

HEO lawsuit nets \$1 million

By CATRIONA STUART

Emelise Aleandri doesn't strike you as a likely target for a bully.

A scholar, producer and actor who holds a doctorate in theater, Aleandri is outspoken and confident. But that, she says, her index finger jabbing at the table, is exactly why she and her colleague Gloria Salerno were singled out for years of bullying and discrimination at the hands of their boss Joseph Scelsa, now an acting vice president at Queens College.

In March, these two PSC members settled their seven-year-long discrimination lawsuit against CUNY for over \$1 million. Both Aleandri and Salerno worked under Scelsa when he was director of CUNY's John D. Calandra Italian-American Institute; at least three other lawsuits involving former Calandra employees are pending.

Aleandri tells a story of psychological abuse that began in 1988 after she and Salerno participated in a women's history month planning committee. They wanted to become a support group, meeting on their own time, to discuss "dealing with Scelsa and improving the conditions for women at the Institute," she explains. But according to Aleandri, Salerno and a former supervisor, Scelsa was intolerant of what he considered disloyalty and ordered the group to disband. One woman testified that she was threatened with losing a promised promotion if she continued to attend. The lawsuit charged that Scelsa's suppression of this group was just one of several elements creating a workplace that was hostile to women.

COMPLAINTS FILED

In 1992 Aleandri and Salerno complained to CUNY that they faced a pattern of abuse and discrimination. Between 1995 and 1997 they filed grievances through the union and complaints with the EEOC and NY State Division of Human Rights, followed by the lawsuit. They say Scelsa retaliated with a campaign of obsessive control and bureaucratic maneuvers designed to humiliate and slowly choke them out of their jobs.

"There were a million little things that were constantly chipping away at my work," contends Aleandri, who served as a producer, writer and host for the CUNY-TV show, *Italics*. She describes being slowly stripped of her involvement with *Italics* and supplanted by one-time subordinates. The judge in the case noted that "after Aleandri complained to the CUNY administration about gender discrimination in 1992, Scelsa put [another employee] in charge of scheduling the editing or shooting of the program."

Relegated to an office without a telephone line for nine years, Aleandri asserts that Scelsa forced all her professional communications to be routed through his office in order to restrict her work and monitor what she said. Despite consistent out-

Harassment charged at Calandra Institute



From left, PSC Vice President Iris DeLutro with Calandra Institute plaintiffs Gloria Salerno and Emelise Aleandri.

standing evaluations in her 13 years at the Institute, she says, she was never allowed to move up from the lowest-paid title in the higher education officer (HEO) series.

Salerno details a similar pattern of work deprivation and obstacles to advancement. She holds a doctorate in clinical psychology, and served as Director of the Center for Italian American Studies at Brooklyn College before she was transferred to the Institute's central office in Manhattan. The daily stress of a hostile workplace was "debilitating," says Salerno, and often contributed to physical illness. But she says that taking sick time only sparked more harassment.

In 1996, after returning from a leave taken under the Family and Medical Leave Act, Salerno was stripped of her duties and for months was instructed to sit quietly at an empty make-shift desk constructed from a plank of wood placed atop two filing cabinets, with no access to a computer and no assignments to complete.

Salerno's and Aleandri's accounts were supported by testimony from former Institute employees. For example, a former aide said that Scelsa manipulated CUNY administrative rules to bully the two women, and searched Aleandri's office while she was on vacation to look for any information he might use against her.

CHARGES DENIED

Scelsa denies the lawsuit's charges and disputes the testimony of many witnesses. "When taken down to the bare facts, there is nothing there," he told *Clarion*. According to Scelsa, the problems began only in late 1995 when the Institute was reorganized. Unsatisfied with the "realignment of their responsibilities," he maintains, the two women became difficult to deal with and were absent from work with increasing frequency. Events that Salerno and Aleandri cite as bully-

ing, Scelsa describes as supervision; what the women call stress-related illness, Scelsa dubs absenteeism. CUNY's attorneys sought to get much of the evidence in the case thrown out, labeling it as hearsay, but Judge Naomi Reice Buchwald turned them down.

