

**STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION ON CIVIL RIGHTS
DCR DOCKET NO. ET06WB-66984**

Claudia Robinson,)
)
Complainant,)
)
v.)
)
Sanofi US Services, Inc.,¹)
)
Respondent.)

Administrative Action

FINDING OF PROBABLE CAUSE

On May 29, 2018, Claudia Robinson (Complainant) filed a verified complaint with the New Jersey Division on Civil Rights (DCR) alleging that Sanofi US Services, Inc. (Respondent, or “Sanofi”), requested that she be removed from her assignment because of her race and age in violation of the New Jersey Law Against Discrimination (LAD), N.J.S.A. 10:5-1 to -49. DCR’s investigation found as follows.

Summary of Investigation

Respondent, located in Bridgewater, New Jersey, develops, manufactures, and markets pharmaceutical products for various medical conditions. Its Product Quality Complaints group (“PQC”) is responsible for managing the receipt, documentation, investigation, and close out of complaints from doctors, pharmacies, and consumers concerning Respondent-manufactured products. Such complaints are recorded in Respondent’s Product Technical Complaints (“PTC”) database and must be handled pursuant to U.S. Food and Drug Administration (FDA) regulations.

On January 1, 2017, in order to more effectively manage the high volume of complaints, Respondent engaged Genpact Pharmalink Global Regulatory Affairs (“Genpact”) to support the PQC group (“the Sanofi project”). Respondent told DCR that, in this role, Genpact was responsible for recording complaints in the PTC database, tracking complaint trends, answering complaints in a consistent and timely manner, suggesting procedural changes to improve efficiency, and training newly on-boarded employees. According to records reviewed during DCR’s investigation, Genpact assigned [REDACTED]. (White, age 50²) to the Sanofi project to work as Project Manager.

DCR’s investigation found that after [REDACTED] resigned in August 2017, Genpact assigned Complainant (Black, age 35), to the Sanofi project as the new Project Manager. In this role, Complainant was responsible for overseeing the PQC initiative, managing her direct reports, including, but not limited to Genpact Specialists [REDACTED] and [REDACTED], and Genpact Analyst/Team Leads

¹ In the verified complaint, Complainant identified Respondent as “Sanofi Pharmaceuticals.” The caption is hereby amended to reflect counsel’s representation that Respondent’s proper designation is Sanofi US Services, Inc.

² All ages herein reflect each individual’s age at the time Complainant filed the instant charge.

█████³ and █████ and working closely with her Sanofi counterparts, such as Sanofi Director of PTC Medical Devices – North America Quality Margaret Quinn (White, age 56) and Sanofi PQC Manager Lynn Meyer (White, age 58). While assigned to the Sanofi project, Complainant and her direct reports worked exclusively from Sanofi’s Bridgewater facility.

On or about May 7, 2018, Sanofi requested that Genpact remove Complainant as Project Manager, citing various performance-related issues. In the verified complaint, Complainant alleged that there were no problems with her performance and Respondent’s assertions were merely pretext designed to mask race and age discrimination. Specifically, Complainant contends that the real reason Sanofi requested her removal was bias towards young, Black employees in positions of authority. She asserts that Meyer and Quinn treated her less favorably than they treated her predecessor, █████, who was older and white. For example, Complainant alleged that Meyer refused to communicate with her about important issues, that Meyer excluded her from e-mail chains with the Genpact team about information to which a project manager would otherwise be privy, and that Meyer and Quinn purposely misrepresented her job performance to Genpact in an effort to have her removed from the project because of her race and age. Moreover, Complainant alleged that a co-worker reported that she overheard Meyer and Quinn state that Complainant is “too young to manage this team.” Respondent denied the allegations of discrimination and told DCR that Complainant’s age and race did not at all factor into its decision to request her removal from the assignment.

During a DCR fact-finding conference, Complainant elaborated on her claim that Respondent was biased against her because of her race and age. She stated that Meyer and Quinn were not used to working with an intelligent, young, Black woman like her, and that having to do so triggered their biases. To support this assertion, Complainant pointed to evidence that she was criticized for using the same protocols and procedures that were used by her predecessor, █████, and her replacement, █████ both of whom are older and white. In addition, she alleged that on or about January 24, 2018, she overheard Meyer refer to her as a “stupid black bitch” in response to an e-mail that she had sent.

