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TANZANIA GREEN, Plaintiff, vs. CITY OF TRENTON, BENJAMIN DELISLE, STEVEN R. PONELLA, ADAM CRUZ, WESLEY BRIDGES, FARAH GEE, ABC CORPORATIONS 1-5 (fictitious names describing presently unidentified business entities), and JOHN DOES 1-5 (fictitious names describing presently unidentified individuals), Defendants.	SUPERIOR COURT OF NEW JERSEY LAW DIVISION— **MERCER COUNTY** DOCKET NO.: Civil Action **FIRST AMENDED COMPLAINT & DEMAND FOR TRIAL BY JURY**

Plaintiff Tanzania Green ("Plaintiff"), by way of Complaint against the City of Trenton ("Defendant Trenton" and/or "Corporate Defendant"), Benjamin Delisle ("Defendant Delisle"), Steven Ponella ("Defendant Ponella"), Adam Cruz ("Defendant Cruz"), Wesley Bridges ("Defendant Bridges") and Farah Gee ("Defendant Gee") (collectively "Defendants"), alleges as follows:

INTRODUCTION

"The N-word 'sums up . . . all the bitter years of insult and struggle in America, [is] pure anathema to African-Americans, and [is] probably the most offensive word in English," Ayissi-Etoh v. Fannie Mae, 712 F.3d 572, 580 (D.C. Cir. 2013) (Kavanaugh, J.). In this case brought under the New Jersey Law Against Discrimination, *N.J.S.A.* 10:5-1 *et seq.* ("NJLAD") and the Conscientious Employee Protection Act, *N.J.S.A.* 34:19-1, *et seq.* ("CEPA"), Plaintiff, a Black woman, was subjected to such egregious conduct. Defendant Delisle, the Director of Housing & Economic Development for Defendant Trenton, who can only be described as the very "cancer" that the NJLAD was enacted to prevent and eradicate, casually and calmly used the "N-word" to describe his fellow co-workers and public officials. Following Plaintiff's internal complaint to her employer about this grotesque racial slur, Defendants did more than fail to investigate and fail to immediately terminate Defendant Delisle for his insidious behavior, which was commonplace at Defendant Trenton. They unlawfully and shamefully retaliated ***against Plaintiff*** by falsely accusing her of petty misconduct and transferring her to a less desirable position at Defendant Trenton. Accordingly, Plaintiff brings this lawsuit under the NJLAD to seek redress for blatant and egregious workplace discrimination and the clear retaliation that followed.

PARTIES

1. Plaintiff is an African American individual residing in Trenton, New Jersey. At all times relevant hereto, Plaintiff was employed by Defendant Trenton as the Program Development Specialist -Community Affairs for the Housing Production Division for the City of Trenton.

2. Defendant Trenton represents the citizens of Trenton New with a principal place of business at 319 E. State Street, Trenton New Jersey 08618. At all times relevant hereto, Defendant

Trenton is an "employer" as defined under the NJLAD and CEPA. Defendant Trenton directly employed Plaintiff, Defendant Delisle and Defendant Ponella.

3. Defendant Delisle is a Caucasian male and a citizen of New Jersey, and at all times relevant hereto, is an individual employed by Defendant Trenton as the Director of Housing & Economic Development. This claim is brought against Defendant Delisle in his individual capacity and/or as an agent or servant of Corporate Defendant.

4. Defendant Ponella is a Caucasian male and a citizen of New Jersey, and at all times relevant hereto, is an individual employed by Defendant Trenton as a Personnel Officer in the Division of Personnel. This claim is brought against Defendant Ponella in his individual capacity and/or as an agent or servant of Corporate Defendant.

5. Defendant Cruz is a Hispanic male and a citizen of New Jersey, and at all times relevant hereto, is an individual employed by Defendant Trenton as a Business Administrator. This claim is brought against Defendant Cruz in his individual capacity and/or as an agent or servant of Corporate Defendant.

6. Defendant Bridges is an African American male and a citizen of New Jersey, and at all times relevant hereto, is an individual employed by Defendant Trenton as a Law Department Director. This claim is brought against Defendant Bridges in his individual capacity and/or as an agent or servant of Corporate Defendant.

7. Defendant Gee is a citizen of New Jersey and at all times relevant hereto, an individual employed by Defendant Trenton as a Supervisor. Defendant Gee is Plaintiff's supervisor. This claim is brought against Defendant Gee in her individual capacity and/or as an agent or servant of Corporate Defendant.

8. Defendant ABC Corporations 1 through 5 are currently unidentified business entities who have acted in concert with Corporate Defendant, and/or currently unidentified business entities responsible for the creation and/or implementation of anti-discrimination and/or anti-retaliation policies of Corporate Defendant, and/or currently unidentified business entities who have liability for the damages suffered by Plaintiff under any theory advanced herein.

9. Defendants John Does 1 through 5 are currently unidentified individuals who acted in concert with Defendants and/or currently unidentified individuals responsible for the creation and/or implementation of anti-discrimination and/or anti-retaliation policies of Corporate Defendant and are currently unidentified individuals who may have liability for the damages suffered by Plaintiff under any theory advanced herein.

FACTS COMMON TO ALL CLAIMS

10. Plaintiff repeats each and every allegation set forth above as if set forth fully herein at length.

11. Defendant Trenton is comprised of twelve (12) different departments and a government sector tasked with representing and supporting the citizens of Trenton, New Jersey.

12. Plaintiff commenced employment with Defendant Trenton in November 2020. At all times throughout her employment, Plaintiff was qualified for her position and performed her job function without issue.

13. Despite Plaintiff's expertise and a master's degree in urban planning and development, Plaintiff was quickly shoved into another department as punishment because she reported Defendant Delisle's racially charged comments to her in the workplace.

14. On August 7, 2020, Defendant Delisle approached Plaintiff's desk and asked Plaintiff ***"So you're not talking to me?"*** Defendant Delisle also asked Plaintiff if she was "***happy"*** at work.

15. Plaintiff responded by explaining she had a "complicated" work relationship with Defendant Gee who was Plaintiff's supervisor at the time. Plaintiff confided with Defendant Delisle and explained Defendant Gee only spoke to Plaintiff in a negative and aggressive tone.

16. In turn, Defendant Delisle attempting to relate to Plaintiff's position explained that he deals with similar issues with Defendant Trenton's council members. Namely, he deals with their "ways and attitude." Defendant Delisle continued to express that many people do not like the Mayor, Reed Gusciora ("Mayor Gusciora") because ***"he's gay, white and they feel he's not from Trenton because he wasn't in the streets."***

17. Plaintiff was shocked that Defendant Delisle openly referenced the Mayor McNair's status as a gay white male and with a negative connotation. Not knowing what to do, Plaintiff deflected and explained that in her opinion fault did not lie with Mayor McNair.

18. In response, Defendant Delisle corrected Plaintiff provided his own justification for what was occurring—Defendant Delisle said ***"A lot of these people's behavior is that N-I-G-G-*-* mentality".***[1]

19. Pliantiff, an African American individual herself, was speechless after hearing Defendant Delisle, a Caucasian individual's, use such a horrific racial slur in casual conversation, i.e., with her as if it was a non-issue and entirely acceptable.

20. In response, Plaintiff, fumbling over her words, diverted the conversation and ended the discussion as soon as she could.

[1] Defendant Delisle spelled out the word "N*****" letter by letter to Plaintiff.

Plaintiff Reports Defendant Delisle's Racist Conduct

21. After processing Defendant Delisle's blatantly racists comment, Plaintiff placed a complaint to her Union President, Ramona Thomas ("Ms. Ramona Thomas") on August 12, 2020 recounting the incident.

> **From:** Tanzania Green <tagreen@trentonnj.org>
> **Sent:** Wednesday, August 12, 2020 11:16 AM
> **To:** Ramona Thomas <rthomas@trentonnj.org>; Kim McCray <kmccray@trentonnj.org>
> **Subject:** Complaint: August 7th 2020
>
> Good Morning,
>
> I hope all is well with you and your family during these uncertain times.
>
> I hold the position of Program Development Specialist -Community Affairs for the Housing Production Division for the City of Trenton. **I feel very compelled to write this letter to serve as a complaint of derogatory *racial slurs* in the workplace against the Housing and Economic Development Director Benjamin Delisle.**
>
> On August 7th, 2020 Director Benjamin Delisle approached my desk and asked me "*So you're not talking to me*?" and I said, "*why would you think that*?" Then asked if I was happy, I said "*no."* He asked, "*Is it personal or work?*". I responded and said "'*its work my personal life is Great*". I explained and expressed that I do not know how me, and my supervisor Farrah Gee can go further or accomplish a better workplace. **With her negative aggressive attitude and consistent sarcasm. She has created a toxic, hostile and unfair work environment. I have been experiencing this toxic workplace since early March 2020.**
>
> I explain to him that my Supervisor Farrah Gee is scheduled to work on the days that I work. She does not come in and its starting to seen like she doesn't not want to be in presence. Ben says " *I thought she comes in one day with you and one day with Gabby*" I told him no she doesn't and I ask him "*Have you seen me and Farrah in the office together in the last two month*s"?
>
> He then expresses to me that he deals with similar issues with the city council members. Ben reminded me of the tension and conflict in the office by telling me that I need to stay away from certain Co-workers and warned me they are not my friends. He says to stop expressing how I feel about my supervisor Farrah Gee to Andre Lomi and to stay away from Stephani Register.
>
> Mr. Delisle starts to explain that he said something to another colleague and after he walked away, he regretted saying anything because it will come back on him in the future. I wasn't sure if he was warning me or not. My response was that "*I have no issue with Lomi, and Stephani is the only person here to have given me any advice or learning material for work since my time being here".* I told him I have nothing to do with the going matter with the drama that is surrounding Gabriel Douglas and Stephani Register.

He then explains that he does not have an issue with council, but he must deal with their ways and attitude. Ben says that "I *should have heard the previous council meeting from the night before*". He expressed that it was extremely bad. **He continues to talk about the council and mayor and says that "*people don't like him because he's gay, white and they feel like he's not from Trenton because he wasn't in the Streets, but he is a good Person*".** I replied to him saying "*Yes I notice many people do not like him, you should see the Facebook groups that talk negatively about him but that come with the game of politics."*

He then expresses that many people who don't like the mayor have "*never left Trenton*" I expressed that's not the issue and Trentonians don't understand what's happening in Trenton and the direction of the city which is what's causing confusion which creates tension and it's our job to inform them. ***Ben replies with saying " A lot of these people behavior is that " N-I-G-G-E-R mentality"*** (he spelled the N-word out the word), I changed the subject back to the comment he made about Stephani and say " *I don't think that situation is as bad they are trying to make it. The person who is claiming they are threatened by her socialize with Stephani's family"*. I doubt she is afraid of her. He then says see you know too much about it already. He walks away.

