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Victim of Domestic Abuse Gets City Job Back

By Jennifer Medina

A State Supreme Court justice in Manhattan has ruled that a woman who said she was unfairly fired from her job as a probation officer with the City Department of Correction must be reinstated. The decision came in the first case using a city law passed in 2000 that protects domestic violence victims from discrimination at work.

Although the department “may not have intentionally acted in bad faith” in firing the employee, the result was “exactly the kind of fallout” that the law was intended to prevent, Justice Louis B. York wrote in his decision, which lawyers received on Monday.

The woman, Gina Reynolds, had been on extended sick leave and living at Safe Horizon, a shelter from domestic violence, in June 2002, when she was fired. Ms. Reynolds and her lawyer contend that the department dismissed her for not giving a valid home address.

A department spokesman declined to comment and said that the commissioner had not reviewed the case.

Workers from the Correction Department’s Health Management Division routinely visit officers on sick leave at home, to make sure that employees are, in fact, ill. Ms. Reynolds had given officials the address for Safe Horizon’s headquarters, not the shelter where she was staying.

A health division inspector who went to the headquarters would not sign a confidentiality agreement, so Safe Horizon officials would not tell the inspector where Ms. Reynolds was staying, Ms. Reynolds said.

Ms. Reynolds said that when she was asked to turn in her badge, department officials gave her no reason. But a letter rejecting Ms. Reynolds’s request for unemployment benefits said that she had been fired for violating sick leave rules.

“They knew what was going on,” Ms. Reynolds said. “They knew I had a domestic problem and I was looking for a place to live.”

Ms. Reynolds's lawyer, Mercedes M. Maldonado, said the problem could have easily been prevented had Correction officials made an exception to their home visit policy.

"This is a classic case of a bureaucratic rule," Ms. Maldonado said. "Nobody was able to bend that rule."

Laurel W. Eisner, a lawyer who helped write the part of the city human rights law that includes domestic violence, said she was thrilled at the decision and the precedent it set.

"It's extremely important they are using this law," said Ms. Eisner, now executive director of Sanctuary for Families, which provides shelter and legal services. "There is so much shame coming forward telling employers. For domestic violence victims, economic independence is essential and that's what this was meant to protect."

Ms. Reynolds's struggle with the Department of Correction began in March 2002, when she and her two teenage children were evicted from their apartment in Far Rockaway, Queens. She received vacation time so that she could find a place to live, but instead had to spend two months at friends' homes and hotels or in shelter and her car.

"I was really scared," Ms. Reynolds said. "I didn't know what I was supposed to do. I was going through this whole thing not knowing what would happen anywhere."

When Ms. Reynolds initially told department officials she could not give them a home address, they told her she could not continue to work without one. Eventually, she gave them her ex-husband's address. But when she went to his home, he would abuse her and she would then call the police, she said.

"I kept telling them that," Ms. Reynolds said, referring to her bosses. "But nobody wanted to talk about something like this."

Ms. Reynolds, who began working for the department in June 2002, had a record of excessive tardiness and absenteeism, which, Justice York noted in the decision, could have been a byproduct of domestic violence. Under the judge's ruling, Ms. Reynolds will receive full back pay.

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