



Attorney Kevin Barber, former New Brunswick school nurse Rosa Martinez and attorney Christopher Hager following a \$2 million settlement in Martinez discrimination lawsuit.

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New Brunswick school nurse awarded \$2M in discrimination suit
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Story Highlights

- A former New Brunswick school nurse sued the New Brunswick Board of Education
- Rosa Martinez sought clerical assistance due to an eye condition

NEW BRUNSWICK - Rosa Martinez, a former New Brunswick school nurse, has been awarded \$2 million as settlement in an employment disability discrimination lawsuit involving the New Brunswick Board of Education.

During trial testimony Monday before Middlesex County Superior Court Judge Douglas K. Wolfson, the school board agreed to settle the case, which alleged discrimination, harassment and failure to reasonably accommodate her situation, in which she said a visual disability made it difficult to work on a computer.

"She's thrilled," said attorney Christopher Hager, who, along with attorney Kevin Barber, both from the Morristown law firm Niedweske Barber Hager, represented Martinez.

Hager said the case, which began on Sept. 12, had gone through days of witness testimony when Martinez took the stand last Thursday, describing her hostile work environment.

He said her testimony was so compelling that the judge at the end of the day suggested the school district might want to settle the case.

"The tone of the evidence was continuing to escalate. Settlement made sense," Hager said.

"Our board of education's previous insurance provider has

agreed to a financial settlement with a former employee who left her position in 2012. In question were disability-related accommodations," said New Brunswick Superintendent of Schools Aubrey Johnson in a statement Tuesday.

According to a news release about the settlement from the law firm, Martinez was a tenured district nurse for 12 years before she resigned in August 2012 because of an "intolerable work environment."

Martinez, 60, of Monroe, became a school nurse in 2000 after leaving a higher-paying nursing position to work in the school environment. Hager said Martinez, who worked at the Roosevelt Elementary School from 2000 to 2007 and the Livingston Elementary School from 2007 to 2012, wanted to work on preventive medicine, fight for the uninsured and care for young children. He said she also worked to improve statistics and health screenings.

"She was great as a nurse," said Hager, adding that Martinez helped a child with a missing limb and no insurance get referred to Shriners Hospital for Children, where the child received a prosthetic arm.

In November 2009 she requested assistance for her visual disability, known as convergence insufficiency, which Hager described as a double vision condition when doing close-up work. At that time, the district schools were beginning to computerize students' medical information and Martinez's disability affected how quickly she was able to work on the computer.

"Her nursing skill was beyond reproach. Nursing was an excellence of hers, the problem was the computer screen," said

Hager, adding that it put a strain on her eyes.

She requested clerical assistance with filing to allow her extra time to enter student medical information into the database, but the school district apparently ignored her requests and failed to respond. Martinez continued to request reasonable accommodation verbally and in writing supported by doctor's notes over the next two school years. Hager said she also requested permission to briefly sit each day to use soothing eye drops prescribed by her doctor. Instead, the district installed an observation window on her solid door so she could be watched, Hager said.

He said her efforts to receive workplace accommodation included an attempt from the New Jersey Commission for the Blind and Visually Impaired, but the commission also was ignored and Martinez continued to work extra hours without assistance.

After realizing she would not be accommodated for the 2012-2013 school year and with her eye condition getting worse as her workload increased, she was forced to resign, he said.

Her lawsuit cited evidence of discrimination and harassment by top managers including the superintendent, human resources director, head school nurse and Livingston school principal.

Hager said Martinez, who now works in professional development for nurses at Monmouth University, has permanent vision loss.