



The Voice

And The Defense Wins

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On August 30, 2016, an eight-member jury empaneled at the United States District Court, Northern District of New York, Albany Courthouse, returned a verdict in favor of Ulster County against Ann Marie Legg, a long-time correctional officer at the Ulster County Correctional Facility. Ms. Legg had sued under the Pregnancy Discrimination Act portion of the Civil Rights Act claiming discrimination during her 2008–2009 pregnancy. Ms. Legg's claim was previously dismissed by the Honorable Frederick J. Scullin, and she subsequently appealed that dismissal. While the appeal was pending, the United States Supreme Court issued a ruling in *Young v. United Parcel Service*, a similar Pregnancy Discrimination

Act case, and Ms. Legg's dismissal was reversed by the United States Court of Appeals, Second Circuit on the basis of the new Supreme Court precedent. During the three-day trial, Ms. Legg contended that she had sought accommodation from the jail administration to allow her to continue to work during her pregnancy. She contended that she should have been assigned to a position without any inmate contact for the duration of her pregnancy. The County countered that, as a correctional facility, it could not preclude corrections officers from having inmate contact, and that any similar type assignment was limited to those who had suffered line-of-duty injuries. The County contended that New York's statutory framework, which grants full pay during disability to correctional officers, police officers, and firefighters who are injured on-the-job, required them to limit light-duty assignments to those with line-of-duty injuries.

Personnel who suffered off-the-job injuries or illnesses that affected their ability to work had to use their own sick leave. Ms. Legg contended that this was discriminatory. The Jail refused to assign Ms. Legg to light duty, and she continued to work up through her seventh month of pregnancy. Ms. Legg left after an incident at the Jail, in which she claimed that she was injured during an inmate scuffle. She contended that, as a result of the Jail's discrimination against her, she had lost wages for several months and had also suffered compensatory damages for mental distress and pain and suffering. The County proved that Ms. Legg in fact had pre-existing medical conditions that produced depression and that any psychological issue that she had was due to those preexisting conditions. The Jail also demonstrated that Ms. Legg had reported to her doctors that her pregnancy went well and that there were no complications from it.

The plaintiff was represented by Joseph Ranni of Florida, New York, and Stephen Bergstein of Chester, New York. The defendants, Ulster County and Ulster County Correctional Facility, were represented by [Matthew J. Kelly](#) of **Roemer Wallens Gold & Mineaux LLP** in Albany, New York. Mr. Kelly stated that "The verdict demonstrates that the County's personnel policies were appropriate and in compliance with state and federal law. The Jail, through the testimony of Sheriff Paul Van Blarcum and Warden Jon Becker, demonstrated its compliance with -those requirements."

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