

**The Commonwealth of Massachusetts
Commission Against Discrimination
One Ashburton Place, Boston, MA 02108
Phone: (617) 994-6000 Fax: (617) 994-6024**

MCAD DOCKET NUMBER: 13BEM00478
FILING DATE: 01/29/13

EEOC/HUD CHARGE NUMBER: 16C-2013-00972
VIOLATION DATE: 12/27/12

Name of Aggrieved Person or Organization:

Allena Downey
134 Heritage Way
Holliston, MA 01746

Named is the employer, labor organization, employment agency, or state/local government agency who discriminated against me:

Ashland Police Department
Director of Human Resources
135 Main Street
Ashland, MA 01821
Primary Phone: (508)881-1212 ext. _____

Chief Scott Rohmer, Individually
Ashland Police Department
Director of Human Resources
135 Main Street
Ashland, MA 01821
Primary Phone: (508)881-1212 ext. _____

Edward Pomponio, Sergeant, Individually
Ashland Police Department
Director of Human Resources
135 Main Street
Ashland, MA 01821
Primary Phone: (508)881-1212 ext. _____

David Beaudoin, Lieutenant and EO, Individually
Ashland Police Department
Director of Human Resources
135 Main Street
Ashland, MA 01821
Primary Phone: (508)881-1212 ext. _____

No. of Employees: 25+

Work Location:

Cause of Discrimination based on:

Sex, Female; Sex, Sex discrimination / Sexual Harassment; Retaliation.

The particulars are:

I, Allena Downey, the Complainant believe that I was discriminated against by Ashland Police Department, Chief Scott Rohmer, Individually, Edward Pomponio, Sergeant, Individually, David Beaudoin, Lieutenant and EO, Individually, on the basis of Sex, Sex, Other. This is in violation of M.G.L. 151B Section 4 Paragraph 1, 16A, 4, 4A, 5 and Title VII.

MCAD Docket Number 13BEM00478, Complaint

See Attachment.

I hereby verify, under the pains and penalties of perjury, that I have read this complaint and the allegations contained herein are true to the best of my knowledge.

(Signature of Complainant)

COMMONWEALTH OF MASSACHUSETTS
COMMISSION AGAINST DISCRIMINATION

ALLENA DOWNEY
Complainant

V.

TOWN OF ASHLAND,
CHIEF SCOTT ROHMER, in his Individual and
Official Capacities,
EDWARD POMPONIO, in his Individual and
Official Capacities,
DAVID BEAUDOIN, in his Individual and
Official Capacities,
Respondents



INTRODUCTION

In this action the plaintiff Allena Downey ("Plaintiff" or "Downey") seeks redress for substantial violations of her rights under the Massachusetts anti-discrimination laws, M.G.L. c. 151B. At the time of the events at issue in this Complaint, Downey, a female, is employed by the Defendants in the position of Provisional Sergeant with the Ashland Town Police Department. The Plaintiff alleges that she was discriminated against on the basis of her gender, subjected to disparate treatment based on gender, subjected to sexual harassment and an abusive and sexually hostile work environment, and retaliated against for reporting unlawful workplace conditions.

PARTIES

1. The Plaintiff, Allena Downey, is an individual residing in Holliston, Middlesex County, Commonwealth of Massachusetts.
2. The Defendant, Town of Ashland, is municipality located in Middlesex County, Commonwealth of Massachusetts.

3. The Defendant, Scott Rohmer, is employed as Chief of Police of the Ashland Police Department, with a place of business located in Middlesex County, Commonwealth of Massachusetts.

4. The Defendant, Edward Pomponio, is employed as a provisional sergeant in the Ashland Police Department, with a place of business located in Middlesex County, Commonwealth of Massachusetts.

5. The Defendant, David Beaudoin, is employed as a Lieutenant and Executive Officer in the Ashland Police Department, with a place of business located in Middlesex County, Commonwealth of Massachusetts.