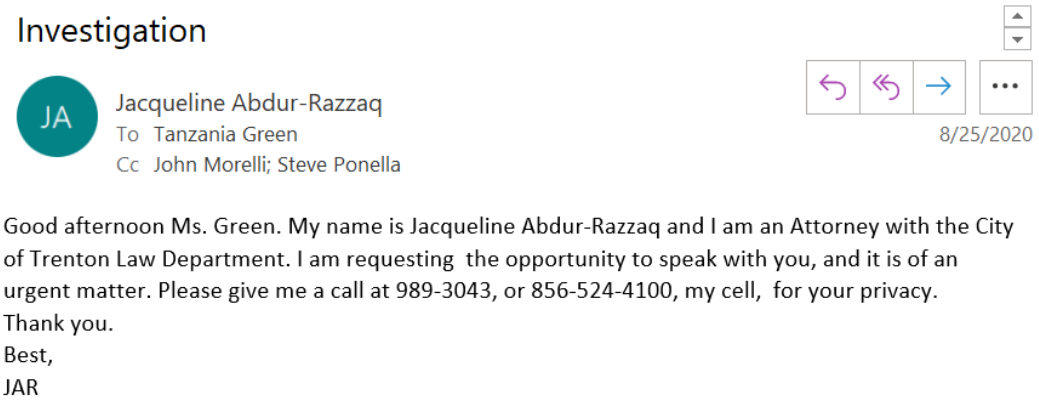
I spoke with Kim McCray on Friday regarding the comments about my two co-workers Andre Lomi and Stephani Register. She informed me that the Director cannot say these types of things and put it in writing. I did not inform her of the of racial slur during this conversation. Because I am on the Executive Committee for the Trenton NAACP Branch where I serve as the Executive Secretary for the local Branch. I wanted to speak with my NAACP President Jonette Smith before I move forward with my complaint since I served as an officer of a civil rights organization. I am not sure if Mr. Delisle is aware of my affiliation with the NAACP or not.

I would appreciate the opportunity to meet with you in the next few days so we could discuss this situation and how it can be addressed.

Best Regards,
Tanzi Green

Tanzania S. Green, MURP
Program Dev. Specialist- Community Affairs
Housing Production Division
Dept. Housing & Economic Development
City of Trenton
319 Estate Street
Trenton, NJ 08608
Phone: 609-989-3517
tagreen@trentonnj.org

22. In response, Plaintiff received an email from Ms. Abdur-Razzaq, an attorney with the Defendant Trenton's Law Department, wherein she requested a meeting with Plaintiff explaining it was "of an urgent matter."



Investigation

JA

Jacqueline Abdur-Razzaq
To Tanzania Green
Cc John Morelli; Steve Ponella

8/25/2020

Good afternoon Ms. Green. My name is Jacqueline Abdur-Razzaq and I am an Attorney with the City of Trenton Law Department. I am requesting the opportunity to speak with you, and it is of an urgent matter. Please give me a call at 989-3043, or 856-524-4100, my cell, for your privacy.
Thank you.
Best,
JAR

23. Plaintiff agreed to speak with Ms. Razzaq and later that night they had a call where Plaintiff explained the situation and answered all of her questions. Initially, Plaintiff was actually pleased that her complaint appeared to be taken seriously.

24. However, a few days later, on or about September 4, 2020 Defendant Trenton's Council President, Kathy McBride called Plaintiff to ***warn her*** about retaliation. Ms. McBride expressed that she "knows" of the situation with Defendant Delisle and believes that Defendant Trenton is making an effort "cover this up" – referencing Plaintiff's report of racial misconduct by Defendant Delisle.

25. Similarly, the next day, Paul Bethea (Defendant Trenton employee) told Plaintiff that Defendant Trenton is trying to "cover it up" – again a reference to Plaintiff's allegations of racial discrimination.

26. Plaintiff was weary based on what she was hearing from other employees, however she still continued to put her trust in Defendant Trenton to address her complaint. Plaintiff could not see a scenario in which such blatant conduct could be ignored.

27. Indeed, Defendant Trenton, purported to be investigating Plaintiff's complaint based on what Plaintiff was being told. For example, on September 16, 2020, Ronald McMullen, President of AFSCME (Union for State employees) forwarded Plaintiff an email from Debbie Parks requesting a status update on Plaintiff's complaint and a request for an outside entity to conduct the investigation.

Fwd: FW: Racial Complaint: August 7th 2020 Inbox ×

Ronald McMullen
to me

This is what the Council sent to City Hall Today....

Get Outlook for iOS

From: Debbie Parks <dparks@afscmenj.org>
Sent: Wednesday, September 16, 2020 2:04 PM
To: Adam Cruz; John Seigle
Cc: Ronald McMullen
Subject: FW: FW: Racial Complaint: August 7th 2020

Good Afternoon Adam,

I am corresponding regarding a discrimiantion complaint that has been filed with the Law Department for Invesitgation. I am inquiring where we are with that investigation and in light of recent developments with the Law Department/Administration. AFSCME is requesing and outside entity to complete this investigation. AFSCME has serious concerns about the allegations made regarding inappropriate and racist comment directed at staff from the Director. I do not want this situation sitting idle amongst the drama occurring in the City. Please feel free to contact me to discuss. Be well.

Regards,

Debbie Parks
International VP/Associate Directory
AFSCME Council 63
2653A Whitehorse Hamilton Sw. Rd.
Hamilton, NJ 08690

28. While Plaintiff thought this was the beginning of an actual investigation into her complaint, Plaintiff was wrong.

29. Plaintiff soon realized her complaint was being discussed by employees not involved in the complaint or investigative process. Plaintiff feared Defendant Delisle was spreading rumors in an effort to intimidate Plaintiff from moving forward with her complaint. Indeed, employees warned Plaintiff to expect retaliation.

30. For example, on October 8, 2020 Andrew Bobbitt (employee of Defendant Trenton) told Plaintiff that Stephanie Register (Principal Planner at Defendant Trenton and Plaintiff's supervisor) will be ***suspended for 14 days without pay if Plaintiff moved forward with her complaint*** against Defendant Delisle.

31. Mr. Bobbitt continued by emphasizing the professional stranglehold Defendant Delisle has on the interworking's of Defendant Trenton. Mr. Bobbitt explained specifically that Defendant Delisle is like a "wounded bear" and if you "wound a bear" you must make sure you "take it completely out."

32. During this same interaction, which took place outside of Defendant Trenton's facilities, Mayor McNair pulled up in a car with Defendant Delisle. She Mr. Bobbitt if he was ***"getting some punani"*** – punani is a slang Spanish term for a female's vaginal area. Plaintiff was appalled that Mayor McNair was asking Mr. Bobbitt if he was making sexual advances to Plaintiff and applauding Mr. Bobbitt for doing so. During this encounter, Plaintiff and Defendant Delisle did not speak.

33. Later that same day, Plaintiff's Union President, Ms. Thomas informed Plaintiff that the investigation into her complaint is complete, but she does not have the findings as of yet.

34. Accordingly, Plaintiff immediately called Ms. Raqq and requested the investigation findings but to Plaintiff's surprise, Ms. Raqq said she was not done with the paperwork and that the information contained in the investigation is personal and for Defendant Delisle only, not

Plaintiff. This response confused Plaintiff because she was essentially being told that she would not be made aware of the investigation details of her very own complaint.

35. The next day on October 9, 2020 Plaintiff had a meeting with Mr. McMullen and Defendant Ponella wherein Defendant Ponella informed Plaintiff he did not have the findings of the investigation but will contact Mr. McMullen when he does. Plaintiff found this to be odd because it appeared that everyone knew the investigation results, but they were conjuring up excuses as to why Plaintiff could not be aware of them. Later that day, an article shatters the internet regarding Plaintiff's complaint against Defendant Delisle with a headline reading: ***"Trenton housing director Ben Delisle allegedly called council's actions 'N-*-*-*-E-R mentality'."***[2]

https://www.trentonian.com/news/trenton-housing-director-ben-delisle-allegedly-called-councils-actions-n----/article_b416c362-0a7c-11eb-8584-d332b921236f.html

FEATURED

Trenton housing director Ben Delisle allegedly called council's actions 'N-*-*-*-E-R mentality'

By Isaac Avilucea iavilucea@trentonian.com @IsaacAvilucea on Twitter
Oct 9, 2020

Ben Delisle
City of Trenton

[2] *See* https://www.trentonian.com/news/trenton-housing-director-ben-delisle-allegedly-called-councils-actions-n-----/article_b416c362-0a7c-11eb-8584-d332b921236f.html

36. Within the article, William Skaggs (Defendant Trenton Spokesman) stated:

> **We are aware of the accusation and the matter is being investigated…Accusations of racially offensive remarks are always thoroughly investigated and dealt with pursuant to strict employee guidelines.**
>
> **The law department is leading the investigation. There was no timetable for when it'd be complete.**

37. Also, within the article, when asked if he believed Plaintiff's complaint, Mr. McMullen responded with ***"No question…Other individuals say this has been his demeanor since he has been here."***

38. The article also explains that "another employee plans to step forward with allegations of racial discrimination and unwanted advances in the coming days."

39. While Plaintiff was not identified in the article itself, Defendant Trenton informed the Trentonian of her name and instead chose to state that it was being withheld because ***"she fears retaliation for going against one of [Mayor] Gusciora's powerful cabinet members."***

40. Plaintiff was pressured to allow the complaint to be provided to the Trentonian under the guise that if she did not, they would insert her name into the article. Plaintiff felt she had no choice but to comply to protect her from retaliation at Defendant Trenton should her name be published for the world to see.

