

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

**SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT
CIVIL ACTION NO. 18-0799 H**

HILANI MORALES,

Plaintiff,

v.

**CITY OF BOSTON AND
FELIX G. ARROYO,**

Defendants.

CIVIL ACTION NO.

COMPLAINT AND JURY DEMAND

INTRODUCTION

1. Plaintiff Hilani Morales ("Ms. Morales") worked for Defendant City of Boston's ("the City") Office of Health and Human Services ("HHS") as a policy director from 2015 until her illegal and retaliatory demotion to the City's Public Facilities Department in July of 2017. Unable to return to her position from a medical leave of absence taken to deal with the trauma inflicted by the City and its agent, Defendant Felix G. Arroyo ("Arroyo"), Ms. Morales resigned from this position on November 11, 2017. As more thoroughly set forth below, Ms. Morales, for her entire tenure at HHS, performed at or above acceptable levels despite a persistent discriminatory work environment which was rife with inappropriate, unwelcome sexual comments and actions primarily uttered and perpetrated by Arroyo, the City's Cabinet Head and Chief of HHS. Using his position of power and his awareness of Ms. Morales' personal turmoil, Arroyo manipulated Ms. Morales into an intermittent sexual relationship during 2016. This

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MICHAEL JOSEPH ROY
CLERK / MAGISTRATE

relationship was marked by the extreme imbalance of power between a mid-level staffer and a Cabinet head. Ms. Morales unequivocally terminated the relationship in early 2017.

Despite terminating their relationship and clearly directing Arroyo to cease all non-professional communication, Arroyo continued to aggressively pursue Ms. Morales, pressuring her for sex, engaging in persistent sexual communications and threatening Ms. Morales. This illegal harassment persisted for several months. Specifically, Arroyo verbally abused Morales, made repeated requests for sex and, in one instance, physically assaulted Ms. Morales. In July 2017, unable to withstand the torment any longer, Ms. Morales reported Arroyo's sexual harassment and assault to the City's Human Resource Department. Immediately after Ms. Morales' report of Arroyo's harassment and gender-based discriminatory conduct, the City demoted Ms. Morales, transferring her to the City's Public Facilities Department. Through the actions of the Defendants, the City and Arroyo have violated M.G.L. c. 151B as follows: 1) by engaging in *quid pro quo* sexual harassment; 2) by creating and permitting a hostile environment based upon Ms. Morales' sex; and 2) by illegally retaliating against Ms. Morales because of her complaints of illegal harassment and gender discrimination.

PARTIES

2. Plaintiff Hilani Morales is an individual residing in the City of Boston, and a citizen of the Commonwealth of Massachusetts.

3. Defendant Felix G. Arroyo is an individual residing in the City of Boston, and a citizen of the Commonwealth of Massachusetts and a former employee of Defendant City of Boston, most recently as the Cabinet Head and Secretary of the Office of Health and Human Services.

4. Defendant City of Boston is a duly incorporated municipality of the Commonwealth of Massachusetts.

FACTUAL BACKGROUND

Ms. Morales Educational and Employment Background

5. Ms. Morales is an honors graduate of Simmons College (2005) with dual majors in Economics and Political Science and a graduate of the Northeastern University School of Law ("NUSL") in 2010.

6. After receiving her undergraduate Bachelor of Arts degree from Simmons College, Ms. Morales was employed by Greater Boston Legal Services, as a paralegal, and the Commonwealth of Massachusetts' Department of Children and Families as a social worker, in which she performed admirably.

7. While a NUSL student, Ms. Morales was employed at various Boston law firms and at the Suffolk County District Attorney's Office, primarily as an intern. During this period, Ms. Morales also interned for the Honorable Patti B. Saris, assisting the judge in researching and drafting of legal memoranda.

8. After graduation from NUSL, Ms. Morales was first employed as a City of Boston substitute school teacher and then as a paralegal for a Boston law firm but soon gravitated to public service.

9. In May of 2012, Ms. Morales was hired by the City's Office of Neighborhood Services, at which she coordinated the delivery of city services on behalf of low income city residents as a neighborhood liaison.

10. In December of 2013, Ms. Morales moved to the City's Small and Local Business Office where her duties as an outreach coordinator primarily consisted of increasing business

opportunities and contractual bidding prospects for small Boston-based businesses, which included those owned and operated by women and people of color. Ms. Morales received city-wide recognition for drafting and implementing Boston's first executive order to increase business opportunities for US veterans.

