



Fired Worker Nets \$470,000 In Racial Discrimination Case

A *lston v. Interstate Intermodal*: A Hudson County jury on July 9 awarded \$470,000 in damages — \$150,000 of it punitive — to a warehouse loader who claimed he was discharged because he is black. After prejudgment interest, the award will total \$505,000.

The plaintiff, Clarence Alston, now 32, was temporarily laid off from his loading job at Secaucus' Interstate Intermodal in May 1996 after three years' employment. He was told the layoffs were decided by seniority, but when he returned to work after six weeks, he found out that Hispanic workers with less seniority had retained their jobs, according to his attorney, Alan Krumholz a Jersey City solo practitioner.

When Alston complained to Interstate's vice president, Eugene Sellers, who made the layoff decision, Sellers told him that the Hispanic workers were kept on because they knew how to operate scanner equipment and Alston did not, Krumholz says, adding that Alston knew how to work the equipment, but never received an opportunity to show his supervisors.

Alston was fired in October 1996 after calling in sick.

There was apparently a history of acrimony between Alston and the company. Krumholz says that Alston, who worked a night shift that ended after midnight, tried to get it changed because there was no bus transportation and he had to walk home, making him sick and aggravating an earlier back injury.

Alston's request was denied, but Hispanic workers had been permitted to change shifts, Krumholz says. Alston also unsuccessfully attempted to get his union, Unite, to intervene in his case.

Interstate's attorney, Ronald Fraioli, a Wood-Ridge solo practitioner, says Alston was an unreliable worker with a bad absentee and lateness record.

Interstate will pay \$250,000 in compensatory damages and \$150,000 in punitive damages. Sellers will pay \$70,000. The compensatory damages award came down on June 22. Superior Court Judge George Moser presided over the trial.

— By Matt Ackermann