



**Carluccio, Leone, Dimon,
Doyle & Sacks, L.L.C.**



FIRM COMMITMENT

A quarterly letter of legal news and information for the friends of Carluccio, Leone, Dimon, Doyle & Sacks, L.L.C.

Divorce is Hard Enough Without Getting Fired

Craig Wagenblast, Summer Law Clerk for CLDD&S

Divorce. For some fortunate parting couples, divorce can be an amicable and relatively pain-free process. For others, divorce can be an emotionally, physically, and financially draining process. For some, an impending divorce could even cost one his or her job. That is until the New Jersey Supreme Court recently held that New Jersey's Law Against Discrimination Act (LAD) prohibits employers from discriminating against employees who are getting divorced.

The case, *Smith v. Millville Rescue Squad*, was decided on June 21, 2016, and involved an employee who argued he was fired because he and his wife, a co-worker, were in the process of getting divorced. The employer speculated that based on the facts of the situation, it would be an "ugly divorce" and could cause a disturbance in the workplace. The employee subsequently brought a marital-status discrimination claim against his former employer, which was dismissed by the trial court. The Appellate Division then sided with the employee and found direct evidence that he was discriminated against based on his marital status. The case ultimately landed in the New Jersey Supreme Court which had to determine the scope of the marital-status discrimination cause of action under the LAD.

The LAD provides that employers cannot discriminate against employees based on marital status, but the statute does not define the term "marital status" or explain what it entails. The New Jersey



Supreme Court held that for the purposes of the LAD, "marital status" does not just cover married versus single status, but also applies to those who are "in transition from one state to another." Therefore, the protections offered by the LAD extend to those who have been or are in the process of getting divorced. The employee will now have the chance to present his case and convince a jury that he was fired because of his change in marital status.

The Court explained that a broad interpretation of marital status is consistent with the remedial nature of the LAD and allows greater protection from the negative effects of discrimination. The Court reassured that this decision does not impede the power of employers to make legitimate business decisions—if a pending divorce does in fact affect an employee's efficiency and the

business of the company, an employer may terminate the employee for the work-related issue. Employers are also still free to implement anti-nepotism policies, as long as they are not unevenly enforced based on marital status or other protected classes. This decision, however, does prevent employers from taking adverse actions against employees based on negative stereotypes associated with people going through divorce.

So even if someone is going through a messy divorce with a co-worker spouse, they may find solace in the fact that as long as they continue to perform well and act civilly, their job should be secure thanks to the LAD and the New Jersey Supreme Court.

Message from the Managing Member



Every so often, when I look up from my files and away from my emails, I have the distinct privilege to glance through the window of my office to see the flowing Toms River and scenic Huddy Park. I see families with lines in the water hoping to catch the rogue snapper or ornery blueclaw. Picnickers enjoying a slice of pizza from Capone's. Smiling revelers disembarking the River Lady. I am reminded, particularly on the sunny summer days here at the shore, about all of the blessings that have been bestowed on our firm. Beyond the skills and passion that allow us to serve our clients to provide value-added results, we at CLDD&S also possess a sense of community and a sense of family. In this issue of the Firm Commitment, we examine the good works being done by many of our members. We also, unfortunately, reflect upon our recent losses, Linda Tilles and Denise Lohnes, both long term employees and key members of our CLDD&S family. We are all better for having known them and their absences will be long felt by all.

Too Busy to be Benevolent?

The most valuable gift we can give to help our community is the one thing we never seem to have enough of, let alone any to spare: time. Jonathan Z. Petro, Esq., Co-Managing Partner at Carluccio, Leone, Dimon, Doyle & Sacks, LLC in Toms River, is leading by example. He manages to carve out an impressive amount of time, from his very full schedule, to serve the professional organizations he belongs to as well as various organizations within his community. Jonathan currently serves as the Chairman of the Ocean County Bar Association Family Law Committee and is very active with their Young Lawyers Committee. He volunteers his time as Treasurer for the Ocean County Library Foundation as well as serving on the Board of the Ocean County Vocational Technical School's Foundation.

One of the most well-deserving community organizations that Jonathan devotes his time and talent to is the YMCA of Ocean County. He held the position of President on their Board of Directors for 2 consecutive years, 2014 and 2015. Currently he is serving the YMCA of Ocean County as the Chairperson for their Major Gifts Committee. As the Chairperson of the Major Gifts Committee, he recently secured a "Challenge Grant" through the Jay and Linda Grunin Foundation with an initial grant of \$75,000. Jonathan obtained his goal of raising an additional \$125,000 and each donation of \$1,000 and over, gifted by the community, was matched by the Foundation. A grand

total of \$325,000 was raised for the YMCA of Ocean County.