During the fact-finding conference, Meyer and Quinn denied that they ever used the discriminatory language attributed to them by Complainant, that they held any bias towards Complainant because of her race and/or age, or that they treated █████ or █████ more favorably than they treated Complainant. Rather, they stated that the issues that led them to recommend Complainant’s removal stemmed only from her workplace performance. Quinn told DCR that Complainant went ahead and implemented changes to PQC operations without Sanofi input. Specifically, she stated that Complainant selected two Genpact employees to participate in a new pilot program without consulting Sanofi personnel, that Complainant unilaterally modified the order of its new employee training program, and that Complainant instructed the Genpact team not to interact with Sanofi personnel, which made it difficult to communicate effectively. In addition, in its answer to the verified complaint, Respondent stated that Complainant referred to Genpact and Sanofi personnel as “idiots and backstabbers” during an April 6, 2018 meeting. DCR investigated each of Respondent’s claims in order to determine the true motive behind its decision to request Complainant’s removal from the project. That inquiry revealed the following.

³ █████ passed away during DCR’s investigation.

a. Pilot Program

On or around April 16, 2018, Genpact commenced a five-week pilot program designed to improve Sanofi’s complaint processing procedures. Respondent contended that Complainant “failed to consult with Sanofi about the scope of the pilot program” and that she chose two Genpact employees to participate in the program without first consulting Meyer or Quinn. It further alleged that Complainant did not advise Respondent of who was selected to participate in the pilot program until “several weeks” after it began. However, Complainant produced evidence indicating that on April 4, 2018, she and [REDACTED] provided Quinn with a written proposal for the pilot program, including the names of the participants, the purpose and scope of the program, and relevant statistics. Email records indicate that Meyer and Quinn approved Complainant’s proposal during a meeting on April 10, 2018.

Further, Respondent alleged that Complainant refused to share data with Meyer and Quinn with respect to the pilot program. It stated that roughly two weeks after the program began, Quinn asked Complainant to provide preliminary results, but Complainant refused, stating that she would not share any information until the pilot program was complete. Respondent provided no evidence to support this allegation. Complainant disputed Respondent’s assertion and referred DCR to an e-mail she sent to her Genpact supervisor dated May 7, 2018, which includes her notes from her meeting with Quinn held earlier that day. The e-mail states, in relevant part, “Process Improvement Update: Sanofi will be looking for data output; our mid-Pilot mark was May 04, 2018. We will start to compile data and put together a write-up this week in order to submit to Sanofi for the Monthly Meeting next week.” Complainant was ultimately unable to provide the data at the monthly meeting because she was removed from the project the day after she sent the email.

b. Employee Training Program

According to Respondent, the FDA requires Sanofi to establish “Good Manufacturing Practices” (GMP) and “Good Documentation Practices” (GDP) for recording, processing, and resolving complaints.⁴ In order to comply with these requirements, Sanofi uses a data management system called Siebel. As part of the on-boarding process, new employees participate in a four to five week training program, which is presented in a particular order. Specifically, during the first two weeks of the program, new employees are trained on GMP and GDP, and during the second two or three weeks, they are trained on how to use the Seibel software, including hands-on and real work supervised training. Respondent contended that Complainant unilaterally reversed the order of the training program so that new employees were provided Siebel training before GMP and GDP training.

Complainant denied Respondent’s claim, stating that she did not apply any changes to Sanofi’s training program; rather, she merely presented Sanofi management with a proposal to do so on or about January 23, 2018. Complainant produced a copy of the presentation. During the fact-finding conference, Complainant stated that Quinn and Meyer did not ultimately approve her proposal, and thus, it was never implemented.

⁴The Federal statutes governing GMP and GDP are 21 C.F.R. 210-212 and 21 C.F.R. 820, respectively.

Witnesses interviewed during the investigation supported Complainant's assertions.⁵ One witness who was present during Complainant's presentation stated that she worked with Complainant on the proposed training improvements, but they were not implemented. She stated that the proposed modifications were merely suggestions. Another witness who was present during Complainant's presentation confirmed same, stating that the procedures presented were meant only to provide Sanofi with an alternative option in order to make its training practices more efficient. The witness stated that when Sanofi objected to the proposal, Complainant maintained Respondent's training procedures, status quo.

