

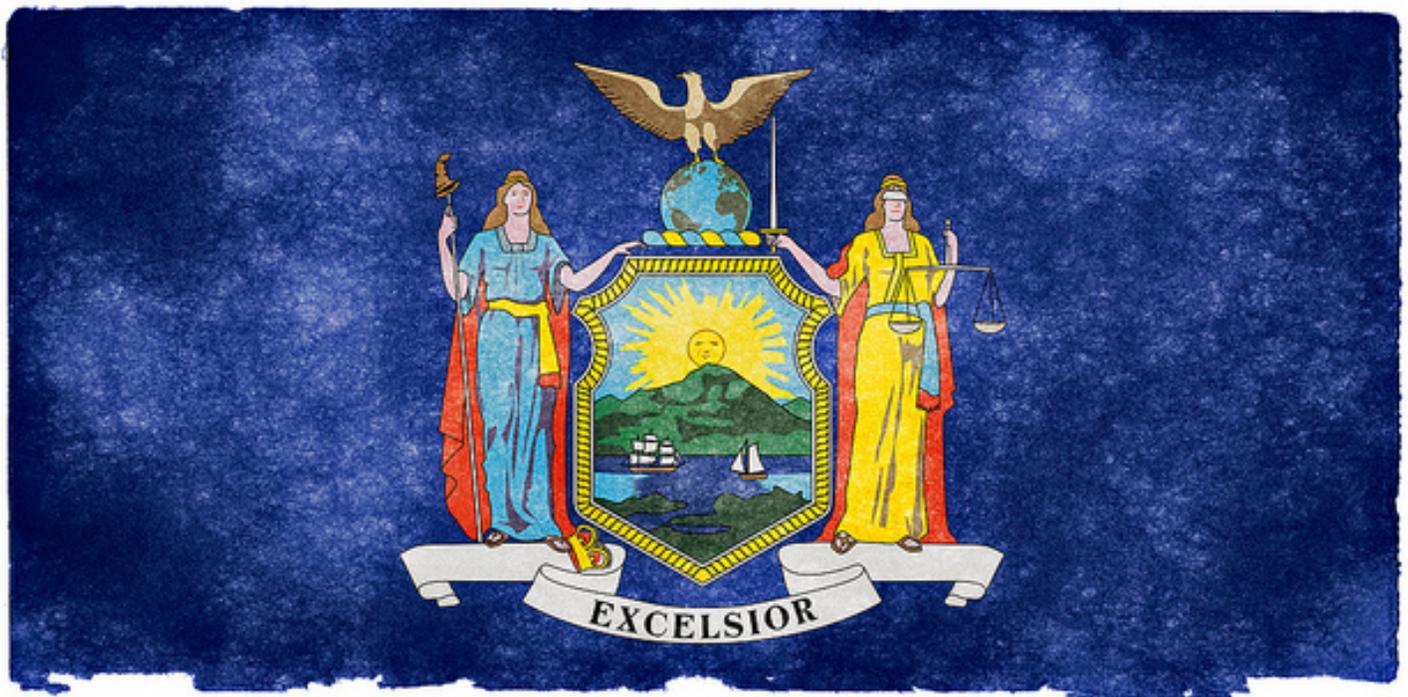


# EMPLOYER RIGHT INSIGHT

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employerrightinsight / May 30, 2018 / Employment, Federal, New York

## New York State Agency Sued for Gender Discrimination and Retaliation



The New York State Insurance Fund (NYSIF) and several of its male supervisory employees are being sued by a 56 year old white, female, longtime employee for gender discrimination and retaliation following her complaint with the Equal Employment Opportunity Commission (EEOC).

Alison Kent-Friedman is a supervisory attorney with the NYSIF's Division of Confidential Investigations (DCI), according to the complaint. She has worked in the DCI since 1998 and held the position of supervisory attorney since 2001, for which she has received only

“outstanding” performance reviews. The DCI investigates businesses suspected of workers’ compensation fraud.

In July 2012, Kent-Friedman was appointed to the position of acting director of DCI, following the retirement of the male director, according to the complaint, and worked in that capacity until February 2014. She was paid \$19,000 less than the retired director.

Kent-Friedman claims that she and three male co-workers had “all performed equal work” at the director or assistant director level for DCI, “but the salaries of each male were significantly higher than” hers.

In May 2013, while serving as the acting director, Kent-Friedman applied for the director position on a permanent basis, but was denied the position. Instead, a white male was hired in February 2014. Kent-Friedman claims the male hire had no experience in workers’ compensation fraud and was far less qualified than she was.

At that time, Kent-Friedman assumed the role of acting assistant director of DCI, with no commensurate increase in pay and continued to handle her duties as supervisory attorney, according to the complaint. She claims she also performance many director duties because the new director “lacked a working knowledge of NYSIF operations or “Workers’ Compensation Insurance fraud experience,” the complaint states.

Kent-Friedman claims she applied for the position of assistant director various times since 2012, but never received the promotion. Instead she continued to perform in an acting capacity with no commensurate salary increase.

Kent-Friedman claims that, since she was hired by NYSIF, “no woman has held, in a permanent capacity . . . the three highest positions in DCI. Only white males have held these positions.” She believes that because the male supervisory employees of NYSIF did not want to promote her, due to their bias, they promoted no one and, instead, continued to assign her assistant director responsibilities

In September 2016 the director of DCI role opened up again and, without following proper hiring procedures and providing notice to employees like Kent-Friedman, the job was filled by another “far less qualified” white male, according to the complaint. Kent-Friedman claims that, despite knowledge of this man’s prior poor job performance and “vastly inferior qualifications,” she was passed over again for the position of DCI director.

In March 2017 Kent-Friedman filed a complaint with the EEOC alleging discrimination on the basis of sex. In the complaint she claims she was retaliated against after doing so. She

She was relieved of certain duties including conducting fraud hearings, performing training, providing legal advice to DCI, participating in upper management meetings, and working on special projects. She was also told that ,after an office-wide relocation, she would not be given a private office, landline, or computer.

In January 2018 Kent-Friedman was again passed over for a promotion. Instead a less senior and less experienced white woman was given the job of principal attorney; this same person defended NYSIF against Kent-Friedman’s EEOC charge.

Kent-Friedman claims that NYSIF has a history of discriminating against women and minorities and that no woman in the agency who was hired through the competitive civil service process has ever been promoted above supervising attorney.

The case was brought in the Southern District of New York by Samuel Maduegbuna of New York City.

Image Source: Nicolas Raymond (Flickr)

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