

Hudson corrections officer's reverse-discrimination suit going forward



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Former Hudson County Corrections Officer Giacomo Novelli protests his wrongful termination in front of the Brennan Courthouse in Jersey City, Thursday, November 6, 2008. A lawsuit filed by Novelli can move forward after a judge rejected a motion by the county to toss the suit because it was filed after the statute of limitations had expired. Journal file photo

1 / 6

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A former Hudson County corrections officer's reverse discrimination lawsuit can move forward after a federal judge rejected Hudson County's bid to toss the suit because it was filed too late.

Giacomo Novelli, who is white, sued the county in 2010, saying he was wrongfully fired for excessive absences, even though approximately 62 African-American corrections officers had absences far greater than his, and many are still employed at the jail.

Novelli, who was fired in 2005 for what the county called excessive absences and insubordination, filed the lawsuit after losing appeals with the state Office of Administrative Law and the Merit Systems Board.

The county, represented by Jersey City attorney Daniel Sexton, argued that Novelli did not file his complaint until almost five years after his termination — outside the four-year statute of limitations.

Novelli, of Bayonne, represented by attorney Alena Shautsova, said that he was subjected to continued discrimination by the county, even after he was fired in 2005.

On April 23, Judge Jose Linares, sitting in Newark, denied the summary judgment motion, therefore allowing Novelli's lawsuit to proceed.

According to Shautsova, Novelli is seeking back pay from the county as well as funds for "emotional distress." There will now be a settlement hearing for the suit, and if a settlement cannot be reached, a trial will commence sometime in the fall, Shautsova estimates.

According to court documents, Novelli, who was hired in 1997, had received a warning in early 2005 that he had exhausted all of his sick time from 2004 and noting his excessive absences.

Novelli then exhausted his allotted 15 sick days for the year by early February 2005, and missed work for 11 consecutive days between Feb. 9 and 23, 2005. Novelli was then terminated.

Novelli claims he was caring for ill family members during that time.

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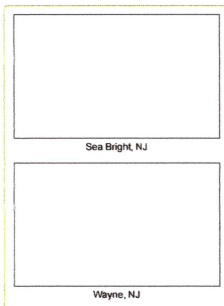
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