

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

INDEX No.

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JACQUELINE TORRES,

SUMMONS

260161-2019

Plaintiff,

Plaintiff designates Bronx County
as the place of trial.

- against -

The basis of venue is Plaintiff's residence.

NYC DEPARTMENT OF SOCIAL SERVICES, and
MICHAEL LAIDLAW, *Individually*,

Plaintiff resides at:
176 Heron Lane
Bronx, NY 10473

Defendants.
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To the above named Defendants:

You are hereby summoned to answer the complaint in this action, and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance on the Plaintiff within twenty days after the service of this summons, exclusive of the day of service, where service is made by delivery upon you personally within the state, or within 30 days after completion of service where service is made in any other manner. In case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

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COUNTY OF BRONX

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Dated: March 1, 2019



Jacqueline Torres
176 Heron Lane
Bronx, NY 10473
(201) 927-0236

To: NYC Department of Social Services
c/o NYC Corporation Counsel
-and-
Michael Laidlaw

**NEW YORK STATE SUPREME COURT
COUNTY OF BRONX**

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JACQUELINE TORRES,

Plaintiff,

- against -

NYC DEPARTMENT OF SOCIAL SERVICES, and
MICHAEL LAIDLAW, *Individually*,

Defendants.
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Case No.

COMPLAINT

**PLAINTIFF DEMANDS
A TRIAL BY JURY**

Plaintiff, JACQUELINE TORRES, hereby complains of the Defendants, upon information and belief, as follows:

NATURE OF THE CASE

1. Plaintiff brings this action charging that the Defendants violated her rights under the New York Executive Law, § 296, *et seq.* (NYSHRL) and the New York City Administrative Code § 8-101 *et seq.* (“NYCHRL”) seeking to recover lost wages, pain and suffering, emotional distress, punitive damages, other economic losses, and reasonable attorney’s fees and costs, as a result of being discriminated against on the basis of her gender when Executive Deputy Commissioner for the Office of Staff Resources (“OSR”), Michael Laidlaw, an employee of New York City Department of Social Services, committed unwelcome sexual conduct toward her by groping her and frequently and severely harassing thereby creating an intimidating, hostile and offensive work environment. Despite the fact that New York City Department of Social Services terminated Mr. Laidlaw’s employment due to the harassment, the Plaintiff’s work conditions changed unfavorably as a result of the reporting of the sexual harassment. Multiple senior managerial employees began to discriminate and retaliate against the Plaintiff after she filed a sexual harassment complaint with the Department of Social Services. The

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discrimination and retaliation continued until her constructive discharge on September 28, 2018.

2. The Department of Social Services is guilty of negligent hiring, training and supervision when multiple senior managerial leadership employees, namely Michael Laidlaw, Gary Jenkins, and Tom Colon created a culture of discrimination, harassment and retaliation by either participating in and/or witnessing and not reporting and/or stopping sexual harassing behavior at the workplace. The aforementioned leadership employees have all had sexual harassment complaints filed against them and are known within the agency to participate in sexually harassing behavior.
3. The Department of Social Services is guilty of negligent hiring, training and supervision of Tom Colon, Natalia Manan, and Daphne Vinson, whom all received promotions and/or raises from Michael Laidlaw, when they discriminated and retaliated against the Plaintiff for filing a sexual harassment complaint, thereby creating a culture of discrimination and harassment.
4. The Department of Social Services is guilty of discrimination after the Plaintiff filed a sexual harassment complaint when they essentially changed her position and removed her access to Human Resources Systems thereby making her ineffective as a Human Resources Professional.

PARTIES

5. That at all times relevant hereto, Plaintiff is a resident of the State of New York and County of the Bronx.

6. That at all times relevant hereto, Defendant NYC DEPARTMENT OF SOCIAL SERVICES (“DSS”) is a domestic local government corporation, with its principal place of business located at 150 Greenwich Street, New York, New York 10007.
7. That at all times relevant hereto, Plaintiff was a full-time employee of Defendant DSS.
8. That at all times material, Defendant MICHAEL LAIDLAW (“LAIDLAW”) was an employee of Defendant DSS, holding the position of “Executive Deputy Commissioner for the Office of Staff Resources.”
9. That at all times, Gary Jenkins, Tom Colon, Natalia Manan, and Daphne Vinson were senior managerial employees of Defendant DSS.
10. That at all times relevant hereto, Defendant LAIDLAW was Plaintiff’s supervisor and/or had supervisory authority over Plaintiff.

