



CO wins retaliation suit, says workplace still hostile

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By Candice Ruud
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NASSAU COUNTY, NY — A Nassau County correction officer who sued over alleged discrimination and convinced a federal jury he was a victim of retaliation claims he still faces a hostile workplace.

The 26-year officer, Jonathan P. Wharton, said a subordinate officer used "racist slurs" and threatened him physically in an incident last week inside the East Meadow jail.

Wharton, 61, said resentment against him has been building since a federal jury awarded him \$420,000 on Sept. 17.

Wharton said he was supervising breakfast Tuesday in the jail's Behavior Modification Unit, where inmates with behavioral and social issues are housed, when the officer disobeyed his order to secure the dormitory.

"I had to take charge and secure the dorm myself," Wharton said. "When he came out of the dorm after the dorm was secured, he came to me in a threatening manner and used . . . racist slurs."

Wharton, who is black, said the officer also blocked his path and threatened to hit him.

The confrontation unfolded in front of inmates, which could have sparked a riot or planted the seed for a dangerous situation later, said Wharton and his attorney, Frederick K. Brewington of Hempstead.

"You're working in a very hostile environment, already knowing that anything could happen dealing with inmates," Wharton said. "I should feel secure working in that environment. Unfortunately, I don't feel that same safety and security now."

Brewington sent a letter to the county's attorneys on Thursday asking that action be taken and warning that if Wharton "is faced with further acts of abuse and retaliation . . . we will seek the intervention of the court." The letter demands the county "immediately address this matter and advise us what action will be taken."

County attorney Carnell Foskey said in a statement Friday that "a full investigation is being conducted." A motion to set aside the September verdict has also been filed.

The jury found that Wharton had been retaliated against by five county employees in supervisory roles after he made formal complaints that he was being discriminated against.

Wharton claimed that after he complained about discrimination he was written up for several disciplinary infractions. In 2001, Wharton was removed from his position in the public information office and moved to a midnight shift as retaliation, according to his lawsuit.

The suit, filed in January 2010, also claimed he was a victim of racial and religious discrimination, but the jury rejected those claims.

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