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Attorneys for Plaintiffs Gabrielle Bolarakis,

Angela DeVoe and Karin Parker

GABRIELLE BOLARAKIS,
ANGELA DEVOE, and
KARIN PARKER,

Plaintiffs,

v.

TOWNSHIP OF READINGTON,
RICHARD J. SHEOLA, individually and
in his official capacity, and JOHN and
JANE DOES (1-10)(fictitious names of
unknown persons),

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: HUNTERDON COUNTY
DOCKET NO.: HUN-L-

Civil Action

COMPLAINT AND JURY DEMAND

Gabrielle Bolarakis, residing at 4 Judy Court, in Annandale within the Township of Clinton, County of Hunterdon, State of New Jersey; Angela DeVoe, residing at 6 Baptist Church Road, in Hampton within the Township of Union, County of Hunterdon, State of New Jersey; and Karin Parker, residing at 618 Heath Court, in the City of Lambertville, County of Hunterdon, State of New Jersey (collectively, "Plaintiffs"), by way of Complaint against the Defendants Township of Readington and Richard J. Sheola, say:

NATURE OF THIS ACTION

1. This is an action brought to remedy unequal pay discrimination on the basis of sex/gender and retaliation in violation of the Diane B. Allen Equal Pay Act (the "Equal Pay Act") and the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1, et seq. ("LAD").

PARTIES

2. During all times relevant to this Complaint, Plaintiff Gabrielle Bolarakis ("Plaintiff Bolarakis" or "Ms. Bolarakis"), is an individual residing at 4 Judy Court, in Annandale in the Township of Clinton, County of Hunterdon, State of New Jersey, who is employed in the position of Director of Recreation for the Defendant Township of Readington ("Defendant Township").

3. Plaintiff Gabrielle Bolarakis is a "person" and "employee" of the Defendant Township as the LAD, N.J.S.A. 10:5-5(a) and (f), and case law define those terms.

4. During all times relevant to this Complaint, Plaintiff Angela DeVoe ("Plaintiff DeVoe" or "Ms. DeVoe"), is an individual residing at 6 Baptist Church Road, in Hampton within the Township of Union, County of Hunterdon, State of New Jersey, who was employed in the position of Construction Official/Building Subcode Official for the Defendant Township.

5. Plaintiff Angela DeVoe is a "person" and "employee" of the Defendant Township as the LAD, N.J.S.A. 10:5-5(a) and (f), and case law define those terms.

6. During all times relevant to this Complaint, Plaintiff Karin Parker ("Plaintiff Parker" or "Ms. Parker"), is an individual residing at 618 Heath Court, in the City of Lambertville, County of Hunterdon, State of New Jersey, who is employed in the position of Township Clerk for the Defendant Township.

7. Plaintiff Karin Parker is a "person" and "employee" of Defendant Township of

Readington as the LAD, N.J.S.A. 10:5-5(a) and (f), and case law define those terms.

8. During all times relevant to this Complaint, Defendant Township of Readington (“Defendant” or “Township”) is a municipality located in Hunterdon County, New Jersey, with municipal offices located at 509 Route 523, Township of Readington, County of Hunterdon, State of New Jersey.

9. During all times relevant to this cause of action, Defendant Township of Readington is a “person” and “employer” of Plaintiffs Bolarakis, DeVoe and Parker as the LAD, N.J.S.A 10:5-(a) and (e), and case law define those terms.

10. Defendant Richard J. Sheola (“Defendant Sheola” or “Sheola”), who resides at 5 Winay Terrace, in Long Valley within the Township of Washington, County of Morris, State of New Jersey, is the Administrator and Qualified Purchasing Agent (“QPA”) for the Defendant Township of Readington.

11. Defendants John and Jane Does (1-10) are fictitious persons who are not specifically named Defendants, who are unknown to Plaintiff at this time, but who may be identified during discovery in this matter and who are responsible to Plaintiff for the claims set forth herein.

VENUE

12. Pursuant to Rule 4:3-2, venue is proper in Hunterdon County because Defendant Township of Readington is located in and actually conducts business in Hunterdon County, the acts of discrimination and retaliation occurred in Hunterdon County, and Plaintiffs Bolarakis, DeVoe, and Parker reside in Hunterdon County.

FACTS COMMON TO ALL COUNTS

13. Plaintiffs repeat and reallege each of the prior allegations of the within Complaint as if set forth at length herein.

14. Plaintiffs Bolarakis, DeVoe, and Parker are female and, as such, Plaintiffs are within a protected class, as defined by the LAD, N.J.S.A. 10:5-12(a), based upon their sex/gender.

15. Pursuant to “An Ordinance Amending and Supplementing the Readington Township Salary Ordinance for Officers and Employees of the Township of Readington, Ordinance #03-2021 (the “2021 Salary Ordinance”) approved by the Defendant Township Committee on March 15, 2021, the Defendant Township designated certain employment positions among its “Executive Staff.”

16. The 2021 Salary Ordinance included the positions held by Plaintiffs Bolarakis, DeVoe and Parker as among the Defendant Township’s Executive Staff.

17. Members of the Defendant Township’s Executive Staff, including Plaintiffs Bolarakis, DeVoe and Parker, serve as heads and/or managers of various municipal departments within the Defendant Township (“Municipal Department Heads”).

18. Since on or about August 11, 2011, Plaintiff Bolarakis has been employed as the Defendant Townships’ Director of Recreation, a member of the Township’s Executive Staff, pursuant to the 2021 Salary Ordinance, reporting directly to Defendant Sheola.

19. Between on or about June 26, 2019, and July 31, 2022, Plaintiff DeVoe was employed as the Defendant Township’s Construction Official/Plumbing Subcode Official, a member of the Township’s Executive Staff, pursuant to the 2021 Salary Ordinance, reporting directly to Defendant Sheola.

20. In 2021, Plaintiff DeVoe was the Defendant Township's highest paid female Executive Staff member.

21. Since in or about August 3, 2020, Plaintiff Parker has been employed as the Defendant Township's Municipal Clerk, a member of the Township's Executive Staff, pursuant to the 2021 Salary Ordinance, reporting directly to the Defendant Township's governing body, the Township Committee.

22. Defendant Sheola is male.

23. Beginning on or about July 20, 2020, pursuant to Resolution #R-2020-88, the Defendant Township employed Defendant Sheola, as its Assistant Township Administrator, a member of the Township's Executive Staff.

24. Since on or about August 3, 2020, pursuant to Resolution #R-2020-88, the Defendant Township has employed Defendant Sheola as its Township Administrator/QPA, a member of the Township's Executive Staff, pursuant the 2021 Salary Ordinance.

25. In or about 2021, the Defendant Township employed a male as its Chief Financial Officer, a member of the Township's Executive Staff, pursuant to the 2021 Salary Ordinance.

26. In or about 2021, the Defendant Township has employed a male as its Chief of Police, a member of the Township's Executive Staff, pursuant to the 2021 Salary Ordinance.

27. In or about 2021, the Defendant Township has employed a male as its Director of Public Works, Buildings, Grounds & Parks ("DPW Director"), a member of the Township's Executive Staff, pursuant to the 2021 Salary Ordinance.

28. In 2021, the salaries of the foregoing Defendant Township's Executive Staff were as follows:

Position	Name	Sex/Gender	Salary
Chief of Police	Joe Greco	Male	\$164,748.00
Administrator/QPA	Richard Sheola	Male	\$125,000.00
Director of Public Works, Buildings, Grounds & Parks	Scott Jesseman	Male	\$123,720.00
Chief Financial Officer	Tom Carro	Male	\$122,459.00
Construction Official/Plumbing Subcode Official	Angela DeVoe	Female	\$86,913.00
Township Clerk	Karin Parker	Female	\$83,000.00
Director of Recreation	Gabrielle Bolarakis	Female	\$80,406.00

A. Plaintiff Gabrielle Bolarakis

29. On or about August 11, 2011, Plaintiff Gabrielle Bolarakis commenced employment with the Defendant Township in the position of Director of Recreation, responsible for the Defendant Township's Recreation Department.

30. In or about August 2011, the Defendant Township paid Plaintiff Bolarakis a starting annual salary of \$65,000.

31. In or about January 2016, the Defendant Township began paying Plaintiff Bolarakis an annual salary of \$72,117.00

32. In or about January 2017, the Defendant Township began paying Plaintiff Bolarakis an annual salary of \$73,559.00.

33. In or about January 2018, the Defendant Township began paying Plaintiff Bolarakis

an annual salary of \$75,214.00.

34. In or about January 2019, the Defendant Township began paying Plaintiff Bolarakis an annual salary of \$76,906.00.

35. In or about January 2020, the Defendant Township began paying Plaintiff Bolarakis an annual salary of \$78,637.00.

36. In or about August 2021, Plaintiff Bolarakis received a four (4) percent longevity increase for 10 years of employment with the Defendant Township, which raised her total compensation to \$83,622.00, although the base salary established for the Director of Recreation position remained \$80,406.00 in 2021.

