

Former firefighter sues Sykesville department

By Brett Lake Times Staff Writer | Posted: Thursday, May 23, 2013 12:00 am

A former firefighter of the Sykesville-Freedom District Fire Department is suing the department for discrimination, claiming she lost her job because of her pregnancy and her gender.

Robin Lancaster, of Westminster, filed the complaint in Carroll County Circuit Court last month. It was moved to federal court Tuesday.

Lancaster was let go in November 2011 after giving birth to her son one month earlier. Lancaster was never given an explanation for her termination, the complaint states.

Joyce Smithey, the attorney representing Lancaster, said the fire department's conduct is unjustified and unjustifiable.

"No one should be discriminated against or be unfairly treated in the workplace, particularly someone who is pregnant and seeking only the benefits and job security she's entitled to," said Smithey, of the law firm Rifkin, Livingston, Levitan & Silver.

Jo Anna Schmidt, of the Baltimore-based law firm Schmidt, Dailey & O'Neill, is representing the fire department, according to electronic court records. Neither Schmidt nor a representative from the Sykesville-Freedom District Fire Department returned calls or emails seeking comment by 6 p.m. Wednesday.

Lancaster began work for the department in December 2008 as a firefighter and paramedic. She was the first pregnant firefighter to work at the department, according to the lawsuit.

According to the complaint, after her son was born Oct. 5, 2011, Lancaster sent an email later that month to board member William Luebberman, who is now deceased, stating, "Mr. Bill, I will be returning from disability on the 17th of November. Thanks."

Luebberman died in November 2012.

Luebberman allegedly responded to the email, "What makes you think that you still have a job at Sykesville?" according to the complaint.

Lancaster replied, "Well no one has informed me otherwise. Is this my notice?" Luebberman did not respond to the email, according to the lawsuit.

On Nov. 14, 2011, according to the complaint, Lancaster sent another email to Luebberman and Fire Chief Eddie Ruch Jr. that said, "I am returning to full duty with clearance from my doctor on [November] 17th. Are there any forms that are required for Sykesville for my return to full duty? Thank you."

Luebberman responded in an email, "I'm not sure we want you back with us at this time. Board meeting tonight," according to the complaint.

One day after that exchange, Lancaster received a letter of termination from the board president Kevin Shiloh, according to the lawsuit.

The department also did not use the same policies in handling Lancaster's leave as it did for medical leave time for other male employees, according to the lawsuit.

Lancaster occasionally used accrued sick leave from February to June 2011 as a result of morning sickness and pregnancy-related medical appointments. Luebberman allegedly warned Lancaster she was in danger of being written up for using her sick leave, according to the lawsuit; however, Lancaster was not aware of other employees threatened with discipline for using accrued sick leave.

Additionally, when Lancaster was ordered by her nurse midwife to not lift more than 40 pounds in May 2011, Luebberman allegedly told Lancaster via email that if she could not perform her duties as a paramedic, it was time to start using her sick leave, according to the lawsuit.

"When sick leave is gone, then revert to annual leave. When that runs out apply for short term disability. We do not have light duty status at Sykesville," the email stated, according to the lawsuit. The email goes on to state that this was the same procedure used for three male employees, and that Lancaster should let the department know when she wanted to begin using Family and Medical Leave Act time, according to the complaint.

Employers cannot discriminate based on pregnancy. If the employee cannot complete job duties due to pregnancy, employees must be treated as a temporarily disabled employee, according to the U.S. Department of Labor.

The federal Family and Medical Leave Act allows employees 12 weeks of unpaid, job-protected leave in a 12-month period if the employee has worked for the employer for 12 months prior to the leave.

Later in May 2011, the fire department's treasurer Sue Tarrant informed Lancaster via email that the procedures outlined by Luebberman were not the same as the ones used for male employees using short-term disability, according to the lawsuit, and that she did not need to use all of her sick and vacation time before receiving benefits.

In October 2011, Tarrant informed Lancaster that the fire department did not offer FMLA as a benefit, according to the lawsuit; however, Lancaster claims in the lawsuit a male colleague showed her a pay stub with a notation for family leave.

The fire department has not yet filed a response to the lawsuit and has until May 28 to file, according to Smithey, Lancaster's attorney.

Lancaster is seeking lost wages, emotional damages and the payment of attorney's fees. She is also asking that the fire department take action to prevent a similar situation from occurring.