orders. These findings and orders will be given weight by EEOC in making its own determination as to whether reasonable cause exists to believe that discrimination has occurred.

You are therefore encouraged to cooperate fully with the Agency. All facts and evidence provided by you to the Agency will be considered by EEOC when it reviews the Agency's final findings and orders. In many cases EEOC will take no further action, thereby avoiding the necessity of an investigation by both the Agency and EEOC. This likelihood is increased by your active cooperation with the Agency.

As a party to the charge, you may request that EEOC review the final findings and orders of the above-named Agency. For such a request to be honored, you must notify EEOC in writing within 15 days of your receipt of the Agency's final decision and order. If the Agency terminates its proceedings without issuing a final finding and order, you will be contacted further by EEOC. Regardless of whether the Agency or EEOC processes the charge, the Recordkeeping and Non-Retaliation provisions of the statutes as explained in the enclosed information sheet apply.

For further correspondence on this matter, please use the charge number(s) shown above.

Enclosure(s): Copy of Charge

**CIRCUMSTANCES OF ALLEGED DISCRIMINATION**

Race



Color



Sex



Religion



National Origin



Age



Disability



Retaliation



Genetic Information



Other

**See enclosed copy of charge of discrimination.**

Date

**January 25, 2016**

Name / Title of Authorized Official

**James R. Neely, JR,  
Director**

Signature

# STATE OF KANSAS KANSAS HUMAN RIGHTS COMMISSION

DOCKET NO.

38411-14

On the complaint of:

Kenya Watkins

Complainant,

vs.

GENESH INC. D/B/A BURGER KING

Respondents and their  
representatives.

I, Kenya Watkins, residing at 1708 Pinecrest, Wichita, Kansas, 67208, United States charge Genesh Inc. d/b/a Burger King, and its representatives, whose principal place of business address is 8831 Long Street, Lenexa, Kansas, 66215. Ms. Watkins' place of employment was the Burger King restaurant located at 528 N. Oliver, Wichita, Kansas 67208.

☒ The Kansas Act Against Discrimination (Chapter 44, Art. 10, K.S.A.) and specifically within the meaning of subsection 1009(a) of Section 44 of said Act, because of my:

<input checked="" type="checkbox"/> RACE	<input checked="" type="checkbox"/> SEX	<input checked="" type="checkbox"/> ANCESTRY	<input checked="" type="checkbox"/> RETALIATION
<input type="checkbox"/> RELIGION	<input type="checkbox"/> NATIONAL ORIGIN	<input type="checkbox"/> DISABILITY	<input type="checkbox"/> FAMILIAL STATUS
<input checked="" type="checkbox"/> COLOR	<input type="checkbox"/> GENETIC INFORMATION		

☐ The Kansas Age Discrimination in Employment Act (Chapter 44, Art. 11, K.S.A.) and specifically within the meaning of subsection of Section of said Act, because of my AGE.

Alleged Date of Incident: I was terminated on or about August 23, 2015. I also specifically allege that the incidents were continuing in nature throughout my employment.

The aforesaid charges are based on the following facts:

I. I believe that the respondent discriminated and retaliated against me due to, among other things, the following:

I believe that the Respondent's behavior was in violation of, including but not limited to, the Kansas Act Against Discrimination; Title VII of the Civil Rights Act of 1964; Title VII of the Civil Rights Act of 1991, and other and further local, state and federal laws. I believe I was discriminated against based upon my sex, (female), my race (African-American), my color (black) and my ancestry (African). I believe I was further sexually harassed and forced to work in a hostile work environment based upon my sex, (female), my race (African-American), my color (black) and my ancestry (African). I further believe that I was retaliated against for having openly opposed acts and practices forbidden by local, state and/or federal law by complaining about sexual harassment of myself and others.

II. The particulars are as follows:

I am a 39 year old woman. I am African American. I am black. My ancestors are from Africa. Between August 14, 2014 and August 23, 2015, I was employed by the respondent as a cashier/crew member. I was paid \$7.50 per hour.

McKee Law, L.L.C., 13470 Arapaho Drive ■ Suite 170 ■ Olathe, Kansas 66062  
Phone: (913) 768-6400 ■ Fax: (913) 768-6420

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**STATE OF KANSAS**  
**KANSAS HUMAN RIGHTS COMMISSION**

DOCKET NO. 38411-16

I was repeatedly sexually harassed by the general manager of my store, Michael Jackson. The harassment took place throughout my employment with the respondent. I am a single mother with seven (7) children. I could not afford to lose my job so I was forced to endure the harassment until I could no longer handle it and reported him to the corporate office in July 2015.

When I interviewed for the position, I was advised by Mr. Jackson that based on my application and experience, I was a candidate for a managerial position.

During my employment with respondent, Mr. Jackson would assign me tasks and job responsibilities that were near him that gave him immediate access to me. Mr. Jackson began to verbally and physically harass me. During my employment, Mr. Jackson did the following things:

He would proposition me for sex, and touched my behind and my vagina on multiple occasions. Mr. Jackson asked me to come to his house more than one time to have sex with him. I rejected all of Mr. Jackson's advances.

