



*United States Attorney
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FOR IMMEDIATE RELEASE
JULY 22, 2011

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**U.S. SUES PORT CHESTER-RYE UNION FREE SCHOOL DISTRICT
IN WHITE PLAINS FEDERAL COURT FOR DISCRIMINATION
ON THE BASIS OF PREGNANCY**

PREET BHARARA, the United States Attorney for the Southern District of New York, announced that the United States filed a civil rights lawsuit today against the Port Chester-Rye Union Free School District (the "District") on behalf of former employee PATRICIA BEVILACQUA, charging the District with unlawfully discriminating against BEVILACQUA on the basis of her gender and pregnancies, in violation of Title VII of the Civil Rights Act of 1964 ("Title VII") and the Pregnancy Discrimination Act ("PDA").

U.S. Attorney PREET BHARARA stated: "Discrimination against women in the workforce who choose to have children cannot be tolerated. All employees, men and women, should be evaluated based on their performance, not their decision to have children."

According to the Complaint filed in the White Plains federal court:

In September 2001, BEVILACQUA began her employment in the District as a school psychologist. In April 2002, the District appointed BEVILACQUA to serve as the chairperson of the Committee on Special Education ("CSE"), a full-time position that paid an annual stipend. BEVILACQUA was re-appointed to the CSE chairperson position in April 2003 and again in June 2004. Beginning in early 2004, soon after BEVILACQUA's marriage in December 2003, BEVILACQUA's supervisors began openly speculating about her plans to have children, and suggested that she consider stepping down from her position as CSE chairperson because she planned to have children.

In May 2005, while she was pregnant with her first child, BEVILACQUA re-applied for the position of CSE chairperson. While her application was pending, the District informed her that a male school psychologist would be serving as the interim CSE

chairperson until BEVILACQUA returned from maternity leave in January 2006.

Although BEVILACQUA was officially re-appointed to the CSE chairperson position before leaving for maternity leave, upon returning in January 2006, BEVILACQUA learned that the CSE chairperson position was still occupied by the male employee. Later that month, the District's Board of Education transferred the CSE chairperson stipend from BEVILACQUA'S salary to the salary of the male employee. In addition, the District gave the male employee work-scheduling accommodations - specifically, the ability to start and end the workday earlier - that were never offered to BEVILACQUA.

In May 2006, after becoming pregnant with her second child, BEVILACQUA re-applied for the CSE chairperson position. In July 2006, her supervisor informed her that she was not being offered the position for the 2006-2007 school year, but would be demoted to the position of school psychologist instead. BEVILACQUA'S supervisor advised her that this arrangement would be better because she could now spend more time with her children. The District offered the CSE chairperson position the male employee.

The Complaint filed today seeks to require the District to take necessary steps to prevent and remedy future employment discrimination on the basis of gender and pregnancy, and to provide sufficient compensatory damages to BEVILACQUA for the loss she suffered as a result of the unlawful discrimination against her as alleged in the Complaint.

Title VII makes it an unlawful employment practice for an employer to discriminate against an employee on account of his or her gender. The PDA amended Title VII, in part, to require that discrimination on the basis of pregnancy and related conditions be analyzed in the same manner as any other Title VII gender discrimination claim.

This case is being handled by the U.S. Attorney Office's Civil Rights Unit. Assistant United States Attorney TOMOKO ONOZAWA is in charge of the case.

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