FACTS

6. Plaintiff Allena Downey, has been a member of the Ashland Police Department since 2000.

7. Downey has worked in law enforcement for nearly thirteen (13) years.

8. At the time of her hire, Downey was the only full time female police officer on the Ashland Police Department.

9. Downey is currently one of three females employed by the Ashland Police Department as police officers.

10. On or about December 2005, Downey was severely injured at work. As a result of this injury, Downey was diagnosed with RSD (reflex sympathetic dystrophy) and Dupuytren's Disease to her right wrist / hand. Downey was subsequently placed on Injured on Duty ("IOD") leave.

11. On September 15, 2006 and September 20, 2006 Downey's doctor and occupational therapist (physical therapy) wrote letters clearing her for full time status as a police officer with no restrictions.

12. On September 27, 2006, Defendant Rohmer stated he reviewed the documents provided from her physician and stated that Downey was cleared to return to work.

13. On September 28, 2006, Downey's first day back from light duty after "IOD" leave, she was having a conversation with Officer William Foster about going to the range to re-qualify, a department mandate after returning from IOD.

14. Defendant Rohmer entered the dispatch area and demanded that Downey immediately perform a series of pushups on the ground to prove her wrist was strong enough in order to go back full duty after being on light duty. Although humiliated and demoralized, Downey obeyed Defendant Rohmer's order and completed pushups in front of Officer Foster.

15. At the Ashland Police Department, female police officers were forced to change into their uniforms and work gear in a hallway, separated from juvenile and female prisoners only by a case folder taped over a holding cell window.

16. Downey has previously been forced to change in the male Sergeant's room.

17. When a female police officer encountered any issue on the job requiring them to take a shower, they were unable to do so due to the fact that the police station "facilities" for women had no showers.

18. On or about February, 2007, Downey filed a complaint alleging that a female prisoner was allowed to use the female police officer's bathroom.

19. Subsequently, Downey complained to Defendant Rohmer that it was unfair that the females in the Ashland Police Department did not have their own locker room or their own showers. (Attached hereto as "Exhibit 1")

20. After repeatedly raising her concerns about the unfair and unequal treatment to her female coworkers, a trailer was placed outside in the parking lot of the police station to be used as the female locker room.

21. As recently as 2012, Defendant Rohmer routinely shuts off the heat to the female locker room trailer. Upon information and belief, Defendant Rohmer does not shut off the heat in the male locker room.

22. Defendant Rohmer has a password key and access to the female locker room.

23. As recently as 2012, Defendant Rohmer regularly conducts both personal and business related meetings inside of the female locker room.

24. Prior to raising the issue of the female locker room, Downey was routinely approved for specialty training.

25. Subsequent to complaining about the inequalities in department locker rooms, Downey was repeatedly denied any request for specialty training by Defendant Rohmer and Defendant Beaudoin. During this time period male officers had the majority of their requests for specialty training approved by Defendant Rohmer and Defendant Beaudoin.

26. Specifically, on multiple occasions in 2009, Downey requested and was denied by Defendant Rohmer and Defendant Beaudoin training to enhance her knowledge in performing her roles as the Domestic Violence Officer, Senior (Elderly) Officer, and TRIAD Officer. However, her male counterparts would be routinely approved for training including all expenses involved, such as airfare and hotel.

27. On March 31, 2008, Defendant Pomponio was hired by the Ashland Police Department. Defendant Pomponio had recently left the Milford Police Department.

28. Defendants Rohmer, Beaudoin and Pomponio are close personal friends.

29. After being hired by defendant Rohmer at the Ashland Police Department, defendant Pomponio had his license to carry a firearm revoked by his former employer, the Milford Police Department. (Attached hereto as "Exhibit 2")

30. Upon Pomponio's appeal of the firearm revocation, the Milford District Court upheld the decision of the Milford Police Chief and determined that Defendant Pomponio was not fit to carry a firearm. The Court ruled that "Pomponio exhibited a grudge against Chief O'Loughlin and Milford Officer Poissant and intended to seek revenge against them and their families." The decision was based on sixteen (16) incidents demonstrating Pomponio's animus and an intent to retaliate against the aforementioned Milford Police employees. (Attached hereto as "Exhibit 3")

31. Subsequently, Chief Rohmer reissued Pomponio his license to carry firearms without investigating the reasons that the aforementioned judge upheld Milford Police Chief O'Loughlin's decision to revoke Pomponio's license to carry.

