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Page files federal lawsuit against Liberty school system

Action comes after being fired

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LIBERTY, NY — If Angela Page lived in another state, she would be able to sue in state court to settle her grievances. But in New York State, an employee is not permitted to sue an employer for allowing hazardous conditions to exist in the workplace, even if those conditions render the employee disabled. That's just a small part of the large education Page has received as a person who is now struggling with the illness called Multiple Chemical Sensitivity (MCS).

But she can file a suit in federal court and she did so on December 12. The day before, on December 11, the board of the Liberty Central School District voted to terminate Page's employment as a librarian with the system, after a state arbitrator ruled in late November that the system could fire her because she had not reported to work since June 2004.

However, Page has long said she didn't report to work because exposure to the mold in the building had caused her to develop MCS, and returning to the building would have made the situation worse. Any exposure to a variety of substances, such as perfumes, fragrance in soaps or clothes that have been dried with static-reducing sheets, cause Page serious harm.

The battle with the school district has been ongoing for more than three years. During that time, Page has also been pursuing a claim with the New York State

Worker's Compensation Board and has been largely successful on that front. The board has repeatedly agreed with her three doctors that she is sick and the building made her sick. But even if she wins the final appeal in that part of the process, which seems likely, the most she will be compensated is \$1,600 a month.

With a health insurance bill that runs \$1,200 per month, the worker's compensation payments would not come anywhere near covering her living expenses. Moreover, Page has been cut off from worker's compensation payments since June of 2006 because of appeals by the school system, and she is experiencing a great financial strain.

With that as backdrop, Page's lawyer Michael Sussman filed the lawsuit in federal court accusing the school system of violating the Americans with Disabilities Act by not accommodating Page's condition, and by refusing to take her up on numerous offers to continue to work in another capacity, such as a virtual librarian or grant writer, which would have allowed her to do most of her work from home. The suit charges the school system also refused to attempt to keep any area of the school free of the fragrances and scents that cause Page harm.

The lawsuit further alleges that the school system violated the terms of Page's union contract, which stipulates that a member can't be fired while on worker's compensation. The lawsuit reads, "In terminating plaintiff despite this clear contractual obligation, defendant not only violated its contract with plaintiff's union, of which



Contributed photo

A piece of plastic shields books in the Liberty Middle School library from leaking rainwater in 2002, where persistent leaks led to pervasive mold contamination that was, according to doctors, responsible for Angela Page's illness.

plaintiff was an intended beneficiary; it also discriminated against her on the basis of her disability."

The suit asks for \$2 million in damages. A call to the district superintendent for comment was not returned.

Page is currently undergoing an aggressive regime that involves, among other things, breathing pure oxygen for two hours a day. She knows other people who have suffered from the illness, some of whom have recovered, and she is hopeful that she, too, can recover. But that's not the case for many victims, who can slide into poverty and lose everything, including their homes.

"I've heard that's when it's really hard," said Page. "When you don't have a home, they can't deliver the oxygen."