

Contra Costa Times

Vol. 85 No. 147

H ☆

Wednesday, October 18, 1995

46 cents plus tax

Ex-worker, county settle over firing

By MICHAEL HYTHA

Staff writer

MARTINEZ — A woman who claimed she was fired because she was pregnant has won a settlement of up to \$75,334 from Contra Costa County.

Janet Maldon, who worked as a medical records clerk for the Health Services Department, accused the county of firing her because she was unable to climb or lift heavy objects and because, in one instance, she came late to work after suffering from morning sickness.

The county settled the case without Maldon having to file a lawsuit and even paid some of her legal fees in advance to show "good faith," said Ron Harvey, the county's liability claims manager. Harvey said he could not comment in detail because the settlement had not been signed.

When asked why the county settled, he replied, "We felt it was factually necessary."

The settlement, ratified this month by county supervisors, includes a \$57,500 payment for damages to Maldon plus \$7,372 for her attorney fees. The remaining portion, up to \$10,462 for her lost wages, is still being worked out.

Maldon originally demanded that she be given her job back.

Settle

FROM PAGE 1A

Under the terms of the settlement, she will be eligible for open positions with the county, Harvey said.

Maldon's lawyer said the Oakland woman has found another job.

"She decided that ways were better parted," said attorney Jody LeWitter. "She's going to be very happy with this settlement."

Firing a worker because she is pregnant violates the Americans With Disabilities Act, which bars discrimination based on a medical condition, including pregnancy.

Maldon earned \$427 a week until her firing Sept. 22, 1994.

Her husband came in that day to ask two supervisors why she was fired, according to a Feb. 7 letter to the county, in which Maldon's lawyer demanded \$75,000. The security guard

who was at that meeting testified at an administrative hearing that Maldon's supervisors told her husband she was fired "because she had a bad attitude and wasn't getting along with her co-workers, and also because she couldn't do the work because she was pregnant," according to that letter.

LeWitter said in the letter that Maldon had never been reprimanded in writing for having a "bad attitude." If her attitude had been an actual concern and not just a pretext, then Maldon's supervisors would have reprimanded her in the same way they did when she was late, LeWitter said. They did not.

Maldon's immediate supervisor, Maria Bito, was transferred as part of an "administrative remedy," Harvey said. Bito's supervisor, Michele Kimmel, would not comment. Bito could not be reached for comment.

Staff writer Brian Alcorn contributed to this story.