

# Man's \$45M bias lawsuit going to trial

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A \$45 million discrimination lawsuit filed by a Nassau correction officer against his employer is headed to trial after a federal judge last week denied parts of the county's request to dismiss it.

In the original suit filed Dec. 30, 2010, Rodney Johnson, a county correction officer since August 1993, named the county, the sheriff's department and eight county employees responsible for the alleged acts of discrimination, harassment and subsequent failure to act.

On Sept. 22, U.S. District Judge Joseph F. Bianco in Central Islip ruled a retaliation claim may still be pursued, as well as claims for a hostile work environment and human rights violations, according to court documents.

Johnson says the harassment began shortly after he was chosen to be a drill instructor for the High Impact Incarceration Program in the Rehabilitation Unit in January 2006.

Johnson, who is black, "has been the victim of a long campaign of racially motivated discriminatory action, through intimidation, assault, ridicule, and harassment" by fellow correction officer Manny DaSilva, who is white, the suit states.

Johnson allegedly reported the harassment to his superiors on several occasions, but nothing was done, the suit says.

Nassau County Attorney Carnell Foskey said in an email the county "does not comment on pending litigation."

DaSilva physically threatened Johnson after the complaints, the suit says. In January 2010, Johnson was transferred to the Law Library, "commonly referred to as the 'Punishment Post,'" the suit states, "in retaliation" for his complaints about DaSilva.

Johnson claims a hostile work environment was also caused by DaSilva, who allegedly pulled a gun on him in the parking lot, made phone calls threatening to kill him, tailgated him while driving and vandalized his vehicle and office, the suit says. DaSilva also allegedly drew sexually lewd pictures of Johnson in the correction officers' break room and used racial epithets toward him.

"Unfortunately, the jail has been and continues to be an equal employment opportunity mess," Frederick K. Brewington, Johnson's attorney, said. "The goal is to vindicate Mr. Johnson and have his rights exercised as the law allows."

Brewington said the judge has not yet set a trial date.