32. In May, 2008, Lieutenant David Beaudoin ordered Downey to attend a "Serve Safe" class which trained her to be in the kitchen and prepare food at any food function.

33. Subsequent to completing the course, there have been multiple occasions where the police department has sponsored a food function event and Downey was ordered to serve tables even though she requested to utilize her specialty training which allowed her to prepare food in the kitchen.

34. On September 29, 2008, Downey received a written reprimand for alleged Insubordination. (Attached hereto as "Exhibit 4")

35. Immediately following completion of Downey's discipline, at the direction of Chief Rohmer, department policy was changed to mandate that all discipline of any kind will remain in an employee's personnel folder and will not be removed for any reason.

36. Defendant Rohmer stated to Downey that "We are using you as an example."

37. During this same time period, Defendant Pomponio accidentally fired a live round in the police department day room.

38. Upon information and belief, any letters of discipline or reprimand have subsequently been removed from Pomponio's personnel file by defendant Rohmer and/or Beaudoin.

39. During December, 2009, Downey and Defendant Pomponio were both operating the same police cruiser, "A16", on alternating shifts. Defendant Pomponio would typically operate "A16" from 11:00 p.m. to 7:00 a.m., at which point Downey would begin her shift and operate "A16."

40. On or about December, 2009, Downey turned on the ignition of "A16" to begin her patrol, immediately after Defendant Pomponio had been operating the vehicle.

41. As Downey started the cruiser, the windshield wipers were on full speed, the air conditioning was on the highest level (The temperature at the time was approximately 23 degrees), and the radio was on its maximum volume. Downey perceived this action to be a threat and harassing conduct by Defendant Pomponio.

42. Out of fear of retaliation, Downey did not immediately report the incident.

43. Shortly thereafter, Downey was again preparing to operate "A16" immediately following Defendant Pomponio's use of the cruiser.

44. As Downey began to sit in the driver's side chair, she noticed a sewing pin protruding straight up from the center of the seat. Upon further inspection, Downey identified the pin as a hemming pin.

45. Once again, Downey perceived this action to be a threat and harassing conduct by Defendant Pomponio

46. As a result of the aforementioned incident, and out of fear for her own personal safety, on January 1, 2010, Downey filed a complaint with her union president Sergeant Greg Fawkes informing him of the recent harassment that she had been subjected to by Defendant Pomponio. (Attached hereto as "Exhibit 5")

47. Downey began her formal complaint by stating the following; "This is to inform you of some incidents that have occurred in the past few months between Officer Pomponio and me that have made me feel in fear of him and not comfortable coming to work knowing he may be coming off shift."

48. In said complaint, Downey raised her concerns that Defendant Pomponio was treating her differently because she was a female in a male dominated work environment.

49. Downey stated that she felt she was being targeted by Pomponio and feared him retaliating against her.

50. Downey stated that she had been experiencing severe migraines, some of which required in-patient hospitalization, which she believed were the result of work related stress.

51. After filing her complaint against Defendant Pomponio, Pomponio would repeatedly stare at Downey and glare at her in an intimidating and threatening manner.

52. As a result of Downey's complaint regarding Pomponio's harassment Defendant Rohmer conducted a "formal internal investigation" into the allegations.

53. On January 5, 2010, Downey met with Defendant Rohmer, Defendant David Beaudoin, and Sgt. Fawkes in Rohmer's office to discuss the complaint.

54. Defendant Rohmer questioned Downey as to why she was afraid of Defendant Pomponio. Defendant Rohmer stated that Downey "cannot just say you are in fear of him" without further explanation and demanded that Downey explain to him what her definition of "fear" was.

55. During the investigation Downey felt threatened and attacked by the combative and aggressive questioning by both Defendant Rohmer and Defendant Beaudoin.

