

Woman fired after being pregnant at wedding may sue NYC synagogue

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By Jonathan Stempel

NEW YORK (Reuters) - A Manhattan Jewish congregation known as the oldest in the United States must face a lawsuit claiming it illegally fired a employee after learning she was 19 weeks pregnant when she married, a federal appeals court ruled on Thursday.

The 2nd U.S. Circuit Court of Appeals revived Alana Shultz's claim that leaders of Congregation Shearith Israel violated her civil rights by ending her 11-year stint as program director, despite trying to reinstate her before the firing took effect.

Shultz said she was fired on July 21, 2015, a day after returning from her honeymoon, during a meeting with synagogue officials who called the firing part of a "restructuring."

Her dismissal was effective on August 15, 2015, but Shultz said the synagogue tried to rescind it 10 days earlier after learning she had hired a lawyer.

A lower court judge said the rescinding meant Shultz had not suffered an "adverse employment action" to support her Title VII claim.

But the appeals court disagreed, saying the initial firing constituted the adverse employment action.

It distinguished the case from lesser actions such as placing a counseling letter in an employee's file, or impulsively saying "you're fired" only to backtrack quickly.

Shultz "had ample time to experience the dislocation of losing her employment at a particularly vulnerable time, undertake the effort of retaining counsel, and inform the congregation that she was going to file suit," Circuit Judge Gerard Lynch wrote.

Sarir Silver, a lawyer for the congregation, said her clients are reviewing their legal options and may appeal.

A lawyer for Shultz welcomed the decision. "No female employee should have to fear termination because she becomes pregnant," Jeanne Christensen, the lawyer, said in an email. "We look forward to vindicating our client's rights."

Founded in 1654, Congregation Shearith Israel is also known as the Spanish and Portuguese Synagogue, located on West 70th Street and Central Park West.

Shultz met her future husband in 2008 in an elevator after a charity event. They held a Sabbath dinner at the synagogue two days before their wedding.

((<https://www.theknot.com/us/alana-shultz-and-slava-rubin-jun-2015>))

The plaintiff's law firm, Wigdor LLP, has filed unrelated gender bias, racial bias and retaliation lawsuits on behalf of more than 20 current and former Fox News employees.

The case is Shultz v Congregation Shearith Israel of the City of New York et al, 2nd U.S. Circuit Court of

Appeals, No. 16-3140.

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