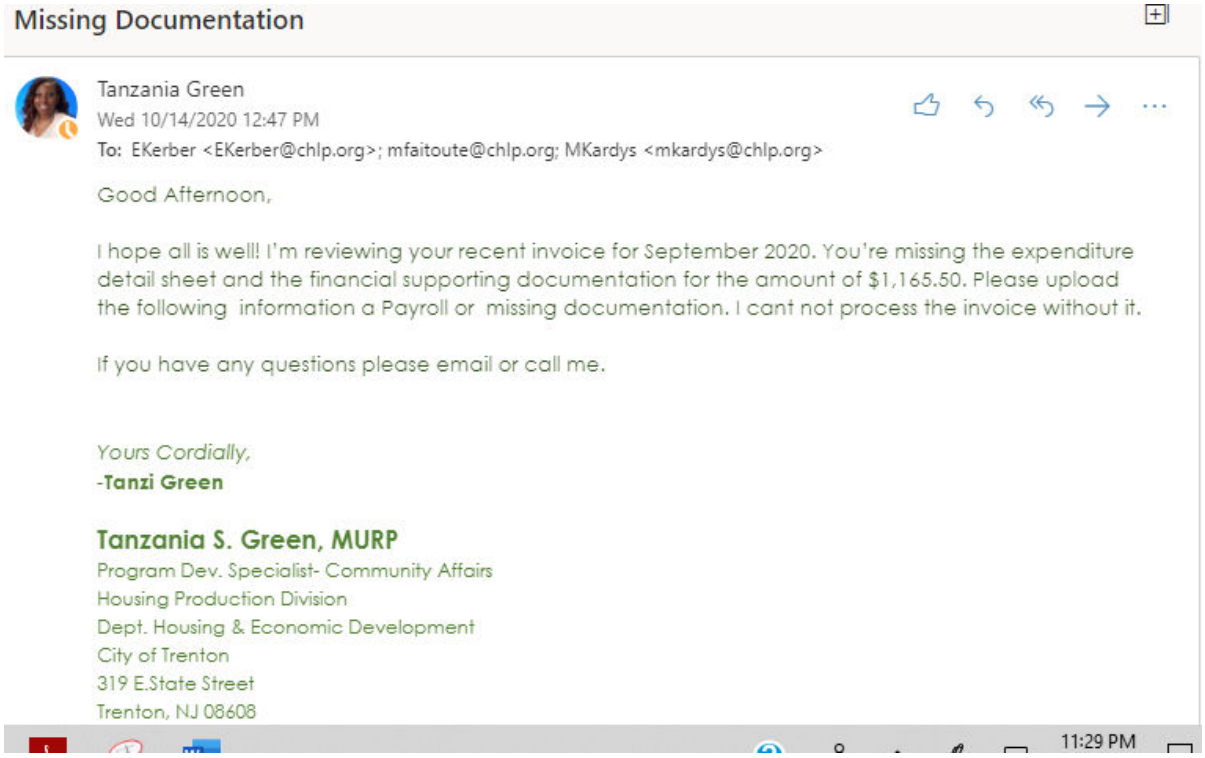
41. As if the article was not stressful enough to read, Plaintiff was flabbergasted by the contents within the article that repeatedly exclaimed that the investigation **was not concluded yet** – despite the earlier assertions she was provided by Ms. Raqq explaining it was finished.

42. At this point, Plaintiff was convinced that Defendant Trenton was making no real effort to provide Plaintiff a full and fair investigation—or any investigation at that—into her complaints and even if they were, something was amiss.

43. Despite being terrified that it was only a matter of time before Defendant Delisle saw the article and launch a retaliatory campaign against Plaintiff –which was more plausible than not based on the prior warnings she received from co-workers—Plaintiff continued to work.

Plaintiff Reports Discrepancies in Financial Documents
<u>And Is Instantly Met With Retaliation.</u>

44. As if being the victim of discrimination was not enough, on October 14, 2020 while completing her job tasks, Plaintiff realized that financial documentation was not attached to an invoice, which was require. In turn, she was unable to process the invoice and requested the missing documentation:


Missing Documentation

Tanzania Green
Wed 10/14/2020 12:47 PM
To: EKerber <EKerber@chlp.org>; mfaitoute@chlp.org; MKardys <mkardys@chlp.org>

Good Afternoon,

I hope all is well! I'm reviewing your recent invoice for September 2020. You're missing the expenditure detail sheet and the financial supporting documentation for the amount of $1,165.50. Please upload the following information a Payroll or missing documentation. I cant not process the invoice without it.

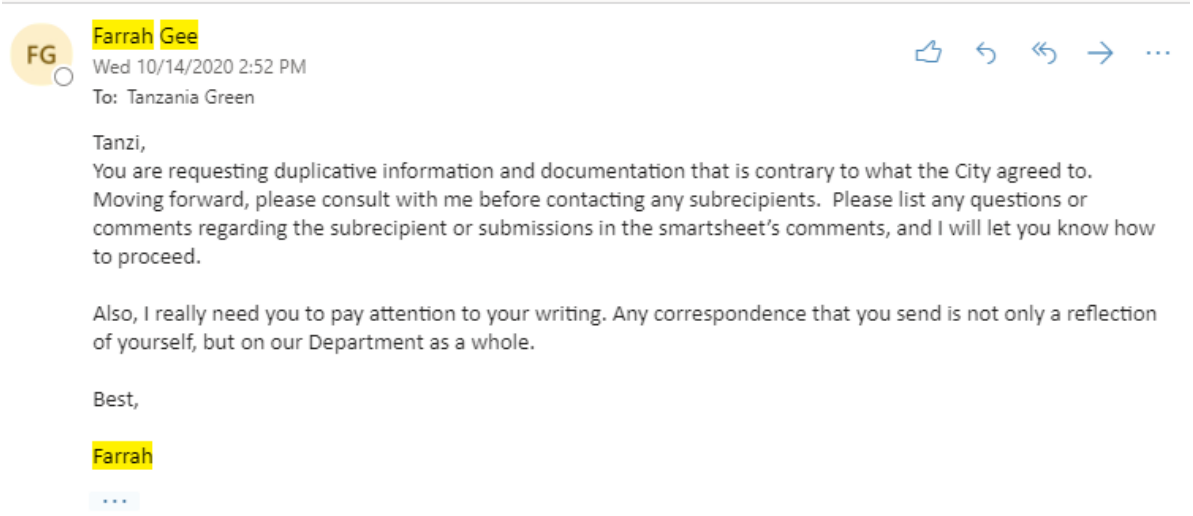
If you have any questions please email or call me.

Yours Cordially,
-Tanzi Green

Tanzania S. Green, MURP
Program Dev. Specialist- Community Affairs
Housing Production Division
Dept. Housing & Economic Development
City of Trenton
319 E.State Street
Trenton, NJ 08608

11:29 PM

45. However, to Plaintiff's surprise, Plaintiff received an email from Defendant Gee – who was not on the initial email— berating her for requesting this information, saying it was ***"duplicative information and documentation that is contrary to what the City agreed to."***



FG

Farrah Gee
Wed 10/14/2020 2:52 PM
To: Tanzania Green

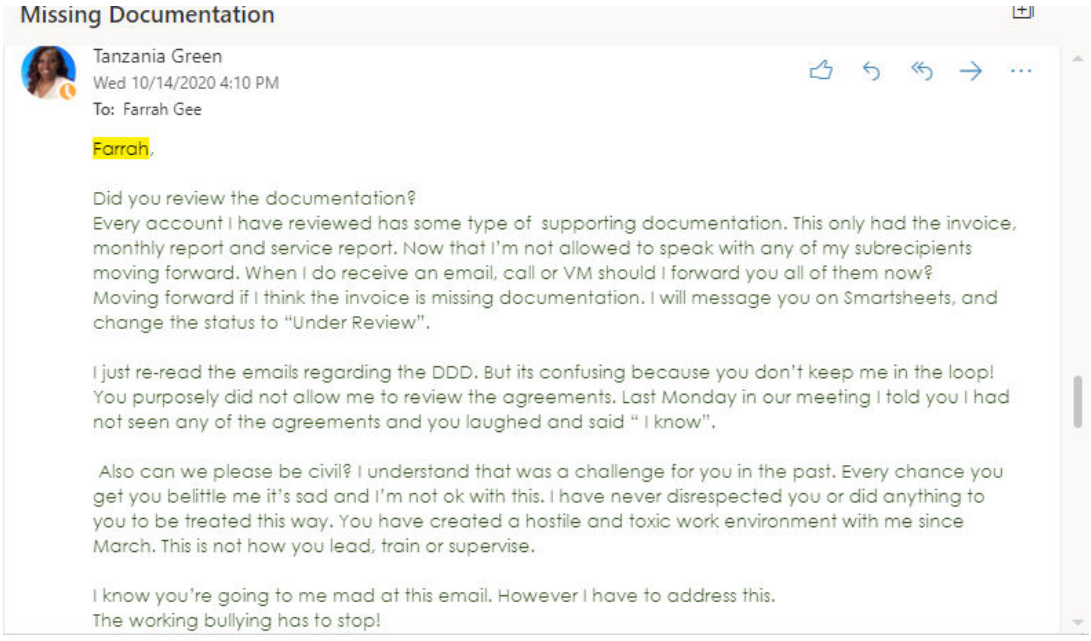
Tanzi,
You are requesting duplicative information and documentation that is contrary to what the City agreed to. Moving forward, please consult with me before contacting any subrecipients. Please list any questions or comments regarding the subrecipient or submissions in the smartsheet's comments, and I will let you know how to proceed.

Also, I really need you to pay attention to your writing. Any correspondence that you send is not only a reflection of yourself, but on our Department as a whole.

Best,

Farrah

46. Thereafter, Defendant Gee advised the client that she would be finishing the review of the submission. Plaintiff circled back with Defendant Gee to ensure the documentation was indeed reviewed adequately and report Defendant Gee's bullying of her in the workplace, stating ***"You have created a hostile and toxic work environment with me since March…The working bullying has to stop!"***



Missing Documentation

Tanzania Green
Wed 10/14/2020 4:10 PM
To: Farrah Gee

Farrah,

Did you review the documentation?
Every account I have reviewed has some type of supporting documentation. This only had the invoice, monthly report and service report. Now that I'm not allowed to speak with any of my subrecipients moving forward. When I do receive an email, call or VM should I forward you all of them now?
Moving forward if I think the invoice is missing documentation. I will message you on Smartsheets, and change the status to "Under Review".

I just re-read the emails regarding the DDD. But its confusing because you don't keep me in the loop! You purposely did not allow me to review the agreements. Last Monday in our meeting I told you I had not seen any of the agreements and you laughed and said " I know".

Also can we please be civil? I understand that was a challenge for you in the past. Every chance you get you belittle me it's sad and I'm not ok with this. I have never disrespected you or did anything to you to be treated this way. You have created a hostile and toxic work environment with me since March. This is not how you lead, train or supervise.

I know you're going to me mad at this email. However I have to address this.
The working bullying has to stop!

47. Fearful that this retaliation was only going to worsen, later that night, Plaintiff also contacted Ms. Raqq and reported the hostile working environment. Plaintiff also reported her belief

that Defendant Gee was fabricating performance issues for Plaintiff that she was never informed of prior and only now, ***after*** Plaintiff reported the missing financial data and launched a complaint against her.