Jonathan's professionalism and growing expertise ushered him into various positions in and for the Ocean County Bar Association, including becoming an Early Settlement Panelist, a mediator in the Special Civil Division, a recurring speaker for the Ocean County Bar Family Law Committee and the Ocean/Monmouth Family Law Inns of Court. Additionally, Jonathan still manages to find time to volunteer as a judge for the annual Vincent J. Apruzzese Mock Trial Competition, and also teaches the Family Division's Parent Education classes multiple times per year. His achievements, however, have hardly sequestered to that of a professional nature, demonstrated by a sustained service to his community. For many years, he was an advocate of LGBTQ rights, and has participated in various organizations aiming to fight discrimination and achieve equality in the area of marriage.

Recently Jonathan was recognized for his altruism and outstanding service to the community by the Ocean County Bar Association. He was the recipient of their Ocean County Bar Association Citizenship Award for 2016.

Benevolence at it's very best.

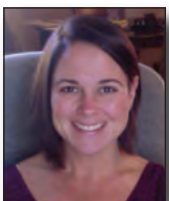


CLDDS would like to like to extend a warm welcome to our new team members...

Linda Aquino, our part time receptionist, joined the CLDDS team in April 2016 with 15 years experience in the maritime industry as a claims adjustor. She enjoys spending time listening to music, going to concerts and going to the beach. She has a daughter named Maria who is a classical flute musician and a music educator. Welcome Linda!



In June 2016, with 24 years experience as a graphic designer, **Audra Carolotz** joined CLDDS as our Marketing Director. In between the various sports and activities her girls (Bailie 18, Jordyn 16, and Alexa 14) are involved in, she enjoys cooking, being with her friends, and hunting for seaglass on the Jersey Shore. Welcome Audra!



NOTE: The articles herein contained are provided as general information for our clients, friends and business associates. They are not intended to serve as a substitute for or supplement to legal counsel. Information in these articles is considered to be general in nature and does not apply to the reader's individual situation, circumstances, and jurisdiction.

AROUND THE OFFICE Contributions to Our Community

Nancy A. Nichols – Nancy Nichols is a member of the St. Justin's Altar Rosary Society. One of their most notable endeavors is donating children's basic necessities and money to help support unwed or new mothers in their abandonment.



Peter M. Draper – Recently welcomed onto the Board of Directors for 21 Plus, Peter Draper helps reinforce their slogan in making meaningful lives for people with disabilities. Peter was also welcomed onto the Board of Directors for CASA of Ocean County, Inc. CASA (Court Appointed Special Advocates for Children) is an organization where members advocate for the best interest of abused and neglected children in courtrooms and communities.

Maureen C. DeRose – As a member of the Board of Directors for Hope Sheds Light since 2015, Maureen helps in providing support in educating our community of the disease of addiction.



Annemarie Schreiber – Annemarie Schreiber is the president of the Toms River Kiwanis Club. Kiwanis is a global organization dedicated to improving the world one child and one community at a time.

Edward J. Dimon – For several years, Edward Dimon has been a member on the Foundation Board of Trustees for Ocean Medical Center Foundation. The Ocean Medical Center Foundation helps Ocean Medical Center continue to provide the most advanced care available to our community. Edward is also on the Board of Directors for New Jersey Museum of Boating whose mission is to educate our community on boat safety and the preservation of the Barnegat Bay.



Professional Accomplishments – CLDDS Family News

Congratulations to **Pat Speziale's** daughter, Savannah, for graduating with her Bachelor's Degree in Arts and Humanities from Stockton University. She landed herself an internship with a company called Slack Incorporated, a division of the Wyanoke Group, Thorofare, NJ.

Congratulations to **Valter Must's** son, Andrus, for graduating with his Juris Doctorate from Sydney University in Australia. Valt and his lovely wife were present in Sydney for the celebration.



We are saddened by the loss of our friend and co-worker, Denise Lohnes. Denise was such a vital part of our CLDDS Family. To quote one of our partner's wives, Denise was "a part of the very air of the office." Rest in peace, our dear friend and spread your wings because you are now cancer free!!



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