Respondent produced no evidence to support its claim that Complainant unilaterally modified and implemented new training procedures without approval.

c. Communication

According to Respondent, the FDA conducts regular audits to determine whether Sanofi is properly processing and recording complaints. In its answer to the verified complaint, and during the fact-finding conference, Respondent stated that prior to Complainant's assignment to the Sanofi project, Genpact and Sanofi employees worked together to provide the FDA with requested information; however, after Complainant was assigned to the Sanofi project, Complainant instructed Genpact staff not to communicate with Sanofi management and mandated that they handle all complaints on their own. Respondent stated that by implementing this practice, Complainant acted as a "roadblock," effectively cutting off communication between Genpact and Sanofi staff. Complainant denied Respondent's claim, stating that she merely attempted to streamline communications after Quinn complained that the Genpact team was distracting Sanofi personnel from their work by constantly asking them questions. She referred DCR to an e-mail chain dated February 16, 2018, wherein Quinn expressed frustration with Genpact employees flooding her inbox. In order to alleviate Quinn's concerns, Complainant instructed the Genpact team to funnel all questions and concerns up the chain of command, and if the issue could not be resolved, the matter would be brought to Sanofi management. Complainant stated that she did not instruct Genpact personnel to cease all communications with Sanofi personnel, as alleged.

DCR also reviewed an e-mail dated February 16, 2018, wherein Complainant informed her Genpact supervisor that she planned to shortly implement new reporting practices to address Quinn's concerns that Genpact staff was distracting Sanofi personnel with questions, to which her supervisor replied, "Sounds like you are handling correctly. As we discussed the team has too see themselves as problem solvers not making problems for client. Even if there is an issue we need client input on we should always come with a recommendation and a reason for that conclusion." [Sic throughout]. Moreover, during the fact-finding conference, Quinn acknowledged that she never informed Complainant that the new procedures had created communication issues.

Additionally, DCR reviewed PowerPoint slides from Complainant's monthly Genpact team meetings. During a February 27, 2018 team meeting, Complainant presented a slide

⁵ Many witnesses interviewed during the investigation expressed concern that they would be subjected to reprisals if they were identified herein. Therefore, for purposes of this disposition only, DCR has chosen to withhold the identities of all witnesses.

describing these new procedures; specifically what employees should do if they have work-related questions. The slide states, in relevant part:

If you have work-related questions:

First, read your SOPs, WIs, and PRG

Still have questions? Please consult your Team Lead

Still need clarification? Please consult your Team Specialists

Sanofi Management will be contacted by Specialists and/or PM if not resolved

*Please note: Specialists will consult with PM for further discussion and determination on next steps with Sanofi Management – either the Specialists and/or PM will raise the issue(s) with Sanofi Management.

**We need to build confidence in the Client’s view of our work and expertise. We need to get to the place we are working as problem solvers not making problems for Client. Even if there is an issue we need Client input on, we should always exhaust all of our resources and then if it still persists, we approach the Client with a recommendation and a reason for our conclusion.

Witnesses interviewed by DCR supported Complainant’s assertions. Specifically, four witnesses stated that Complainant never instructed the team to avoid speaking with Sanofi Management, and one of those witnesses characterized such an accusation as “completely false.” Additionally, two witnesses stated that Complainant implemented the same chain of communication procedures that were in place previously under [REDACTED], and that are still in place under current project manager [REDACTED]

d. April 6, 2018 meeting

As noted, in its answer to the verified complaint, Respondent alleged as evidence of Complainant’s lack of professionalism that Complainant referred to Genpact and Sanofi personnel as “idiots and backstabbers” during an April 6, 2018 meeting. Complainant audio recorded the entirety of this meeting and provided it to DCR as evidence. DCR reviewed the recording, and while Complainant does appear to mention her belief that certain individuals are actively working to sabotage her, she at no time referred to anybody as an “idiot” or a “backstabber.”

During the fact-finding conference, the DCR investigator played an audio clip from the relevant portion of the April 6, 2018 meeting. After listening to the clip, witnesses present, including both Genpact and Sanofi personnel, acknowledged that Complainant never used the terms “idiot” and/or “backstabber.” [REDACTED] one of Complainant’s direct reports, clarified that Complainant had used the word “duplicitous,” and stated that when she asked a co-worker what that word meant, the co-worker told her that it meant that Complainant was calling them backstabbers.⁶

⁶ According to Mirriam-Webster.com, duplicitous means “deceptive in words or actions.”

e. Other findings

In addition to the above, witness testimony obtained during the investigation supported Complainant's assertion that Sanofi personnel, including Meyer and Quinn, were biased against Complainant because of her race and age.