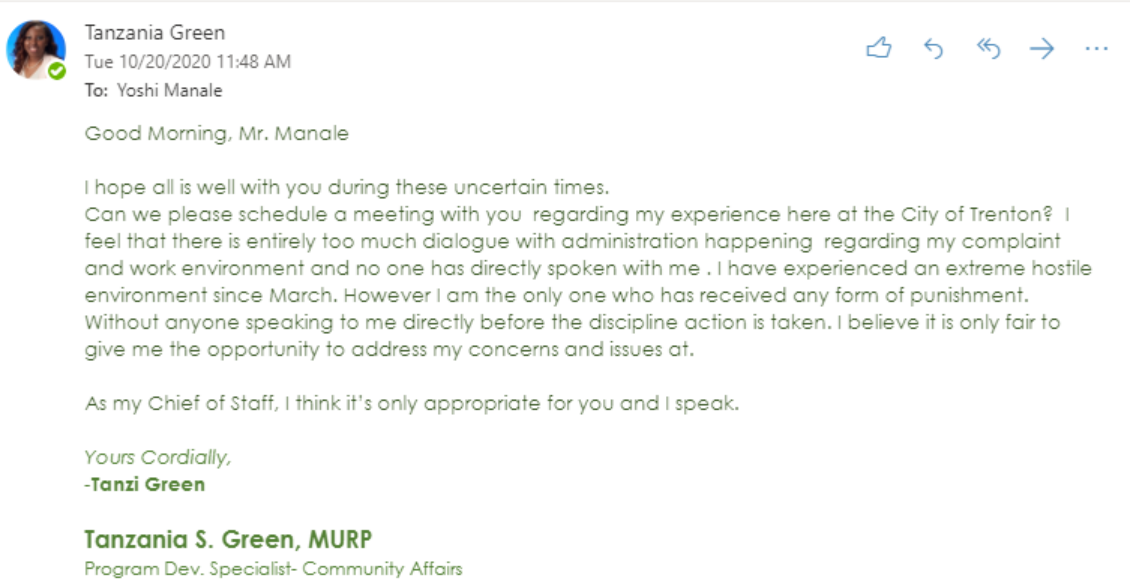
> Tanzania Green
> Wed 10/14/2020 9:42 PM
> To: Jacqueline Abdur-Razzaq
>
> Jackie,
>
> Please read below , I have serious problem in my dept!
>
> This isn't fair and this has been a hostile work environment for 8months!
> And Nobody has done anything. The purpose of Ben approaching my desk on Aug 7th was about Farrah. How she treats and speaks to me. During that time he compared Farrah Gee to council which is why he used the N-word. They are trying to set me up! This is a major problem. I be cursed out, I been lie on, talked about, punished and racially degraded and nobody isn't doing anything about it! If my job performance was bad why haven't I been informed? If I had provided our grantee incorrect information when did this happen? Why would she have me managing the Covid-19 accounts too? This is been way to stressful. I've been attacked for 8month in that dept with Farrah. Now Ben! She is mad because I asked for supporting documentation for one account. They have no proof . I have always requested missing documentation. She has been creating a pattern like I can't do my job! She just did an interview during my investigation with you saying the opposite!!What Do I do? These people truly dislike working with me. I have tried to work in peace

48. Approximately one week later on October 20, 2020 Plaintiff's co-worker Elizabeth James ("Ms. James") told Plaintiff that she was being **relocated** to Defendant Trenton's Water department ("Water Dept.").

49. It is well known that transferring to the Water Dept. is "career death sentence" at Defendant Trenton. It is commonly known amongst Defendant Trenton employees that the Water Dept. is where Defendant Trenton sends employees who report illegal activity of Defendant Trenton higher-ups as punishment to the employee.

50. Plaintiff contacted Yoshi Manale ("Mr. Manale") who was the Chief of Staff for Plaintiff and requested a meeting to discuss (i) the retaliation she has faced since her complaints

about Defendant Delisle and Defendant Gee. and (ii) her frustrations with being shunned out of the investigatory process.



Tanzania Green
Tue 10/20/2020 11:48 AM
To: Yoshi Manale

Good Morning, Mr. Manale

I hope all is well with you during these uncertain times.
Can we please schedule a meeting with you regarding my experience here at the City of Trenton? I feel that there is entirely too much dialogue with administration happening regarding my complaint and work environment and no one has directly spoken with me . I have experienced an extreme hostile environment since March. However I am the only one who has received any form of punishment. Without anyone speaking to me directly before the discipline action is taken. I believe it is only fair to give me the opportunity to address my concerns and issues at.

As my Chief of Staff, I think it's only appropriate for you and I speak.

Yours Cordially,
-Tanzi Green

Tanzania S. Green, MURP
Program Dev. Specialist- Community Affairs

51. The next day Plaintiff received a meeting invite form Defendant Ponella however the meeting never occurred and instead Plaintiff received a second meeting invite which was now titled ***"Meeting to discuss work location change"*** for October 23rd which was also cancelled due to a COVID-19 scare which required Plaintiff to seek medical treatment.

52. The meeting was rescheduled and on October 30, 2020 Plaintiff attended the meeting with Defendant Ponella and Defendant Delisle. Instead of discussing Plaintiff's concerns which was why Plaintiff requested the meeting to begin with, Defendants berated Plaintiff about the status of ***all of her projects.***

53. At this point Plaintiff knew Defendants were nitpicking her projects apart purely to lay the foundation for what would inevitably be fabricated performance issues to discredit Plaintiff's obvious credibility and knowledge required for her role.

54. As a result, Plaintiff informed Mr. McMullen of the ongoing retaliation she was receiving and in turn, Mr. McMullen on Plaintiff's behalf contacted Defendant Ponella, Ms.

Razzaq and Mr. Manale, requesting immediate action to separate Plaintiff and Defendant Delisle until Plaintiff's complaints are resolved.

> Ronald McMullen <RMcMullen@afscmenj.org>
> Fri 11/13/2020 7:30 PM
> To: Steve Ponella; Tanzania Green
> Cc: Adam Cruz; Ramona Thomas; Jacqueline Abdur-Razzaq; Yoshi Manale
>
> Good Evening, this situation, has taken a turn in a negative direction. It has been bought to my attention that **Mrs. Green is being harassed and targeted has retaliation for the claims she has made against Her Director, Ben Delilsle. She feels extremely uncomfortable in her work environment**. There was a heated conversation in The City Council meeting on Thursday regarding these allegation. There is also a report written in the Local newspaper outlining points stemming from these allegations. Ben Delilsle is still scheduling meetings with the presence of Mrs. Green, which is a clear violation of the States EEOC Policy involving two conflicting parties. AFSCME Union is requesting that the two parties be separated immediately until this Racial Issue is resolved. Mr. Ponella and Mr. Cruz i am requesting your immediate action in separating Mrs. Green and Ben Delilsle until this is resolved. Please respond and or call me ASAP when a decision is made. Thanks in advance for your anticipated cooperation.
>
> Ronald McMullen
> AFSCME President
> 609-638-7596
>
> Get Outlook for iOS

55. In response, Defendant Ponella requested specific instances of the retaliation so Defendant Trenton can investigate. However, Defendant Ponella intentionally did not address the separation of Plaintiff from Defendant Delisle because he had zero intention of doing so—just like he had zero intention of ever actually addressing the retaliation.

> Steve Ponella
> Fri 11/13/2020 8:30 PM
> To: Tanzania Green; Ronald McMullen <RMcMullen@afscmenj.org>
> Cc: Adam Cruz; Ramona Thomas; Jacqueline Abdur-Razzaq; Yoshi Manale
>
> Ron
>
> This is the first I am hearing about any issues of retaliation and harassment beyond the initial complaint. Please provide details of the alleged incidents of retaliation and harassment and they will be investigated.
>
> Steve
> Sent via the Samsung Galaxy S8, an AT&T 5G Evolution capable smartphone
> Get Outlook for Android

56. In response, Plaintiff resubmitted her complaints and again requested a status update and questioned Defendant Trenton's policy regarding the policy for complaints and investigations as laid out by Defendant Trenton's Handbook.

Tanzania Green
Tue 11/17/2020 10:13 AM
More actions
To: Steve Ponella; Ronald McMullen <RMcMullen@afscmenj.org>
Cc: Adam Cruz; Ramona Thomas; Jacqueline Abdur-Razzaq; Yoshi Manale

Good Morning Mr. Ponella;

I hope that you and your families are both are safe and healthy.
This information was provided to the appropriate officials on 10/14/2020 .
I still have not received any findings on my complaint that I submitted on 8/12/2020 .

From my understanding after reading the Handbook and Policies. Any investigation that is conducted by the EEO Office/Lawyer Department. The complainant finding/or final decision of the reports goes to who oversees the unit, divisions and departments such as (Chief Staff or Mayor) the Director of unit get a notice about the investigation, but if he/she is name in the investigations they don't get any information about the discrimination complaint investigation report.

The Complainant and Respondent do get a determination letter with the
The complaint is completed with findings or final decision.

Human Resources (HR) is only giving a memo of investigations if EEO Office/Law Department recommended the Complainant or Respondent referring to matter to Human Resources, Employee/Labor Relations for consideration of any appropriate corrective and/or disciplinary action they deem appropriate within the Department's Policy and Procedure on Employee Discipline.

Is this not the policy? I wasn't aware that you had to received this information.
Please Advise.

Yours Cordially,
-**Tanzi Green**

Tanzania S. Green, MURP
Program Dev. Specialist- Community Affairs
Housing Production Division
Dept. Housing & Economic Development
City of Trenton
319 E.State Street
Trenton, NJ 08608
Phone: 609-989-3517
tagreen@trentonnj.org

--

57. In response, Defendant Ponella yet again barreled over the crux of Plaintiff's complaint while purportedly assuring Plaintiff, as he has before, that Defendant Trenton is attempting to be "thorough when investigating."

