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Contact:

[John Zaher](#) (631) 207-1057 ext. 8

[Hank Russell](#) (631) 207-1057 ext. 4

[PRMG New York](#)



SHULMAN KESSLER
LLP

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Shulman Kessler LLP Announces Victory in EEOC Case Involving Members of Coram Fire Department

Decision States That Fire Department Failed to Discipline Business Manager for Making Racist Comments, Retaliated against Fire Chiefs Who Protested Their Manager's Remarks

MELVILLE, NY — [Shulman Kessler LLP](#) recently announced that the U.S. Equal Employment Opportunity Commission (EEOC) found reasonable cause that the suspensions of four members of the Coram Fire Department were acts of retaliation because of their outrage over the racist comments of a fire department employee, who was neither disciplined nor fired for his remarks.

The complaint alleges that, on May 19, 2007, Sal Giarrizzo, the fire department's business manager, made a racist remark towards Milton Forde, an African-American firefighter during an installation dinner. Ronald Caruba, who was the Fire Chief at the time, confronted Mr. Giarrizzo about his remark and an argument ensued. On July 10, 2007, Mr. Caruba, along with Assistant Fire Chiefs Christopher Cacace, Robert Kullak and Robert Kinahan — who also defended Mr. Forde against these verbal assaults — were suspended. When they demanded that Mr. Giarrizzo be disciplined or fired, they allege, the fire department took no action.

In protest of their suspensions, all four resigned from the fire department the following day. On March 14, 2008, Troy Kessler, a Partner at Shulman Kessler LLP, filed federal charges on their behalf with the EEOC. The EEOC reached its decision on November 19, 2013, in favor of the Fire Chiefs. EEOC Director John E. Thompson Jr. ruled that the fire department violated Title VII of the Civil Rights Act of 1964 when it suspended the four firefighters for speaking out against Mr. Giarrizzo's actions. Further, the EEOC found that the fire department failed to take any disciplinary actions against Mr. Giarrizzo for his racist comments and the suspensions of the four employees were retaliatory in nature.

Mr. Kessler said such reasonable cause determinations are rare and that the EEOC made its decision based on the egregiousness of the case. Based on its own data, the EEOC resolved a total of 27,335 cases in 2012, of which 770 were found to have reasonable cause — that is, 2.8% of resolved cases. "We are looking at the EEOC's decision as a milestone in this case," he said. "Without a doubt, it was totally egregious what happened."

"We are grateful that after the EEOC conducted a thorough investigation of this incident, they have determined that the Fire Chiefs were subjected to retaliation that violated federal law," Mr. Kessler said. "By failing to take action against the fire department's manager and by retaliating against my clients, the fire department condoned acts of racism and retaliation. As the EEOC determined, such conduct is unlawful, and on behalf of the Fire Chiefs, we intend to pursue all available legal remedies."

For more information, call (631) 499-9100 or visit www.shulmankessler.com.

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About Shulman Kessler LLP

Located in Melville, New York, [Shulman Kessler LLP](http://www.shulmankessler.com) is a law firm concentrating in employee rights. The firm represents construction, restaurant and office workers, as well as doctors and business executives. Because it cares passionately about the rights of hardworking people, Shulman Kessler is one of the few employment law firms on Long Island and the New York metropolitan area that solely represents workers. In addition, its attorneys represent employees who face sexual harassment or discrimination based on race, gender, sexual orientation or for any other reason. For more information, call (631) 499-9100 or visit www.shulmankessler.com.