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Troopers sue Mass. State Police for alleged discrimination against new parents

Women and men who take parental leave lose key seniority rights.

By [Andrea Estes](#) Globe Staff, Updated March 10, 2022, 7:04 p.m.



The State Police graduation ceremony for 168 trainees of the Massachusetts State Police 86th Recruit Training Troop last October. DAVID L. RYAN/GLOBE STAFF

Five members of the Massachusetts State Police are suing the agency, alleging it is illegally discriminating against troopers who take maternity or other types of leave.

In a lawsuit filed this week, the troopers said they and their colleagues lose seniority when they take time off to give birth or deal with other medical

issues, making it harder for them to obtain choice work assignments, overtime shifts, and vacation time.

“The disproportionate impact this practice has on women who have given birth, experienced a miscarriage, or other medical issues related to pregnancy is blatantly discriminatory,” said their lawyer, Matthew Patton at Lichten & Liss-Riordan.

A trooper’s seniority is based on rank within their graduating class at the academy. But when troopers take a paid family or medical leave, Patton said, they’re dropped to the bottom of the seniority ladder.

Serena Trodella, one of the plaintiffs, gave birth to her first child on Oct. 4, 2021. On the first day of her leave, her seniority dropped from 112th in her class to 240th, the very bottom, Patton said.

“It is a direct violation of the [Paid Family and Medical Leave Act](#) for the State Police to take this seniority away when troopers are once again making the personal sacrifice of caring for a loved one,” Patton said.

Patton said the State Police also violate the law by refusing to allow troopers to contribute to their retirement plan during leaves, and their time off is not counted toward their years of service for pension purposes.

The policy may also violate the troopers’ contract, which states that employees who take family or medical leave will have their leave “credited as time for purposes of seniority.”

State Police spokesman David Procopio declined to comment on the lawsuit.

The paid leave law, which took effect in January 2021, [allows pregnant employees to receive up to 20 weeks’ pay of up to \\$1,084.31 a week](#). In general, others can collect up to 12 weeks to care for a relative or to bond with a newborn. The law explicitly says that taking a leave should have no effect on employees’ “advancement, seniority, length-of-service credit or other employment benefits.”

Trooper Cynthia Pham, another plaintiff, is pregnant and due to give birth to her second child on March 24. She plans to take a leave, which will cause her seniority to drop from 203 to 240, the suit alleges.



Plaintiff Trooper Cynthia Pham attended the funeral for Massachusetts State Trooper Tamar A. Bucci on Wednesday.
DAVID L. RYAN/GLOBE STAFF

The single male plaintiff, Joao Christian Barros, had hoped to take time off to care for a son born on April 1, 2021, but decided not to after learning he would lose his seniority, the lawsuit says.

State Police policy prohibits troopers from speaking to the media, but one trooper who recently took maternity leave agreed to be quoted if her name were not used.

“It feels like I am being punished for having a baby and taking paid family medical leave that we are entitled to,” said the trooper. She said she has lost a large amount of weight from the stress over the impact her leave could have on her career.

The trooper said the whole purpose of the law is “to be able to bond with your child and not have to worry about being able to pay your bills and if your job is going to be there in the same manner before you took leave.”

The four female plaintiffs also have filed sex discrimination complaints with the Massachusetts Commission Against Discrimination.

Though there are currently five plaintiffs in the suit, which was filed in Suffolk Superior Court, their lawyer is seeking to extend the case to any trooper who was or may be harmed by the policy.

In responses to two of the MCAD complaints, Michael B. Halpin, special counsel to the State Police colonel, said the agency complies with all state laws and union contracts.

In addition, Halpin wrote, the agency knows of “no direct or disparate impact upon its female employees” and is “unable to identify a violation of law or any issue of concern, confusion, or error” that backs up the discrimination charges.

Patrick McNamara, president of the State Police Association of Massachusetts, defended the lawsuit’s plaintiffs. “It is unconscionable that the Baker administration would punish troopers for using legally protected time off to tend to serious medical, family, or personal issues,” he said in a statement.

The State Police force — which includes just 128 female troopers out of more than 2,000 — has long faced charges of sex discrimination as well as discrimination against other groups.

In 2002, four female troopers won \$1 million in damages and \$300,000 for emotional distress caused by a policy that required troopers who became pregnant to report it as an “injury.” They challenged a policy that prohibited pregnant troopers from operating cruisers, wearing uniforms, working overtime, or interacting with the public.

In 2016, one of the same troopers, Lieutenant Lisa Butner, and three others sued the State Police, alleging that the agency routinely passes over women and troopers of color for promotion, and exile those who do earn advancement to far-flung barracks and overnight shifts.

The case is still pending, according to court records.

On Wednesday, [the US attorney’s office in Boston announced it had reached an agreement](#) with the State Police over allegations the agency violated the Americans with Disabilities Act by failing to have a policy or procedure in place to communicate with people who have hearing difficulties.

“We heard many times this week from our leaders that the State Police are like family. Families don’t treat sisters this way,” said Patton, the attorney for the five troopers.