MATERIAL FACTS

11. On or about January 18, 2016, Plaintiff began working with Defendants as a “Special Assistant,” earning approximately \$96,000.00 annually.
12. Throughout Plaintiff’s tenure with Defendants, she was an exemplary employee and always received compliments for her work performance and got along well with her co-workers.
13. On or about March 11, 2016, during an OSR off-site dinner event, Defendant LAIDLAW groped Plaintiff’s buttocks. This fact, would later be investigated by Defendant DSS and corroborated by other employees in attendance.
14. After this incident, Defendant LAIDLAW began to regularly sexually harass Plaintiff thereby creating an intimidating, hostile and offensive work environment.

15. The harassment continued until on or about July 14, 2016, when Plaintiff filed a complaint with Defendant DSS.
16. Defendant DSS conducted an investigation which culminated in the termination of Defendant LAIDLAW on or about August 12, 2016.
17. Plaintiff's work conditions changed unfavorably as a result of the reporting of the sexual harassment.
18. After returning to work in OSR, Plaintiff noticed that there was tension in the office. Plaintiff received the "silent treatment" from three senior leaders in OSR named Tom Colon, Daphne Vinson, and Natalia Manan, whom were known friends of Defendant LAIDLAW and had all received promotions from him.
19. Though PLAINTIFF was supposed to continue working in the same position, the aforementioned leaders in OSR began to retaliate and to make Plaintiff's life uncomfortable.
20. Natalia Manan removed Plaintiff's access to human resources systems, claiming that Plaintiff no longer needed access to the human resources systems.
21. Though Plaintiff's pay and job title remained the same, her authority and scope of responsibility was curtailed. Her duties were essentially diminished to the clerical task of updating an excel spreadsheet, thereby constructively discharging Plaintiff from the position in OSR.
22. The aforementioned leaders spread rumors about Plaintiff in an attempt to discredit and ruin her reputation.
23. At this time, it became clear to Plaintiff that she was being retaliated against for reporting the sexual harassment.

24. Other employees approached Plaintiff regularly to inform her of the various rumors that were being spread among staff which forced Plaintiff to re-live the events over and over. Some of the staff were high level executives within Defendant DSS which made it clear to Plaintiff that her privacy had not been protected.
25. Plaintiff knew that working in OSR would not allow her to recover, heal and have peace of mind. At that point, PLAINTIFF began searching for work within other program areas of Defendant DSS, as well as external to the agency.
26. PLAINTIFF spoke with several senior commissioners within Defendant DSS to seek advice and inquire if there was a position to which she could transition.
27. Each of these individuals knew something about Plaintiff's complaint, which again revealed that senior employees were inappropriately discussing the complaint and that the Plaintiff's confidentiality was violated. The executives that Plaintiff spoke with were extremely disinterested in assisting her and allowing her to transfer to their departments.
28. Plaintiff then spoke to a previous boss, Jim Whalen, Executive Deputy Commissioner for the Office Policy, Procedures and Training (OPPT), whom offered to allow Plaintiff to work for him.
29. With no other alternatives, Plaintiff began working on the Plain Language Initiative which was not a recognized position in the agency.
30. This was essentially a demotion for Plaintiff in scope of responsibility and authority and basically curtailed the trajectory of her career.
31. In meetings, when PLAINTIFF introduced herself to various employees, including senior commissioners, they would have an obvious outward response to hearing my name such

as, "Oh, you're Jacqueline Torres," causing PLAINTIFF to continue to relive the entire ordeal.

