

Center rehires 5 who charged bias

By A. STANLEY ALLISON
Willowbrook Developmental Center has rehired one black and four white safety officers who had charged the center with racial discrimination and unfair employment practices after their services were dispensed of 10 months ago.

Both the state's Division of Human Rights and the Human Rights Appeal Board had found validity in the complaints registered by the officers.

According to Donald Fleming, deputy director institution administrator at Willowbrook, however, the decisions had been reached without hearing

both sides of the long and involved story.

Referring to the decision rendered by the Human Rights Division in August of last year, Fleming stated, "I think that the individuals, whoever conducted the hearing, was off base. I don't think he evaluated all the facts... Mistakes are made, but I don't think that he made a rational decision."

Willowbrook representatives had requested an adjournment to the public hearing because they said key persons in the case were on vacation at the time.

According to Fleming, Willowbrook never had an opportunity to present their side and therefore the charges—all of

them—were never really proven.

Fleming's contention is the center lost the case because the division denied the adjournment and they were, more or less, forced to submit to default.

In the text of the decision, however, it states, "After the citation (notice of a public hearing) of July 26th was received by the respondents (Willowbrook), they visited me twice in the interest of conciliation... At no time during these two instances did they ask for an adjournment. If they had any intention of asking for an adjournment, that was the time, but they didn't."

The results of the hearing were appealed by Willowbrook and on Dec. 9, the Human Rights Appeal Board concluded that the hearing examiner's denial of an adjournment, "was not arbitrary or capricious, but was a reasonable exercise of discretion."

Whether or not the denial was a whim of the examiner, Fleming, representing the institution, does not feel that Elijah Beaufort, who was fired, or Joseph O'Brien, William Seery, Robert Lentz and Norman Johansen, who took the option of resigning, were denied their human rights.

The contest began when Beaufort, the only black safety officer on the 3 to 11 p.m.

shift at that time, claimed that Matthew Quintavalli, his supervisor, "constantly harassed, unduly criticized and falsely accused him of committing infractions on the job," and that he "was given other assignments which would place his personal safety in jeopardy."

On April 17, Beaufort was given an order by Anthony Ragucci, chief safety supervisor who is also named in the complaint, to make security rounds in the patrol car alone.

Claiming that not only was it a direct violation of security rules, but that he was aware of an alleged attempt by Ragucci to falsely charge him with raping a patient, Beau-

fort refused to obey the order. Ragucci then reportedly turned to the others and ordered them to take Beaufort's place. They also refused.

In the complaint, Beaufort said that he was then "immediately relieved of duty... and advised that he was terminated."

Not true says Fleming. "The chief safety supervisor recommended termination. He did not fire them."

As far as disobeying the order, Fleming stated, "There is a general rule in labor... Do it now and grieve later... except if you can prove that life or limb are in danger."

So although Willowbrook claims to have gotten the short end of the judicial stick, the five men go back on the center's payroll tomorrow.

"We all want the job back," said O'Brien, "but in a way we're afraid to go. It's always in the back of my mind that I'm going to be set up somehow."

The 10 months of back pay, mental anguish damages and medical bills that the division awarded the men, amounts to around \$60,000 and is a major concern of the officers.

"Unless we get a pay voucher for the exact amount of days we've been out... that includes personal leave time, vacation time, sick days and everything," O'Brien said, "and if it isn't right, they're going back into court."