37. As Director of Recreation, Plaintiff Bolarakis' job duties and responsibilities include, but are not limited to:

- a. financial and budget management of all aspects of the Defendant Township's Recreation Department including maintaining the Township's Recreation trust which, in recent years, generated \$400,000.00 to \$600,000.00 in revenues;
- b. personnel management of the Defendant Township's Recreation Department including supervising (1) one full-time and (1) one part-time office employees and more than 100 seasonal employees, contract instructors, trainers, referees, coaches and volunteers who provide year-round programs;
- c. ensuring public safety of the Defendant Township's residents and guests who avail themselves of the services and programs of the Recreation Department;
- d. public communication including identifying community recreation needs and developing immediate and long-range plans based upon public demand as

well as administering a comprehensive marketing plan utilizing all forms of public communication and managing online program registration;

- e. facilities management including coordinating the design, construction, and operation of recreation facilities including long-range plans for park facilities, capital budget, and Five-Year Capital Plan, as well as developing park maintenance plans and managing rental of park facilities; and
- f. day-to-day management of the Defendant Township's Recreation Department, which requires Ms. Bolarakis to be available to the Township and its residents seven (7) days per week.

38. Plaintiff Bolarakis is a New Jersey Board Certified Recreation Administrator, which requires her to obtain continuing education credits every (5) five years.

39. During her tenure as the Defendant Township's Director of Recreation, Plaintiff Bolarakis has always met and/or exceeded her performance expectations.

40. On or about November 12, 2021, Plaintiff Bolarakis submitted her annual budget to the Township Administrator, Defendant Sheola, at which time she requested a title change to Director of Parks and Recreation to more accurately capture the substantial breadth of her job responsibilities.

41. At that time, Plaintiff Bolarakis also requested that Defendants increase her annual salary to \$101,000.00, to begin to address the pay disparity between her compensation and that of the Defendant Township's male Executive Staff/Municipal Department Heads.

42. On or about March 31, 2022, Plaintiff Bolarakis submitted to Defendants Township and Sheola a formal written complaint of unequal pay discrimination on the basis of sex/gender

and retaliation, in violation of the Equal Pay Act and LAD.

43. The aforesaid actions taken by Plaintiff Bolarakis on or about November 12, 2021, and on or about March 31, 2022, constitute protected activity under the Equal Pay Act and LAD.

44. Defendants are aware that Plaintiff Bolarakis engaged in protected activity under the Equal Pay Act and LAD.

45. The actual work performed by Plaintiff Bolarakis as the Defendant Township's Director of Recreation demands substantially similar skill, effort and responsibility to that of Plaintiffs DeVoe and Parker, as well the Defendant Township's male Executive Staff who are Municipal Department Heads.

46. The level of authority delegated to Plaintiff Bolarakis, and the requirement that Plaintiff Bolarakis similarly direct the work of others, is substantially similar to that of Plaintiffs DeVoe and Parker as well as the Defendant Township's male Executive Staff who are Municipal Department Heads.

47. Defendants have failed to address Plaintiff's Bolarakis' complaint of sex/gender discrimination and retaliation in violation of the Equal Pay Act and LAD.

B. Plaintiff Angela DeVoe

48. On or about June 26, 2019, Plaintiff Angela DeVoe commenced employment with the Defendant Township in the position of Construction Official/Plumbing Subcode Official with an annual starting salary of \$80,000.00.

49. On or about July 1, 2019, after hiring Plaintiff DeVoe, the Defendant Township adopted Ordinance #15-2019, which established a salary range of \$80,000.00 to \$101,553.00 for the Construction Official position, and began paying Ms. DeVoe, its new female Construction

Official, a base salary of \$80,000.00 at the lowest end of the salary range.

50. In or about December 2019, after six (6) months of employment, the Defendant Township increased Plaintiff DeVoe's annual salary by \$2,500.00 to \$82,500.00.

51. In or about July 2020, after one (1) year of employment, the Defendant Township increased Plaintiff DeVoe's annual salary an additional \$2,500.00 to \$85,000.00.

52. Pursuant to the 2021 Salary Ordinance, effective March 15, 2021, Defendants further reduced the Construction Official salary range to \$75,000.00 to \$95,613.00, capping its female Construction Official's highest potential salary at a level nearly \$5,000.00 lower than the salary it previously paid her male predecessor.

53. In 2021, the \$86,913.00 annual salary the Defendant Township paid Plaintiff DeVoe was an increase of just \$6,913.00 over her starting salary more than three (3) years ago.

54. As Construction Official/Plumbing Subcode Official, Plaintiff DeVoe's job duties and responsibilities included, but were not limited to:

- a. those required by regulation pursuant to N.J.A.C 5:23-4.5(h), duties of construction officials, and N.J.A.C. 5:23-4.5(i), duties of subcode officials including managing all aspects of providing construction applications and assisting the public in preparing them for review by the construction official to issuing permits, ensuring proper and timely inspections, issuing certificates, and of occupancy, attending meetings and hearings as required by regulation, and issuing notices of violation of statutes and/or regulations;
- b. financial and budget management of all aspects of the Defendant Township's Code Enforcement and Zoning Office including reviewing all construction

permits prior to issuance to ensure pricing adheres to the adopted fee ordinance, conducting an annual review of the current Township adopted fee ordinance for administrative law compliance, creating a budget for the Department's projected needs including consideration of potential workload, inspections, new legislation, and projected income revenues, and reconciling annual revenues of the Code Enforcement Department, nearly \$1,000,000.00 in 2021, with the Defendant Township as well as the New Jersey Department of Community Affairs ("NJCA");

- c. personnel management of seven (7) employees in the Defendant Township's Code Enforcement and Zoning Offices as well as other departments;
- d. ensuring public safety by, among other things, performing plumbing, building, fire and mechanical inspections, and assuming inspections normally reserved to the Defendant Township Engineer, and accepting responsibility for the life, health, and property of the Township residents pursuant to the NJCA's Code Officials' Code of Ethics;
- e. public communication including interacting with public in permit application and approval process as well as assisting with affordable housing programs;
- f. facilities management including assisting in the coordination of the Defendant Township's projects, reviewing site plans, blueprints, meeting contractors for bids, and reviewing bids;
- g. serving as consultant to the Planning Board and Zoning Board of Adjustment to review and write reports on site plans; and

- h. day-to-day management of the Defendant Township's Code Enforcement and Zoning Departments, which frequently required Plaintiff DeVoe to attend hearings outside of normal business hours.

55. As Construction Official/Plumbing Subcode Official, Plaintiff DeVoe was required to hold the following professional licenses:

- a. Administrative License as a Construction Official and Subcode Official issued by the NJDCA pursuant to N.J.S.A. 52:27D-126 and N.J.A.C. 5:23-5; and
- b. Technical license in Plumbing Highrise and Hazardous Structures (HHS) in accordance with N.J.A.C. 5:23-5.3(a)(1)(i)(v)(1).

56. In connection with these licenses, Plaintiff DeVoe is required to maintain seven (7) Continuing Education Credits (CEUs) every three (3) years.

57. In addition to the required licensure, Plaintiff DeVoe also holds the technical licenses of Building Highrise and Hazardous Specialist (HHS) and Fire Industrial and Commercial Structures (ICS).

58. During her tenure as the Defendant Township's Construction Official/Plumbing Subcode Official, Plaintiff DeVoe has always met and/or exceeded her performance expectations.

59. In or about 2017, the Defendant Township paid Plaintiff DeVoe's male predecessor Construction Official/Building Subcode Official, Michael Kovonuk, an annual salary of \$97,133.00, pursuant to Salary Ordinance #02-2017.

60. In 2018, the Defendant Township increased Mr. Kovonuk's annual salary to \$99,318.00, pursuant to Salary Ordinance #12-2018.

61. Like Plaintiff DeVoe, Mr. Kovonuk was the Construction and Subcode Official, and is multi-licensed, and performed inspections for three different UCC subcodes.

62. In June 2019, the Defendant Township hired Plaintiff DeVoe, a female, to replace its male Construction Official/Subcode Official and compensated her at a base salary rate nearly \$20,000.00 less than it had compensated Mr. Kovonuk to perform the same job duties.

63. On or about September 28, 2021, Defendant Sheola and Plaintiff DeVoe interviewed a male candidate for a full-time position as Building Subcode Official for the Defendant Township reporting to Plaintiff DeVoe, Construction Official/Plumbing Subcode Official.

64. On or about October 1, 2021, Plaintiff DeVoe learned from a contractor that Defendant Sheola offered the male applicant a starting salary of \$80,000 with the promise to receive a \$4,000.00 increase in just three (3) months to \$84,000.00 in January 2022.

65. Although the male applicant declined the Defendant Township's offer of employment, had he accepted and began reporting to Plaintiff DeVoe, in just three (3) months the male applicant would have been making just \$2,913.00 less than his female supervisor who had commenced employment with the Defendant Township 2.5 years prior.

66. On or about October 4, 2021, Plaintiff DeVoe e-mailed Defendant Sheola to express her concern that he would extend a job offer to a male candidate who would report to her as the Municipal Department Head of the Construction Code Department without first consulting her about the hire.

