

## DISCRIMINATION CLAIM

# Did pregnancy lead to firing?

A Toms River woman has sued Rite Aid, claiming she was fired after she told her boss she was pregnant.

By David P. Willis  
Staff Writer

Toms River resident Angie Pantaleon saw herself becoming a store manager at Rite Aid one day.

Pantaleon, an assistant store manager at Rite Aid's store in Ocean Township, trained for it since starting with Rite Aid in March 2009. She learned about the job from other managers, and had even served as an acting store manager. "I had intentions of being a store manager," she said.

But an angry call from her boss on Nov. 5, 2010, less than 30 hours after she told her she was pregnant and needed to miss a day of work, changed that. The phone call, which she returned while she was in the doctor's office for a medical examination following a pregnancy complication, informed her that she was fired.

"It was completely unexpected," said Pantaleon, 26.

Now Pantaleon, through her lawyers, Louis D. Tambaro of Red Bank and Matthew J. Ceres of Toms River, have filed a lawsuit against Rite Aid, accusing the company and her former boss, Wendy Rosado, of pregnancy discrimination, according to court papers.

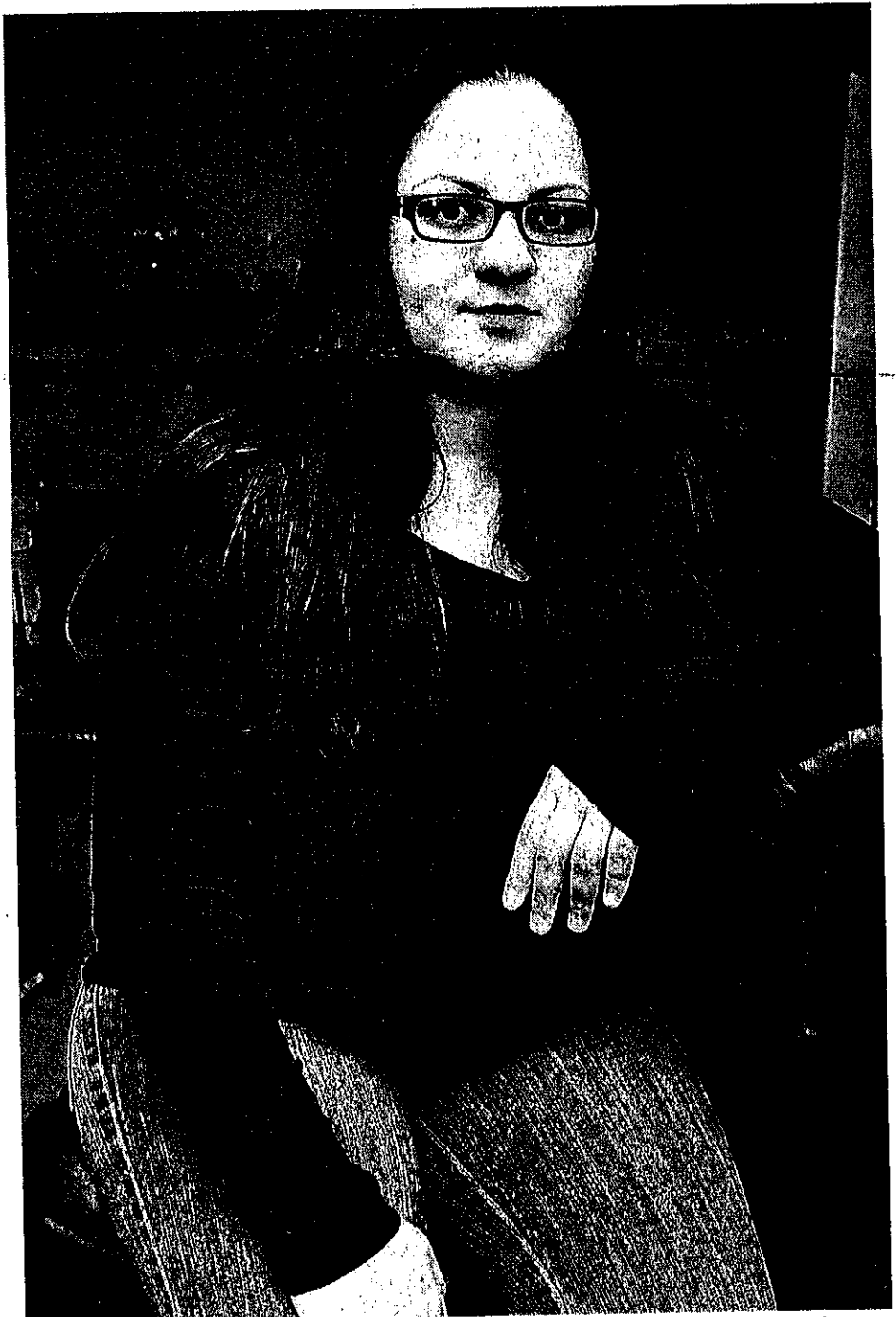
Jay S. Becker, a Middletown lawyer with Giordano, Halleran & Ciesla, represents Rite Aid and Rosado, referred questions about the case to a Rite Aid spokeswoman, who said the company does not comment on pending litigation.