56. Immediately after the "investigation" Downey left the office and went straight to the women's trailer where she became physically ill.

57. The following day, January 6, 2010, Downey discussed her heightened level of stress and fear of retaliation and physical harm based upon her filing a complaint against Pomponio. Sgt. Fawkes determined that, based upon the severe stress she was under that Downey should end her shift early.

58. Shortly thereafter, union member Michael Dionne, after learning about the harassing and unfair treatment of Downey during the "investigation", approached Defendant Rohmer to discuss the manner in which he interviewed Downey.

59. Dionne informed Defendant Rohmer that Downey requested to speak with the Town Manager, John Petrin, because she felt as though she was not being treated fairly.

60. Defendant Rohmer became irate and responded that this matter would be handled exclusively "in-house".

61. Subsequently, Sgt. Fawkes approached Defendant Rohmer and Defendant Beaudoin about Downey's complaint. Sgt. Fawkes recommended that Downey be put on administrative leave until the investigation was resolved. Defendant Rohmer and Defendant Beaudoin both laughed at Sgt. Fawkes request. Defendant Rohmer told Sgt. Fawkes that Downey's complaint was "a joke." Defendant Rohmer denied Sgt. Fawkes request for Downey be put on administrative leave until the investigation was resolved.

62. On January 9 through January 16, Downey was required to use three (3) sick days, one (1) vacation day and two (2) department 'Excused Other' days.

63. On Wednesday, January 13, 2010, Downey met with Lt. Briggs, Defendant Beaudoin, and Sgt. Fawkes to continue with the departments "investigation."

64. Downey informed Defendant Beaudoin that she was not comfortable him being present due to the fact that he was close personal friends with defendant Pomponio and she felt he would not be able to be objective and/or unbiased in his investigation.

65. Defendant Beaudoin stated that he was ordered by Defendant Rohmer to be present for her interview.

66. Although Downey had initiated the complaint against Pomponio, Downey was read her "Weingarten Rights" and was informed that the interrogation was being recorded.

67. At this time, Defendant Beaudoin informed Downey that Defendant Pomponio had filed a counter complaint of harassment against her.

68. The complaint alleged that Downey referred to Pomponio as "pompisass".

69. Defendant Beaudoin also questioned Downey, "Would you like it if people talked behind your back?"

70. Defendant Beaudoin questioned why Downey was in fear of Pomponio.

71. The interview with Lt. Beaudoin lasted approximately an hour and a half. The majority of the interview was spent addressing Defendant Pomponio's complaint against Downey.

72. Downey felt that the "investigation" was an extremely biased, retaliatory effort to protect Pomponio and intimidate her from proceeding against Defendant Pomponio.

73. At the conclusion of the investigation Defendant Beaudoin threw a pamphlet at Downey, MIIA/EAP 'Support and solutions for everyday life' and stated she could contact them for additional assistance.

74. Upon information and belief, Defendant Beaudoin never interviewed Defendant Pomponio regarding the allegations in her complaint.

75. Upon information and belief, Defendant Beaudoin subsequently recommended a five (5) day suspension for Downey and recommended that no disciplinary action be taken against Defendant Pomponio.

76. From March 29, 2010 through May 18, 2010, Downey was out of work due to an unrelated injury sustained while on duty which involved a severe contusion with ligament damage to her right knee. (Attached hereto as "Exhibit 6")

77. During the same time period, Sergeant Gregory Fawkes approached Defendant Rohmer to discuss Downey's status as "IOD". Defendant Rohmer stated to Sergeant Fawkes that "Allean (Downey) is a f**king c***."

78. During this time period, the Ashland Police Department's "shift bid" sheet was posted. (Attached hereto as "Exhibit 7")

79. While out on "IOD" leave Downey spoke with Lt. Beaudoin and requested that she be placed on the day shift, the same hours she had been previously working. Downey stated that based upon her seniority she should be able to retain her same shift that she had been working for the previous seven (7) years.

80. Defendant Beaudoin agreed to put her on the shift bid sheet and stated that "it shouldn't be a problem" for Downey to retain her schedule.