Although I completed all of the required computer testing necessary to be considered for a managerial position, Mr. Jackson stated that he was the decision maker for such a position, and I would not be promoted if I did not agree to perform sexual favors for him. Mr. Jackson would touch my behind or my vagina, and then rub his penis and ask when he was "going to get some". He also made comments such as I made him "so horny". Mr. Jackson would come to work without his belt on, his pants sagging and try to make me go into the back room and have sex with him.

I refused every time, and he would laugh and put his belt on.

Further, Mr. Jackson would force me into the back office, touch my vagina and act like he was smelling his hand for the rest of my shift.

Further, on several occasions when I would work at the drive-thru window, Mr. Jackson would stand behind me and pretend to have sex with me from behind.

On one occasion, Mr. Jackson tried to force me into the backroom and into the freezer so that he could try to have sex with me.

In order to get away from Mr. Jackson, I went outside to clean up the parking lot. Mr. Jackson leaned out of the drive-thru window and said "fuck this parking lot, come inside and let me play around in that pussy".

In or about July 2015, I complained to the corporate office regarding the sexual harassment. I made a written and verbal complaint.

On or about July 26, 2015, Mr. Jackson physically tried to have sex with me, and I called 911 to report the assault.



# STATE OF KANSAS KANSAS HUMAN RIGHTS COMMISSION

DOCKET NO. 38411-16

On or about July 28, 2015, I met with corporate representatives and was advised that I would no longer have to work with Mr. Jackson because the general manager was being replaced.

On information and belief, after the meeting with corporate, Mr. Jackson attempted to change my schedule in order to still work with me.

Respondent further cut the number of hours that I normally worked.

On or about Sunday, August 22, 2015, I worked my shift as usual. The schedule for the next week was not posted by the time my shift was over.

On or about Monday, August 23, 2015, I called in to get my schedule and found out that I was scheduled for Monday, August 23, 2015. At that time, I was told that I was terminated for a no call/no show for my absence that day.

I had a satisfactory employment record with the respondent.

III. I believe that the respondent discriminated and/or retaliated against me by taking adverse employment action against me including, but not limited to, the following:

1. Refusing to allow me to continue my employment as a when I was able to perform the essential functions of the job;
2. Refusing to allow me to continue my employment with the respondent when I was qualified and available;
3. For allowing its managers and employees to discriminate and retaliate against me;
4. Refusing to take any action to prevent its employees from further discrimination based upon my sex, my race, my color and my ancestry and from creating a hostile work environment;
5. For refusing to put me back on the schedule;
6. Upon information and belief, for opposing my unemployment;
7. For refusing to provide me with available hours; and,
8. For terminating my employment.

IV. On information and belief, based upon my experiences with the respondent, I believe that respondent knew, or should have known, of the behavior of its managers and employees and it failed to take any action.

V. On information and belief, I further believe that the respondent has engaged in a pattern or practice of discrimination and retaliation against individuals that are female.

VI. I believe that the actions of the respondent were discriminatory and retaliatory. My job was as a cashier/crew member. I had a satisfactory employment record with the respondent.

VII. Upon information and believe, I believe that the Respondent opposed my unemployment claim to retaliate against me because it knew that I had complained of unlawful behavior.

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**STATE OF KANSAS  
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**DOCKET NO.**

38411-16

VIII. I further believe that the respondent created a hostile work environment to discriminate and to retaliate against me.

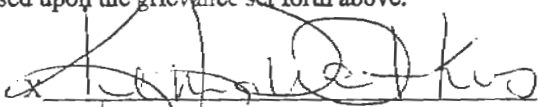
IX. I further believe that respondent's behavior was a pattern and practice of discrimination and retaliation.

I have not commenced any action, civil or criminal, based upon the grievance set forth above.

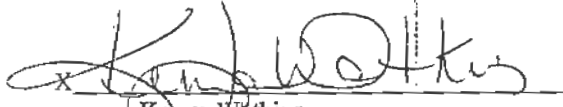
STATE OF KANSAS )

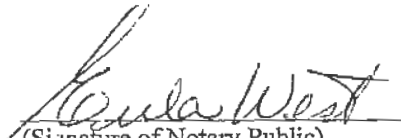
)ss:

COUNTY OF JOHNSON )

  
Kenya Watkins

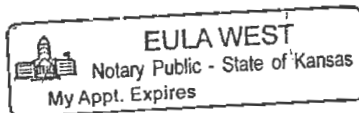
Kenya Watkins, being duly sworn, deposes and says that: that he or she is the Complainant herein; that or her she has read the foregoing complaint and knows the contents thereof; that the same is true of his or her own knowledge except as to the matters therein stated on information and belief; that as to those matters he or she believes the same to be true. Subscribed and sworn to before me this January \_\_, 2016.

  
Kenya Watkins

  
(Signature of Notary Public)

MY COMMISSION EXPIRES:

11-25-17



RECEIVED  
JAN 25 2015  
KANSAS HUMAN  
RIGHTS COMMISSION

McKee Law, L.L.C., 13470 Arapaho Drive ■ Suite 170 ■ Olathe, Kansas 66062  
Phone: (913) 768-6400 ■ Fax: (913) 768-6420