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IN THE CIRCUIT COURT
FOR PRINCE GEORGE'S COUNTY, MARYLAND

JEFFREY NAFTAL,
172 Green Meadow Way, #172A
Upper Marlboro, MD 20774,

Plaintiff,

v.

PRINCE GEORGE'S COUNTY MEMORIAL
LIBRARY SYSTEM
9601 Capital Lane
Largo, MD 20774,

Serve registered agent:

Kathleen Teaze,
6532 Adelphi Rd.
Hyattsville, MD 20782,

Defendant.

Civil Action No. CA19-26429
JURY TRIAL DEMANDED

2019 AUG -9 PM 12:28
PR GEO CO CLERK
Clerk of the
Circuit Court

**CIVIL COMPLAINT FOR EQUITABLE AND MONETARY RELIEF
AND DEMAND FOR JURY**

Plaintiff Jeffrey Naftal files this complaint of race, color, age, and sex discrimination in violation of Maryland Fair Employment Practices Act, Md. Code Ann., State Gov't § 20-606, and Prince George's County Code § 2-222, *et seq.*, against Defendant Prince George's County Memorial Library System ("PGCMLS").

Parties

1. Naftal is an individual domiciled in Maryland.
2. PGCMLS is a Maryland corporation and maintains its principal place of business in Largo, Maryland.

Jurisdiction and Venue

3. This Court has personal jurisdiction over the claims presented because Defendant is registered to do business and transacts regular business in Prince George's County and because it employed and illegally terminated Naftal in Prince George's County.

4. This Court has subject matter jurisdiction over the claims in this complaint brought under the laws of Maryland pursuant to Md. Code Ann., State Gov't § 20-606 and Prince George's County Code § 2-222.

5. Venue is proper in this Court because it is the judicial district where the unlawful employment practices are alleged to have been committed, and it is the judicial district where the employment records relevant to Naftal's claims are maintained and administered.

Administrative Exhaustion

6. On June 24, 2019, Naftal timely filed a charge of discrimination against PGCMLS with the Equal Employment Opportunity Commission and the Prince George's County Human Relations Commission.

7. Forty-five days have passed since Naftal filed his charge with the Prince George's County Human Relations Commission. Accordingly, Naftal has exhausted his administrative remedies.

Factual Allegations

8. Naftal is a 59-year-old Caucasian male, and he began working at PGCMLS in or about July 2016 as the director of human resources and successfully completed the initial probationary period in or about January 2017.

9. Kathleen Teaze, the CEO and Naftal's supervisor at the time, evaluated Naftal's performance in or about January 2017 and provided the following assessment of Naftal: "In his

first six months, Jeff has made a great difference in the confidence in procedures and in the ability of the department to get things done. He is an excellent addition to the team.”

10. Teaze evaluated Naftal’s performance in or about June 2017 and issued Naftal an overall rating of “meeting expectations.” Teaze listed the following as Naftal’s accomplishments: implementing new policies and processes, terminating poorly performing staff, and working with other departments. Teaze also rated Naftal as “exceeds expectations” in the category of “goals,” stating that he accomplished nearly all the tasks he was given when he started the position.

11. Interim CEO Michelle Hamiel evaluated Naftal’s performance for the time period of May 2017 through May 2018 and determined that he met expectations.

12. PCGMLS implements a progressive disciplinary policy. Before terminating an employee, PCGMLS provides an employee with coaching, an oral warning, a written reprimand, a performance improvement plan, and a suspension

13. Roberta Phillips joined PGCMLS in or about January 2019. Phillips is a Caucasian female in her 40s, and Phillips and Naftal had 45 minute approximately bi-weekly meetings to discuss ongoing work. Phillips did not counsel, warn, or reprimand Naftal about his performance during these meetings.

