

2 sue, say jobs at DA lost to bias

BY RICK BRAND

rick.brand@newsday.com

Two former Suffolk County prosecutors have filed federal lawsuits, claiming they were victims of racial discrimination and were fired illegally in 2013.

The former assistant district attorneys — Rashika N. Hettiarachichi, from Sri Lanka, and AveMaria Thompson, an African-American — filed suit separately last year in U.S. District Court in Central Islip against District Attorney Thomas Spota and top officials in his office.

Earlier, both had filed complaints with the state Division of Human Rights, which found probable cause that discrimination occurred. That allowed them to move forward with the federal suit.

The legal challenges came to light this month when the district attorney's office sought a waiver from a county committee to hire outside counsel Mary Ellen Donnelly of the Manhattan firm of Putney, Twombly, Hall and Hirson to handle the case.

Both plaintiffs claim in their suits that their firings were discriminatory, and that they suffered harassment, retaliation and character assassination before termination. The suit also claims that minorities are promoted at a far slower rate than white prosecutors.

Donnelly said the suits are without merit and denied all the allegations. She has moved to dismiss both cases.

"We will vigorously defend the lawsuits and vindicate the office," Donnelly said.

Donnelly said Thompson's dismissal was based on a "theft of services," because she was chronically late and put hours on her time sheet that she did not work. Donnelly said Hettiarachichi "was not able to perform the responsibilities" of her job, despite chances in several bureaus.

Thompson's attorney, Jason L. Solotaroff of Manhattan, asserts in court papers that his client, who worked for the office for a decade, was never late for court appearances, and arrived at the office around the same time as most other assistants.

Solotaroff argues that Thompson was "singled out" for retaliation after she complained in 2013 to a supervisor that a co-worker had referred to her as a "monkey in a suit." That supervisor also subjected Thompson to a "steady barrage of sexually harassing and racially offensive jokes and remarks" during her tenure, said Solotaroff, who has not specified damages.

Hettiarachichi's attorney, Frederick Brewington of Hempstead, also disputed the county's claims. Brewington said in court papers his client worked for the office for 11 years and was "highly rated in many of her performance evaluation areas." The court papers say Hettiarachichi never had "any write up or warning" about job performance deficiencies before 2013, and only encountered problems after disclosing to her employer that she was diagnosed with bipolar disorder.

"Our client expected much more from her employers," Brewington said. "She gave them a good amount of her work life and dedicated herself to the people of Suffolk County. The treatment she received was both unprofessional and illegal." Hettiarachichi has filed for \$5 million in damages in each of her suit's six counts.

Currently, the district attorney's office has 19 prosecutors who are members of minority groups, out of a staff of 183. There are 99 female attorneys and 84 men.

A spokesman said that before Spota became district attorney in 2002, there were 12 minority prosecutors on a staff of 140, 83 male attorneys and 57 females.