

Lawsuit alleges wrongful firing

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SALISBURY — A former employee is suing the Boys and Girls Club of the Lower Merrimack Valley, claiming she was fired in retaliation for reporting a co-worker's alleged inappropriate behavior to the state Department of Children and Families.

Danielle Salvatore of 42 Elmira Ave., Newburyport, a former administrative assistant at the Salisbury-based club, is suing the club and Executive Director James Keenan for unlawful termination, defamation and the infliction of emotional distress as a result of the club's laying her off when it reorganized in December.

According to her lawyer Matthew Fogelman, Salvatore's suit hinges on her claim that after nearly eight years of successful employment, she was laid off from her \$28,000 job on Dec. 22 "under the guise of" a reorganization. Salvatore's suit claims she was let go because Keenan would not look into her allegations that his close friend, who worked as a coach and operations director at the club, was behaving inappropriately with girls who attended the club. Her suit says she contacted the state, an investigation was conducted, and the man was forced to resign.

Fogelman said Salvatore reported her suspicions to state officials because she considered herself a "mandated reporter," under Massachusetts General Law chapter 119, since she suspected crimes against children could be taking place.

"An employer can't discriminate against or retaliate against a

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mandatory reporter, which Danielle is," Fogelman said. "And an employee who does engage in retaliation is liable for treble damages, costs and attorneys fees."

Jerry Lischke, president of the Boys and Girls Club of the Lower Merrimack Valley Board of Directors, strongly refutes the charges.

"I wish I could say more to defend the Boys and Girls Club of the Lower Merrimack Valley," Lischke said, "but because of the pending litigation, the attorney's representing the Boys and Girls Club of America have advised me to limit my comments to the following: The charges are unfounded and it is my belief that the actions of the leaders of the Boys and Girls Club of the Lower Merrimack Valley will be vindicated in court."

According to the suit, Salvatore

"noticed and learned" that the employee was acting inappropriately with some of the teenaged girls, such as hugging them, making suggestive comments on Facebook and friending them, and taking under-aged girls to a Boston nightclub when the Red Sox game they were scheduled to attend with him was canceled. Salvatore also accused him of stealing from the club; the amount is not stated in the suit.

According to the lawsuit, Salvatore began reporting her allegations to Keenan in December of 2009, about three months after the man was hired. She continued to communicate with Keenan about the issue throughout 2010.

Considering herself a "mandatory reporter," Salvatore called the state Department of Child and Family Services in mid-October, with the state agency launching an investigation that was completed in December. The man was told to resign or else he would be fired by the Board of Directors, the suit says.

Although she was notified of her termination by Keenan and Lischke on Dec. 22, according to the lawsuit, the Board of Directors of the club began discussing reorganizing in mid-July. In her termination letter, the club wrote that due to its restructuring plan, Salvatore's job was being eliminated.

"Only after Ms. Salvatore complained about (the former employee) did the club begin discussing reorganization," Fogelman said. "Up until then she was a stellar employee. That is not a mere coincidence. Everything in this case hinges on that."

The suit claims that shortly after her termination, the club posted a job notice on Monster.com seeking an "executive administrator." According to Fogelman, the new position's responsibilities are similar to those handled by Salvatore.

Salvatore was able to get another job shortly after leaving the Boys and Girls Club, Fogelman said, and now works in a pediatrician's office.

Fogelman said the lawsuit is not the first contact he has had with the club concerning Salvatore's termination, but he was not seeking her reinstatement at the time.

"I reached out to the club on Feb. 9, 2011," Fogelman said. "We were looking to reach a monetary settlement."

Fogelman refused to say exactly how much the settlement letter requested. He said the request was reasonable and not far under six figures.

Lischke said the suit will not prevent the club from carrying out its mission which is "To inspire and enable all young people, especially those that need us most to realize their full potential as responsible, productive and caring citizens."

"In the meantime we are continuing to provide the best of care for the children we serve daily," Lischke said. "My own granddaughter works at the club. She's a counselor in training and she's there every day. Do you think I'd put her at risk?"