32. Plaintiff's peace, happiness, pride and dignity was being chipped away by each interaction. These were senior executives within the agency, and they had heard some version of what happened when it should have been privately investigated.
33. While working in OPPT, the rumors and conversations continued almost daily in the Plaintiff's presence, even despite Plaintiff's attempts to change the topic when it was brought up.
34. Plaintiff was baffled as to how so many people knew about the complaint when it was only sent to senior leaders in the agency.
35. After two years of working under the adverse conditions in OPPT, Plaintiff finally took a position making about thirty thousand dollars less than what she was making at Defendant DSS.
36. There is a culture of sexual harassment within Defendant DSS. There were multiple complaints about Defendant LAIDLAW before he assaulted Plaintiff and Defendant DSS did nothing to stop it and in fact, Defendant LAIDLAW was promoted despite the complaints.
37. Moreover, there were two high level executives that witnessed Defendant LAIDLAW'S inappropriate conduct, Gary Jenkins, Executive Deputy Commissioner for Family Independence Administration; and Tom Colon, Deputy Commissioner for Officer of Staff Resources. These agency executives were recorded on video laughing at Defendant LAIDLAW'S behavior during the offsite event where Defendant Laidlaw was dancing inappropriately with a subordinate and yet were later promoted and/or given raises. At

one point, Gary Jenkins approached the Plaintiff and said, "Go get your boss," referring to Defendant LAIDLAW. He then added, "It is your job to keep him out of trouble," and began to laugh.

38. Plaintiff felt offended, disturbed and humiliated by the blatantly unlawful and discriminatory treatment by the Defendants.
39. Gary Jenkins is now the First Deputy Commissioner for the Human Resources Administration which is part of Defendant DSS. This position is the number three or four position in the entire nearly 20,000 employee agency.
40. Gary Jenkins and Tom Colon also had multiple sexual harassment complaints filed against them in past years and Defendant DSS did nothing to stop their behavior.
41. Although the Plaintiff complained about the Jenkins and Colon's inappropriate condoning and encouraging behavior caught on video, Defendant DSS failed to investigate and discipline them. In fact, Jenkins and Colon received pay raises.
42. Plaintiff felt unsafe and regularly had nightmares of home invasions and being attacked by Defendant LAIDLAW.
43. Plaintiff has been unlawfully discriminated against, humiliated, and degraded, and as a result, suffers loss of rights, emotional and physical distress, loss of income and earnings.
44. Defendants' actions and conduct were intentional and intended to harm Plaintiff.
45. As a result of the acts and conduct complained of herein, Plaintiff has suffered and will continue to suffer the loss of income, the loss of a salary, bonuses, benefits and other compensation which such employment entails, and Plaintiff has also suffered future pecuniary losses, emotional pain, suffering, inconvenience, loss of enjoyment of life, and other non-pecuniary losses.

46. As a result of the above, Plaintiff has been damaged in an amount in excess of the jurisdiction of the Court.
47. Defendants' conduct has been malicious, egregious, willful, outrageous, and conducted with full knowledge of the law. As such, Plaintiff demands Punitive Damages against all Defendants, jointly and severally.

**AS A FIRST CAUSE OF ACTION FOR DISCRIMINATION
UNDER THE NYS HUMAN RIGHTS LAW**

48. Plaintiff repeats and realleges each and every paragraph above as if said paragraphs were more fully set forth herein at length.
49. Plaintiff claims Defendant Laidlaw violated the NYS Human Rights Law by engaging in unlawful discriminatory practices.
50. Defendant Laidlaw engaged in an unlawful discriminatory practice by discriminating against Plaintiff because of her gender by sexually harassing her.
51. Defendant DSS is liable under NYSHRL for the unlawful discrimination by Defendant Laidlaw who exercised supervisory authority over Plaintiff.

**AS A SECOND CAUSE OF ACTION FOR DISCRIMINATION
UNDER THE NEW YORK CITY ADMINISTRATIVE CODE**

52. Plaintiff repeats, reiterates and realleges each and every allegation made in the above paragraphs of this Complaint as if more fully set forth herein at length.
53. Defendant Laidlaw engaged in an unlawful discriminatory practice in violation of New York City Administrative Code §8-107(1)(a) by creating and maintaining discriminatory

working conditions, and otherwise discriminating against Plaintiff because of her gender by sexually harassing her.

54. Defendant DSS is liable under the NYC Administrative Code for the unlawful discrimination by Defendant Laidlaw who exercised supervisory authority over Plaintiff.

