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# Denial of Remote Work Anchors New Jersey Harassment Case Revival

By Alex Ebert

## Documents

 [Opinion](#)

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- Alleged harassment past statute of limitations still counts
  - Firing makes alleged discrimination potential evidence

An employee that was denied the ability to work from home after her company moved out-of-state, which ultimately cost the worker her job, had her sexual discrimination suit revived by a New Jersey appeals court Tuesday.

A former Residential Home Funding Corp. employee was refused remote work after returning from maternity leave—even though other workers were given remote jobs as the company moved. That event can anchor a broader long-term sexual harassment case based on a pattern of alleged statements that included demeaning, sexual innuendo, gender stereotypes, and unequal treatment, the Superior Court of New Jersey Appellate Division ruled in an unauthored opinion.

The decision bolsters both worker claims to remote work and the claims of employees who allege hostile treatment from years prior. The appeals court rejected the idea that the suit should be tossed because alleged harassing statements were made outside of New Jersey's two-year statute of limitations, which the trial judge's dismissal focused on.

The "trial court's rulings the acts preceding the alleged wrongful termination qualified as discrete acts, rather than a continuing violation," the appellate division said. However, "each of the pre-termination acts, if proved, would constitute a pattern of sexual harassment and gender discrimination that was severe or pervasive, and created a hostile or abusive work environment."

The trial court reasoned that the worker's alleged harassment couldn't support her discriminatory firing suit because she alleged these claims and dismissed them in a prior action past the two-year window to bring a suit.

That doesn't matter, the appeals court said, because repeat incidents can trigger the "continuing violation doctrine" and allow employees to bring in evidence of long-past acts of alleged discrimination.

The “wrongful termination claim was a substantial event, and we are unconvinced it was merely a means to bootstrap plaintiff’s time barred discrimination claims,” the appellate division said. “Whether the pre-termination claims are discrete and therefore barred, or part of a continuing violation, is a matter that should abide discovery and further motion practice.”

The statute of limitations shouldn’t begin to run until an employer’s wrongful actions cease, said Paige R. Butler, senior partner at Law Offices Rosemarie Arnold LLP, the firm representing the worker.

“We, too frequently, see employees who face systemic patterns of discrimination, retaliation, and are subjected to hostile work environments, and endure this over periods of time,” she said in an email. “It is these situations which are behind the very purpose and intent of the Continuing Violations Doctrine.”

Youngclaus v. Residential Home Funding Corp., N.J. Super. Ct. App. Div., No. A-1404-22, 3/5/24.

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