14. On or about April 3, 2019, a supervisor wrote to Naftal about disciplining a younger Hispanic female employee due to the employee’s repeatedly abusing FMLA leave. Naftal and the supervisor agreed that a suspension was warranted given the repeated prior notice, warnings, and counseling provided to the employee. Phillips disagreed with the recommendation to discipline the younger, Hispanic employee.

15. An African American female in her 30s had continued problems with her

supervisor. PCGMLS counseled this employee, issued her an oral warning, and a written reprimand. PCGMLS did not terminate this employee.

16. A Hispanic female in her 20s had continued problems with her supervisor and an investigation found she engaged in misconduct. PCGMLS provided this female an opportunity to be demoted rather than be terminated after she received counseling, an oral warning, a written reprimand, and suspension. PCGMLS did not terminate this employee.

17. On or about April 3, 2019, PGCMLS, through Roberta Phillips, recommended Naftal's termination. However, PGCMLS did not counsel, warn, or otherwise discipline Naftal prior to his termination recommendation.

18. On the same day, PGCMLS stopped paying Naftal and halted Naftal's employment benefits.

19. Under Md. Code Ann. Edu. § 23-406(e)(1), the dismissal of a library employee is permitted only for the following reasons: misconduct in office; insubordination; incompetency; or willful neglect of duties.

20. Naftal did not engage in any misconduct, was not insubordinate, was competent to perform his job as evidenced by his prior performance evaluations and completed all assigned duties.

21. On or about June 11, 2019, the Board of Library Trustees upheld Phillips's recommendation and unlawfully terminated Naftal's employment.

22. As the result of PGCMLS's illegal discrimination, Naftal has suffered economic damages, mental anguish, and loss of reputation, and he will continue to be significantly harmed in the future.

COUNT I
Discrimination Based on Race and Color
Maryland State Fair Employment Practices Act
Md. Code Ann., State Gov't § 20-606

23. Naftal incorporates all of the allegations in the foregoing paragraphs as though fully set forth and alleged herein.

24. Naftal is an “employee” as the term is defined in Md. Code Ann., State Gov't § 20-601(c)(1).

25. PGCMLS is an “employer” as the term is defined in Md. Code Ann., State Gov't § 20-601(d) (1).

26. PGCMLS discriminated against Naftal when it terminated him because of his race and color.

27. Accordingly, Naftal is entitled to such legal or equitable relief as will effectuate the purposes of the Maryland State Fair Employment Practices Act, Md. Code Ann., State Gov't § 20-1202(b), including but not limited to: compensatory damages; punitive damages; equitable relief, including reinstatement; accrual of back pay and front pay; and reasonable litigation costs, expert fees, and reasonable attorneys' fees.

COUNT II
Discrimination Based on Age
Maryland State Fair Employment Practices Act
Md. Code Ann., State Gov't § 20-606, 20-1202(b)

28. Naftal incorporates all of the allegations in the foregoing paragraphs as though fully set forth and alleged herein.

29. Naftal is an “employee” as the term is defined in Md. Code Ann., State Gov't § 20-601(c)(1).

30. PGCMLS is an “employer” as the term is defined in Md. Code Ann., State Gov’t § 20-601(d) (1).

31. PGCMLS discriminated against Naftal when it terminated him because of his age.

32. Accordingly, Naftal is entitled to such legal or equitable relief as will effectuate the purposes of the Maryland State Fair Employment Practices Act, Md. Code Ann., State Gov’t § 20-1202(b), including but not limited to: compensatory damages; punitive damages; equitable relief, including reinstatement; accrual of back pay and front pay; and reasonable litigation costs, expert fees, and reasonable attorneys’ fees.