**AS A THIRD CAUSE OF ACTION FOR DISCRIMINATION
AND RETALIATION UNDER THE NYSHRL AND NYCHRL**

55. Plaintiff repeats, reiterates and realleges each and every allegation made in the above paragraphs of this Complaint as if more fully set forth herein at length.
56. Defendants Jenkins, Colon, Manan and Vinson engaged in a pattern of harassment and discriminatory employment practices against the Plaintiff in retaliation for the filing of the complaint.
57. Defendant DSS is liable for the unlawful discrimination and retaliation by Defendants Gary Jenkins, Tom Colon, Natalia Manan, and Daphne Vinson.

**AS A FOURTH CAUSE OF ACTION FOR
NEGLIGENT HIRING AND SUPERVISION**

58. Plaintiff repeats, reiterates and realleges each and every allegation made in the above paragraphs of this Complaint as if more fully set forth herein at length.
59. Defendant DSS is liable for the negligent hiring, training and supervision of its employees that engaged in the discriminatory practices.

AS A FIFTH CAUSE OF ACTION FOR CONSTRUCTIVE TERMINATION

60. Plaintiff repeats, reiterates and realleges each and every allegation made in the above paragraphs of this Complaint as if more fully set forth herein at length.
61. The unlawful discrimination and retaliation by Defendants Gary Jenkins, Tom Colon, Natalia Manan, and Daphne Vinson resulted in Plaintiff's constructive discharge and eventual separation from employment with the Department of Social Services.
62. Defendant DSS is liable for the discrimination, hostile work environment and retaliation which essentially resulted in the Plaintiff's constructive discharge.

**AS A SIXTH CAUSE OF ACTION FOR THE VIOLATION
OF PLAINTIFF'S PRIVACY**

63. Plaintiff repeats, reiterates and realleges each and every allegation made in the above paragraphs of this Complaint as if more fully set forth herein at length.
64. Defendants failed to protect the Plaintiff's privacy by disclosing details to employees about the Plaintiff's complaint thereby adding to the hostile work environment.

AS A SEVENTH CAUSE OF ACTION FOR PUNITIVE DAMAGES

65. Plaintiff repeats, reiterates and realleges each and every allegation made in the above paragraphs of this Complaint as if more fully set forth herein at length.
66. Defendants actions were egregious, malicious, willful, outrageous, and as such are liable for punitive damages.

JURY DEMAND

Plaintiff requests a jury trial on all issues to be tried.

WHEREFORE, Plaintiff respectfully requests a judgment against the Defendants:

- A. Declaring that Defendants engaged in unlawful employment practices prohibited by the New York State Human Rights Law and the New York City Administrative Code, in that Defendants discriminated against Plaintiff on the basis of her sex by sexually harassing her, retaliating against her for filing a complaint and then constructively discharging her from her job;
- B. Finding that Defendant DSS failed to properly hire, train and supervise its employees that engaged in the aforementioned discriminatory practices;
- C. Awarding damages to Plaintiff for all lost wages and benefits resulting from Defendants' unlawful discrimination and to otherwise make her whole for any losses suffered as a result of such unlawful employment practices;
- D. Awarding Plaintiff compensatory damages for mental, emotional and physical injury, distress, pain and suffering and injury to her reputation in an amount to be proven;
- E. Awarding Plaintiff punitive damages;
- F. Awarding Plaintiff attorneys' fees, costs, disbursements, and expenses incurred in the prosecution of the action;
- G. Awarding Plaintiff such other and further relief as the Court may deem equitable, just and proper to remedy the Defendants' unlawful employment practices.

VERIFICATION

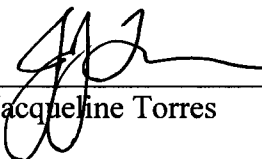
State of New York}

County of Bronx}

I, Jacqueline Torres, being duly sworn depose and say that:

1. I am the Plaintiff in the within cause of action.
2. The contents of the above complaint are true.

Dated: March 1, 2019



Jacqueline Torres

176 Heron Lane
Bronx, NY 10473
(201) 927-0236

Sworn and Subscribed to before me on: March 1, 2019

YESENIA POLANCO
NOTARY PUBLIC-STATE OF NEW YORK
No. 01P06358475
Qualified In Bronx County
My Commission Expires 05-08-2021



(Notary)