Aleandri and Salerno charged that Scelsa's hostility to women ranged from a lack of support for female staff to discrimination in promotions. While dissent from male employees was not welcomed by Scelsa, they say, disagreement from women was not tolerated at all. But in September 2003, Judge Buchwald ruled that there was not a clear enough pattern "to conclude that the work environment plaintiffs faced was made so due to their gender," and this part of the suit was dismissed.

The judge concluded, however, that there was significant evidence that Scelsa had retaliated against the two women for filing a complaint of discrimination – which is itself a violation of federal law. "A theme that emerges...from the evidence submitted is that Scelsa was fixated on 'loyalty' from his subordinates," the judge stated. Various witnesses described a pattern of illegal retaliation by Scelsa when employees engaged in protected activities such as seeking help from the union. According to one deposition, after Institute employees spoke with union representatives about a possible grievance in 1995, Scelsa said, "They got some nerve going down to the union. I will take care of them."

Judge Buchwald ordered a trial on the charge of retaliation, which opened last year on July 12. After seven days of testimony, CUNY offered to settle the case for \$1 million.

Scelsa's credibility had been dealt a blow by State Supreme Court Judge Joseph Giamboi, who served as the Institute's acting executive director in 2002. Judge Giamboi tes-

tified that he had witnessed an assistant director of the Institute shredding a large number of documents requested by the plaintiffs' lawyers; and that she stated this had been authorized by Scelsa. Judge Giamboi added that this assistant director, who had a close personal relationship with Scelsa, had also bragged about getting a counselor demoted for giving information in the lawsuit.

CUNY central administration hired the consulting firm KPMG to investigate the charges of document destruction and witness intimidation. That report has never been made public: when Salerno's and Aleandri's attorneys tried to get a copy of it, CUNY refused on the grounds that it was an attorney work product. When the PSC sought a copy of the report under New York's Freedom of Information Law, the union was rebuffed on the same grounds.

CUNY MUST PAY

Details of the settlement were finalized this spring. CUNY General Counsel Frederick Schaffer declared that this was "a settlement without admission of guilt," and declined further comment on the case. But Iris DeLutro, PSC vice president for cross-campus units, says that CUNY is ultimately to blame because University management allowed retaliation against employees who filed complaints. "When you have an entire group of people tell you that they are hurting and nothing is done, then you are part of the problem," DeLutro says. "Power should not be abused within the University."

While the US does need stronger laws (see sidebar), DeLutro says this case shows that employees can fight against harassment and win. "It is not acceptable to have to sit there and take this kind of treatment," she says. "You can challenge the administration if there are things that are just plain wrong."

NY teachers say stronger laws are needed

Workplace bullying has been in the news with the Senate hearings on John Bolton's nomination as US ambassador to the UN. "There are a lot of screamers in government," noted former State Department official Carl Ford Jr., but "I've never seen anyone like Secretary Bolton ...in terms of how he abuses little people." Ford told Senators that "it is out of bounds in the federal bureaucracy to let a bully run wild."

It might be out of bounds, but it's not illegal. With no US law against abusive treatment of employees, a hostile work environment is illegal only if it violates other laws, such as anti-discrimination statutes. And narrow interpretations by the courts can make group discrimination hard to prove, even when harassment is blatant.

DAMAGED HEALTH

But the problem is starting to get more public attention. Emelise Aleandri and Gloria Salerno spoke about their case on *Good Morning, America* on January 27, along with social psychologist Gary Namie of the Workplace Bullying and Trauma Institute (www.bullyinginstitute.org).

Other countries give workers stronger legal protections: Italy and other European Union nations, Australia and parts of Canada have laws that ban harassment of employees. On April 9, New York State United Teachers delegates voted to seek such legislation here (see page 12).

"Workers subject to a boss's bullying behavior can suffer severe physical and mental health damages," states the PSC-sponsored resolution. It cites a recent study that found that one in six US workers experiences bullying or harassment in a given year.

"We are pushing for legislation to ensure that no other CUNY employee ever experiences what happened to Salerno and Aleandri," said PSC Vice President Iris DeLutro. Such bills are currently being considered by state legislatures in Oregon and Hawaii.

