

JURY AWARDS \$420G TO NASSAU JAIL GUARD

BY CANDICE RUUD

candice.ruud@newsday.com

A federal jury has awarded a Nassau County correction officer \$420,000 after it found that the county retaliated against him after he lodged complaints alleging discrimination.

Though Jonathan P. Wharton's lawsuit against the county, filed in January 2010, also claimed he had been racially and religiously discriminated against by his employer, the jury of seven did not find in his favor on those claims.

The jury found that Wharton, 61, a Nassau correction officer since 1988, had been retaliated against specifically by five county employees in positions of power after he made formal complaints that he was facing discrimination.

On Wednesday, after five hours of deliberation, the jury in U.S. District Court in Central Islip ordered that Wharton be paid \$375,000 for pain and suffering and \$45,000 for punitive damages.

Nassau County Attorney Carnell Foskey said the county

plans to appeal the verdict, according to county spokesman Brian Nevin.

Wharton's attorney, Frederick K. Brewington of Hempstead, said after his client complained of discrimination, he was issued several disciplinary notes, and was "falsely accused of breaking rules." According to the complaint, in 2001, Wharton, who is black, was removed from his "prestigious position" in the public information office and moved to a midnight shift as retaliation for complaining about discrimination.

Brewington said in the mid-2000s, his client was also told he could no longer serve as a jail chaplain, which he had been doing on a volunteer basis since the 1990s. "They began to strip him of that, including taking away his ability and his right to use the chapel for prayer when it was available," Brewington said.

According to the complaint, Wharton felt he had endured a pattern of discrimination as a correction officer, chaplain and counselor since the mid-1990s at the East Meadow facility.