One witness told DCR that she overheard Meyer refer to Complainant as a "black bitch," and that she overheard either Meyer or Quinn state that Complainant is "young and has a lot to learn."⁷ The witness also stated that it was apparent from the outset that Meyer and Quinn did not like Complainant because they acted aggressively towards her and constantly belittled her. The witness characterized the manner in which Meyer and Quinn treated Complainant in comparison to how they currently treat Complainant's replacement [REDACTED] as "night and day." Specifically, she stated that Meyer and Quinn treat [REDACTED] as if they have known her for several years, whereas they treated Complainant like an outsider. She stated her belief that race was "absolutely" a factor in the way Meyer and Quinn treated Complainant.

Another witness told DCR that she believes Sanofi management, including Meyer and Quinn, did not expect Complainant to be intelligent and capable of being a project manager because she is young and Black. The witness, who identifies as Black, stated that she believes Sanofi management looks at her (the witness) and her Black colleagues the same way. The witness also stated that Sanofi management showed Complainant's predecessor, [REDACTED] and her replacement, [REDACTED] more respect and deference than they showed Complainant, despite the fact that Complainant's work product was equal to that of [REDACTED] and [REDACTED]. Three other witnesses corroborated this claim.

Another witness told DCR that she knew Complainant would not do well at Sanofi because Sanofi management has a negative attitude towards younger managers who bring a different perspective. The witness also stated that Sanofi management scrutinizes Black employees more than non-Black employees. She added that while she has never heard any racial comments in the workplace, she has witnessed Sanofi management treat Black employees poorly and differently than non-Black employees. As an example, she stated that on one occasion, a Black employee had found out while at work that a family member had passed away, and his co-workers tried to console him. However, Meyer and Quinn approached the employee and his co-workers and rudely advised them to "take it off the floor." The witness stated that on another occasion thereafter, a non-Black employee had a death in the family, but Meyer and Quinn were comforting and accommodating to the employee.

One witness told DCR that she believed the issues between Complainant and Sanofi management stemmed from the fact that Complainant was "different" from them. Specifically, the witness stated that Meyer and Quinn were used to working with people who looked and spoke like they did.

Another witness told DCR that it was "so obvious" that Complainant's race and age were factors in the way Meyer and Quinn treated Complainant. Specifically, she stated that Meyer and

⁷ The witness was unsure whether it was Meyer or Quinn who made this comment.

Quinn did not like that a “smart, sharp, young, Black woman was in their midst and on the same level as them.”

Another witness told DCR that Meyer once approached a group of Black employees who were working together on a project and stated, “You can’t work in packs.” Two other witnesses, both interviewed separately by DCR, told a similar story, stating that both Meyer and Quinn once approached a group of Black employees leaving for lunch together and stated that they “cannot travel in packs.” Additionally, one witness told DCR that she overheard Meyer refer to a group of Indian employees as “a bunch of monkeys.”

Analysis

At the conclusion of an investigation, the DCR Director is required to determine whether “probable cause exists to credit the allegations of the verified complaint.” N.J.A.C. 13:4-10.2. “Probable cause” for purposes of this analysis means a “reasonable ground of suspicion supported by facts and circumstances strong enough in themselves to warrant a cautious person in the belief that the [LAD] has been violated.” *Ibid.* If the Director determines that probable cause exists, the matter will proceed to a hearing on the merits. N.J.A.C. 13:4-11.1(b). If, on the other hand, the Director finds there is no probable cause to believe the LAD has been violated, that finding is a final agency order subject to review by the Appellate Division of the Superior Court of New Jersey. N.J.A.C. 13:4-10.2(e); R. 2:2-3(a)(2).

A finding of probable cause is not an adjudication on the merits. Instead, it is merely an initial “culling-out process” in which the Director makes a threshold determination of “whether the matter should be brought to a halt or proceed to the next step on the road to an adjudication on the merits.” Frank v. Ivy Club, 228 N.J. Super. 40, 56 (App. Div. 1988), rev’d on other grounds, 120 N.J. 73 (1990), cert. den., 498 U.S. 1073. Thus, the “quantum of evidence required to establish probable cause is less than that required by a complainant in order to prevail on the merits.” *Ibid.*

a. Employer-Employee relationship between the parties

Although Complainant identifies Genpact as her employer, DCR’s investigation found that Respondent, for purposes of this disposition, also functioned as Complainant’s employer. In determining whether a complainant should be considered an employee under the LAD, courts have instructed that factfinders “‘must look beyond the label attached to [employer/employee] relationship’ to determine whether an employer/employee relationship exists” for purposes of a LAD claim. Hoag v. Brown, 397 N.J. Super. 34, 47 (App. Div. 2007), citing D’Annunzio v. Prudential Ins. Co. of Am., 192 N.J. 110, 127 (2007).

