

Newsday

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Harassment call went unanswered

The state Division of Human Rights has found probable cause to the claims of two former Town of Hempstead employees who say they were sexually harassed on the job, and that their formal complaints to the town were not addressed.

Janine Smith, 24, and Nicole Starks, 20, have accused assistant sanitation inspector supervisor Frank Pepe, 41, of Levittown, of using his position to request sexual acts.

When reached at his job Friday, Pepe declined to comment.

According to the division's report, released last month, the Town of Hempstead "has not submitted formal documentation of any actions taken as a result of these serious complaints."

Town spokesman Mike Deery said he couldn't comment about specifics, but said the town responds immediately to allegations of sexual harassment, and had done so "in this case."

The women's attorney, Frederick Brewington of Hempstead, blamed the town for "allowing this to happen and doing nothing about it."

Brewington said Pepe, who is white, preyed on black female workers, treating them as his "personal harem."

Brewington is preparing a civil lawsuit on behalf of the two women.

According to the complaint, Starks began working for the town as an intern in May 2002 and remained on staff until she left to finish college in August 2003. She alleges that Pepe tried to kiss her, asked her personal questions and told her she could leave work early and get full pay if she gave him "sexual favors."

■ Rights agency says claims of 2 workers against Hempstead sanitation official were not addressed

BY DENISE M. BONILLA

Smith began working for the town in May 2001, answering phones in Pepe's office. It was her first job, she said Friday, and she didn't know how to handle his advances.

A couple of months into her job, she said, Pepe drove her to an empty parking lot and asked her to perform oral sex. She said she felt pressured and consented, and eventually had intercourse with him.

Smith, who is black, said Pepe used racist epithets toward her during sex acts. He would offer her cash later and would slip store gift certificates in her bag, she added.

"I was young, this was my first job," Smith said. "I didn't know what to do or who to talk to." When other women, seasonal hires, came to work in the office, Pepe would leave Smith alone, she said, but he would pad her paycheck with hours she had not worked.

Smith said she first complained in July 2001 to sanitation inspector Joan Pirone but was told not to talk to anyone about Pepe's behavior. "[Pirone] told me, 'He has money, he could do a lot for you, he's big in the Republican Party,'" Smith said.

Pepe, who has been a Levittown Republican committeeman, is the son of a former driver for Nassau Republican chair-

man Joseph Mondello. He has worked for the town since 1990.

Of the case, Pirone would say only, "I'd rather not talk about it."

Smith took her complaint to the town attorney's office, but said the town took no action. In fall of 2003, Smith was transferred to another department, but rumors of her involvement with Pepe followed her to her new job and she felt pressured to resign within the month, Brewington said. She is now married and lives in Greensboro, S.C. Starks is finishing school and lives in Freeport.

"In light of their sexual harassment policy, what they did in this situation is the equivalent of an ostrich putting his head in the sand," Brewington said of the town.

A town employee who asked not to be named said the town's investigation, which began in the summer of 2003, determined Smith and Pepe had a consensual affair and no harassment was involved. But the division's report said that, even if the sexual acts were consensual, "there is a question as to whether they were welcome."

Brewington said Smith was "trapped" in a hostile work environment. "You have a young woman, and the person making the decisions . . . befriends her where he takes advantage of her trust," Brewington said. "That's not consensual."

The Division of Human Rights will continue to mediate, but if talks fail, the matter will move to a hearing before an administrative law judge. If town officials were found negligent, it could be liable for damages.



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— Janine Smith