

STATE OF NEW JERSEY
OFFICE OF THE ATTORNEY GENERAL
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION ON CIVIL RIGHTS
OAL DOCKET NO. CRT 6101-03
DCR DOCKET NO. EN12WE-46074-E
DATED: JANUARY 11, 2006

KATHLEEN CONNORS RYAN,)
)
Complainant,)
)
v.)
)
FREEHOLD REGIONAL HIGH)
SCHOOL DISTRICT,)
)
Respondent.)
_____)

ADMINISTRATIVE ACTION

SUPPLEMENTAL ORDER

APPEARANCES:

Joyce Wan, Deputy Attorney General, prosecuting this matter on behalf of the New Jersey Division on Civil Rights (*Peter C. Harvey, Attorney General of New Jersey, attorney*), for the complainant.

Allan P. Dzwilewski, Esq. (*Schwartz Simon Edelstein Celso & Kessler LLP, attorneys*), for the respondent.

BY THE DIRECTOR:

This matter is before the Director of the New Jersey Division on Civil Rights (Division) to address two issues left unresolved in the Director's November 10, 2004 order. That order concluded that Freehold Regional High School District (Respondent) violated the New Jersey Family Leave Act (NJFLA), N.J.S.A. 34:11B-1 to -16, awarded pain and humiliation damages to Kathleen Connors Ryan (Complainant), ordered that Respondent hire Complainant for the next available teaching position for which she is qualified and receive front pay until she is hired, and imposed statutory penalties. That order also awarded back pay in an amount to be determined based on supplemental information requested from the parties. The Director requested that the parties attempt to resolve the outstanding issues of counsel fees and the amount of back pay due,

and submit written briefs and/or certifications if they were unable to amicably resolve these issues.

By letter dated January 4, 2006, Respondent advised the Director that the parties stipulate that Complainant is entitled to \$25,717.50 in attorney fees, and \$302,589 in backpay for the period from September 1999 to December 31, 2005.¹ In response to a followup inquiry, both counsel stipulated that the backpay award includes \$26,844 accrued from September 2005 through December 31, 2005, which was based on an annual salary of \$67,110, allocated over ten months. Based on these stipulations, the Director has applied a per diem rate of \$221.48 to calculate the amount of backpay due through the date of the within order.

ORDER

As provided in the Director's order of November 10, 2005, and based on the supplemental information provided in the stipulations of the parties, the Director orders as follows:

1. Respondent and its agents, employees and assigns shall cease and desist from doing any act prohibited by the New Jersey Family Leave Act, N.J.S.A. 34:11B-1 to -16.
2. Within 45 days from the date of this order, Respondent shall forward to the Division a certified check payable to Complainant in the amount of \$330,025.28, representing \$305,025.28 in backpay through January 11, 2006, and \$25,000 as compensation for her pain and humiliation.
3. Within 45 days from the date of this order, Respondent shall forward to the Division a certified check payable to "Treasurer, State of New Jersey," in the amount of \$2,000 as a statutory penalty.
4. Within 45 days from the date of this order, Respondent shall forward to the Division a certified check payable to " State of New Jersey, Division on Civil Rights" in the amount of \$25,717.50 for counsel fees.
5. All payments to be made by Respondent under this order shall be forwarded to Richard

¹In stipulating that these amounts would be due to Complainant if she prevails, Respondent stated that it continues to deny liability and reserves its right to appeal.

Salmastrelli, New Jersey Division on Civil Rights, P.O. Box 089, Trenton, New Jersey 08625.

6. Any late payments will be subject to post-judgment interest calculated as prescribed by the Rules Governing the Courts of New Jersey, from the due date until such time payment is received by the Division.

7. Respondent shall hire Complainant for the next available teaching vacancy for which she has the required certifications, and provide her with the opportunity to transfer to the next vacancy in the social studies department.

8. Complainant shall receive frontpay for the period starting on the date of the within order, and ending on the date Respondent hires Complainant for the next available teaching vacancy. Frontpay shall be paid at the same rate Complainant receives for backpay for the current (2005/2006) schoolyear (\$67,110), less Complainant's actual earnings. Complainant shall submit documentation to Respondent of her actual earnings for the frontpay period via a certification, W-2 forms and/or other reliable income records. Frontpay shall be paid by Respondent in a lump sum at the time Complainant is hired, with accrued interest at the rates set by the New Jersey Court Rules, from the date of the within order until the date of hire.

DATE

J. FRANK VESPA-PAPALEO, ESQ.
DIRECTOR, DIVISION ON CIVIL RIGHTS