TAKING ACTION

While US laws need to be strengthened, says PSC Director of Contract Administration Debra Bergen, there are often ways to take action under existing statutes. "These tools are limited, but there are various venues where they may be available," says Bergen – including anti-discrimination agencies, the union grievance process, and state or federal court.

If you face a hostile work environment, she says, talk to a grievance counselor: "The union can help you figure out your best option." — PH

Clarion

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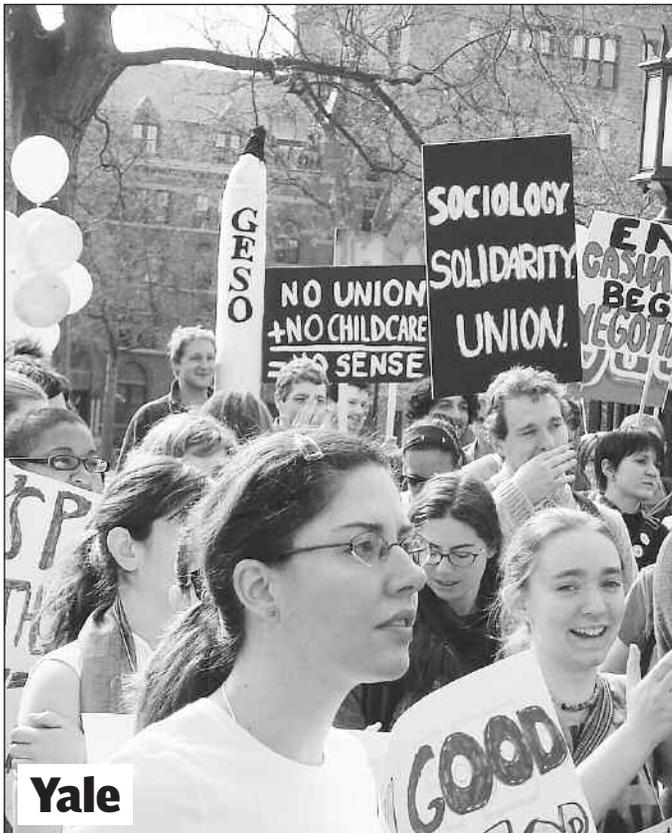
MAY 2005



CUNY



NYU



Yale



Columbia

PROTESTS & STRIKES ACROSS U.S.

ACADEMIC ACTION

At campuses across NYC, the tri-state area and the nation, higher education union members celebrated their solidarity. In New York, striking Yale and Columbia graduate teaching assistants joined the PSC rally for a fair contract. In turn, PSC supported them and NYU graduate assistants, who are fighting for continued recognition after the NLRB ruled that they are not protected under federal labor law.

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IRAQI UNIONS Oil workers want US troops to leave

Interview
with labor
leader

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COLLEGE SENATE

Inquiry on academic freedom at Hunter

The Hunter College Senate has formed a Select Committee on Academic Freedom to assess whether those who publicly criticize the Hunter administration have been the target of retaliation and intimidation.

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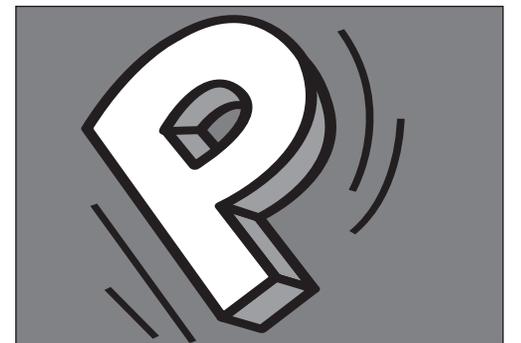


HEOs

CUNY pays \$1 million to settle lawsuit

CUNY pays big to settle a lawsuit by two employees of its John D. Calandra Italian-American Institute. The suit charged that two women were subject to retaliation for filing a discrimination complaint.

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DRUG COVERAGE

Shift for asthma & psychotropic drugs

As of July 1, psychotropic and asthma medication, previously covered under the City's PICA program, will instead be paid for by the PSC/CUNY Welfare Fund.

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