67. Plaintiff DeVoe further voiced her concern to Defendant Sheola about the clearly discriminatory and disparate salary he offered to the male applicant, stating in pertinent part:

I would think you would let me know if my salaries and wages are being increased, as it would seem tremendously unfair to bring a subordinate to me that is making only \$3000 less than I am, while I hold more licenses and have much more responsibility.

68. On October 4, 2021, Defendant Sheola responded to Plaintiff DeVoe, in pertinent part:

Your information with respect to the starting offer to [the male applicant] is correct as the potential salary for 2022. You are presumptuous that I did not take into consideration your salary for 2021 or what your potential salary for 2022 could be. **I am well aware of the potential disparity that offering a 2022 salary of \$84,000 to a new employee when their supervisor would be a few thousand dollars higher.** A very large part of the role of the Township Administrator – and not a department head – is to review the operation of the township which includes all personnel functions. As such, it is well within my purview, after due consideration, to tender offers of employment to qualified individuals and negotiate the usual and customary benefits with them, if appropriate.

As to the 2022 salaries, nothing has been discussed or analyzed at this juncture by anyone with the exception of our conversation with CFO Michael Balogh when you informed us of your plan to adjust salaries across the board in your office based on a [sic] estimation of the potential revenue windfall for 2021 at approximately \$800,000.00.

(Emphasis added.)

69. The aforesaid October 4, 2021 e-mail sent by Plaintiff DeVoe to Defendant Sheola constitutes protected activity under the Equal Pay Act and LAD.

70. Defendants are aware that Plaintiff DeVoe engaged in protected activity under the Equal Pay Act and LAD on or about October 4, 2021.

71. In retaliation for Plaintiff DeVoe's October 4, 2021 e-mail, Defendants Township and Sheola waited six (6) weeks to repost the Building Subcode Official position, leaving Ms. DeVoe to perform the responsibilities of her own full-time role, Construction Official/Plumbing Subcode Official, and the additional full-time role of Building Inspector and Plan Reviewer,

without any additional compensation for performing the additional role.

72. Plaintiff DeVoe performed the full-time duties of both positions for nearly two (2) months, without any compensation for performing the job duties of Building Inspector and Plan Reviewer.

73. On or about October 13, 2021, the Defendant Township appointed Guiseppe Briganti as a part-time Building Inspector with a work schedule not to exceed 21 hours per week.

74. On or about November 16, 2021, the Defendant Township appointed Thomas Petto as the Acting Building Subcode Official.

75. On or about February 7, 2022, the Defendant Township appointed Mr. Petto to the position of permanent part-time Building Subcode Official at a salary of \$46,800.00 per year, not to exceed 20 hours per week.

76. Following her October 4, 2021 complaint of disparate compensation, on or about November 23, 2021, Plaintiff DeVoe made another formal complaint of discrimination in pay based upon her sex/gender and retaliation.

77. The aforesaid November 23, 2021 complaint of pay discrimination and retaliation Plaintiff DeVoe submitted to Defendants constitutes protected activity under the Equal Pay Act and LAD.

78. Defendants are aware that Plaintiff DeVoe engaged in protected activity under the Equal Pay Act and LAD on or about November 23, 2021.

79. Since Plaintiff DeVoe sent Defendant Sheola her October 4, 2021 and November 23, 2021 discrimination and retaliation complaints, Defendant Sheola has shown a consistent pattern of retaliation against Plaintiff DeVoe by, among other things, forcing her to take on

additional roles in the Construction Department without compensation.

80. For example, in or about December 2021 and January 2022, Defendant Sheola approved leave for the Fire Official without coordinating coverage of the position with Plaintiff DeVoe thereby forcing her to perform fire inspections and residential fire smoke certificate inspections, in addition to her full time Construction Official/Plumbing Subcode Official duties, without additional compensation.

81. In or about December 2021 and January 2022, Defendant Sheola also forced Plaintiff DeVoe to fill the role of Technical Assistant without additional compensation, while the Defendant Township's staff was on vacation or out sick.

82. On or about January 28, 2022, Defendant Sheola again retaliated against Plaintiff DeVoe by extending an offer of employment to an applicant for the Technical Assistant position with no experience working in a municipality. Moreover, the applicant was not a licensed or experienced Technical Assistant, pursuant to N.J.A.C. 5:23, and was required to give sixty (60) days notice to her current employer, leaving Ms. DeVoe to fulfill the duties of this position without additional compensation.

83. Although Plaintiff DeVoe participated with Defendant Sheola in interviewing four (4) applicants for the Technical Assistant position, Defendant Sheola once again excluded her in the decision to extend an offer of employment to an applicant who would ultimately report to her.

84. On or about January 28, 2022, Defendant Sheola continued to retaliate against Plaintiff DeVoe for her October 4, 2021, and November 23, 2021 complaints of discrimination and retaliation, by contacting Mr. Petto, scheduling a meeting with him directly about his

potential permanent employment with the Defendant Township, and attempting to exclude Plaintiff DeVoe from that meeting.

85. On or about March 31, 2022, Plaintiff DeVoe submitted to Defendants Township and Sheola a formal written complaint of unequal pay discrimination on the basis of sex/gender and retaliation, in violation of the Equal Pay Act and LAD.

86. The aforesaid March 31, 2022 formal written complaint of unequal pay discrimination and retaliation sent by Plaintiff DeVoe to Defendants constitutes protected activity under the Equal Pay Act and LAD.

87. Defendants are aware that Plaintiff DeVoe engaged in protected activity under the Equal Pay Act and LAD on or about March 31, 2022.

88. In another example of unlawful sex/gender discrimination and/or retaliation against Plaintiff DeVoe, on or about May 24, 2022, Plaintiff DeVoe sent Defendant Sheola an e-mail at 9:03 a.m. advising him that, effective June 28, 2022, she would be eligible for additional UCC licenses through the State of New Jersey as Fire and Building Subcode Official.

89. Plaintiff DeVoe further advised Defendant Sheola that, in order to obtain these additional UCC subcode official licenses, she would need a notarized letter signed by the Township's Human Resources Director, Clerk or Business Administrator (the "UCC Licensure Letter"), and inquired who should sign the letter once she prepared it.

90. Plaintiff DeVoe was eligible for the additional license because, effective June 28, 2022, she met the regulatory requirements set forth in N.J.A.C. 5:23-5.7(a)(4)(ii)(1), "Subcode Official Requirements."

91. N.J.A.C. 5:23-5.7(a)(4)(ii)(1), "Subcode Official Requirements," states that "[a]

candidate for a license as a building, plumbing or electrical subcode official who obtained the technical license in that subcode area under the provisions of N.J.A.C. 5:23–5.5(d)1 shall possess the following experience: (1) Three years of experience as an inspector in that specific subcode area[.]”

92. In accordance with guidance published by the State of New Jersey Licensing Unit, Division of Codes and Standards, New Jersey Department of Community Affairs, a candidate for inspection licensure may document relevant experience by providing the following UCC Licensure Letter:

[A] [n]otarized letter, on official letterhead, from the Personnel Officer, Municipal Clerk, or Business Manager, attesting to the active and continuous employment of the applicant in claimed inspector position..... The letter must include the appointment date (month-day-year) and the ending date (month-day-year) of service. It must also indicate whether the applicant worked as a full time or part time inspector, and specifically state the number of hours worked per week, if part time.

93. A few minutes later on May 24, 2022, and without any question, Defendant Sheola responded to Plaintiff DeVoe’s e-mail, “Since I am 2 out of 3, it should come from me. Send over without any letterhead.”

94. Based upon Defendant Sheola’s response, on or about June 27, 2022, Plaintiff DeVoe prepared and forwarded the UCC Licensure Letter to him.

95. On June 28, 2022, Defendant Sheola responded to Plaintiff DeVoe, “This letter is for what purpose? **I didn’t know you were doing fire inspections either.**” (Emphasis added.)

96. Defendant Sheola had firsthand knowledge that Plaintiff DeVoe conducted fire inspections on behalf of the Defendant Township, in or about December 2021 and January 2022, because Defendant Sheola approved leave for the Fire Official without coordinating coverage of

the position rendering Plaintiff DeVoe the only qualified individual employed in the Defendant Township to perform UCC fire inspections.

97. In response, Plaintiff DeVoe resent to Defendant Sheola the original May 24, 2022 e-mail thread reminding him of his agreement to provide the UCC Licensure Letter.

98. In an effort to thwart Plaintiff DeVoe from obtaining the Fire and Building Subcode Official licenses, and/or delay her in obtaining same, on or about June 29, 2022, Defendant Sheola directed that the Defendant Township issue Plaintiff DeVoe a RICE notice regarding the UCC Licensure Letter for the July 5, 2022 Township Committee meeting.

99. On July 6, 2022, the day following the meeting, Defendant Sheola sent an e-mail to Plaintiff DeVoe stating:

Prior to sending any letters, I will need a report indicating the number of inspections you have performed in each of the three categories – building, plumbing and fire – during your term of employment. Once I have that information, I will again discuss with the Township Committee.

