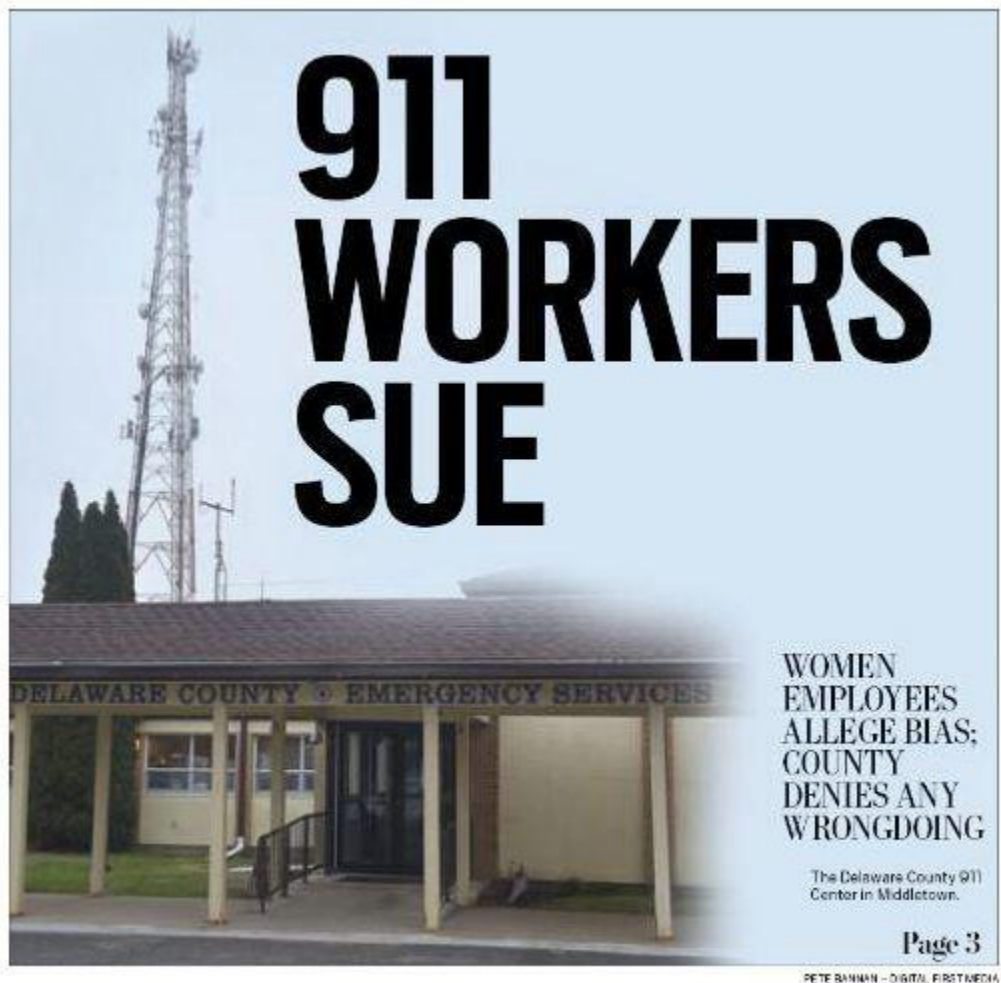


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Former county 911 employees sue for sex discrimination

Alex Rose Dec 26, 2018

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Two former employees of Delaware County Emergency Services have filed suit in federal court alleging claims for discrimination, unlawful termination and retaliation.

“Simply stated, the Emergency Services Department has operated as an illegal work environment, rife with sexual discrimination and harassment including bullying and degrading comments towards women in general and plaintiffs specifically,” according to the complaint filed by attorneys Mark Schwartz and Jason

Pearlman in the U.S. District Court for the Eastern District of Pennsylvania on behalf of Karen McIntyre and Julie Burke.

“This should provide a unique opportunity to see how Delaware County government really works,” said Schwartz Thursday.

Attorney Robert Didomenicis, representing the county in the matter, said there was no comment at this time.

The complaint claims women are routinely paid less than their male counterparts at the department, are subjected to more stringent standards for vacation and time off, and are subjected to other “toxic discriminatory practices” that block advancement for female workers while unjustly rewarding men.

McIntyre had been employed at the department since 1987 and held the position of Information Systems Coordinator, according to the complaint. Burke had worked there since 2008 and was the 911 Coordinator.

The plaintiffs allege one former female office manager at the department was paid \$27 per hour for performing the same work as men earning \$30 per hour. Many part-time male employees were also paid \$30 per hour or more for performing the same functions as lower-paid, full-time female employees, according to the suit.

Many men were also allegedly given five weeks of vacation time upon hiring, while women were required to put in more than 19 years of service to receive the same benefit. While women were required to account for all vacation and sick time and put any requests for time off in writing, those requirements did not extend to men at the department, according to the complaint.

The suit additionally claims men received other benefits, such as county-owned vehicles, phones, electronic devices and clothes that were not provided to women. Female employees were allegedly refused reserved parking spaces that were afforded to men, according to the complaint.

McIntyre and Burke allege men were also allowed to arrive late and leave early while being paid for their full shifts, and would be paid time-and-a-half for overtime that was not worked.

“An atmosphere of clear favoritism, fraud and waste was exhibited in favor of male employees who were permitted to falsify attendance records to protect their compensation,” the complaint alleges. “Clearly, this amounts to an illegal environment that countenances ‘ghost’ employees.”

The plaintiffs say they were stripped of their duties in December 2016 and were instead forced to perform menial tasks. They were also singled out and subjected to twice-daily meetings from early 2017 throughout the summer with no apparent legitimate reason and were directed to document their daily tasks and goals, according to the complaint.

In a prior complaint filed with the U.S. Equal Employment Opportunity Commission, Burke said she had complained of discrimination in July 2017 but nothing was done. Instead, she said she was placed in a conference room with all males to try to intimidate her.

The lawsuit now claims additional mistreatment, such as trash including bones and food being left on their desks, and having their office door “barricaded by a desk” that obstructed their exit.

When the plaintiffs provided written and oral reports of allegedly discriminatory, retaliatory and wasteful practices at the department, they claim they were threatened by their manager to never put any complaints in writing or make a complaint outside of Emergency Services or their jobs would be in jeopardy.

Both women were suspended with pay in March pending an investigation into misuse of computers at the 911 center and were ultimately fired in August. Nearly identical memos to the two women from Personnel Director Robert J. White dated Aug. 22 indicate they improperly accessed personal network folders of department Director Tim Boyce and another county employee. McIntyre’s letter states the unauthorized access took place in 2017 and Burke’s took place in 2017 and 2018.

“Engaging in unauthorized access to personal network folders of county employees is a privacy invasion and a breach of trust,” the memo reads. “Due to your unauthorized access to fellow employees’ personal computer folders, your employment with the county (is) terminated immediately.”

Schwartz previously dismissed the charges in the memo as “totally untrue and defamatory,” and said they were fabricated in an attempt to get rid of his clients. Both women, in their 50s, were replaced by younger employees, according to the suit.

The complaint also alleges that following their terminations, Burke and McIntyre were blocked from receiving rightful unemployment benefits, including COBRA insurance, as well as the return of personal effects.

The suit alleges six claims for violations of the Civil Rights Act, Employment Act, Pennsylvania Human Relations Act and Pennsylvania Whistleblower Law, for which the plaintiffs are seeking compensatory and punitive damages.