Specifically, courts have relied on the factors set forth in Pukowsky v. Caruso, 312 N.J. Super 171 (App. Div. 1998), to determine whether a complainant is deemed an employee for purposes of LAD liability. Those factors include:

- (1) the employer's right to control the means and manner of the worker's performance;
- (2) the kind of occupation—supervised or unsupervised;
- (3) skill;
- (4) who furnishes the equipment and workplace;
- (5) the length of time in which the individual has worked;
- (6) the method of payment;
- (7) the manner of termination

of the work relationship; (8) whether there is annual leave; (9) whether the work is an integral part of the business of the "employer;" (10) whether the worker accrues retirement benefits; (11) whether the "employer" pays social security taxes; and (12) the intention of the parties.

[Pukowsky, 312 N.J. Super. at 182-83.]

New Jersey courts have identified the first factor, an employer's right to control the means and manner of the worker's performance, as the "primary consideration" in determining whether an employer-employee relationship exists. Hoag at 48.

Here, DCR's investigation revealed that Respondent controlled the means and manner of Complainant's work performance. The evidence further showed that Respondent owned the premises where Complainant worked, furnished some, if not most, of the equipment Complainant used to perform her work, and initiated Complainant's removal from the project. Moreover, the work performed by Complainant was an integral part of Respondent's business. In light of these factors, the Director finds for purposes of this disposition that there was an employer-employee relationship between the parties sufficient to impose liability for violations of the LAD against Respondent.

b. Hostile Work Environment

Under the LAD, it is a form of discrimination to be subjected to a hostile working environment due to being a member of a protected class. See Lehmann v. Toys R Us, Inc., 132 N.J. 587, 623 (1993) (hostile work environment based on sex); Cutler v. Dorn, 196 N.J. 419, 431 (2008)(hostile work environment based on religion); Taylor v. Metzger, 152 N.J. 490, 500 (1998)(hostile work environment based on race). Further, "[w]hen an employer knows or should know of the harassment and fails to take effective measures to stop it, the employer has joined with the harasser in making the working environment hostile." Lehmann, 132 N.J. at 623. During the course of DCR's investigation, it became clear that, although not stated with specificity in the verified complaint, there is sufficient evidence to support a reasonable suspicion that Complainant was subjected to a hostile work environment on the basis of race and age while working on the Sanofi project, and that Respondent failed to investigate or take remedial action to correct Complainant's hostile work environment.

DCR's investigation of Respondent's alleged discriminatory conduct revealed evidence that, *inter alia*, a Respondent supervisor once referred to Complainant as a "black bitch;" that two Respondent supervisors referred to groups of Black employees as "packs" - for example, stating that they "cannot travel in packs," or that they "cannot work in packs;" and that Complainant's older, white Sanofi counterparts, Meyer and Quinn, repeatedly disrespected her and belittled her in ways in which they did not subject her predecessor or replacement - both of whom are older and white.

DCR's investigation further revealed that the Sanofi employees who participated in creating a hostile work environment for Complainant are the same employees who recommended her removal from the project, and, in so doing, mischaracterized Complainant's work performance and abilities to justify her removal.

At this threshold stage in the process, there is sufficient basis to warrant “proceed[ing] to the next step on the road to an adjudication on the merits,” Frank, supra, 228 N.J. Super. 40, 56 (Appl Div. 1988). Therefore, the Director finds probable cause to support a claim that Complainant was subjected to a hostile work environment based on race and age.

c. Removal

The LAD makes it unlawful to discriminate against an employee in the terms, conditions, or privileges of employment based on race and/or age.⁸ N.J.S.A. 10:5-12(a).

