

Solar Co. Fired Black Workers Who Protested Slurs, Suit Says

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By **Vin Gurrieri**

Law360 (May 6, 2019, 5:36 PM EDT) -- A group of black former Momentum Solar employees sued the company in New York federal court Monday, alleging that their managers regularly hurled racist slurs at them and fired them after they complained about it.

Led by Garreth Murrell and five other named plaintiffs, the suit alleges that managers at the company's New York warehouse cultivated a working environment that was rife with racism and often included black workers being targeted with a racist epithet.

In addition to workplace racial discrimination and retaliation at the warehouse, the workers also alleged that Momentum paid black employees "far less" than their white counterparts. The company also allegedly makes employees work off-the-clock and doesn't repay them for the costs of necessary tools they needed to do their jobs, according to Monday's complaint.

Plaintiffs' counsel Michael Willemin and Tanvir Rahman of Wigdor LLP issued a joint statement on Monday, saying that Momentum "treated its Black employees as second-class citizens" and that "it is time for [the company] to be held accountable for that."

"As alleged in the class action complaint, rather than occurring sporadically, acts of vile racism occurred on a near-daily basis and were part and parcel to the culture of Momentum's NY operations," the attorneys said in their statement. "Despite being well aware of this racism, Momentum's New York managers did nothing whatsoever to remedy it. When white supervisors admitted to using the N-word, no disciplinary action was taken. When Black employees complained about racism at Momentum, they were fired."

Momentum Solar spokeswoman Mallory Downes issued a written statement to Law360, saying that "there is no basis in law or fact for the claims asserted" against the company.

"The six disgruntled former hourly employees were terminated for legitimate, non-discriminatory reasons including unacceptable workplace behavior, fighting, poor performance, failure to show up for work and violations of material company policies and procedures," she said. "The company intends to vigorously defend all claims."

The plaintiffs, who mostly worked as installers who traveled to customers' homes to install solar panels, generally alleged that black workers were "ostracized," not given a chance to advance their careers and were given less-desirable assignments that their white colleagues didn't want.

Included in their complaint were numerous screenshots of racial slurs in posts from the account of one manager, Rajan Silberman, and an outline of incidents involving another manager, Jessica Adams, in which she fired multiple black employees who complained.

Silberman, Adams and foreman Adam Murawski were each named as defendants.

In one 2018 incident outlined in the complaint, Murrell complained to Adams that Murawski had aimed a racist slur at him. Even though Murawski purportedly admitted during a recorded meeting to using the slur several times, no actions were taken against him.

Murrell was ultimately fired by Adams the day after he again raised concerns of racial discrimination, the complaint alleged.

"As a result of defendants' discriminatory and retaliatory conduct, there are now only two black employees out of the approximately 40 individuals who work out of the New York office as foremen and installers. None of the foremen are black," the complaint said.

As to their wage allegations, the plaintiffs allege that Momentum automatically deducted a 30-minute break period from workers' pay even though they were often forced to work through that break — resulting in them performing off-the-clock work that wasn't compensated. The company also didn't pay workers for certain time spent traveling to job sites nor did Momentum reimburse the workers for tools.

"As such, Momentum has been stealing and continues to steal 30 minutes of compensable time and wages from Plaintiffs and those similarly-situated," the complaint said. "Furthermore, there was a several-months-long period in 2017 in which Momentum refused to pay Plaintiffs and other similarly-situated employees within the field installations department for time spent traveling to and from job sites and Momentum's warehouse in Momentum vehicles."

The suit alleges violations of Section 1981 of the Civil Rights Act of 1866, the Fair Labor Standards Act and several New York city and state laws.

The named plaintiffs are seeking to represent several different proposed classes. One would encompass black employees who worked in the New York warehouse who allege they were subjected to discrimination and retaliation. The plaintiffs also proposed a separate class for wage violations under the New York Labor Law, as well as a collective that covers FLSA claims.

The plaintiffs are represented by Michael Willemin and Tanvir Rahman of Wigdor LLP.

Counsel information for Momentum isn't yet available.

The case is Garreth Murrell et al. v. Pro Custom Solar LLC et al., case number [1:19-cv-02656](#), in the U.S. District Court for the Eastern District of New York.

--Editing by Michael Watanabe.

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