58. However, the exact opposite was occurring. Defendant Trenton simply pitched Plaintiff's complaints from one person to the next without any actual investigating or movement occurring:

> Mr. McMullen indicated in his email from Friday night that there were further issues happening concerning your original complaint. Since I was not aware of any additional issues beyond your initial complaint, I asked for information/documentation so the new information could be investigated.
>
> You indicate in your email that you reported these incidents to the proper authorities. Please let me know who you provided this information to so I may have the investigator follow-up with them.
>
> The City is attempting to be thorough when investigating your complaint. In order to do that, we need the additional information.
>
> Steve
>
> Sent via the Samsung Galaxy S8, an AT&T 5G Evolution capable smartphone
> Get Outlook for Android

59. Unclear on what the status of her complaint was because of Defendant Trenton's inability to follow procedure and instead unilaterally create their own procedure for each Complaint as they saw fit –which in this case was absolutely nothing. Plaintiff firmly explained the steps she took including fully cooperating and, it is in fact, Defendant Trenton who has not done its part:

> Tanzania Green
> Tue 11/17/2020 2:23 PM
> To: Steve Ponella; Ronald McMullen <RMcMullen@afscmenj.org>
> Cc: Adam Cruz; Ramona Thomas; Jacqueline Abdur-Razzaq; Yoshi Manale
>
> Mr. Ponella:

> Yes, Mr. McMullen was correct. We also discussed this matter briefly with you in your office on Friday 10/9/2020. As I stated in my email. **I sent an email to the appropriate officials(Jacqueline Abdur-Razzaq) on 10/14/2020. I Also forward the information a long in that email. I never received an email response back. Per, the handbook policy you were not the proper person to give the information too.**
>
> I have cooperated with the City on my complaint and I have provided all the information that I can. I've personally spoken to everyone on this email thread except Mr. Cruz. I have not received any information on my findings/ final report or a response to the email I sent on 10/14/2020. I look forward to seeing you tomorrow for further discussion.
>
> This information should of came from the EEO Office/Law Department who was conducting the investigation. From there you should be giving me memo of the investigation
>
> Best,
> - Tanzania Green, MURP

60. In response, Ms. Razzaq responded to the email confirming receipt of all of Plaintiff's prior complaints. However, Ms. Razzaq failed to provide any insight or information as to the status of those complaints and instead listed reasons as to why there has been a delay.

61. Ms. Razzaq also advised that at Defendant Trenton's request, it was recommended that Plaintiff's complaints be forwarded to outside counsel—and not her— to avoid any "appearance of impropriety."

> From: Jacqueline Abdur-Razzaq
> Tue 11/17/2020 3:44 PM
> To: Tanzania Green; Steve Ponella; Ronald McMullen <RMcMullen@afscmenj.org>
> Cc: Adam Cruz; Ramona Thomas; Yoshi Manale
>
> Good afternoon Ms. Green and everyone. Ms. Green contacted me on 10/14/2020. She was very concerned about meeting with Mr. Delisle. I assured her she did not have to meet with him alone. I believe she was apprehensive about meeting with him in the presence of her co-workers as well. She was very concerned. She also mentioned concerns about her supervisor Ms. Gee. I asked Ms. Green to send me something in writing.

> Notwithstanding, on 10/15/2020, I was injured at work and, I was out for a week. I returned 10/23/2020 only to be sent home because of Covid 19 concerns. On 10/26/2020, there were continued concerns about Covid 19 and the City was shut down 10/27/2020.
>
> Please be advised, due to concerns about my objectivity, expressed by both City Council and the Union, Ms. Green's complaint was forwarded to outside counsel to eliminate any appearance of impropriety.
>
> While I always strive to be neutral and professional, and while I do not work closely with Mr. Delisle, I respect transparency and neutrality. I believe it was appropriate to assign the matter to outside counsel.

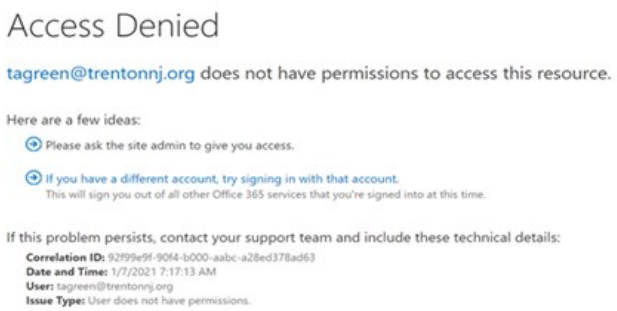
62. At no point was Plaintiff apprised of any advancements and Plaintiff remained essentially clueless as to the status of her complaint during the purported investigation process.

63. From that point forward, the retaliation only escalated nearly ever singly day Plaintiff worked.

64. For example. Defendant Delisle made it a habit to walk by Plaintiff's desk solely to spy on what she was doing in efforts to catch her doing something wrong just so he could reprimand her.

65. On other occasions, simple tasks like Plaintiff requesting time off, using her own accrued personal time, became an uphill battle. For example, Defendants accused Plaintiff of not having enough time to cover her absences –even though she had more than enough hours— and forced Plaintiff to work nearly three additional hours on December 31, 2021 to sort out the issue and prove to Defendants she in fact had time available.

66. On another occasion, Plaintiff's access was denied to a work drive that she needed to use to work—a drive that she previously had access to.



Access Denied

tagreen@trentonnj.org does not have permissions to access this resource.

Here are a few ideas:

- Please ask the site admin to give you access.
- If you have a different account, try signing in with that account.
  This will sign you out of all other Office 365 services that you're signed into at this time.

If this problem persists, contact your support team and include these technical details:

Correlation ID: 92f99e9f-90f4-b000-aabc-a28ed378ad63
Date and Time: 1/7/2021 7:17:13 AM
User: tagreen@trentonnj.org
Issue Type: User does not have permissions.

Plaintiff Takes A Leave Of Absence Due To The Mental and Emotional Toll Caused by Defendants' Conduct

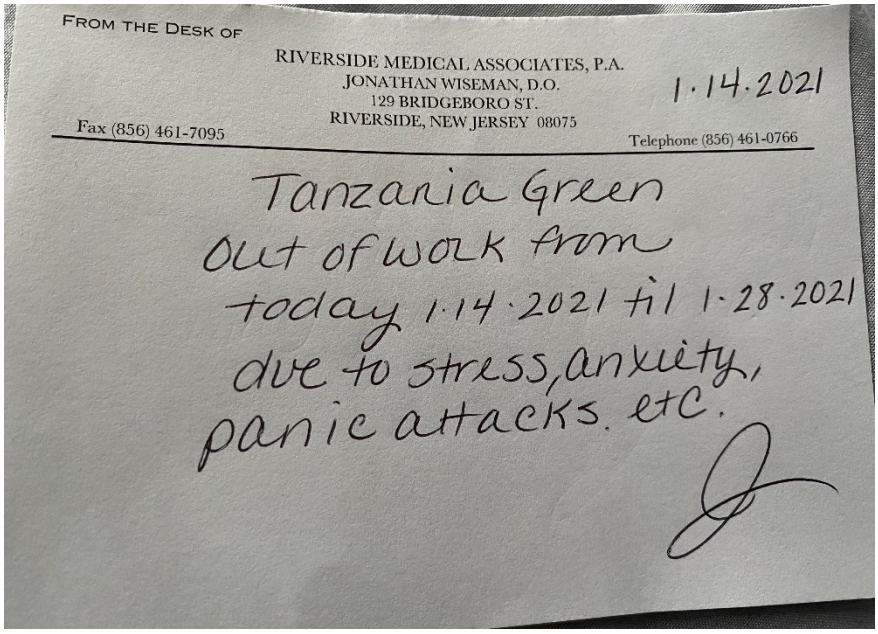
67. On January 14, 2021 Plaintiff used her earned sick time to seek medical treatment as a result of the stress and anxiety Defendants discrimination and retaliation has caused her.

68. The next day, Plaintiff's doctor diagnosed her with Panic disorder and recommended Plaintiff take a medical leave of absence from work until January 28, 2021. Plaintiff informed Defendant Trenton, including Defendant Ponella via email:

> **From:** Tanzania Green <tagreen@trentonnj.org>
> **Sent:** Friday, January 15, 2021 8:39 AM
> **To:** Nikki Mosgrove <nmosgrove@trentonnj.org>; Steve Ponella <sponella@trentonnj.org>
> **Cc:** Ramona Thomas <rthomas@trentonnj.org>
> **Subject:** RE: Called out Sick
>
> Good Morning Nikki,
>
> I attached a note from my doctor. He is taking me out of work until 1/28/21 due to stress.
> I personally do not want Mrs. Gee, Mr. Delisle and Ms. James to know this information. It's to personal.
>
> I know that before when I out due to covid-19 Mrs. Gee, Mr. Delisle and Ms. James have all used my personal information to gossip amongst other coworkers and fabricate stories. That experience has an very embarrassing and humiliating for me.

Please let me know if you need any additional information from me.

-Tanzi Green


FROM THE DESK OF

RIVERSIDE MEDICAL ASSOCIATES, P.A.
JONATHAN WISEMAN, D.O.
129 BRIDGEBORO ST.
RIVERSIDE, NEW JERSEY 08075

1.14.2021

Fax (856) 461-7095

Telephone (856) 461-0766

Tanzania Green
out of work from
today 1.14.2021 til 1.28.2021
due to stress, anxiety,
panic attacks. etc.

69. Unfortunately, shortly after Plaintiff's return from medical leave, the retaliation picked up right where it left off. Plaintiff's access was removed from the Housing and Economic Development email group and all access to the online Housing and Development shared folder:

From: Tanzania Green <tagreen@trentonnj.org>
Sent: Monday, February 1, 2021 2:26:01 PM
To: Steve Ponella <sponella@trentonnj.org>; Adam Cruz <acruz@trentonnj.org>; Jacqueline Abdur-Razzaq <jabdur-razzaq@trentonnj.org>; Ramona Thomas <rthomas@trentonnj.org>
Subject: Help!

On 1/7/2021 I emailed IT regarding me not having access to the "*CH Storage shared the folder for "Housing and Development"*
I have always had access to this folder. Now the drive says I don't have permission to access this resource . Please see attachment.

On Friday 1/29/2021 I realize I have again been removed from another online system the official online email

"HousingEconomicDevelopment@trentonnj.org". I have always received emails from my department.

70. The working environment was so hostile that Plaintiff felt forced to request a transfer that she was being urged to take to another department to cope. In her request, Plaintiff explained the hostile working environment she has been forced to work in and described the toll it took on her mental, physical and emotional health:

From: Tanzania Green
Sent: Tuesday, February 2, 2021 2:57 PM
To: Ramona Thomas (rthomas@trentonnj.org) <rthomas@trentonnj.org>; Jacqueline Abdur-Razzaq <jabdur-razzaq@trentonnj.org>; Steve Ponella <sponella@trentonnj.org>; Adam Cruz <acruz@trentonnj.org>; Yoshi Manale <ymanale@trentonnj.org>
Subject: Request for Transfer

Good Afternoon :

I am writing to request consideration for a transfer from the Housing and Economic Development Department and Housing Production Division.

As you all know, this has been an extremely high-stress work environment for 11 months. Despite my very best efforts, I am not able to continue with this degree of elevated anxiety any longer. I'm having a difficult time handling the stress, harassment, and embarrassment that my colleagues continue to create. This has impacted my health. All my duties for my position have been demoted or taken away from me. I feel force out of position and left with no other choice. This has been extremely disappointing.