100. In accordance with N.J.A.C. 5:23-5.7(a)(4)(ii)(1), Plaintiff DeVoe is qualified by virtue of State of New Jersey regulatory requirements and experience to obtain UCC licenses as a Fire and Building Subcode Official.

101. In order to obtain the UCC licenses as a Fire and Building Subcode Official, Plaintiff DeVoe needed only that the Defendant Township execute the UCC Licensure Letter on her behalf.

102. Defendant Sheola's unwarranted demand that Plaintiff DeVoe submit a report detailing the number of building, plumbing and fire inspections she performed throughout her three (3) years of employment with the Defendant Township (the "Inspections Report"), and simultaneously depriving her of the UCC Licensure Letter, constituted unlawful discrimination and/or retaliation against Plaintiff DeVoe.

103. On or about July 14, 2022, in further effort to obtain the UCC Licensure Letter, Plaintiff DeVoe submitted to Defendant Sheola the requested Inspections Report.

104. As of September 22, 2022, despite providing the Inspections Report to Defendant Sheola two (2) months prior, Defendants Township and Sheola have never provided Plaintiff DeVoe with the required UCC Licensure Letter thereby depriving her of the ability to obtain State of New Jersey Fire and Building Subcode Official licenses.

105. In another example of unlawful gender discrimination and/or retaliation against Plaintiff DeVoe, on or about July 5, 2022, Defendant Sheola sent Plaintiff DeVoe an e-mail chastising her for authorizing payment for two (2) car washes (\$36.59 each) for the Defendant Township's vehicles used by the Construction Code Department and instructed her that "a basic wash is all that is needed."

106. Defendant Sheola further directed Plaintiff DeVoe that if, in the future, Defendant Township vehicles were too dirty for a basic wash, she should utilize a pressure washer in the Department of Public Works.

107. Defendant Sheola's criticism of Plaintiff DeVoe for spending approximately \$73.00 for maintenance of two (2) Defendant Township vehicles constitutes unlawful gender discrimination and/or retaliation because Defendant Sheola would not direct such criticism to a male Municipal Department Head of the Defendant Township or an employee who had not engaged in protected activity by submitting complaints of discrimination and/or retaliation.

108. On or about July 8, 2022, Plaintiff DeVoe complained about the foregoing acts of sex/gender discrimination and/or retaliation by Defendant Sheola and requested that Defendant Sheola cease engaging in discriminatory and/or retaliatory conduct toward her.

109. The aforesaid July 8, 2022 complaint of continued acts of sex/gender discrimination and/or retaliation sent by Plaintiff DeVoe to Defendants constitutes protected activity under the Equal Pay Act and LAD.

110. Defendants are aware that Plaintiff DeVoe engaged in protected activity under the Equal Pay Act and LAD on or about July 8, 2022.

111. As of September 22, 2022, Defendant Sheola has never responded to Plaintiff DeVoe's July 8, 2022 complaint of continued gender discrimination and retaliation.

112. The actual work performed by Plaintiff DeVoe on behalf of the Defendant Township as Construction Official/Plumbing Subcode Official demands substantially similar skill, effort and responsibility to that of Plaintiffs Bolarakis and Parker, as well as the Defendant Township's male Executive Staff/Municipal Department Heads.

113. The level of authority delegated to Plaintiff DeVoe, and the requirement that Plaintiff DeVoe similarly direct the work of others, was substantially similar to that of Plaintiffs Bolarakis and Parker, as well as the Defendant Township's male Executive Staff/Municipal Department Heads.

114. Defendants have failed to address Plaintiff DeVoe's complaints against Defendants Township and Sheola of unequal pay on the basis of sex/gender, sex discrimination, and retaliation in violation of the Equal Pay Act and LAD.

115. As a result of Defendants' continued failure to address her complaints of sex/gender discrimination, unequal pay discrimination, and retaliation, on or about July 12, 2022, Plaintiff DeVoe submitted a letter of resignation from her employment position as Construction Official/Plumbing Subcode Official with the Defendant Township effective July 31, 2022.

116. While Plaintiff DeVoe was performing the positions of Construction Official/Subcode Official the Defendant Township compensated her at a rate of \$47.55 per hour.

117. On or about August 1, 2022, the Defendant Township replaced Plaintiff DeVoe with a male Construction Official/Subcode Official, who the Defendant Township is compensating at a rate of \$92.50 per hour, an hourly rate \$44.95 higher than it paid Plaintiff DeVoe to perform the same job duties.

C. Plaintiff Karin Parker

118. In or about April 2008, Plaintiff Karin Parker commenced employment with the Defendant Township in the position of Deputy Township Clerk.

119. In or about August 2020, the Defendant Township promoted Plaintiff Parker to the position of Township Clerk.

120. Pursuant to the 2021 Salary Ordinance, the Defendant Township includes the Township Clerk among the Township's Executive Staff.

121. At the time of her promotion, the Defendant Township paid Ms. Parker a starting annual salary of \$75,000.00.

122. In or about January 2021, the Defendant Township increased Plaintiff Parker's annual salary to \$79,000.00.

123. In or about July 2021, the Defendant Township increased Plaintiff Parker's salary to \$83,000.00.

124. As Municipal Clerk (N.J.S.A. 40A:9-133 e.), Plaintiff Parker's job duties include, but are not limited to:

- a. duties required to be performed by a Municipal Clerk according to statute,

- regulation, or municipal ordinance;
- b. serving as Secretary to the municipal corporation and custodian of Township seal and of all minutes books, deeds, contracts and archival records of the municipal corporation;
 - c. serving as Secretary to the Township governing body, including preparing meeting agendas, retaining original copies of all ordinances, resolutions and records of the minutes of every Township Committee meeting;
 - d. serving as Chief Registrar of Voters in the municipality of the Township of Readington, subject to requirements of Title 19, and responsible for elections in 16 districts including coordinating poll workers and polling locations and ensuring election security;
 - e. financial responsibility to prepare Township Clerk's budget for approval during municipal budgeting process;
 - f. personnel management including supervising two (2) employees, one of whom, the Deputy Township Clerk, Ms. Parker is training as part of long-term succession plan for Township Clerk;
 - g. ensuring public safety by reviewing and issuing multiple dwelling licenses, and special event permits for tenant and resident safety as well as, during the COVID-19 pandemic ensuring public safety by running elections and public meetings pursuant to Executive Order issued by New Jersey Governor Philip Murphy;
 - h. public communication including interacting with citizens and public officials on

a daily basis in the performance of her job duties;

- i. serving as administrative officer responsible for the acceptance of applications for licenses and permits and the issuance of licenses and permits;
- j. serving as coordinator and records manager responsible for implementing local archives and records retention programs as mandated pursuant to Title 47 “Public Records”;
- k. day-to-day management of the Township Clerk’s office; and
- l. as Township Clerk, Plaintiff Parker is required to attend all Township Committee meetings, held twice a month or as required, inclusive of Saturdays if necessary. Therefore, Ms. Parker plans her personal and time off schedule around the preparation of and attendance at Committee Meetings, which are typically held after regular business hours in the evening.

125. As Township Clerk, Plaintiff Parker is required to and holds the professional license of Registered Municipal Clerk.

126. As a Registered Municipal Clerk, Plaintiff Parker is required to maintain twenty 20 Continuing Education Credits (CEUs) every two (2) years.

127. During her tenure as the Defendant Township’s Municipal Clerk, Plaintiff Parker has always met and/or exceeded her performance expectations.

128. On or about January 24, 2022, Plaintiff Parker sent a memorandum to Defendant Sheola with the subject line “2022 Budget/Salary Adjustment” (“Pay Disparity Memo”).

129. In her Pay Disparity Memo, Plaintiff Parker advised Defendant Sheola that she “wanted to raise [her] concern that [her] current salary is not commensurate with other

department heads’ compensation within the Township.”

130. To enumerate her point, Plaintiff Parker included a chart in her Pay Disparity

Memo:

Position	Female/ Male	Min Salary	Max Salary	Current Salary (7/2021)
Chief of Police	Male	\$ 135,000	\$ 168,446	\$ 164,748
Administrator/QPA	Male	\$ 100,000	\$ 150,000	\$ 125,000
Director Of Public Works, Buildings, Grounds & Parks	Male	\$ 100,000	\$ 136,105	\$ 123,720
Chief Financial Officer	Male	\$ 100,000	\$ 137,500	\$ 122,459
Construction Official/Plumbing Sub-Code Official	Female	\$ 75,000	\$ 95,613	\$ 86,913
Township Clerk	Female	\$ 75,000	\$ 92,500	\$ 83,000
Recreation Director	Female	\$ 75,000	\$ 88,456	\$ 80,406
Housing And Social Services Director	Female	\$ 75,000	\$ 82,232	\$ 74,832

Average Male Salary, excluding Chief of Police → \$123,726

Average Female Salary → \$81,288

131. Plaintiff Parker continued:

“As demonstrated above, there is a significant discrepancy among department heads, as the average gap in salaries between males and females is over **\$40,000 annually.**” Equally noteworthy, the salary of the Township Clerk should average the salary of the four certified positions within the Township. The average salary of the four certified positions is over \$98,000.