81. Once Downey returned to work from being injured on duty, she continuously approached Defendant Beaudoin to confirm that she was going to maintain her current shift.

82. On or about June 1, 2010, the "shift bid" chart was posted. Downey had been placed on the midnight shift. (Attached hereto as "Exhibit 8")

83. On the "shift bid" chart, Downey's name was originally written in for the same hours she had requested. Downey's name was crossed out and written into the midnight shift.

84. Once again, Downey perceived this action to be threatening, harassing and retaliatory conduct by Defendant Beaudoin and Defendant Rohmer.

85. On January 14, 2011, Downey was asked to take an intern, Cristine Janiak, out on a "ride along." Janiak was considering a career in law enforcement and the APD offered "ride alongs" for individuals to gain a better understanding of the policy and procedures of the department.

86. Downey stated that she would take Janiak on a "ride along" and suggested that Officer Luann Tomaso could also take her on a "ride along" later on that day.

87. Later that day, Defendant Beaudoin called Downey into the station from her patrol.

88. Defendant Beaudoin questioned Downey about her alleged refusal to take Janiak on a "ride along."

89. Defendant Beaudoin never stated there was a formal complaint made nor that his questioning was to be considered a formal investigation. Downey was never afforded her "Weingarten Rights" or a union representative to sit in on such questioning.

90. At the conclusion of his interrogation Defendant Beaudoin stated "I'm done with you – leave" and walked away.

91. Dispatcher Jamie Patriarca told Downey that Defendant Beaudoin "has it out for you (Downey)."

92. On January 15, 2011, Janiak arrived for another "ride along" with Downey. Janiak stated that when she went in to see about her schedule, Defendant Beaudoin questioned her about her previous interaction with Downey prior to and during the "ride along."

93. Janiak stated to Defendant Beaudoin that she did not feel she was treated in an unprofessional manner by Downey.

94. Subsequently, Janiak told Downey about her interaction with Defendant Beaudoin and stated that "he(Beaudoin) has it out for you(Downey)."

95. On January 15, 2011, Downey had a conversation with an Ashland Town Selectman who informed Downey to "Watch your (Downey) back!." Said selectman

stated that he had heard that Defendant Beaudoin was "out for Downey's job" and that he commented to others that "the war is on."

96. On January 26, 2011, Defendant Beaudoin "pinged" Downey's cruiser computer with a "chat" message at 11:22 A.M.. Downey replied "yes." Again at 11:25 A.M., Defendant Beaudoin "pinged" Downey's cruiser computer. Once again Downey replied "yes." Again there was no response from Lt. Beaudoin. Downey perceived this action to be a threat and harassing conduct by Defendant Beaudoin.

97. On February 16, 2011, Defendant Rohmer gave Downey a "Confidential – Notice of Suspension" The notice stated that after review of the evidence given by Defendant Beaudoin, it was determined that Downey's actions regarding her alleged refusal to take Janiak on a "ride along" violated Department's Rules & Regulations for the following reasons; "8.02 – Insubordination, 7.7 – Truthfulness, and 4.02 – Conduct Unbecoming an Officer." (Attached hereto as "Exhibit 9")

98. As a result, Downey was suspended from work for one (1) day (February 19, 2011) without pay.

99. On February 19, 2011, on the APD monthly schedule, which was posted for all department members to see, the letters "SSP" indicating the status of suspended appeared next to Downey's name. Upon information and belief, it has never been department policy or protocol to identify an officer who is out as a result of a suspension on the monthly schedule. Employee discipline is supposed to be confidential. (Attached hereto as "Exhibit 10")

100. Downey perceived this action to be harassing and retaliatory conduct by Defendant Beaudoin and Defendant Rohmer by attempting to embarrass her in front of her co-workers.

101. Subsequently, Defendant Pomponio has been heard on multiple occasions telling APD members that Downey is a “liar” and that she “shouldn’t be trusted.”