I have enjoyed working with Community Affairs and Planning Development. I truly appreciate the experience that my hometown and The City of Trenton has offered me.

After much careful thought, I feel compelled to step back and reevaluate my long-term professional

objectives here with City of Trenton. In a more relaxed and peaceful working environment, I could contribute significantly to the City of Trenton potential growth and development with my experience and background.

Thank you all for your time, consideration and assistance in this matter.

Best Regards,

Tanzi Green

Tanzania S. Green, MURP
Program Dev. Specialist- Community Affairs
Housing Production Division
Dept. Housing & Economic Development
City of Trenton
319 E.State Street
Trenton, NJ 08608
Phone: 609-989-3517
tagreen@trentonnj.org

71. In response to Plaintiff's transfer request, Defendant Ponella informed Plaintiff that she was being transferred "temporarily" to the Department of Health and Human Services department to schedule COVID-19 vaccines:

From: Steve Ponella <sponella@trentonnj.org>
Sent: Wednesday, February 10, 2021 2:09:54 PM
To: Tanzania Green <tagreen@trentonnj.org>
Cc: Adam Cruz <acruz@trentonnj.org>; Benjamin Delisle <bdelisle@trentonnj.org>; Yvette Graffie-Cooper <ygraffie-cooper@trentonnj.org>; Ramona Thomas <rthomas@trentonnj.org>
Subject: Temporary Assignment

Ms. Green:

The Department of Health and Human Services has requested assistance from other City Departments to provide help in scheduling COVID-19 vaccine appointments and answering telephones. Because this is a critical need component to protect the health of our residents, please report to the Department of Health building at 218 North Broad Street tomorrow morning, 2/11/2021, at 8:30 am to begin this temporary assignment. You will be reporting to Yvette Graffie- Cooper, City of Trenton Health Officer.

Thank you for your anticipated cooperation with this necessary function. If you have any questions, please feel free to contact me.

Steve

Steven R. Ponella
Personnel Officer
City of Trenton
319 East State Street, Trenton, 08608
Office: 609 989-3196
E-mail: sponella@trentonnj.org

72. Plaintiff hoped that this transfer would relieve her from the constant retaliation she has faced but unfortunately, upon Plaintiff's arrival, Ms. Cooper (Plaintiff's New Supervisor") only continued the retaliation.

73. Upon information this was at the direction of Defendant Delisle because they were engaged in an intimate relationship and Plaintiff's transfer to her department was strategically coordinated to provide him a new avenue to retaliate against her now that she was not in his department any longer.

74. For example, Ms. Cooper accused Plaintiff of being absent from work and late on multiple occasions, despite Plaintiff being at work the entire time.

75. On another occasion, everyone working in the department was permitted to visit a different clinic while Plaintiff was the only employee required to stay back and work her site alone which has never happened prior. In fact, two (2) employees are required to be there each day, but this time, they were leaving Plaintiff alone, hoping she would crumble and create an excuse for them to reprimand her.

76. To make matters worse, Plaintiff was told by employees that a no-contact order was placed on her—meaning people were directed to avoid Plaintiff at all costs in efforts to segregate her completely in every way possible.

77. Despite the retaliatory treatment, Plaintiff performed her duties in this new position without issue and after about one month, Plaintiff requested clarification on her temporary assignment and the investigation into her complaint:

> **From:** Tanzania Green
> **Sent:** Tuesday, March 2, 2021 3:50 PM
> **To:** Steve Ponella <sponella@trentonnj.org>; Jacqueline Abdur-Razzaq <jabdur-razzaq@trentonnj.org>; Adam Cruz <acruz@trentonnj.org>
> **Cc:** Ramona Thomas (rthomas@trentonnj.org) <rthomas@trentonnj.org>
> **Subject:** Update Requested
>
> Good Afternoon to you all
>
> I have a few questions I need clarification on.
>
> - Will I ever return back to my daily assignments?
> - How long will this temporary assignment last?
> - Do you know or have an idea what is the turnaround time will be for the interview decision for my current position?
> - Is it true that the city has a no contact order that involves me and other employees? If so, Why wasn't I informed?
> - Any updates on the investigation?
>
> I have yet to receive an count of my accumulated count of my time. I was never provided one since my employment in Nov 2019.
>
> *Best Regards,*
> **Tanzi Green**

78. Also, during this time, Plaintiff re-interviewed for her previous position as part of Defendant Trenton's annual recertification process for her position as the Program Development Specialist-Community Service for the Department of Housing Economic Development. Plaintiff was happy to interview because her goal was to return to her position after the purported "investigation" into her complaints were resolved and proper remedial action was taken.

79. However, Plaintiff soon realized that Defendant Trenton had zero intention of every permitting her back to her position. Indeed, Plaintiff's interview was unlike all of the other interviews—the video cameras were off, she was asked different questions than others and she was interviewed by an individual who works extremely close with Defendant Delisle—obviously affecting the objective interview process since Plaintiff's complaints were against Defendant Delisle and this interviewer knew that.

80. Thereafter, Defendant Ponella's response to Plaintiff's prior email confirmed that the results of the purported investigation—that existed in name only – decided Plaintiff's fate at Defendant Trenton and will determine if she was ever permitted to be restored to her position. Yet, this entire time, Defendant Delisle's position remained unscathed.

81. Moreover, Defendant Ponella's email confirmed that the investigation, that was supposedly started in August 2020, was continuing with no advancements.

> **From:** Steve Ponella <sponella@trentonnj.org>
> **Sent:** Wednesday, March 3, 2021 1:10 PM
> **To:** Tanzania Green <tagreen@trentonnj.org>; Jacqueline Abdur-Razzaq <jabdur-razzaq@trentonnj.org>; Adam Cruz <acruz@trentonnj.org>
> **Cc:** Ramona Thomas <rthomas@trentonnj.org>; Wesley Bridges <wbridges@trentonnj.org>
> **Subject:** RE: Update Requested
>
> Ms. Green:
>
> Please see my responses below:
> - Will I ever return back to my daily assignments? This will depend on the outcome of the investigation.
> - How long will this temporary assignment last? According to the union contract, it can last up to 60 working days.
> - Do you know or have an idea what is the turnaround time will be for the interview decision for my current position? No, I do not.
> - Is it true that the city has a no contact order that involves me and other employees? If so, Why wasn't I

informed? I am aware that you were reporting to HED and HED to you through Ms. Mosgrove and now me. I do not know if there is a no contact order. This reporting structure was put in place while the investigation was being conducted and until it is concluded.

- Any updates on the investigation? The city will advise you when the investigation is finalized.

Steve

Steven R. Ponella
Personnel Officer
City of Trenton
319 East State Street, Trenton, 08608

82. Following Defendant Ponella's email, Plaintiff complained again, reiterating all of the retaliation—which included his email—that she has experienced since first launching her complaint **7 months earlier**.

From: Tanzania Green <tagreen@trentonnj.org>;
Sent: Wednesday, March 3, 2021 3:42 PM
To: Steve Ponella <sponella@trentonnj.org>; Jacqueline Abdur-Razzaq <jabdur-razzaq@trentonnj.org>; Adam Cruz <acruz@trentonnj.org>
Cc: Ramona Thomas <rthomas@trentonnj.org>; Wesley Bridges <wbridges@trentonnj.org>
Subject: RE: Update Requested

Mr. Steve Ponella, Attorney Abdur-Razzaq, Mr. Cruz,

Hello Mr. Bridges Welcome to the City of Trenton.
During the initial investigation in Aug 2020 (**7months ago),** I still performed my work duties. *I'm so confused on why again I am being punished for reporting Racial Slurs in the workplace now? Why wasn't I removed when Mrs. Abdur-Razzaq conducted the investigation?*

For months you did nothing to remove me from the hostile work environment. This measure was not taken until Mrs. Gee began to harass me and challenge work performance , which was never an issue in the past and had nothing to do with the investigation.

> You have allowed Mrs. Gee to remove all work duties , I do not have personal work space during a pandemic in the health dept, my work from home is also taken away which is a major inconvenience since I have children in my household.
>
> It's clear that there is some type of no contact has been put in place.
> Mrs. Gee called me crying in December 2020 and explained that she ordered not to speak to me. A month later all my work was removed and eventually I was too.
> *Why does Ms. James forward all my emails to you if there's no contact order?*
> *Why was I remove the HED email group and all emails forwarded to you and me?*
>
> I told you I was aware I was being punished in our Nov 2020 meeting. This is when you and Yoshi tried to move me to the water dept and YOU admitted that is typical is a punishment. It's clear I'm being punished for putting my complaint in.
>
> I requested a meeting and I have yet to receive one. I will continue to forward all my questions and concerns regarding my future and my career development with the City of Trenton to you all.
> This has become very stressful and very biased.
>
> Have a Great and Blissful Afternoon!
>
> -Tanzania S. Green, MURP

83. On March 5, 2021 Plaintiff retained counsel, who sent a Litigation Hold letter to Defendants.

84. Three (3) days later, Plaintiff was provided the purported investigation findings—however the findings were not the original findings from Ms. Abdur-Razzaq's investigation, they were a ***second set*** of findings that did not substantiate Plaintiff's complaints.

85. Plaintiff was unclear as to why there were two sets of findings and when she requested information on same in addition to a copy of the investigation results, Defendant Bridges explained he could not provide one at this time because this was only a "draft". The manner in which these "results" were presented to Plaintiff seemed strategic –coming just days after Plaintiff initiated legal action—rather than informative and final.

86. Nevertheless, Plaintiff awaited her copy of the findings to hopefully gain more insight into the result. However, over the months to come, Plaintiff was still met with retaliation, including but not limited to: (i) being taken off projects; (ii) not being permitted to remote work any day of the week while other employees were (iii) not being permitted to work on the same "A/B" schedule as other employees for social distancing purposes; and (iv) stripped of job duties.

Defendant Trenton Councilwoman, Robin Vaughn
Assists Plaintiff In Finding Answers.