On Friday, Becker filed court papers on behalf of Rite Aid and Rosado asking a judge to dismiss part of Pantaleon's lawsuit. Becker argued that the New Jersey Family Leave Act, a law which Pantaleon claims the company violated, does not give employees the right to take a leave for their own medical condition, including prenatal care.

Tambaro called the filing a tactic to delay the lawsuit.

It casts a spotlight on pregnancy discrimination. Under state and federal laws, employers are prohibited from discriminating against a pregnant employee.

"The law says that pregnancy discrimination is a form of sex discrimination," said Gillian L. Thomas, a trial attorney with the U.S. Equal Employment Opportunity Commission office in New York City. Among other things, it means that an employer can't fire an employee or refuse to hire her



Angie Pantaleon, 26, of Toms River, is suing Rite Aid Corp., saying she was fired after she told her employer she was pregnant. MARY FRANK/STAFF PHOTOGRAPHER

because she's pregnant.

Statistics compiled by the Equal Employment Opportunity Commission shows that pregnancy discrimination is a problem in some of the nation's offices. Between 2000 and 2010, the number of complaints filed with the

commission rose 47 percent, reaching a high of 6,285 in 2008, before dropping to 6,119 by 2010.

It comes at a time when there are more women in the work force than

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ever, Thomas said. Eighty percent of women will have at least one pregnancy in their working life, she said.

"Women are working into their ninth month" and are more aware of their rights, Thomas said. "There is more of an opportunity for discrimination to happen just by virtue of their being there longer."

Bias against a woman who is pregnant "is unfortunately not a thing of the past," said Sarah Crawford, director of workplace fairness at the National Partnership for Women & Families in Washington, D.C.

"What research is telling us is that this bias against women who are pregnant or have children, something we call family responsibilities discrimination, is certainly alive and kicking in the modern work force," Crawford said.

"With some employers, there is still an outmoded mentality that it is OK to discriminate against a woman because she is pregnant and will have these presumed child-care responsibilities that in some way might conflict with work."

Discrimination can occur in ways besides firing or not hiring a woman for being pregnant. The law prohibits an employer from passing over a woman for a promotion, or demoting her, because she's going to have a baby, Crawford said.

It can happen if her wages are cut or her job responsibilities are changed in some material way, Crawford said.

For many years, employees and employers were not aware of the protections given to pregnant employees, said Kathleen M. Connelly, a lawyer at Lindabury, McCormick, Estabrook & Cooper in Westfield.

"I think over the years, there has been heightened awareness of those rights and some employers have some catching up to do," Connelly said. "I do find that they are more aware of employees' rights generally" and both workers and employers will ask questions about their rights regarding pregnancy and the workplace.

KLD Labs Inc., a Huntington Station, N.Y., engineering company, was sued in 2008 by the Equal Employment Opportunity Commission.

The federal discrimination lawsuit accused the company of withdrawing an offer to an applicant for an

JOB after she told them she was three months pregnant.

The case was settled in August with KLD Labs agreeing to pay her \$95,000 in lost wages and damages as a result of stress and anxiety. They said they would write her a letter of apology and adopt an antidiscrimination policy and provide training to staff.

"Pregnancy discrimination does not get more blatant than this," said Elizabeth Grossman, regional attorney for the commission's New York district office, in a statement.

Pantaleon learned she was pregnant in October 2010. Her doctor told her to treat it as high-risk because of a previous miscarriage and a diabetic condition, according to court papers.

On Nov. 4, 2010, she telephoned her boss, Rosado, to inform her of her pregnancy and that she was seeking emergency medical attention as a result of vaginal hemorrhaging, court papers state. She said she would not be able to attend work the next day as she had a doctor's appointment.

Her manager called her during her doctor's visit and when Pantaleon returned the call, she was told she was being terminated by Rite Aid, according to the lawsuit.