102. On May 22, 2011, Downey’s personal weekly payroll sheet was vandalized by someone putting a “frown” face in the ‘O’ of the word Downey.

103. In December of 2011, a position opening was posted for the Domestic Violence Officer, which was currently filled by Downey. Downey immediately responded to the posting stating she was interested in filling the position. Downey did not receive a response to her first request.

104. Subsequently, on January 23, 2012, the Ashland Patrol Officers’ Union filed a vote of no confidence against Chief Rohmer. (Attached hereto as “Exhibit 11”)

105. Plaintiff personally signed the vote of no confidence. The vote of no confidence stated that all Ashland Police Department members who signed were seeking “protection under the Massachusetts Whistle Blower’s Protection Act.

106. The actual vote of no confidence by the Union against Rohmer was eighteen (18) to one (1) in favor of no confidence in the Chief.

107. Shortly thereafter, a complaint was filed with the Ashland Town Manager regarding misconduct by defendant Rohmer by various members of the department including plaintiff Downey. (Attached hereto as “Exhibit 12”)

108. One of the allegations in the complaint stated that Defendant Rohmer has made countless offensive and slanderous remarks about multiple female employees,

including Downey. Chief Rohmer has stated "X(Officer X) is hot, but she is a little slut", "I guess Officer X's husband has a huge c*** and she loves it", "I bet Officer X loves to suck c***." (Attached hereto as "Exhibit 13")

109. In April 2012, Downey's personal weekly payroll sheet was once again vandalized by someone turning the "W" in Downey into a picture of women's breasts. This incident was reported to Defendant Beaudoin on April 20, 2012.

110. On April 28, 2012, Downey submitted a second application for the Domestic Violence Officer position. Once again, Downey received no response to her application or verification that it was being reviewed. (Attached hereto as "Exhibit 14")

111. Although Downey had been performing the role of Domestic Violence Officer for over four (4) years without issue, the position was given to Downey's male coworker Officer Douglas Grout.

112. As a result, Downey was denied countless hours in overtime and "comp" time working domestic violence cases.

113. On or about June 22, 2012, Downey complained to Defendant Beaudoin about the improper fitment of her bullet proof vest. The properly fitting vest that Downey had been using was expired. The new vest that was purchased for her was a "male cut" vest.

114. On July 23, 2012, Downey contacted the distributor of the vests to see if the Ashland Police Department could purchase a "female cut" vest for her. (Attached hereto as "Exhibit 15")

115. Matthew Dovner, the vest distributor sales representative, responded to Downey's email by stating that Defendant Beaudoin was aware of the "thirty day (30) fit

policy”, and that returns were not allowed after thirty (30) days. (Attached hereto as “Exhibit 16”)

116. On October 2, 2012, Downey informed Defendant Beaudoin that she was wearing an expired vest and requested his assistance. (Attached hereto as “Exhibit 17”)

117. Once again, on October 4, 2012, Downey contacted Defendant Beaudoin and stated that she was not “comfortable wearing an expired vest.” (Attached hereto as “Exhibit 18”)

118. To date, Downey has never been provided with a properly fitted bullet proof vest and is still forced to wear an expired vest.

119. In September, 2012, Downey was promoted to Provisional Sergeant, along with Provisional Sergeant Joseph Magnani.

120. On November 15, 2012, on the Ashland Police Department daily roster posted under the ‘Rank’ column, Sgt. Magnani’s rank had been updated from Patrolman to Sergeant. However, Downey’s ‘rank’ column still had her listed as a Patrolman.

121. Despite being promoted on the same day, to the same position, Downey’s male counterpart was being treated more favorably.

122. Downey contacted the command staff multiple times, including Defendant Rohmer and Defendant Beaudoin, requesting that her “Rank” be updated to be consistent with that of her male co-worker.

123. On December 1, 2, and 3 of 2012, the APD daily roster once again listed Downey as a “Patrolman” while her male counterpart was listed as a Sergeant. (Attached hereto as “Exhibit 19”)

124. Provisional Sergeant Downey is still currently listed as a "Patrolman" on the APD daily roster.

125. On November 16, 2012, Downey met Defendant Rohmer and Lt. Briggs and notified them that she had a medical condition that involved her heart.