87. On April 20, 2021 Ms. Robin Vaughn, Defendant Trenton Councilwoman forwarded Pliantiff an email in which she requested Defendant Trenton share Defendant Abdur-Razzaq's findings from her investigation into Plaintiff's August 2020 complaint concerning Defendant Delisle's racial discrimination:

> From: **Robin M Vaughn** <robin.m.vaughn@gmail.com>
> Date: Tue, Apr 20, 2021 at 10:44 AM
> Subject: Fwd: Final Findings of Investigation of Director Ben Delisle
> To: <tanzaniasgreen@gmail.com>
>
> Hello Tanzania, see below...I have not forgotten about you in this regard. - Robin :)
> ---------- Forwarded message ---------
> From: **Robin Vaughn** <rvaughn@trentonnj.org>
> Date: Tue, Apr 20, 2021 at 10:32 AM
> Subject: Final Findings of Investigation of Director Ben Delisle
> To: Reed Gusciora <rgusciora@trentonnj.org>, Gary Lawery <glawery@trentonnj.org>, Jacqueline Abdur-Razzaq <jabdur-razzaq@trentonnj.org>, Wesley Bridges <wbridges@trentonnj.org>, Ramona Thomas <rthomas@trentonnj.org>, Edmund Johnson <ejohnson@trentonnj.org>, rmcmullen@afscmenj.org <rmcmullen@afscmenj.org>
> Cc: CITY-CLERK <clerk@trentonnj.org>, Matthew Conlon <Mconlon@trentonnj.org>, Wesley Bridges <wbridges@trentonnj.org>, rmcmullen@afscmenj.org <rmcmullen@afscmenj.org>, Kathy McBride <kmcbride@trentonnj.org>, Marge Caldwell-Wilson <mcaldwell-wilson@trentonnj.org>

> Mayor Gusciora:
>
> Please share the final documented findings report from the investigation the Law Department, Jacqueline Abdur-Razzaq Esq., conducted on Director Ben Delisle back in August 2020 for his alleged use of the racial epithet "nigger" in the workplace.
>
> Regards,
> Councilwoman Robin Vaughn, West Ward, City of Trenton | (609) 331-6555 | rvaughn@trentonnj.org

88. The very next day, on April 21, 2021, Ms. Abdur-Razzaq was inexplicably and abruptly terminated from Defendant Trenton.

89. Shortly thereafter, Defendant Abdur-Razzaq informed Plaintiff that she was indeed terminated because of her findings surrounding Plaintiff's complaint—namely that she **substantiated Plaintiff's complaint** and she felt she was terminated in efforts to be rid Defendant Trenton of all of the inevitable liability that would flow from her findings.

90. Plaintiff was speechless and knew at that point, she not only would never return to the position she held prior to her complaints but that it was just a matter of time before, she too was terminated.

91. Indeed, Plaintiff now had firsthand knowledge that Defendant Trenton was sweeping Plaintiff's complaints under the rug while intentionally depriving Plaintiff of a full and fair investigatory process and worse of all — erasing the real investigation findings that substantiated Plaintiff's complaints.

92. Since Plaintiff became aware of same, her temporary assignment has expired, and Plaintiff is now an employee of the Health Department. Since Plaintiff's transition, Defendant

Delisle's secretary has been intentionally depriving Plaintiff of compensation, upon information and belief at the direction of Defendant Delisle.

93. For instance, Plaintiff was short 10.5 hours on her May 9 – May 22, 2021 paycheck and after Plaintiff complained of same, it was fixed, however 19.5 hours were then removed form Plaintiff's next paycheck.

> **From:** Tanzania Green
> **Sent:** Tuesday, June 15, 2021 3:24 PM
> **To:** Ramona Thomas (rthomas@trentonnj.org) <rthomas@trentonnj.org>; Steve Ponella <sponella@trentonnj.org>
> **Subject:** Grievance
>
> Good Afternoon,
>
> This letter is to inform you about the inconvenience and retaliation that I am facing with the Housing and Economic Development Department.
> This letter to serve as an grievance for Elizabeth James for submitting my time incorrectly. As a result two paycheck were missing overtime hours.
>
> My pay stub for 5/09/21-05/22/21 only reflected 70 hours total when it should have reflected 81 hours. I informed Yvette Cooper and she called Ms. James corrected and explained that all the overtime hours were missing. Ms. James conveyed that she would correct her errors.
>
> Then, this happened again on my next paycheck for 5/23/-6/5/2021. I submitted my timesheet correctly with 86 hours and yet another 19.5 hours were removed from my timesheet. All of my hours and timesheets were approved and submitted correctly but once it crosses Elizabeth's desk they get changed.
> Elizabeth is intentionally removing time before sending them to payroll.
>
> Another occasion on Thursday 12/3/2021 I had to come into the office on my day off at 10:30am to 1:00 pm for 2.5hrs.
> Elizabeth James and Farrah Gee blatantly lie in the email accusing me of not having a signed and approved comp time form. I gained a total or 15 compensatory hours.
> I had only used 4 hours total of my comp time. Ms. James documented that I only had 5 hours remaining which was untrue I had 11 remaining hours.
>
> The only possible explanation for this is that Ms. James is doing this intentionally at the direction or pressure from Ben Delisle in retaliation for the complaints I lodged against him. I don't even know why my hours are being approved through Elizabeth who is in the housing department when I am in the health department now. I should not have to go through additional unnecessary obstacles to simply get paid for my work on time.

> This is unacceptable. Please let me know if there is someone else, I can submit my timesheets to, to avoid this problem in the future. If there is no one else but Elizabeth, then please let me know how this will be addressed with her so it does not continue to happen.
>
> *Best Regards,*
> **Tanzi Green**
>
> **Tanzania S. Green, MURP**
> Program Dev. Specialist- Community Affairs
> Housing Production Division
> Dept. Housing & Economic Development
> City of Trenton
> 319 E.State Street
> Trenton, NJ 08608
> Phone: 609-989-3517
> tagreen@trentonnj.org

94. Subsequently, the Trentonian—a well-known newspaper in Trenton, NJ—reported Ms. Abdur-Razzaq's termination as a result of her substantiated findings regarding Plaintiff's complaints. The article stated:

- Defendant Trenton "fired her for issuing a damning report that confirmed misconduct allegations against a high-ranking cabinet member [Defendant Delisle]";
- She "found Delisle created a hostile work environment and retaliated against emploeyes for reporting wrongdoing.";
- "She was fired in April after determining that Delisle discriminated against and sexually harassed fellow employees"; and
- "The Director of the Housing and Economic Development Department violated EEOC policies including, racial discrimination, sexual harassment, retaliation, creating a hostile work environment, and violated the New Jersey Statute concerning several employees."

95. Thereafter, in early August 2021, the Trentonian reported that Defendant Delisle was "effectively forced out of his position...after the Mayor Reed Gusciora administration gave him an ultimatum." Yet, it is unclear what Defendant Delisles employment status is as of the present date. The article explains that Defendant Delisle did not resign, and he was also not fired.

96. Even worse, on September 14, 2021, the Trentonian also reported on Defendant Delisle's own alleged whistleblower lawsuit against Defendant Trenton and Mayor Gusciora.

97. Defendant Delisle's claims arise out of alleged illegal practices beginning in 2019 with regard to Defendant Trenton demolition projects in the Housing and Economic Department.

98. Upon information and belief, these projects are some of the same projects that Defendant Delisle intentionally excluded Plaintiff from, despite these projects needing her participation considering her position at the time was Program Development Specialist for Community Affairs and Planning Development in Defendant Delisle's department.

99. Defendant Delisle continuously and intentionally removed Plaintiff from the meetings, leaving her uninformed in efforts to paint her as a poor performing employee.

100. As of the present date, Plaintiff has still not received any documents relating to her investigation or the finality of same. Plaintiff remains employed at the Health Department with no return to her original position.

COUNT ONE

NJLAD – DISPARATE TREATMENT & DISCRIMINATION DUE TO RACE

101. Plaintiff repeats each and every allegation set forth above as if set forth fully herein at length.

102. Plaintiff was subjected to discrimination and disparate treatment on account of her race.

103. The above-described conduct would not have occurred but for Plaintiff's race.

104. The harassing and discriminatory conduct was severe or pervasive enough to make a reasonable person and employee believe that the conditions of employment were altered and the working environment was hostile and discriminatory.

105. Defendants did not have an effective anti-harassment policy in place, Defendants have not maintained an anti-harassment policy that is current and effective, and Defendants' anti-harassment policy existed in name only.

106. Defendants did not maintain useful formal and informal complaint structures for victims of discrimination, harassment, and retaliation.

107. Defendants did not properly train their supervisors and/or employees on the subject of discrimination, harassment, and retaliation.

108. Defendants failed to institute appropriate monitoring mechanisms to check the effectiveness of the policies and complaint structures.

109. Defendants did not maintain useful formal and informal complaint structures for victims of discrimination, harassment, and retaliation.

110. Defendants did not properly train their supervisors and/or employees on the subject of discrimination, harassment, and retaliation.

111. Defendants failed to institute appropriate monitoring mechanisms to check the effectiveness of the policies and complaint structures.

112. Defendants did not have a commitment from the highest levels of management that discrimination and harassment will not be tolerated.

113. As a result of the above discriminatory conduct, Plaintiff experiences ongoing and debilitating emotional distress and economic damages.

114. As the employers and/or supervisors of the Plaintiff, Corporate Defendant is vicariously, strictly, and/or directly liable to the Plaintiff pursuant to the New Jersey Law Against Discrimination ("LAD"), *N.J.S.A.* 10:5-1, *et seq.,* in that the affirmative acts of harassment and discrimination committed by Defendants Delisle, Ponella, Cruz, and Bridges occurred within the scope of their employment; allowing Defendants to control the day-to-day working environment; and/or the Corporate Defendant was deliberately indifferent, reckless, negligent and/or tacitly approved the hostile work environment; and/or Corporate Defendant failed to create and/or have in place well-publicized and enforced anti-harassment policies, effective formal and informal complaint structures, training, and/or monitoring mechanisms for same despite the foreseeability of harassment and discrimination in the workplace; and/or by having actual knowledge of the harassment and discrimination of Plaintiff and failing to promptly and effectively act to stop it.

115. Corporate Defendant aided, abetted, incited, compelled, and/or coerced, and/or attempted to aid, abet, incite, compel and/or coerce Defendants Delisle, Ponella, Cruz, and Bridges to commit acts and omissions that were in violation of the LAD by committing affirmatively discriminatory and harassing acts towards Plaintiff in violation of its supervisory duties to halt or prevent harassment, subjecting Corporate Defendant to liability to Plaintiff pursuant to *N.J.S.A.* 10:5-12(e).

