

DRAFT

New York

Federal

Employment Discrimination – Disability – Age – Retaliation – Failure to Accommodate – Demotion – Interference with Medical Leave

Plaintiff alleged disability employment discrimination and retaliation

Settlement \$2,705,000 with immediate cash payment of 1,105,557.07

Case Faustina E. Haynes v. The City of New York, David Hansell, Jill Krauss, Melissa Hester, Tia Waddy and John and Jane Doe, No. 19-cv-11008(PGG)(JEW)

Court U.S. District Court, Southern District

Judge Paul G. Gardephe

Date 5/30/2025

Plaintiff Attorney(s)

Samuel O. Maduegbuna; Maduegbuna Cooper LLP; New York NY (Faustina Haynes)

Defendant Attorney(s)

Christopher G. Arko; New York City Law Department; New York NY (The City of New York, David Hansell, Jill Krauss, Melissa Hester, Tia Waddy)

Facts & Allegations

Faustina E. Haynes, a 50-year-old Black woman with an undergraduate degree from Columbia University and a master's and Ph.D. from Harvard University, held several senior leadership roles at the New York City Administration for Children's Services (ACS), including Acting Assistant Commissioner of Human Resources in both 2015 and from July to November 2018, and Executive Director and Chief of Staff of Human Resources. On June 11, 2018, ACS Commissioner David Hansell awarded Haynes two honors: an individual "Making It Happen" award for outstanding contributions to the agency's mission, and a group award for leading the development of a digital personnel system to replace ACS's manual hiring process.

Despite her leadership and documented achievements, Haynes alleged that her career was derailed due to age and disability discrimination. In 2017, she sustained a serious spinal injury in a workplace accident, and in 2018 she was diagnosed with uterine fibroids—both of which required medical treatment and protected leave. When she sought medical leave in August 2018 under the FMLA, ACS leadership denied her full request, citing an agency "crisis." Shortly afterward, she was passed over for the permanent Associate Commissioner of HR position in favor of a younger, non-disabled candidate with fewer qualifications.

In January 2019, shortly after Haynes returned from leave, Defendant Melissa Hester functionally demoted her by removing her titles and responsibilities as Chief of Staff and Executive Director. Hester allegedly remarked on her perception that Haynes suffered from PTSD. Haynes' responsibilities were reassigned to two younger, non-disabled male employees, Evan Jones and Brandon Respress, and her supervisees were reduced from more than twelve to just two.

Haynes was also denied an interview for the position of Assistant Commissioner of Recruitment & Retention in January 2019. The position remained unfilled for over a year until Spring 2020, when Respress—who allegedly lacked the required qualifications—was appointed. The parties dispute whether that position was officially filled.

After returning from FMLA leave in April 2019, Hester told Haynes there was no work for her and directed her to vacate her office within two weeks. Haynes reported feeling "confused" and "shocked." Her attempt to transfer to the Division of Finance was blocked when Chief of Staff Jill Krauss instructed Assistant Commissioner Jose Mercado not to offer her a position, despite multiple vacancies.

In June 2019, Haynes independently secured a transfer to a Policy Analyst and Writer role in the Division of Administration—a position she described as a dead-end role with no advancement potential. She no longer supervised any staff. Krauss allegedly continued to prevent her from participating in any tasks involving HR, further marginalizing her career.

DEFENSES

Defendants denied all allegations of unlawful conduct. They asserted that Haynes' request for extended medical leave was denied due to operational necessity, noting that she was serving as Acting Assistant Commissioner at the time and her absence would have created an undue hardship. Defendants further contended there was no evidence that the decision not to promote Haynes to Associate Commissioner of HR was based on discriminatory or retaliatory motives. They maintained that all employment decisions were based on legitimate business reasons.

Haynes alleged violations of federal, state, and city laws prohibiting discrimination and retaliation based on disability and age, as well as interference with her FMLA rights.

Injuries/Damages

Haynes claimed she suffered lost wages by not being promoted to the Associate Commissioner positions, as well as emotional distress damages.

Haynes sought recovery of damages including lost wages in the amount of \$352,952 for failure to promote, \$31,765 for interest on lost wages, \$128,239 for excess tax, \$941,715 for front pay, pension income loss in the amount of \$1,038,675, \$750,000 for emotional distress of a non-garden variety nature, punitive damages of \$750,000 and attorneys' fees and costs of \$600,000.

Result

The parties negotiated a pretrial settlement. **Mediated by Magistrate Judge Jennifer E. Willis.**

The case settled for a total amount estimated to be valued at \$2,705,036.67, including:

- **\$205,557.07** in pensionable back pay (2018–2025)
- **\$900,000.00** for emotional distress damages and attorneys' fees
- **\$520,155.60** estimated value of future salary increases
- **\$1,079,324.00** in estimated lost pension benefits

An immediate **cash payment of \$1,105,557.07** was made to the plaintiff.

The Case also settled with the following terms:

- Plaintiff's title was changed from **Executive Director** to **Assistant Commissioner, Protocol and Procedure Development** in the Division of Administration.
- Her annual salary was increased from **\$160,540 to \$190,000**, an increase of \$29,460 per year, at the M-4 level.

Plaintiff(s)

Faustina Haynes

Final Demand

\$1,280,557.07 in cash

Last Offer

\$1,105,577.07 in cash

Insurer(s)

City of New York for The City of New York, David Hansell, Jill Krauss, Melissa Hester and Tia Waddy

Trial Details

Trial Length 0

Jury Deliberations 0

Jury Poll

Jury Composition

Plaintiff Experts(s)

Steven Shapiro, Ph.D.

Defendant Experts(s)**PostTrial****Editor's Note**

This report is based on information that was provided by plaintiff's counsel. Defense counsel could not be reached for comment.

Plaintiff(s) Demographic

Faustina Haynes

Age 55 Years

Occupation Executive Director

Gender F

Married Y

Children Y

Case No

Written By

Jason Cohen