

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):

 FEPA EEOC**530-2008-00089****New Jersey Division On Civil Rights**

and EEOC

State or local Agency, if any

Name (indicate Mr., Ms., Mrs.)

Mr. Vass Wiggins

Home Phone (Incl. Area Code)

(856) 299-7971

Date of Birth

04-20-1957

Street Address

City, State and ZIP Code

46 North Broad Street, Penns Grove, NJ 08069

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

BOROUGH OF PENNS GROVE

No. Employees, Members

15 - 100

Phone No. (Include Area Code)

(856) 299-0098

Street Address

City, State and ZIP Code

1 State Street, P.O. Box 527, Penns Grove, NJ 08069

Name

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

RACE COLOR SEX RELIGION NATIONAL ORIGIN
 RETALIATION AGE DISABILITY OTHER (Specify below.)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

Latest

11-09-2006**01-29-2008** CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

- I. I began working for Respondent on October 1, 1988 as a Laborer. I was promoted to the position Certified Public Works Manager in 2002. In 2004, Carol Mincey (Immediate Supervisor/Council woman, black) became my supervisor and began to harass me. In 2006, Ms. Mincey was transferred to another Department because I filed a harassment complaint against her based upon my race. Although she was transferred, she continued to harass me via telephone calls and undermine and question my authority with my subordinate employees. In September of 2007, Ms. Mincey attempted to remove me from my position because I lost my driver's license. However, my position does not require a driver's license. In January of 2008, I complained to Clifford Poindexter (President) and Tom Owensby (Chairman) about this harassment.
- II. Respondent told me that no action could be taken against Ms. Mincey. Although I continued to complain about this treatment, she continued to harass me
- III. I believe that I have been discriminated against because of my race (white) and retaliation in violation of Title VII of the Civil Rights Act of 1964, as amended when I was harassed and different terms and conditions of employment after I complained about this treatment.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

NOTARY - When necessary for State and Local Agency Requirements

I declare under penalty of perjury that the above is true and correct.

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)**Jan 29, 2008**

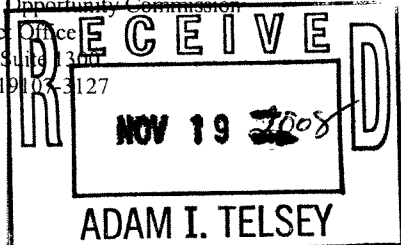
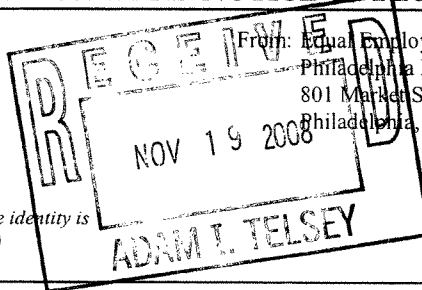
Date

Charging Party Signature

DISMISSAL AND NOTICE OF RIGHTS

To: Mr. Vass Wiggins
46 North Broad Street
Penns Grove, NJ 08069

From: Equal Employment Opportunity Commission
Philadelphia District Office
801 Market Street, Suite 300
Philadelphia, PA 19107-3127



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR § 1601.7(a))

Charge No.

EEOC Representative

Telephone No.

530-2008-00089

Legal Unit

(215) 440-2828

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

- The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.
- Your allegations did not involve a disability that is covered by the Americans with Disabilities Act.
- The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.
- Your charge was not timely filed with EEOC. In other words, you waited too long after the date(s) of the alleged discrimination to file your charge.
- The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.
- The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.
- Other (briefly state) _____

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, and/or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed **WITHIN 90 DAYS** from your receipt of this Notice; otherwise, your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

William D. Carl
for Marie M. Tomasso, District Director

11/18/08

(Date Mailed)

Enclosure(s)

Information Sheet

cc: Borough of Penns Grove
David J. Khawam, Esquire (For Charging Party)
Adam I. Telsey, Esquire (For Respondent)

F. MICHAEL DAILY, JR., LLC
ATTORNEY AT LAW
216 Haddon Avenue • Sentry Office Plaza
Suite 106
Westmont, New Jersey 08108
Telephone No. (856) 833-0006
Fax No. (856) 833-1083
Our File #2156-08
Attorney for the Plaintiff

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

	:	
VASS WIGGINS	:	CASE NO
Plaintiff,	:	
	:	
vs.	:	
	:	
THE BOROUGH OF PENNS GROVE AND	:	COMPLAINT
CAROL MINCEY	:	
Defendant.	:	
	:	

The Plaintiff, Vass Wiggins by way of Complaint against the Defendants says:

PARITES JURISDICTION AND VENUE

1. The Plaintiff, Vass Wiggins, is an individual who resides at 46 North Broad Street, Penns Grove, Salem County, New Jersey.