Rite Aid later challenged Pantaleon's unemployment benefits, an appeal that was dismissed following two hearings by the state Department of Labor and Workforce Development, which found that the company did not show the proper documents. Rite Aid had claimed that she was fired for cause, but the lawsuit says forms alleging that she was insubordinate and

## MORE COMPLAINTS

While dipping over the last two years, pregnancy complaints have risen over the last 10 years, according to the Equal Employment Opportunity Commission.

2010: 6,119

2009: 6,196

2008: 6,285

2007: 5,587

2006: 4,901

2005: 4,730

2004: 4,887

2003: 4,649

2002: 4,714

2001: 4,287

2000: 4,160

Source: Equal Employment Opportunity Commission

rude to colleagues were fabricated.

"Rite Aid did not come forth with sufficient documentation to show that she was actually terminated for cause," said Pantaleon's lawyer, Louis Tambaro, an attorney with Marks & Klein in Red Bank. "It's appalling that Rite Aid would not only terminate her employment based upon what we see as solely based on her pregnancy status but also to challenge unemployment benefits without documentation ... only adds insult to injury here."

Pantaleon went into preterm labor in February, a result of extreme stress, and lost the baby, the lawsuit states. She became pregnant again this past March and is expecting a child in December.

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Angie Pantaleon had a miscarriage of the pregnancy that she says led to her firing. She is pregnant again and expected to deliver in December. MARY FRANK/STAFF PHOTOGRAPHER

## Social Security

# Update your name

You can get an application online

**Q:** How do I update or correct the name on my Social Security card?

**A:** To update or correct the name on your Social Security card:

» Complete an Application for a Social Security Card (Form SS-5), available at [www.socialsecurity.gov/online/ss-5.pdf](http://www.socialsecurity.gov/online/ss-5.pdf);

» Show us original documents proving your legal name change, identity, and U.S. citizenship (if you have not already established your citizenship with us), or immigration status if you are not a U.S. citizen; and

» Take or mail your completed application and original documents to your local Social Security office. Note that we must see originals and cannot use photocopies. We will return any original document you mail to us.

Learn more at [www.socialsecurity.gov](http://www.socialsecurity.gov).

**Q:** How do I report a lost Social Security card?

**A:** You do not have to report a lost Social Security

card. In fact, reporting a lost or stolen card is not required. Social Security will not prevent misuse of your Social Security number. You should let us know if someone is using your number to work (call 1-800-772-1213; TTY 1-800-325-0778).

If you think someone using your number, there are several other actions you should take:

» Contact the Federal Trade Commission online at [www.ftc.gov/bcdp/education/microsites/idtheft](http://www.ftc.gov/bcdp/education/microsites/idtheft) or call 1-877-ID-THEFT (1-877-438-4338);

» File an online complaint with the Internet Crime Complaint Center at [www.ic3.gov](http://www.ic3.gov);

» Contact the IRS Identity Protection Specialized Unit by calling 1-800-908-4490 weekdays from a.m. to 8 p.m.; and

» Monitor your credit report.

**Q:** I work in retirement. How much can I earn and still collect full Social Security retirement benefits?

**A:** Social Security uses

## BUST

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investments have risen to 3 percent. You decide to sell your bond. But there's a problem: Bond traders will sneer at a bond that yields 2.125 percent.

You'll have to cut the sales price of your bond. In this case, you'd cut it to \$9,250, a 7.5 percent haircut.

The higher interest rates go, the more you'll have to slash your bond's price. If rates go to 6.5 percent — roughly the average rate for the past 40 years — your bond would sell for \$6,820, a 32 percent loss. At 15 percent: \$3,430.70.

If you hang on to your bond, you'll get its full face value when it matures, and you can ignore the taunts of other bondholders.

Bond funds, however, have to value their holdings every day to figure out their share price.

When rates rise, the fund's share price will fall, even if the fund doesn't sell its bond.

It's unlikely that interest rates will rise so low. The economy is just too weak, and the Federal Reserve is buying long-term bonds to keep rates low. If they do, however, you're going to need to change your bond strategy. A few choices:

» **Go to cash.** Money funds yield just 0.02 percent, but their yields will rise as short-term interest rates rise. So will rates on bank CDs.

» **Stay short.** Interest rate increases hurt short-term bonds less than long-term ones.

» **Create a bond ladder.** Divide your bond portfolio into five parts and invest equally in bonds that mature in one to five years. As each bond matures, reinvest the proceeds into a five-year bond. Eventually, you'll have a portfolio of five-year bonds, one-fif

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Sovereign Bank 877-SOV-BANK Specials: Call for special rates.	New York, NY 10002 <a href="http://www.sovereignbank.com">www.sovereignbank.com</a>	0.01	0.20	25 10
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