MEDIA RELEASE - $2,000,000 DISCRIMINATION SETTLEMENT

ROSA MARTINEZ v. NEW BRUNSWICK BOARD of EDUCATION

On September 26, 2016, during the middle of Plaintiff Rosa Martinez's trial testimony before a Middlesex County jury and the Honorable Douglas K. Wolfson, the New Brunswick Board of Education agreed to settle Mrs. Martinez's employment disability discrimination, harassment and failure to reasonably accommodate case for $2,000,000.

Rosa Martinez was a tenured New Brunswick school nurse for twelve years before she involuntarily resigned in late August, 2012, because of the intolerable work environment. The evidence admitted at trial showed that Mrs. Martinez was a dedicated public school nurse who resigned in 2000 from a higher paying nurse position to devote herself to the care of students. In November, 2009, she began to request assistance for her visual disability, convergence insufficiency, because New Brunswick schools were starting to computerize student medical data and her disability affected how quickly she could work on the computer.

The reasonable accommodation she requested was clerical assistance with filing so she would have extra time to enter student medical information into the school's database. New Brunswick ignored her requests and failed to respond, but she continued to request reasonable accommodation verbally and in writing supported by separate doctor's notes in each of the following two school years. She also requested permission to briefly sit each day and use soothing eye drops prescribed by her doctor because she was not being accommodated, but the only response she received was an observation window being cut into her solid door so she could be watched. Mrs. Martinez's efforts to receive workplace accommodation included an attempt from the New Jersey Commission for the Blind and Visually Impaired, but the Commission was also ignored as she continued to work extra hours without assistance.

It was only when Mrs. Martinez realized she would not be accommodated for the 2012-2013 school year, and her health worsened as her workload was being increased by New Brunswick, that she was forced to resign her beloved school nurse job. Mrs. Martinez's evidence of discrimination and harassment showed the involvement of the New Brunswick Board of Education's uppermost managers, including its Superintendent, human resources director, head school nurse, and Livingston School principal. Her evidence of damages included permanent vision loss because of New Brunswick's failure to reasonably accommodate her, permanent emotional distress, and loss of income.

Rosa Martinez was represented by attorneys Christopher Hager and Kevin Barber from the Morristown law firm Niedweske Barber Hager, LLC. Defendant New Brunswick Board of Education was represented by attorneys Eric Harrison and Vivian Lekkas from the Edison law firm Methfessel and Werbel.