2. The Defendant, Borough of Penns Grove, is a public entity incorporated under the laws of the State of New Jersey, with a principal place of business at West Main & State Streets, Penns Grove, Salem County, New Jersey.

3. The Defendant, Carol Mincey, is an individual who at all

times relevant to this Complaint, was an elected public official serving in the office of Councilperson of the Defendant, Borough of Penns Grove. She is sued in this matter in both her official and individual capacity.

4. In this action, the Plaintiff asserts that he was deprived of rights, privileges and immunities secured by Title VII of the Civil Rights Act of 1964 as amended, 42 U.S.C. §2000e and the Americans With Disabilities Act, 42 U.S.C. §12101.

5. In addition, the Plaintiff in this action asserts that he was deprived of rights, privileges and immunities as protected by the First & Fourteenth Amendments of the Constitution.

6. As a result of the foregoing, the Plaintiff asserts that this Court has jurisdiction pursuant to 42 U.S.C. §1983 and 28 U.S.C. §1331.

7. The Plaintiff also invokes the supplemental jurisdiction of this Court, pursuant to 28 U.S. C. §1367 to adjudicate his claims under the New Jersey Law Against Discrimination and the New Jersey Civil Rights Act.

8. The Plaintiff is qualified to bring his claims under Title VII and the ADA by virtue of a Right to Sue Letter issued to him and the fact that this action has been filed within ninety days of the receipt of such letter.

9. Venue is appropriate in this district in that this is the district in which all parties reside and the actions at issue

occurred.

FACTUAL ALLEGATIONS

10. Plaintiff is a caucasian male.

11. Commencing in 1987, the Plaintiff, Vass Wiggins, was employed as a laborer by the Defendant, Borough, in its Department of Public Works.

12. In 2000 Vass Wiggins was promoted to the position of Superintendent in the Defendant Borough's Department of Public Works.

13. In 2002, Vass Wiggins resigned as Superintendent and for a short period of time he was not employed by the Defendant Borough.

14. In January of 2004, Vass Wiggins was rehired by the Defendant Borough in his former position of Superintendent of Public Works.

15. Vass Wiggins holds a Certification in regard to "Public Works" and at all times he was qualified to hold the position of Superintendent of Public Works with the Borough.

16. Commencing in 2005, Defendant Mincey, was assigned by agreement of the governing body to the position of oversight of the Department of Public Works.

17. Shortly after Defendant Mincey obtained the aforesaid oversight position, she began to harass the Plaintiff and interfere with his ability to operate his department.

18. The aforesaid actions were perpetrated by her on account of the Plaintiff's race and political affiliation.

19. In late November or early December of 2006, the Plaintiff requested a leave in order to obtain treatment for alcoholism.

20. At the time the Plaintiff's alcoholism constituted a disability and/or on account of his history of having had trouble with alcoholism he was perceived as being disabled.

21. On December 4, 2006, at a meeting closed to the public, the governing body of the Defendant Borough approved the aforesaid leave of absence requested by the Plaintiff.

22. Notwithstanding the aforesaid private nature of the information that the Plaintiff had provided to the governing body in support of his leave request, Defendant Mincey intentionally and maliciously revealed to the Plaintiff's subordinate workers in the Department of Public Works that he would be out of work in order to obtain rehabilitation for alcoholism.

23. On or about December 6, 2006, the Plaintiff learned of the aforesaid publication of his personal health information by the Defendant Mincey.

24. After the Plaintiff returned from his aforesaid leave of absence, Defendant Mincey continued with severe and pervasive remarks and actions that created a hostile work environment for the Plaintiff.

25. That such actions were motivated by race, were reflected

by Defendant Mincey's asserting her authority by referring to herself as the "Head N _ _ _ _ _ in Charge".

26. The Plaintiff frequently complained about the aforesaid conduct to other members of the governing body but no remedial action was taken until after threatened legal action.

