
"Toxic Atmosphere" of Sexual Harassment Alleged Against Clarkstown Highway Department

NEW YORK – June 28, 2019 – Victoria Malone, a 34-year-old woman employed as a machine operator and maintenance worker by the Clarkstown Highway Department has sued the Department, its leadership, the Town, and several co-workers for sexual harassment, physical assault, and promoting a “toxic atmosphere” of “gender-based discrimination.” Malone, the only non-administrative female in the Department filed the suit in the Federal District Court for the Southern District of New York late Wednesday.

According to the complaint, “the Department supervisors knowingly allowed Ms. Malone’s coworkers to subject her to an ongoing hostile work environment and the Department took no disciplinary action against the male employees who harassed Ms. Malone.” Over the years she repeatedly complained to supervisors, the union, and others about “humiliating”, “inappropriate”, “disgusting and degrading sexual comments”, and “physical harassment” by co-workers.

One defendant “pressured Ms. Malone to look at and rank pictures of naked women while they were together in a truck. And appallingly, [he] pulled Ms. Malone’s pants aside to see her underwear.” Another defendant “stalked” her, and several subjected her to “a constant stream of inappropriate sexual comments” and she was “regularly harassed and degraded by her other male colleagues for being a woman.”

Ms. Malone was told “she could no longer use the women’s restroom but had to use the men’s restroom.” The defendants “also forced Ms. Malone to use an electrical closet as a changing room. The room did not lock and was infested with vermin.” In addition, “male employees frequently urinated in front of Ms. Malone, and did so in a manner calculated to harass and intimidate her.” One defendant, a senior member of the Department, “knew the men were urinating in front of Ms. Malone. But rather than stop their behavior, [he] joined in the harassment by giving Ms. Malone a pink ‘Go Girl’—a female urination device that could be used to urinate outdoors while standing. Another defendant told Ms. Malone “not to complain to the Town or to the Union because doing so would make her life ten times worse.”

In addition to the creation of a hostile work environment through sexual comments and gestures, Ms. Malone’s coworkers subjected her to physical attacks. One defendant “repeatedly intimidated Ms. Malone by swerving his car towards her when she was walking in the parking lot, nearly hitting her on multiple occasions.” Another “repeatedly pushed Ms. Malone to the ground, and on one occasion sat on her and slapped her buttocks while pressing her face into the ground. On at least two occasions, [he] ripped

off Ms. Malone's shirt" and on yet another occasion "assaulted Ms. Malone with a large double-bladed pruning tool known as a 'lopper,' which he used to cut her leg."

According to Steve Cohen, a partner at Pollock Cohen LLP representing Ms. Malone, the complaint sets out some of the most egregious examples of sexual harassment and retaliation he has ever seen.

"In the era of 'me too,' it is difficult to be surprised by the abuse suffered by women at the hands of their co-workers and superiors. However, even in this day and age, the years-long abuse suffered by Victoria Malone, while employed by the Town, is so appalling that it will shock even the most jaded of senses. Every day she is faced with the knowledge that her attempts to stand up for herself and just do her job have subjected her to uncontrolled harassment, retaliation, intimidation, and fear."

"The Department supervisors knowingly allowed Ms. Malone's coworkers to subject her to an ongoing hostile work environment and the Department took no disciplinary action against the male employees who harassed Ms. Malone. These incidents put Ms. Malone's health and welfare in serious jeopardy. They have unreasonably placed Ms. Malone in fear of physical harm. The Defendants engaged in extreme and outrageous conduct that intentionally or recklessly caused Ms. Malone severe emotional distress, and she has suffered and will continue to suffer irreparable injury, pain and suffering, emotional distress, and other compensable damages." According to Cohen, Ms. Malone "has faith that the jury will do the just and right thing."

<Case Information>

Name: MALONE v. Town of Clarkstown et al.

Case Number: 7:19-cv-05503