DCR’s investigation found insufficient evidence to support Respondent’s proffered non-discriminatory reasons for removing Complainant from her position. Respondent stated that it requested Complainant’s removal from the project because she unilaterally implemented a pilot program and selected its participants without consulting managers Meyer and Quinn, modified the order of its new employee training program without input from Meyer and Quinn, instructed Genpact employees not to interact with Sanofi personnel, and referred to Genpact and Sanofi personnel as “idiots and backstabbers” during an April 6, 2018 meeting. However, DCR’s investigation found these issues to be unsupported by the evidence.

Specifically, witness testimony and documents reviewed during the investigation revealed that Complainant did in fact consult with Sanofi management before implementing the pilot program and choosing its participants - even receiving approval from Meyer and Quinn; that she did not intentionally withhold pilot program data from Sanofi management, and that she did not unilaterally change the order of Sanofi’s training program. Respondent did not produce any documentary evidence to support its position with respect to these alleged issues.

As for Complainant’s communication methods, witness testimony and documents reviewed during the investigation suggest that Complainant utilized the same communication protocols as her predecessor and her replacement, and multiple witnesses refuted Respondent’s assertion that Complainant instructed her staff not to interact with Sanofi management. Moreover, records indicate that Complainant instituted the communication procedures in question in an effort to assist Respondent, and such procedures were even approved by Complainant’s Genpact manager. Respondent did not produce any evidence to suggest that it ever made Complainant or Genpact aware of its concerns with respect to Complainant’s communication methods until it requested her removal in May 2018.

Furthermore, evidence revealed during the DCR investigation did not support Respondent’s position that Complainant referred to Genpact and Sanofi personnel as “idiots and

⁸ Sanofi argues that Complainant’s removal from her assignment does not constitute an adverse employment action under the LAD because Genpact ultimately transferred her to an assignment with the same “salary, title and benefits.” However, the New Jersey Supreme Court has held that the terms and conditions of employment are broader than salary and title such that a job transfer may constitute an adverse employment action. See Maimone v. Atlantic City, 188 N.J. 221, 236 (2006) (“[E]ven without any reduction in compensation, a withdrawal of benefits formerly provided to an employee may be found in some circumstances to constitute an adverse employment action.”). This may be the case here, where Complainant alleges she was transferred to a position with less responsibility, supervising fewer people, which may have adversely affected her future employment prospects.

backstabbers” during an April 6, 2018 meeting. Complainant audio recorded the meeting and provided the audio file to DCR as evidence. DCR reviewed the recording in the presence of both Genpact and Sanofi personnel during the fact-finding conference, and all parties agreed that Complainant did not refer to anybody as an “idiot” or a “backstabber.” Rather, one Genpact employee stated that she interpreted Complainant’s use of the word “duplicitous” to mean that Complainant was referring to those present in the meeting as “backstabbers.”

In addition to the above, four witnesses stated that there was a clear difference between how Meyer and Quinn treated Complainant compared to how they treated Complainant’s predecessor [REDACTED], and Complainant’s replacement, [REDACTED] both of whom are white and are in their 50s or 60s, just like Meyer and Quinn. Specifically, the witnesses stated that Meyer and Quinn treated [REDACTED] and [REDACTED] in a much more favorable manner than they treated Complainant, despite the fact that Complainant, [REDACTED], and [REDACTED] all held the same title and responsibilities.

In sum, the evidence supports a reasonable suspicion that Respondent’s reasons for requesting Complainant’s removal from the Sanofi Project are pretext, and that its decision to request Complainant’s removal was motivated by a discriminatory animus based on her race and age.

Even if Respondent is not deemed Complainant’s employer, it does not necessarily escape liability for its actions in this matter. The LAD makes it unlawful for “any person, whether an employer or an employee or not, to aid, abet, compel or coerce the doing of any of the acts forbidden under this act, or to attempt to do so.” N.J.S.A. 10:5-12(e). In this case, Respondent compelled or coerced Complainant’s removal from her assignment by Genpact, allegedly because its employees did not want to work with a young Black woman in a position of authority. As this matter moves to a plenary hearing, Complainant shall be permitted to make the case that Respondent’s actions violated N.J.S.A. 10:5-12(e).

At this threshold stage in the process, there is sufficient basis to warrant “proceed[ing] to the next step on the road to an adjudication on the merits,” Frank, supra, 228 N.J. Super. 40, 56 (Appl Div. 1988). Therefore, the Director finds probable cause to support Complainant’s allegations of race and age discrimination.



Rachel Wainer Apter, Director
NJ Division on Civil Rights

Date: June 16, 2020