COUNT III
Discrimination Based on Sex
Maryland State Fair Employment Practices Act
Md. Code Ann., State Gov’t § 20-606, 20-1202(b)

33. Naftal incorporates all of the allegations in the foregoing paragraphs as though fully set forth and alleged herein.

34. Naftal is an “employee” as the term is defined in Md. Code Ann., State Gov’t § 20-601(c)(1).

35. PGCMLS is an “employer” as the term is defined in Md. Code Ann., State Gov’t § 20-601(d) (1).

36. PGCMLS discriminated against Naftal when it terminated him because of his sex.

37. Accordingly, Naftal is entitled to such legal or equitable relief as will effectuate the purposes of the Maryland State Fair Employment Practices Act, Md. Code Ann., State Gov’t § 20-1202(b), including but not limited to: compensatory damages; punitive damages; equitable relief, including reinstatement; accrual of back pay and front pay; and reasonable litigation costs, expert fees, and reasonable attorneys’ fees.

COUNT IV
Discrimination Based on Race and Color
Prince George's County Code § 2-222

38. Naftal incorporates all of the allegations set forth in the foregoing paragraphs as though fully alleged herein.

39. Naftal is a "person" and an "employee" as defined by Prince George's County Code § 2-186.

40. PCGMLS is an "employer" as defined as Prince George's County Code § 2-186.

41. PGCMLS discriminated against Naftal when it terminated him because of his race and color.

42. Naftal has been damaged by PGCMLS discriminatory acts; as such he is entitled to damages for the financial loss resulting from his unlawful termination. Naftal is also entitled to punitive and compensatory damaged for any humiliation or embarrassment suffered to the unlawful discriminatory acts.

COUNT V
Discrimination Based on Age
Prince George's County Code § 2-222

43. Naftal incorporates all of the allegations set forth in the foregoing paragraphs as though fully alleged herein.

44. Naftal is a "person" and an "employee" as defined by Prince George's County Code § 2-186.

45. PCGMLS is an "employer" as defined as Prince George's County Code § 2-186.

46. PGCMLS discriminated against Naftal when it terminated him because of his age.

47. Naftal has been damaged by PGCMLS discriminatory acts; as such he is entitled to damages for the financial loss resulting from his unlawful termination. Naftal is also entitled

to punitive and compensatory damaged for any humiliation or embarrassment suffered to the unlawful discriminatory acts.

COUNT VI
Discrimination Based on Sex
Prince George's County Code § 2-222

48. Naftal incorporates all of the allegations set forth in the foregoing paragraphs as though fully alleged herein.

49. Naftal is a "person" and an "employee" as defined by Prince George's County Code § 2-186.

50. PCGMLS is an "employer" as defined as Prince George's County Code § 2-186.

51. PGCMLS discriminated against Naftal when it terminated him because of his sex.

52. Naftal has been damaged by PGCMLS discriminatory acts; as such he is entitled to damages for the financial loss resulting from his unlawful termination. Naftal is also entitled to punitive and compensatory damaged for any humiliation or embarrassment suffered to the unlawful discriminatory acts.

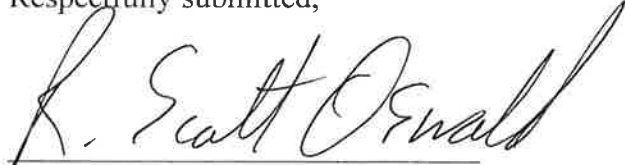
Prayer for Relief

WHEREFORE Naftal prays this Honorable Court for the following relief:

- A. Judgment against the Defendant in the amount of economic damages, compensatory damages, liquidated damages, and punitive damages to be determined at trial;
- B. Pre-judgment interest;
- C. Employment, reinstatement, promotion, or other equitable relief;
- D. Economic damages including front and back pay;
- E. Compensatory damages;

- F. Interest due on unpaid wages;
- G. A reasonable attorneys' fee and the costs of this action, and;
- H. Any other relief this Honorable Court deems just and proper to award.

Respectfully submitted,

A handwritten signature in cursive script that reads "R. Scott Oswald". The signature is written in black ink and is positioned above a horizontal line.

R. Scott Oswald, Esq.

Anita M. Chambers, *to be admitted pro hac vice*

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