

Discrimination charged

[By Grant Parpan](#)

MIDDLE ISLAND--On the same day faculty and staff were returning for a new school year at Longwood Junior High School, attorneys for the school's principal and the district took part in a conference call with a federal judge over a \$500,000 civil rights discrimination suit the principal filed against the district last year.

Levi McIntyre, a 60-year-old black male and the district's longest-tenured administrator, alleges in the suit that the Longwood Central School District, Superintendent Allan Gerstenlauer and former administrators' union president Kathleen Brennan committed an act of racial, sex and age discrimination against him by offering him less of a base salary increase than the district's white and female administrators, most of whom are younger than he is.

Dr. McIntyre alleges in the suit that when the Middle Island Administrators Association -- the bargaining unit that represents Longwood's 34 directors, principals and assistant principals -- and the district signed its current labor agreement in 2006, he received just a 17 percent salary increase while 32 of the group's members received increases ranging from 27 to 37 percent.

According to the suit, Dr. McIntyre was slated to receive about \$26,000 in salary increases over the life of the contract, at least \$9,000 less than each of the other six building principals, all of whom were women (since the contract was signed in 2006, the high school principal has been replaced by a man).

Dr. McIntyre alleges in the suit that the only MIAA member to receive a comparable increase was Ms. Brennan, whom he named as a defendant in the suit. He claims, however, that Ms. Brennan, who negotiated the collective bargaining agreement on behalf of the administrators union, was not as adversely impacted because she submitted retirement papers six months into the term of the contract, which expires in 2011. The suit alleges Ms. Brennan, the district's former director of elementary education, conspired with district officials when negotiating the labor agreement to "mask the district's and the MIAA's intent."

According to the suit, Longwood administrators had received equal salary increases in each of the previous contracts negotiated while Dr. McIntyre was employed by the district.

Dr. McIntyre claims in the suit that he was discriminated against in the contract because of a complaint he filed in 2004 with the Equal Employment Opportunity Commission. According to the suit, he alleged in his 2004 complaint that as the only black male administrator in the Longwood School District during the first 12 years of his employment, he was "subjected to differential treatment" by the district. He said he received a "right to sue letter," but did not pursue legal action at the time.

"The LCSD with the tacit consent of the MIAA deliberately targeted me denying me equal employment opportunity in compensation by discriminating against me and retaliating against me for filing an EEOC complaint against the district in 2004," Dr. McIntyre wrote in the suit. He continued: "There are no legitimate non-discriminatory reasons for the LCSD and MIAA to take this disparate action against me other than my race, age, sex and retaliation for filing an EEOC complaint against the district."

An attorney for Cruzer, Mitchell and Novitz LLP, the firm representing the district and Dr. Gerstenlauer in the case, requested Tuesday's pre-motion conference in response to the district's request to file a

motion for summary judgment, which District Court Judge Joseph Bianco has allowed to be filed. The district must file its motion by Oct. 2. The defendant then has another 30 days to respond. Should the case go to trial, oral arguments are set to begin Jan. 16.

In a letter introducing the district's intent to file a motion for summary judgment, attorney Gary Dvoskin dismissed the merit of the suit saying that despite the fact that other administrators will receive larger percentage increases, Dr. McIntyre is still the district's highest-paid administrator and he will continue to be over the term of the current collective bargaining agreement. According to the letter, Dr. McIntyre received a \$147,000 salary in the 2006-07 school year -- the year he filed the suit -- plus a \$2,000 longevity payment and a \$750 mileage reimbursement.

"[This] makes him the highest paid building administrator in the district and the 13th highest paid middle school principal in all of Suffolk," Mr. Dvoskin wrote.

Mr. Dvoskin continued to write that Dr. McIntyre's lower percentage salary increase is not the result of discrimination but rather an attempt in the current collective bargaining agreement to "remedy inequitable administrative salaries within the district as compared to other districts throughout Suffolk County."

The district created a 12-step salary schedule, assigning each administrator a step based on their base salary during the 2005-06 school year, according to the letter.

"As a result of Dr. McIntyre's extremely large salary, he, along with co-defendant Kathleen Brennan, a white female, were placed at step 12 at the start of the contract," Mr. Dvoskin wrote. "Dr. McIntyre's allegations are less than meritorious."

"The statistical evidence provided by the plaintiff in his complaint expressly rebuts the proposition of disparate impacts of the collective bargaining agreement on the basis of race and sex," he continued. "A black male within the MIAA received the highest salary increase of anyone. A white female received the same exact salary increase as Dr. McIntyre."

Calls seeking comment from the attorneys for each of the parties named in the suit were not returned by presstime. Phone calls to Dr. Gerstenlauer and the current president of the Middle Island Administrators Association were also not returned by presstime.

Dr. McIntyre came to Longwood in 1993 after serving as an assistant principal at Bellport High School. He holds degrees from Indiana University, the University of South Florida and Stony Brook University. According to the suit he is the only Longwood principal with a doctoral degree.