I strongly believe that my contribution justifies a raise because my salary level should reflect fair pay within the Township in addition to my current competencies and performance. The role I currently perform requires an additional 15 days per year above any other certified position. Additionally, this role has been consolidated over time; I am now responsible for what previously required 1.5 FTEs (Municipal Clerk - 20 hours per week and Deputy Clerk – 40 hours per week as the position of the Deputy Clerk was reduced to a part-time position of average 12 hours per week). This role consolidation saved the Township approximately \$78,000 since instituted in August 2020.

132. On or about March 31, 2022, Plaintiff Parker submitted to Defendants Township and Sheola a formal written complaint of unequal pay discrimination on the basis of sex/gender and retaliation, in violation of the Equal Pay Act and LAD.

133. The aforesaid actions taken by Plaintiff Parker on or about January 24, 2022 and on or about March 31, 2022, constitute protected activity under the Equal Pay Act and LAD.

134. Defendants are aware that Plaintiff Parker has engaged in protected activity under

the Equal Pay Act and LAD.

135. On or about Saturday , May 14, 2022 at 8:50 p.m., in retaliation against Plaintiff Parker’s January 24, 2022, and March 31, 2022 complaints of sex/gender discrimination and retaliation, Defendant Sheola sent Plaintiff an e-mail to her Defendant Township e-mail address with the subject line “job notice,” with the statement “Now this is sad – – >” with reference to a job posting for a full-time Municipal Clerk position in nearby Washington Township with a “salary range [of] \$57,000-\$75,000 DOQ.”

136. Plaintiff Parker did not respond to Defendant Sheola’s May 14, 2022 e-mail.

137. The actual work performed by Plaintiff Parker as the Defendant Township’s Municipal Clerk demands substantially similar skill, effort and responsibility to that of Plaintiffs DeVoe and Bolarakis, as well as the Defendant Township’s male Executive Staff/Municipal Department Heads.

138. The level of authority delegated to Plaintiff Parker, and the requirement that Plaintiff Parker similarly direct the work of others, is substantially similar to that of Plaintiffs DeVoe and Bolarakis, as well the Defendant Township’s male Executive Staff/Municipal Department Heads.

139. Defendants have failed to address Plaintiff Parker’s complaints of sex/gender discrimination and retaliation in violation of the Equal Pay Act and LAD.

D. Defendant Township of Readington Continues to Pay Disparate Salaries to Female and Male Executive Staff/Municipal Department Heads

140. Plaintiffs repeat and reallege each of the prior allegations of the within Complaint as if set forth at length herein.

141. In or about March 2022, Defendants hired a male, Thomas Ferry, to fill the

Township’s Chief Financial Officer position with an annual salary of \$125,000.00.

142. On or about June 22, 2022, following Plaintiffs Bolarakis’s, DeVoe’s and Parker’s multiple complaints of sex/gender discrimination and retaliation set forth herein, Defendant Sheola presented to the Defendant Township Committee Ordinance #20-2022, “An Ordinance Amending and Supplementing the Readington Township Salary Ordinance for Officers and Employees of the Township of Readington” (the “2022 Salary Ordinance”).

143. In the 2022 Salary Ordinance, Defendant Sheola presented a reorganized Township organization in which he divided roles into “Executive Staff” and a new category of “Department Managers” with revised salary ranges.

144. Specifically, the 2022 Salary Ordinance provides in pertinent part:

An Ordinance Amending and Supplementing the Readington Township Salary Ordinance for Officers and Employees of the Township of Readington

ORDINANCE #20-2022

	Min.	Max.
GOVERNING BODY		
MAYOR	\$1	\$11,000
TOWNSHIP COMMITTEE MEMBER	\$1	\$10,000
EXECUTIVE STAFF		
TOWNSHIP ADMINISTRATOR	\$100,000	\$175,000
TOWNSHIP CLERK	\$80,000	\$125,000
ASSISTANT TOWNSHIP ADMINISTRATOR	\$80,000	\$110,000
ASSISTANT TO THE TOWNSHIP ADMINISTRATOR	\$70,000	\$100,000
DEPUTY MUNICIPAL CLERK	\$55,000	\$95,000
DEPARTMENT MANAGERS		
CHIEF FINANCIAL OFFICER	\$110,000	\$155,000
DIRECTOR OF PUBLIC SAFETY	\$135,000	\$165,000
CHIEF OF POLICE	\$135,000	\$165,000

DIRECTOR OF PUBLIC WORKS	\$100,000	\$145,000
DIRECTOR OF LAND USE & DEVELOPMENT	\$80,000	\$125,000
DIRECTOR OF RECREATION	\$75,000	\$125,000
CONSTRUCTION CODE OFFICIAL	\$75,000	\$125,000
DIRECTOR OF HOUSING & SOCIAL SERVICES	\$70,000	\$100,000
COURT ADMINISTRATOR	\$50,000	\$85,000
LIBRARIAN	\$35,000	\$75,000

145. As a result of the adoption of the 2022 Salary Ordinance, Plaintiff Parker's Township Clerk position remained among the Township's Executive Staff, while Plaintiff Bolarakis's Director of Recreation and Plaintiff DeVoe's Construction Code Official positions were relocated to the newly created category of "Department Managers."

146. In or about August 2022, Defendants hired a male, James Curry, to fill a position created by the 2022 Salary Ordinance, Director of Public Safety, with an annual salary of \$120,000.00.

147. On or about September 6, 2022, Defendant Sheola presented to the Defendant Township Committee Resolution #R-2022-131 (the "2022 Salary Resolution") to effectuate salary adjustments retroactive to January 1, 2022.

148. On or about September 6, 2022, the Defendant Township Committee adopted the 2022 Salary Resolution thereby approving eight (8) percent salary increases retroactive to January 1, 2022, for certain Township employees.

149. Employees receiving the retroactive eight (8) percent increase, pursuant to the 2022 Salary Resolution, include the following:

Position	Name	Sex/Gender	Salary
Administrator/QPA	Richard Sheola	Male	\$135,000.00
Director of Public	Scott Jesseman	Male	\$133,620.00

Works, Buildings, Grounds & Parks			
Construction Official/Plumbing Subcode Official	Angela DeVoe	Female	\$93,870.00 "TO JULY 31"
Township Clerk	Karin Parker	Female	\$89,650.00
Director of Recreation	Gabrielle Bolarakis	Female	\$86,850.00

150. As a result of the 2022 Salary Resolution, effective on or about September 6, 2022, Plaintiff Bolarakis's salary increased \$6,444.00 to \$86,850.00 retroactive to January 1, 2022.

151. Plaintiff Bolarakis's salary increase is \$11,850.00 above the \$75,000.00 minimum salary and \$38,150.00 below the \$125,000.00 maximum salary as established by the 2022 Salary Ordinance for the Director of Recreation position.

152. As a result of the 2022 Salary Resolution, effective on or about September 6, 2022, Plaintiff DeVoe's salary increased \$6,957.00 to \$93,870.00 for the period January 1, 2022 through July 31, 2022.

153. Plaintiff DeVoe's salary increase is \$18,870.00 above the \$75,000.00 minimum salary and \$31,130.00 below the \$125,000.00 maximum salary as established by the 2022 Salary Ordinance for the Construction Official/Plumbing Subcode Official position.

154. As a result of the 2022 Salary Resolution, effective on or about September 6, 2022, Plaintiff Parker's salary increased \$6,650.00 to \$89,650.00 retroactive to January 1, 2022.

155. Plaintiff Parker's salary increase is \$9,650.00 above the \$80,000.00 minimum salary and \$35,350.00 below the \$125,000.00 maximum salary as established by the 2022 Salary

Ordinance for the Township Clerk position.

156. The salaries of Plaintiffs and male Executive Staff/Municipal Department Heads/Department Managers are or have been as follows:

Director of Recreation Ms. Bolarakis	Construction/Subcode Official Ms. DeVoe	Township Clerk Ms. Parker
2016 \$72,117.00		
2017 \$73,559.00		
2018 \$75,214.00		
2019 \$76,906.00.	2019 \$80,000.00	
2020 \$78,637.00	2020 \$83,750.00*	2020 \$75,000.00
2021 \$80,406.00	2021 \$86,913.00	2021 \$81,000.00*
2022 \$86,850.00	2022 \$93,870.00	2022 \$89,650.00
CFO Mr. Carro/ Mr. Ferry	DPW Director Mr. Jesseman	Township Administrator Mr. Sheola
2020 \$119,764.00	2020 \$120,997.00	2020 \$85.00 per hour
2021 \$122,459.00	2021 \$123,720.00	2021 \$125,000.00
2022 \$125,000.00	2022 \$133,620.00	2022 \$135,000.00

* Average Annual Salary

157. The actual work performed by Plaintiffs Bolarakis, DeVoe, and Parker, and the Defendants Township’s male Executive Staff/Department Managers, who are all Municipal Department Heads, requires substantially similar skill, effort, and ability regardless of sex/gender.