27. The aforesaid acts were performed by the Defendants with malice and/or with intentional indifference and/or with reckless indifference to the civil and legal rights of the Plaintiff and were particularly egregious.

28. As a result of the foregoing, the Plaintiff has sustained pecuniary losses in the form of loss benefits and expenses incurred for medical care and treatment.

29. As a result of the foregoing, the Plaintiff has sustained nonpecuniary losses included emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life, and such other nonpecuniary losses as may be disclosed in discovery.

FIRST COUNT

____30.____The aforesaid actions of the Defendants altered the terms and conditions of the Plaintiff's employment on account of race and/or disability in violation of 42 U.S.C. §2000e-2 and 42 U.S.C. §12112.

31. As a direct result of said unlawful acts, the Plaintiff sustained the previously described damages.

WHEREFORE, Plaintiff demands judgment against Defendant,

Borough of Penns Grove, for compensatory damages, attorneys' fees, interest and costs.

SECOND COUNT

32. The aforesaid actions of the defendants altered the terms and conditions of the Plaintiff's employment on account of race and/or disability in violation of the New Jersey Law Against Discrimination.

33. As a direct result of said unlawful acts, the Plaintiff sustained the previously described damages.

WHEREFORE, the Plaintiff demands judgment against the Defendant Borough of Penns Grove, for compensatory damages, attorneys fees, interests and costs.

THIRD COUNT

34. The aforesaid actions of the defendant constituted retaliation against the Plaintiff for the Plaintiff's political affiliations and thereby violated the rights of the Plaintiff to association as protected by the First Amendment.

35. As a direct result of said unlawful acts, the Plaintiff sustained the previously described damages.

WHEREFORE, Plaintiff demands judgment against the Defendants, Borough of Penns Grove and Carol Mincey for compensatory damages, punitive damages, attorneys fees, interest and costs.

FOURTH COUNT

36. The aforesaid actions of the Defendants in revealing private personal medical information of the Plaintiff violated the Plaintiff's right to privacy as protected by the substantive due process clause of the Fourteenth Amendment.

37. As a result of the said unlawful acts, the Plaintiff sustained the preciously described damages.

WHEREFORE, the Plaintiff demands judgment against the Defendants, Borough of Penns Grove and Carol Mincey for compensatory damages, punitive damages (as to Defendant Mincey) interest and costs of suit.

FIFTH COUNT

38. The aforesaid actions of the Defendants in harassing the Plaintiff on account of his political affiliations and revealing private medical information violated his rights protected by the New Jersey Constitution and the New Jersey Civil Rights Act.

39. As a result of the said unlawful acts, the Plaintiff sustained the previously described damages.

WHEREFORE, the Plaintiff demands judgment against the defendant, Borough of Penns Grove, and Defendant Carol Mincey for compensatory damages, punitive damages, attorneys fees, interest and costs.

JURY DEMAND

Plaintiff herewith demands a jury trial as to all issues.

F. MICHAEL DAILY, JR., LLC
Attorney for the Plaintiff

s/ F. Michael Daily, Jr.

BY: _____
F. Michael Daily, Jr.

Dated: December 5, 2008

C: m+c

Richardson & Galella

Attorneys at Law

A Limited Liability Company

915 Haddon Ave.

Collingswood NJ, 08108

Tel: 856-858-3330

Fax: 856-858-3343

WWW.Employmentlaw-nj.com

Allan E. Richardson

Certified Civil Trial Attorney

Arichardson@Employmentlaw-nj.com

Linda A. Galella

Lgalella@Employmentlaw-nj.com

Charles B. Austermuhl

Of Counsel

Caustermuhl@Employmentlaw-nj.com

February 1, 2010

Carol Mincey

Borough of Penns Grove

W. Main and State Sts.

P.O. Box 527

Penns Grove, NJ 08069

Re: Wiggins v Penns Grove
USCAM 1:08cv6192
My file: WIGGINS09

Dear Ms. Mincey:

Kindly let this letter confirm that the above captioned matter has been amicably settled between the parties. It has settled for the sum of \$16,000.00. I would like to thank you for your continued cooperation throughout this matter. It has been a pleasure working with you.

Once I have received the filed Stipulation of Dismissal with Prejudice I will forward a copy of same to you for your files.

I thank you for your attention in this regard.

Cordially,

Linda A. Galella
Linda A. Galella

LAG/cw

c: Sharon Williams
Adam Telsey, Esq.

RECEIVED
2/3/10

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