

VTrans pays \$400K to settle sexual harassment case



Dan D'Ambrosio, Free Press Staff Writer 6:07 p.m. EDT October 21, 2016



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(Photo: RYAN MERCER/FREE PRESS)

The Vermont Agency of Transportation has paid \$400,000 and issued an apology to three former gay and lesbian employees who said they were harassed on the job.

The three former workers — Penny Barber, Reina Dean and Houston Lee — filed a lawsuit in July 2015 alleging they were verbally abused and passed over for promotions and pay raises because of their sexual orientation. Dean said she was physically abused, groped and grabbed by the men she worked with, and propositioned for sex.

The plaintiffs were highway maintenance workers, including in District 5, which covers Burlington, South Burlington, Essex Junction and many other towns. They were represented by attorneys Patrick Bernal and John Stasny of Manchester Center.



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Reina Dean breaks down during an interview with the Free Press as she tries to describe harassment because of her sexual orientation she alleges she suffered when she worked for the Agency of Transportation. *(Photo: RYAN MERCER/FREE PRESS)*

In a statement to the Burlington Free Press, Bernal said, "While \$400,000 doesn't come close to compensating my clients for what they've been through, they are glad to close this unfortunate chapter, and to move on with their lives."

Bernal said the payment from the state will be split among his three clients. As part of the settlement, Scott Rogers, director of maintenance for the Agency of Transportation, wrote an apology by hand to say the Agency of Transportation is committed to a "professional and respectful" workplace.



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Former Agency of Transportation employee Houston Lee talks about a lawsuit in which he alleges he was harassed by co-workers and called slurs because he is gay. He says things got so bad that he quit his job. (Photo: RYAN MERCER/FREE PRESS)

Rogers wrote, "We recognize that you were subject to inappropriate, unprofessional and harassing conduct while employed with the Agency. We regret that that happened. We wish you the best and hope that you can move forward from this point."

Each of the plaintiffs will be provided with a signed original of the Rogers apology, typed on Agency of Transportation letterhead. The settlement, reached through mediation, is described as a "compromise to avoid litigation."

"By making this Agreement, no Party makes any admission concerning the strength or weakness of any claim," the settlement states.



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Penny Barber talks about a lawsuit against the Agency of Transportation in which she alleges she was denied promotions and was verbally abused while working in highway maintenance. Barber, who is a lesbian, is one of three plaintiffs in a lawsuit filed against VTrans alleging they were targeted for abuse based on their sexual orientation. (Photo: RYAN MERCER/FREE PRESS)

The lawsuit was dismissed with prejudice, meaning it can never be brought back to court. Each side took responsibility for its own costs and attorney fees.

"What happened to me at (the Agency of Transportation) was not fair," Houston Lee said in a statement. "I don't want to see that happen to anyone else ever again. Hopefully, others who have been treated the way we were won't remain silent, and will take steps to protect their rights, like we did."

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