158. Despite these facts, Plaintiffs Bolarakis, DeVoe, and Parker have been and

continue to be paid substantially lower wages than Defendants have paid to their male peers/comparators, the Administrator/QPA, the Chief Financial Officer, the Chief of Police and/or Director of Public Safety, and the DPW Director, the male Municipal Department Heads responsible for other departments in the Defendant Township.

159. Defendants only compensate male Executive Staff/Municipal Department Heads/Department Managers with six-figure salaries above \$100,000.00.

160. Defendants compensate female Executive Staff/Municipal Department Heads/Department Managers, Plaintiffs Bolarakis, DeVoe, and Parker, similarly to one another and, until the 2022 Salary Resolution effective September 6, 2022, less than \$90,000.00, at which time only Plaintiff DeVoe was compensated more than \$90,000.00 for the period January 1, 2022, through July 31, 2022.

E. Defendant Township of Readington Continues to Pay Disparate Salaries to Defendant Township's Male Employees Who Are Not Executive Staff, Municipal Department Heads and/or Department Managers

161. In or about July 2021, Defendant Sheola recommended that the Defendant Township replace the position of Road Superintendent, previously held by a male employee at a salary of \$113,292, with two (2) Road Supervisor positions at an annual salary of \$100,000.00 each.

162. On or about September 7, 2021, the Defendant Township adopted Ordinance #30-2021 establishing the Road Supervisor positions with a salary range of \$80,000.00 to \$115,000.00, as employees of the Defendant Township's Supervisory Staff.

163. On or about September 7, 2021, the Defendant Township Committee approved Resolutions #R-2021-113 and #R-2021-114, creating two (2) new non-union Road Supervisor

positions.

164. The Defendant Township established the Road Supervisor positions as members of the Township's Supervisory and Support Personnel, below that of the Township's Executive Staff/Municipal Department Heads.

165. The two (2) Road Supervisor positions report to the Director of Public Works, a member of the Townships Executive Staff and a Municipal Department Head.

166. The Defendant Township established an annual salary of \$100,00.00 for each Road Supervisor.

167. On or about September 8, 2021, the Defendant Township hired two (2) males to fill the Road Supervisor positions who commenced employment on that date.

168. The Defendant Township has paid each male employee in the newly created Road Supervisor positions an annual salary that is, at a minimum, \$15,000.00 higher than the salaries of Plaintiffs' Bolarakis, DeVoe and Parker, all of whom are/were members of the Township's Executive Staff and Municipal Department Heads, positions more senior to and requiring substantially more skill, effort and responsibility than that of Road Supervisor.

169. As a result, Defendant Sheola increased the salaries of Executive Staff (Director of Public Works) and Supervisory Personnel (Road Supervisors) in the Department of Public Works to \$323,720 from \$237,012 for three (3) full time employees.

170. On or about May 16, 2022, the Defendant Township adopted Resolution #R-2022-79 which, after just eight (8) months of employment, resulted in the promotion of one (1) of the male Road Supervisors to a newly created position, Assistant DPW Director.

171. As a result of the adoption of the 2022 Salary Resolution, on or about September

6, 2022, Defendants gave the Assistant DPW Director an \$8,000.00 salary increase to \$108,000.00, retroactive to January 1, 2022.

172. The 2022 Salary Ordinance identified the position Road Supervisor as Supervisory Staff, not Department Managers, with an increased salary range of \$90,000.00 to \$115,000.00.

173. The 2022 Salary Ordinance established a higher salary range for the Supervisory Staff Road Supervisors than for Plaintiff Parker, an employee of the Defendant Township's Executive Staff as Township Clerk, and Plaintiffs Bolarakis and DeVoe, whose positions are identified as Department Managers in the Defendant Township's with the adoption of the June 22, 2022 Salary Ordinance.

174. As a result, the pay disparity between male Road Supervisors will soon be even greater than Executive Staff/Municipal Department Heads/Department Managers Plaintiffs Bolarakis, DeVoe and Parker.

175. Defendant Township acts through its upper-level managers for whom the Defendant Township has *respondeat superior* liability.

176. Despite Plaintiffs' multiple internal complaints to the Defendant Township and Defendant Sheola about persistent unequal pay discrimination they have been and continue to suffer during their employment, the Defendants have done nothing to properly or promptly investigate their internal complaints or remedy a longstanding pattern of paying female members of the Defendant Township's Executive Staff/Municipal Department Heads rates of compensation that are less than the rates of compensation paid to male Executive Staff/Municipal Department Heads performing substantially similar work.

177. As a direct and proximate result of the conduct of Defendant Readington

Township’ and Defendant Sheola, Plaintiffs Bolarakis, DeVoe, and Parker have suffered and continue to suffer loss of earnings and other employment benefits, pension losses, mental, and emotional distress, stress, humiliation, pain, damage to reputation, and harm to their career development.

COUNT ONE

**NEW JERSEY LAW AGAINST DISCRIMINATION, N.J.S.A. 10:5-1, et seq.
PAY DISCRIMINATION ON THE BASIS OF SEX/GENDER
IN VIOLATION OF THE DIANE B. ALLEN EQUAL PAY ACT**

178. Plaintiffs repeat and reallege each of the prior allegations of the within Complaint as if set forth at length herein.

179. The LAD prohibits discrimination in employment and in pay disparity based on employees’ inclusion in a protected class.

180. Specifically, Diane B. Allen Equal Pay Act, N.J.S.A. 10:5-12(t) (“the Equal Pay Act”) states, in pertinent part:

It shall be an unlawful employment practice, or, as the case may be, an unlawful discrimination:

For an employer to pay any of its employees who is a member of a protected class at a rate of compensation, including benefits, which is less than the rate paid by the employer to employees who are not members of the protected class for substantially similar work, when viewed as a composite of skill, effort and responsibility.

181. Based upon their sex/gender, Plaintiffs Bolarakis, DeVoe, and Parker are members of a protected class within the meaning of the Equal Pay Act.

182. As Director of Recreation, Plaintiff Bolarakis performs duties and responsibilities of a member of the Defendant Township’s Executive Staff and/or a Municipal Department Head

or Manager.

183. As Director of Recreation, Plaintiff Bolarakis's work is substantially similar when viewed as a composite of skill, effort and responsibility to the work of other of the Defendant Township's male Executive Staff and/or Municipal Department Heads or Managers who have been or are employed by Defendant Township of Readington.

184. As Township Clerk, Plaintiff Parker performs duties and responsibilities of a member of the Defendant Township's Executive Staff and/or a Municipal Department Head or Manager.

185. As Township Clerk, Plaintiff Parker's work is substantially similar when viewed as a composite of skill, effort and responsibility to the work of other of the Defendant Township's male Executive Staff and/or Municipal Department Heads or Managers who have been or are employed by Defendant Township of Readington.

186. As former Construction Official/Plumbing Subcode Official, Plaintiff DeVoe performed duties and responsibilities of a member of the Defendant Township's Executive Staff and/or a Municipal Department Head or Manager.

187. As former Construction Official/Plumbing Subcode Official, Plaintiff DeVoe's work is substantially similar when viewed as a composite of skill, effort and responsibility to the work of other of the Defendant Township's male Executive Staff and/or Municipal Department Heads or Managers who have been or are employed by Defendant Township of Readington.

188. Despite the substantial similarity of their work to that of their similarly situated male counterparts/peers, Plaintiffs Bolarakis, DeVoe, and Parker have been and continue to be paid rates of compensation that are substantially less than the rates of compensation paid to

Defendant Township of Readington's male Executive Staff and/or Municipal Department Heads or Managers.

189. Plaintiff Bolarakis's, DeVoe's, and Parker's sex/gender is a motivating factor in Defendants' decision to pay them lower wages than their similarly situated male peers.

190. In this case, Defendants Township of Readington and Sheola have discriminated against Plaintiffs Bolarakis, DeVoe, Parker by paying them rates of compensation that are lower than the rates of compensation paid to their similarly situated male peers for performing substantially similar work.

191. By doing so, as described above, Defendants Township and Sheola have engaged in discriminatory pay disparity based upon Plaintiffs' sex in violation of the LAD.

192. As a direct and proximate result of Defendants' conduct, Plaintiffs Bolarakis, DeVoe, and Parker have suffered and continue to suffer loss of earnings and other employment benefits, pension losses, mental, and emotional distress, stress, humiliation, pain, damage to reputation, and harm to their career development.

193. Defendants' acts or omissions were the cause of Plaintiffs' harm and Defendants acts or omissions were motivated by actual malice or accompanied by a wanton and willful disregard of persons who foreseeably might be harmed by those acts or omissions.

194. The conduct involved Defendant Township of Readington's upper management and was egregious, willful, wanton, and in reckless disregard for Plaintiffs' rights for which punitive damages are appropriate.