116. As a proximate result of the aforementioned acts and omissions set forth herein, Plaintiff has sustained damages.

WHEREFORE, Plaintiff demands judgment in his favor and against Defendants on this Count, together with compensatory and equitable relief, all remedies available under the law, punitive damages, pre-and post-judgment interest, and attorney's fees and costs of suit. More

specifically, Plaintiff demands judgment against Defendants for harm suffered in violation of the NJLAD as follows:

A. Reinstatement of employment and all benefits;
B. Back pay and benefits;
C. Front pay and benefits;
D. Compensatory damages;
E. Consequential damages;
F. Reinstatement;
G. Punitive damages;
H. Prejudgment interest and enhancements to off-set negative tax consequences;
I. Any and all attorneys' fees, expenses and/or costs, including, but not limited to, court costs, expert fees and all attorneys' fees incurred by Plaintiff in the prosecution of this suit (including enhancements thereof required to off-set negative tax consequences and/or enhancements otherwise permitted under law);
J. Such other relief as may be available pursuant to the LAD and which the Court deems just and equitable;
K. Ordering Defendants to take appropriate corrective action to stop and prevent retaliation at the workplace;
L. Ordering Defendants to take appropriate corrective action to stop and prevent harassment at the workplace;
M. Ordering Defendants to undergo anti-discrimination training;
N. Ordering Defendants to undergo anti-retaliation training;
O. Ordering Defendants to undergo anti-harassment training;
P. Ordering Defendants to undergo workplace civility training;
Q. Ordering Defendants to undergo bystander intervention training;
R. Ordering Defendants to engage a research organization to assess the effectiveness of their anti-discrimination training;
S. Ordering Defendants to engage a research organization to assess the effectiveness of their anti-retaliation training;
T. Ordering Defendants to engage a research organization to assess the effectiveness of their anti-harassment training;
U. Ordering Defendants to engage a research organization to assess the effectiveness of their workplace civility training;
V. Ordering Defendants to engage a research organization to assess the effectiveness of their bystander intervention training;
W. Ordering Defendants to identify an appropriate professional to investigate any future complaints of discrimination;
X. Ordering Defendants to identify an appropriate professional to investigate any future complaints of harassment;
Y. Ordering Defendants to identify an appropriate professional to investigate any future complaints of retaliation; and
Z. Such other relief as may be available and which the Court deems just and equitable

COUNT TWO

NJLAD – RETALIATION/IMPROPER REPRISAL

117. Plaintiff repeats each and every allegation set forth above as if set forth fully herein at length.

118. At all relevant times hereto, Defendants directly controlled or exerted control over Plaintiff, including but not limited to control over the workplace, operations, promotion, demotion, and/or evaluation of Plaintiff.

119. Plaintiff repeatedly complained and/or protested against the continuing course of harassing, discriminatory, and retaliatory conduct set forth at length above.

120. Defendants had knowledge about those complaints and/or protests.

121. Plaintiff was retaliated against and continues to be retaliated against as a result of same.

122. Defendants did not conduct an adequate investigation and failed to take proper remedial action to protect Plaintiff from discriminatory behavior and retaliation.

123. Defendants did not have an effective anti-harassment and anti-retaliation policy in place, Defendants have not maintained an anti-harassment policy that is current and effective, and Defendants' anti-harassment and anti-retaliation policy existed in name only.

124. Defendants did not maintain useful formal and informal complaint structures for victims of discrimination, harassment, and retaliation.

125. Defendants did not properly train supervisors and/or employees on the subject of discrimination, harassment, and retaliation.

126. Defendants failed to institute appropriate monitoring mechanisms to check the effectiveness of the policies and complaint structures.

127. Defendants did not have commitment from the highest levels of management that harassment and retaliation will not be tolerated; in fact, the highest levels of management deliberately and actively retaliated against Plaintiff when she complained about such conduct.

128. Defendants failed to conduct prompt and thorough investigations of employee complaints of harassment and retaliation or provide a remedial plan reasonably calculated to stop any harassment that is found.

129. As a direct result of Plaintiff raising complaints regarding Defendants' conduct, Defendants took retaliatory action against Plaintiff including but not limited to transferring/demoting her employment.

130. Defendants are vicariously, strictly and/or directly liable to Plaintiff for unlawful retaliatory conduct in violation of the NJLAD pursuant to *N.J.S.A.* 10:5-12(d).

131. As a proximate result of the aforementioned acts and omissions set forth herein, Plaintiffs have sustained emotional and pecuniary damages.

WHEREFORE, Plaintiff demands judgment in his favor and against Defendants on this Count, together with compensatory and equitable relief, all remedies available under the law, punitive damages, pre-and post-judgment interest, and attorney's fees and costs of suit. More specifically, Plaintiff demands judgment against Defendants for harm suffered in violation of the NJLAD as follows:

A. Reinstatement of employment and all benefits;
B. Back pay and benefits;
C. Front pay and benefits;
D. Compensatory damages;
E. Consequential damages;
F. Reinstatement;
G. Punitive damages;
H. Prejudgment interest and enhancements to off-set negative tax consequences;
I. Any and all attorneys' fees, expenses and/or costs, including, but not limited to, court costs, expert fees and all attorneys' fees incurred by Plaintiff in the prosecution of

this suit (including enhancements thereof required to off-set negative tax consequences and/or enhancements otherwise permitted under law);

J. Such other relief as may be available pursuant to the LAD and which the Court deems just and equitable;

K. Ordering Defendants to take appropriate corrective action to stop and prevent retaliation at the workplace;

L. Ordering Defendants to take appropriate corrective action to stop and prevent harassment at the workplace;

M. Ordering Defendants to undergo anti-discrimination training;

N. Ordering Defendants to undergo anti-retaliation training;

O. Ordering Defendants to undergo anti-harassment training;

P. Ordering Defendants to undergo workplace civility training;

Q. Ordering Defendants to undergo bystander intervention training;

R. Ordering Defendants to engage a research organization to assess the effectiveness of their anti-discrimination training;

S. Ordering Defendants to engage a research organization to assess the effectiveness of their anti-retaliation training;

T. Ordering Defendants to engage a research organization to assess the effectiveness of their anti-harassment training;

U. Ordering Defendants to engage a research organization to assess the effectiveness of their workplace civility training;

V. Ordering Defendants to engage a research organization to assess the effectiveness of their bystander intervention training;

W. Ordering Defendants to identify an appropriate professional to investigate any future complaints of discrimination;

X. Ordering Defendants to identify an appropriate professional to investigate any future complaints of harassment;

Y. Ordering Defendants to identify an appropriate professional to investigate any future complaints of retaliation; and

Z. Such other relief as may be available and which the Court deems just and equitable

COUNT THREE

RETALIATION IN VIOLATION OF NEW JERSEY CONSCIENTIOUS EMPLOYEE PROTECTION ACT ("CEPA")

132. Plaintiff repeats each and every allegation set forth above as if set forth fully herein at length.

133. CEPA's purpose, as pronounced by the New Jersey Supreme Court, "is to protect and encourage employees to report illegal or unethical workplace activities and to discourage … employers from engaging in such conduct."

134. CEPA specifically provides that:

> An employer shall not take any retaliatory action against an employee because the employee does any of the following:
>
> a. Discloses, or threatens to disclose to a supervisor or to a public body an activity, policy or practice of the employer, or another employer, with whom there is a business relationship, that the employee reasonably believes:
>
> (1) is in violation of a law, or a rule or regulation promulgated pursuant to law, including any violation involving deception of, or misrepresentation to, any shareholder, investor, client, patient, customer, employee, former employee, retiree or pensioner of the employer or any governmental entity, or, in the case of an employee who is a licensed or certified health care professional, reasonably believes constitutes improper quality of patient care; or
>
> (2) is fraudulent or criminal, including any activity, policy or practice of deception or misrepresentation which the employee reasonably believes may defraud any shareholder, investor, client, patient, customer, employee, former employee, retiree or pensioner of the employer or any governmental entity;
>
> b. Provides information to, or testifies before, any public body conducting an investigation, hearing or inquiry into any violation of law, or a rule or regulation promulgated pursuant to law by the employer, or another employer, with whom there is a business relationship, including any violation involving deception of, or misrepresentation to, any shareholder, investor, client, patient, customer, employee, former employee, retiree or pensioner of the employer or any governmental entity, or, in the case of an employee who is a licensed or certified health care professional, provides information to, or testifies before, any public body conducting an investigation, hearing or inquiry into the quality of patient care; or
>
> c. Objects to, or refuses to participate in any activity, policy or practice which the employee reasonably believes:

> (1) is in violation of a law, or a rule or regulation promulgated pursuant to law, including any violation involving deception of, or misrepresentation to, any shareholder, investor, client, patient, customer, employee, former employee, retiree or pensioner of the employer or any governmental entity, or, if the employee is a licensed or certified health care professional, constitutes improper quality of patient care;
>
> (2) is fraudulent or criminal, including any activity, policy or practice of deception or misrepresentation which the employee reasonably believes may defraud any shareholder, investor, client, patient, customer, employee, former employee, retiree or pensioner of the employer or any governmental entity; or
>
> (3) is incompatible with a clear mandate of public policy concerning the public health, safety or welfare or protection of the environment.

N.J.S.A. 34:19-3.

135. CEPA goal to "prevent retaliation against those employees who object to employer conduct which they reasonably believe to be unlawful."

136. As set forth above, Plaintiff reported, protested and/or complained of Defendants' unlawful behavior including but not limited to, misrepresentation/fraud/deception of Defendant Trenton accounts and/or payments.

137. Defendants had knowledge of Plaintiff's complaints and/or protests.

138. As a direct result of Plaintiff raising complaints and/or reporting her belief that Defendants were engaging in unlawful conduct, Defendants took retaliatory action against Plaintiff.

139. Defendants are vicariously, strictly, and/or directly liable to Plaintiff for an unlawful retaliatory discharge in violation of CEPA, pursuant to N.J.S.A. 34:19-1, et seq.

140. As a proximate result of the aforementioned acts and omissions set forth herein, Plaintiff has sustained damages.

WHEREFORE, Plaintiff demands judgment in her favor and against Defendants on this Count, together with compensatory and equitable relief, all remedies available under CEPA, punitive damages, pre-and post-judgment interest, attorney's fees and costs of suit, and for such other relief that the Court deems equitable and just.

DEMAND FOR TRIAL BY JURY

Plaintiff demands a trial by jury on all issues.

McOMBER McOMBER & LUBER, P.C.
Attorneys for Plaintiff, Tanzania Green

By: /s/ Matthew A. Luber
Matthew A. Luber, Esq.

Dated: September 15, 2021

DESIGNATION OF TRIAL COUNSEL

Pursuant to *Rule* 4:25-4, MATTHEW A. LUBER, ESQUIRE is hereby designated as trial counsel for Plaintiff.

CERTIFICATION

Pursuant to *Rule* 4:5-1, it is hereby certified that, to the best of my knowledge, there are no other civil actions or arbitration proceedings involving this matter with respect to this matter and no other parties need to be joined at this time. I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

McOMBER McOMBER & LUBER, P.C.
Attorneys for Plaintiff, Tanzania Green

By: /s/ Matthew A. Luber
Matthew A. Luber, Esq.

Dated: September 15, 2021