



# Florida School Board Settles Pregnancy Discrimination Case with U.S. Department of Justice

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The Palm Beach County School Board (“School Board”) recently settled a lawsuit brought by the United States Justice Department alleging that a local school’s principal unlawfully demoted an assistant principal after she became pregnant with twins.

Anne Williams Dorsey (“Dorsey”) was employed by Turning Points Academy as an assistant principal. In 2010, Dorsey informed principal Darren Edgecomb (“Edgecomb”) that she was beginning in vitro fertilization treatments in hopes of becoming pregnant. Dorsey eventually became pregnant and, while in the hospital delivering her children, received news from Edgecomb that she had been demoted and that her replacement would be a less experienced male administrator who Dorsey had trained. The lawsuit alleged that when asked to explain his decision, Edgecomb told Dorsey that he was more comfortable with a man in the position of assistant principal. When Dorsey returned from maternity leave in September 2011 and received her first paycheck, she noticed that her pay had been cut as well.

The following year, Dorsey filed a complaint with the Equal Employment Opportunity Commission. The EEOC’s Miami Field Office investigated the matter and found reasonable cause to believe the board discriminated against Dorsey. After unsuccessful conciliation efforts, the EEOC referred the matter to the Justice Department.

In May 2016, the U.S. Department of Justice sued the Palm Beach County School District on Dorsey’s behalf, contending that Dorsey had been the victim of discrimination and retaliation on the basis of her pregnancy and that the School Board violated federal anti-discrimination law.

In 1978, the Pregnancy Discrimination Act was enacted as an amendment to Title VII of the Civil Rights Act of 1964 (“Title VII”) to prohibit sex discrimination on the basis of pregnancy. The Pregnancy Discrimination Act specifically states that “[t]he terms ‘because of sex’ or ‘on the basis of sex’ [as noted in Title VII] include, but are not limited to, because of or on the basis of pregnancy, childbirth, or related medical conditions; and women affected by pregnancy, childbirth, or related medical conditions shall be treated the same for all employment-related purposes”.

“Federal law requires employers to maintain a workplace free of sex-based discrimination of any kind,” said Principal Deputy Assistant Attorney General Vanita Gupta, head of the Justice Department’s Civil Rights Division.

“No employee should be punished at work for the decision to start a family.” “All employers must respect the civil rights of all of their employees, and sex-based discrimination of any kind has no place in the work environment,” said U.S. Attorney Wifredo A. Ferrer of the Southern District of Florida. “As this lawsuit shows, the Department of Justice will work vigorously to make sure that our community’s workplaces are free from such discrimination.”

In accordance with the settlement, the Palm Beach County School District will pay Dorsey \$350,000, including \$67,000 for back pay and \$283,000 in damages. The School Board admits no wrongdoing in settling the lawsuit; however, it has agreed to submit its anti-discrimination, anti-harassment, and anti-retaliation policies to the U.S. Department of Justice for review within sixty days of the settlement. The School Board is also expected to revise its existing anti-discrimination policies to include pregnancy as a protected class, along with race, religion, sex, ethnicity, national origin, age, disability, sexual orientation, and gender identity. While the School District admits no wrongdoing, it has agreed to settle the case "to avoid the burdens and risks of protracted litigation."

In response to the settlement, Dorsey stated “[i]t was a win for women and it's a good thing for the school district to finally include federal law and statutes in their policies and procedures relating to pregnant women.”

“The U.S. Attorney’s Office is committed to preventing pregnancy discrimination and ensuring workplace equity,” said U.S. Attorney Wifredo A. Ferrer of the Southern District of Florida. “A woman should never have to choose between having a family and pursuing a professional career. We are pleased that the Palm Beach County School Board has agreed to review its policies and procedures to ensure that it promotes a professional environment that is fully compliant with Title VII. Our Office will continue to enforce the right of pregnant employees to be free from employment discrimination and retaliation.”

It is imperative that employers of all kinds review their anti-discrimination policies to ensure compliance with the Pregnancy Discrimination Act. Further, employers should take all necessary steps to inform high-level employees of the existence of such policies.

*If you have any questions or concerns regarding employment related issues, please contact James G. Ryan at [RYan@cullenanddykman.com](mailto:RYan@cullenanddykman.com) or at 516-357-3750.*

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