WHEREFORE, Plaintiffs Bolarakis, DeVoe, and Parker demand judgment against Defendants Township of Readington and Sheola for harm suffered due to the aforesaid violation of the Equal Pay Act as follows:

- A. Compensatory damages for loss of front pay and benefits;
- B. Compensatory damages for loss of back pay and benefits;
- C. Treble damages pursuant to N.J.S.A. 10:5-13(d);
- D. Compensatory damages for pain, suffering, stress, humiliation, mental anguish, and emotional harm;
- E. Reimbursement of medical expenses;
- F. Punitive damages;
- G. Prejudgment interest and enhancements to off-set negative tax consequences;
- H. Injunctive relief requiring remediation of Defendant Township of Readington's discrimination;
- I. Any and all attorneys' fees, expenses and/or costs, including, but not limited to, court costs, expert fees and all attorneys' fees incurred by Plaintiffs in the prosecution of this suit (including enhancements thereof required to offset negative tax consequences and/or enhancements otherwise permitted by law);
- J. Declaration that Defendant Township of Readington has violated the LAD and requiring Defendant Township of Readington to take appropriate corrective action to end discrimination in the workplace; and
- K. Such other relief as may be available pursuant to the LAD and which the Court deems just and equitable.

COUNT TWO

NEW JERSEY LAW AGAINST DISCRIMINATION, N.J.S.A. 10:5-1, et seq
RETALIATION IN VIOLATION OF THE DIANE B. ALLEN EQUAL PAY ACT

195. Plaintiffs repeat and reallege each and every prior allegation of the within Complaint as if set forth herein.

196. The Equal Pay Act further prohibits:

any employer to take reprisals against any employee for requesting from, discussing with, or disclosing to, any other employee...a lawyer from whom the employee seeks legal advice, or any government agency information regarding the job title, occupational category, and rate of compensation, including benefits, of the employee or any other employee or former employee of the employer....

197. As set forth above, on or about October 4, 2021, Plaintiff DeVoe submitted to Defendant Sheola via e-mail a complaint of unequal pay discrimination on the basis of sex/gender.

198. As set forth above, on or about November 12, 2021, Plaintiff Bolarakis submitted a request for a revision to her job title to more accurately reflect her job duties and an increase in her salary to decrease the pay disparity between herself and her male counterparts/peers, male Executive Staff/Municipal Department Heads or Managers.

199. As set forth above, on or about November 23, 2021, Plaintiff DeVoe made another formal complaint of unequal pay discrimination based upon her sex/gender and retaliation.

200. As set forth above, on or about January 24, 2022, Plaintiff Parker submitted to Defendant Sheola a memorandum setting forth her complaint of pay discrimination on the basis of sex/gender and requested that the pay disparity between her rate of compensation and the rates of compensation the Defendant Township pays to her male counterparts/peers, male Executive Staff/Municipal Department Heads or Managers, be addressed by Defendants.

201. On or about March 31, 2022, Plaintiffs Bolarakis, DeVoe, and Parker submitted to Defendants Township and Sheola a formal written complaint of unequal pay discrimination on the basis of sex/gender and retaliation, in violation of the Equal Pay Act and LAD.

202. As described above, on or about July 8, 2022, Plaintiff DeVoe complained about the foregoing acts of sex/gender discrimination and/or retaliation by Defendant Sheola and requested that Defendant Sheola cease engaging in discriminatory and/or retaliatory conduct toward her including, but not limited to providing her with the requested UCC Licensure Letter.

203. Plaintiffs' October 4, 2021, November 12, 2021, November 23, 2021, January 24, 2022, March 31, 2022, and July 8, 2022 complaints of sex/gender discrimination, pay discrimination, and/or retaliation seeking compensation and benefits equal to similarly situated male employees constitutes protected activity under the Equal Pay Act.

204. In retaliation for Plaintiff DeVoe's October 4, 2021 complaint of sex/gender discrimination on the basis of pay, Defendants retaliated against Plaintiff DeVoe by, at a minimum, waiting many weeks to repost the Building Subcode Official position, leaving Ms. DeVoe to perform the responsibilities of her own full-time role, Construction Official/Plumbing Subcode Official, and the additional full-time role of Building Inspector and Plan Reviewer, without any additional compensation for performing the additional role.

205. In retaliation for Plaintiff DeVoe's November 23, 2021 complaint of sex/gender discrimination in pay and retaliation, Defendants again retaliated against Plaintiff DeVoe by, at a minimum, in or about December 2021 and January 2022, forcing her to perform the job duties of other employment positions within the Defendant Township without compensating Plaintiff DeVoe for performing the work.

206. In retaliation for Plaintiff Parker's January 24, 2022 and March 31, 2022 complaints of sex/gender discrimination in pay, Defendants retaliated against Plaintiff Parker by, at a minimum, Defendant Sheola sending Plaintiff Parker an e-mail on Saturday, May 14, 2022, at 8:50 p.m., stating "Now this is sad -- >" in reference to a full-time municipal clerk salary in a nearby municipality that was less than Plaintiff Parker's salary as Township Clerk with the Defendant Township.

207. In retaliation for Plaintiff's DeVoe's July 8, 2022 complaint of sex/gender discrimination in pay and retaliation by Defendant Sheola, Defendants further retaliated against Plaintiff DeVoe by, at a minimum, failing to take prompt, effective remedial action to address Defendant Sheola's discriminatory and/or retaliatory conduct, prevent future discriminatory and/or retaliatory conduct by Defendant Sheola, and provide Plaintiff with the requested UCC Licensure Letter.

208. In retaliation for Plaintiffs Bolarakis, DeVoe, and Parker engaging in the foregoing protected activity under the Equal Pay Act between November 12, 2021, and July 8, 2022, Defendants Township of Readington and Sheola refused, at a minimum, to investigate Plaintiffs' complaints and increase Plaintiffs' rates of compensation thereby denying them equal pay for substantially similar work to their male counterparts/peers, male Executive Staff/Municipal Department Heads or Managers.

209. Defendants' conduct and/or treatment of Plaintiffs Bolarakis, DeVoe, and Parker is in retaliation for opposition, objections and complaints made by Plaintiffs to Defendants respecting their practices or acts forbidden under the Equal Pay Act and/or Plaintiffs' exercise, attempted exercise and/or enjoyment of rights provided to them under the Equal Pay Act.

210. The retaliatory actions taken by Defendants Township of Readington and Sheola against Plaintiffs Bolarakis, DeVoe, and Parker are in violation of the Equal Pay Act.

211. As a direct and proximate result of Defendants' conduct, Plaintiffs have suffered and continue to suffer loss of earnings and other employment benefits, pension losses, mental, and emotional distress, stress, humiliation, pain, damage to reputation, and harm to their career development.

212. Defendants' acts or omissions were the cause of Plaintiffs' harm and Defendants' acts or omissions were actuated by actual malice or accompanied by a wanton and willful disregard of persons who foreseeably might be harmed by those acts or omissions.

213. The conduct involved Defendant Township of Readington's upper management and was egregious, willful, wanton, and in reckless disregard for Plaintiffs' rights for which punitive damages are appropriate.

WHEREFORE, Plaintiffs Bolarakis, DeVoe, and Parker demand judgment against Defendants Township of Readington and Sheola for harm suffered due to the aforesaid violation of the Equal Pay Act as follows:

- A. Compensatory damages for loss of front pay and benefits;
- B. Compensatory damages for loss of back pay and benefits;
- C. Treble damages pursuant to N.J.S.A. 10:5-13(d);
- D. Compensatory damages for pain, suffering, stress, humiliation, mental anguish, and emotional harm;
- E. Reimbursement of medical expenses;
- F. Punitive damages;

- G. Prejudgment interest and enhancements to off-set negative tax consequences;
- H. Injunctive relief requiring remediation of Defendant Township of Readington's discrimination;
- I. Any and all attorneys' fees, expenses and/or costs, including, but not limited to, court costs, expert fees and all attorneys' fees incurred by Plaintiffs in the prosecution of this suit (including enhancements thereof required to offset negative tax consequences and/or enhancements otherwise permitted by law);
- J. Declaration that Defendant Township of Readington has violated the LAD and requiring Defendant Township of Readington to take appropriate corrective action to end discrimination in the workplace; and
- K. Such other relief as may be available pursuant to the LAD and which the Court deems just and equitable.

COUNT THREE

**NEW JERSEY LAW AGAINST DISCRIMINATION, N.J.S.A. 10:5-1 et seq.
SEX/GENDER DISCRIMINATION IN VIOLATION OF THE LAD**

214. Plaintiffs repeat and reallege each of the prior allegations of the within Complaint as if set forth at length herein.

215. Plaintiffs are in a protected class, as defined by the LAD, N.J.S.A. 10:5-12(a), based upon their sex/gender.

216. Defendants Township of Readington and Sheola took adverse employment actions against Plaintiffs Bolarakis, DeVoe and Parker that would not have occurred but for their sex/gender, including but not limited to paying them rates of compensation that are less than the rates of compensation paid to their similarly situated male counterparts/peers for performing

substantially similar work and forcing Plaintiff DeVoe to perform the job duties of additional positions without compensation.