126. Downey explained that the condition was exacerbated by the stress she was under as a result of the hostile work environment at the Ashland Police Department.

127. Downey submitted a letter from her treating physician, Dr. Christopher Gange, which stated that Downey was being evaluated for "multiple cardiac symptoms" and that he believed the "current stress of her (Downey) job is contributing to these symptoms." (Attached hereto as "Exhibit 20")

128. Dr. Gange stated that he believed Downey should be excused from work until further notice.

129. Downey was advised by Defendant Rohmer to fill out an application for Injured on Duty ("IOD") leave.

130. On or about December 10, 2012, Downey submitted her application for "IOD" to Defendant Rohmer.

131. On or about December 27, 2012, Downey was notified that her application for "IOD" had been denied resulting in Downey receiving no income.

132. At the present time, based upon the ongoing hostile work environment at the Ashland Police Department and the medical advice of her treating physician, Downey has been unable to return to work.

Count I (M.G.L. c. 151B-Sex /Gender Discrimination)

133. The Plaintiff incorporates herein the previous allegations set forth in this Complaint.

134. The discriminatory and abusive treatment of the Plaintiff, as described herein, violates the express provisions of M.G.L. c. 151B with regard to gender.

135. There is direct and circumstantial evidence of bias on the part of the Defendant, including, but not limited to, the evidence set forth above.

136. This ongoing hostile environment and the conditions imposed upon the Plaintiff and the adverse action taken against the Plaintiff by defendants is directly to her gender and had adversely affected the terms and conditions of her employment.

137. The Plaintiff was severely and adversely affected by the defendants conduct and by the failure of the Defendant Town of Ashland to take reasonable steps to stop or correct this conduct.

Count II (M.G.L. c. 151B-Sexual Harassment)

138. The Plaintiff incorporates herein the previous allegations set forth in this Complaint.

139. The Plaintiff was treated differently as to the terms and conditions of her employment based upon the sexual harassment of the Plaintiff by the Defendants.

140. The Plaintiff believes that she was disciplined and subject to adverse employment action based upon her gender and constitutes sexual harassment by the Defendants.

141. This ongoing hostile environment and the conditions imposed upon the Plaintiff related to and adversely affected the terms and conditions of her employment.

142. The Plaintiff was severely and adversely affected by the Defendant 's conduct and the failure of the Defendant to take reasonable steps to ensure that this discriminatory conduct and sexual harassment would not continue.

Count II (M.G.L. c. 151B-Retaliation)

143. The Plaintiff incorporates herein the previous allegations set forth in this Complaint.

144. The Plaintiff was treated differently as to the terms and conditions of her employment based upon her reporting of gender discrimination, filing a complaint against Defendant Pomponio, and signing a vote of no confidence against Defendant Rohmer.

145. The Plaintiff believes that she was disciplined and subject to adverse employment action, at least in part, based upon her reporting of said gender discrimination in addition to the other allegations contained herein.

146. This environment and the conditions imposed upon the Plaintiff related to and adversely affected the terms and conditions of her employment.

147. The Plaintiff was severely and adversely affected by the Defendants conduct and the failure of the Defendants to take reasonable steps to ensure that this discriminatory conduct would not continue.

PRAYERS FOR RELIEF

WHEREFORE, Mrs. Downey requests that the Massachusetts Commission Against Discrimination order the following:

- a. Enter judgment for Mrs. Downey and against the defendants on all claims of this charge of discrimination;
- b. Award Mrs. Downey an amount of money which will compensate her for any loss of wages and/or benefits incurred as a result of the unlawful acts;

- c. Award Mrs. Downey an amount of money which will fairly compensate her for her emotional and physical pain and suffering, humiliation and damage to her reputation and earning capacity;
- d. Order that the defendants pay Mrs. Downey's cost and attorney's fees resulting from this action;
- e. Award further relief as the MCAD deems just and proper to make Mrs. Downey whole.