217. Defendant Sheola participated in, condoned, ratified, perpetuated, conspired, incited, coerced, induced and/or aided and abetted the LAD violations.

218. As a direct and proximate result of Defendants' conduct, Plaintiffs have suffered and continue to suffer loss of earnings and other employment benefits, pension losses, mental, and emotional distress, stress, humiliation, pain, damage to reputation, and harm to their career development.

219. Defendants' acts or omissions were the cause of Plaintiffs' harm and Defendants' acts or omissions were actuated by actual malice or accompanied by a wanton and willful disregard of persons who foreseeably might be harmed by those acts or omissions.

220. The conduct involved Defendant Township of Readington's upper management and was egregious, willful, wanton, and in reckless disregard for Plaintiffs' rights for which punitive damages are appropriate.

WHEREFORE, Plaintiffs Bolarakis, DeVoe, and Parker demand judgment against Defendants Township of Readington and Sheola for harm suffered due to the aforesaid violation of the LAD as follows:

- A. Compensatory damages for loss of front pay and benefits;
- B. Compensatory damages for loss of back pay and benefits;
- C. Compensatory damages for pain, suffering, stress, humiliation, mental anguish, and emotional harm;
- D. Reimbursement of medical expenses;

- E. Punitive damages;
- F. Prejudgment interest and enhancements to off-set negative tax consequences;
- G. Injunctive relief requiring remediation of Defendant Township of Readington's discrimination;
- H. Any and all attorneys' fees, expenses and/or costs, including, but not limited to, court costs, expert fees and all attorneys' fees incurred by Plaintiffs in the prosecution of this suit (including enhancements thereof required to offset negative tax consequences and/or enhancements otherwise permitted by law);
- I. Declaration that Defendant Township of Readington has violated the LAD and requiring Defendant Township of Readington to take appropriate corrective action to end discrimination in the workplace; and
- J. Such other relief as may be available pursuant to the LAD and which the Court deems just and equitable.

COUNT FOUR

**NEW JERSEY LAW AGAINST DISCRIMINATION, N.J.S.A. 10:5-1 et seq.
RETALIATION IN VIOLATION OF THE LAD**

221. Plaintiffs repeat and reallege all of the prior allegations as set forth above as if set forth at length herein.

222. Plaintiffs are in a protected class, as defined by the LAD, N.J.S.A. 10:5-12(a), based upon their sex/gender.

223. Plaintiffs exercised their right, under the LAD, to oppose, object to and complain to Defendants about Defendants' practices or acts forbidden under the LAD, which was directed at Plaintiffs because of their sex/gender, and/or Plaintiffs' exercise, attempted exercise and/or

enjoyment of rights provided to them under the LAD.

224. Defendants' conduct and/or treatment of Plaintiffs Bolarakis, DeVoe and Parker since Plaintiff DeVoe first complained of discrimination on or about October 4, 2021, is in retaliation for Plaintiffs' exercise, attempted exercise and/or enjoyment of rights provided to them under the LAD, including their right to work in a discrimination-free work environment in Defendant Readington Township.

225. The retaliatory actions taken by Defendants against Plaintiffs Bolarakis, DeVoe and Parker are in violation of the LAD.

226. Defendants' acts or omissions were the cause of Plaintiffs' harm and Defendants' acts or omissions were actuated by actual malice or accompanied by a wanton and willful disregard of persons who foreseeably might be harmed by those acts or omissions.

227. The conduct involved Defendant Township of Readington's upper management and was egregious, willful, wanton, and in reckless disregard for Plaintiffs' rights for which punitive damages are appropriate.

WHEREFORE, Plaintiffs Bolarakis, DeVoe, and Parker demand judgment against Defendants Township of Readington and Sheola for harm suffered due to the aforesaid violation of the LAD as follows:

- A. Compensatory damages for loss of front pay and benefits;
- B. Compensatory damages for loss of back pay and benefits;
- C. Compensatory damages for pain, suffering, stress, humiliation, mental anguish, and emotional harm;
- D. Reimbursement of medical expenses;

- E. Punitive damages;
- F. Prejudgment interest and enhancements to off-set negative tax consequences;
- G. Injunctive relief requiring remediation of Defendant Township of Readington's discrimination;
- H. Any and all attorneys' fees, expenses and/or costs, including, but not limited to, court costs, expert fees and all attorneys' fees incurred by Plaintiffs in the prosecution of this suit (including enhancements thereof required to offset negative tax consequences and/or enhancements otherwise permitted by law);
- I. Declaration that Defendant Township of Readington has violated the LAD and requiring Defendant Township of Readington to take appropriate corrective action to end discrimination in the workplace; and
- K. Such other relief as may be available pursuant to the LAD and which the Court deems just and equitable.

COUNT FIVE

NEW JERSEY LAW AGAINST DISCRIMINATION, N.J.S.A. 10:5-1 et seq.
AIDING AND ABETTING BY DEFENDANT RICHARD J. SHEOLA IN VIOLATION OF THE LAD

228. Plaintiffs repeat and reallege all of the prior allegations as set forth above as if set forth at length herein.

229. By and through his actions, Defendant Richard J. Sheola has negligently, recklessly or intentionally aided and abetted Defendant Township of Readington in discriminating, harassing and retaliating against Plaintiffs in violation of the LAD.

230. Defendants' acts or omissions were the cause of Plaintiffs' harm and Defendants' acts or omissions were actuated by actual malice or accompanied by a wanton and willful

disregard of persons who foreseeably might be harmed by those acts or omissions.

231. The conduct involved Defendant Sheola, the Defendant Township's Administrator and a member of the Defendant Township's upper management, and was egregious, willful, wanton, and in reckless disregard for Plaintiffs' rights for which punitive damages are appropriate.

232. As a direct and proximate result of Defendants' conduct, Plaintiffs have suffered and continue to suffer loss of earnings and other employment benefits, pension losses, mental, and emotional distress, stress, humiliation, pain, damage to reputation, and harm to their career development.

WHEREFORE, Plaintiffs Bolarakis, DeVoe, and Parker demand judgment against Defendants Township of Readington and Sheola for harm suffered due to the aforesaid violation of the LAD as follows:

- A. Compensatory damages for loss of front pay and benefits;
- B. Compensatory damages for loss of back pay and benefits;
- D. Compensatory damages for pain, suffering, stress, humiliation, mental anguish, and emotional harm;
- E. Reimbursement of medical expenses;
- F. Punitive damages;
- G. Prejudgment interest and enhancements to off-set negative tax consequences;
- H. Injunctive relief requiring remediation of Defendant Township of Readington's discrimination;

- I. Any and all attorneys' fees, expenses and/or costs, including, but not limited to, court costs, expert fees and all attorneys' fees incurred by Plaintiff in the prosecution of this suit (including enhancements thereof required to offset negative tax consequences and/or enhancements otherwise permitted by law;
- J. Declaration that Defendant Township of Readington has violated the LAD and requiring Defendant Township of Readington to take appropriate corrective action to end discrimination in the workplace; and
- K. Such other relief as may be available pursuant to the LAD and which the Court deems just and equitable.

SMITH EIBELER, LLC

By: /s/ Kathryn K. McClure
KATHRYN K. McCLURE
Attorneys for Plaintiffs Gabrielle Bolarakis,
Angela DeVoe, and Karin Parker

Dated: September 22, 2022

JURY DEMAND

Plaintiff herein demands trial by jury on all issues so triable.

SMITH EIBELER, LLC

By: /s/ Kathryn K. McClure
KATHRYN K. McCLURE
Attorneys for Plaintiffs Gabrielle Bolarakis,
Angela DeVoe, and Karin Parker

Dated: September 22, 2022

DESIGNATION OF TRIAL COUNSEL

Pursuant to R. 4:25-4, Kathryn K. McClure, Esq. is hereby designated as trial counsel in this matter.

SMITH EIBELER, LLC

By: /s/ Kathryn K. McClure
KATHRYN K. McCLURE
Attorneys for Plaintiffs Gabrielle Bolarakis,
Angela DeVoe, and Karin Parker

Dated: September 22, 2022

CERTIFICATION

Pursuant to Rule 4:5-1, it is hereby stated to the best of my knowledge and belief that the matter in controversy is not the subject of any other action pending or contemplated in any other court or of a pending arbitration proceeding. Further, Plaintiff is unaware of any non-party who should be joined in the action pursuant to Rule 4:28 or who is subject to joinder pursuant to Rule 4:29-1(b) because of potential liability to any party on the basis of the same transactional facts. I further certify that confidential personal identifiers have been redacted from documents now submitted to the court and will be redacted from all documents submitted in the future in accordance with Rule 1:38-7(b).

SMITH EIBELER, LLC

By: /s/ Kathryn K. McClure
KATHRYN K. McCLURE
Attorneys for Plaintiffs Gabrielle Bolarakis,
Angela DeVoe, and Karin Parker

Dated: September 22, 2022