11. In September or October of 2015, Arroyo contacted Ms. Morales after he obtained her personal cell phone number from a colleague. Arroyo had heard of Ms. Morales and her impressive work history and skills from a colleague. Arroyo began to recruit Ms. Morales to work at HHS as a policy director. Ms. Morales was thrilled with the prospect of working for HHS and Arroyo, who was widely viewed as a leader in city government.

Ms. Morales Commences Employment with Boston's Health and Human Services Division and Immediately Encounters Suspect Behavior

12. Ms. Morales commenced work at HHS in October 2015, with high hopes and dreams of beginning a career in public service at its true heart, the city level.

13. Ms. Morales' job duties, as a policy director of HHS, initially consisted of leading the City's youth summer jobs program, which provides paid employment opportunities to over 10,000 young people during summer vacation months. Ms. Morales also led the city-wide suicide prevention efforts, most notably with adolescents in Boston public high schools. Additionally, Ms. Morales was responsible for overseeing the allocation of millions of federal dollars to support the medical treatment of low-income people living with HIV/AIDS.

14. Ms. Morales' direct superior during her tenure at HHS was Ilyitch Nahiely Tabora ("Tabora"), Chief of Staff for HHS and Arroyo's senior subordinate.

15. Rather quickly, Ms. Morales learned the work environment at HHS was rife with petty squabbles and concern among HHS staff that Arroyo (and Tabora) targeted employees who fell out of Arroyo's favor.

16. More specifically, at times, such employees (including Ms. Morales) were not spoken to, not assigned advantageous jobs and were sometimes shunned by Arroyo and Tabora. This occurred, at times, because of purported workplace inadequacy or, in the case of Ms. Morales, for the illegal and discriminatory reasons articulated below.¹

17. Additionally, and although violative of public record laws, during Ms. Morales' tenure at HHS, Arroyo and Tabora informed Ms. Morales that electronic communications between HHS staff concerning most workplace issues, such as those involving Arroyo's still nascent political ambitions, would be communicated through KIK (an on-line electronic communications application), rather than through the City's electronic e-mail system.

18. Further, Arroyo and Tabora also had the strange habit of requesting that Ms. Morales announce when she was taking a bathroom break. This absurd workplace rule continued for the entire tenure of Ms. Morales at HHS.

19. In 2016, Arroyo received a copy of a Massachusetts Commission Against Discrimination ("MCAD") complaint lodged against his father, Felix D. Arroyo, Suffolk County Registrar of Probate, alleging workplace discrimination.

20. Arroyo ordered Ms. Morales to talk to the complaining party, the woman who had filed the MCAD complaint against Arroyo's father. Arroyo specifically instructed Ms. Morales to pressure the complainant into either changing or withdrawing the MCAD complaint.

21. Ms. Morales refused to witness tamper and Arroyo turned to another city employee and a former senior subordinate to handle his scheme.

¹ Arroyo also was consumed by the peculiar belief that "spies" from Mayor Martin Walsh's office had infiltrated HHS. Arroyo communicated this to Ms. Morales (and others) on an almost daily basis. Arroyo never fully explained his reasoning although he often stated "[y]ou are with us or against us."

22. From the onset of her employment with HHS, moreover, Arroyo, the Chief of the Office and an anticipated mentor to and role model for Ms. Morales, made unwelcome and sexually explicit comments to her, including statements such as “[y]ou have the best ass in the game”, “[e]verybody wants a piece of that” and “I like that tight dress you’re wearing.”

23. Arroyo would often make these statements to Ms. Morales in Spanish so that non-Spanish speaking employees in the area would not understand the statement. Many of these statements were repeatedly whispered in Ms. Morales’ ear while she attempted to perform her daily duties or to simply finish projects.

24. Arroyo also, without her consent, inappropriately touched and groped Ms. Morales in his City Hall office (when the door was closed) or in his personal vehicle during unpaid overtime hours when Ms. Morales was required to chauffeur Arroyo to evening events.

25. Arroyo made clear to Ms. Morales that he could ruin her reputation amongst her colleagues and her career if she did not acquiesce to his advances.

26. These words (and actions) of Arroyo clearly disturbed and frightened Ms. Morales (from the beginning of her tenure at HHS) but she did not initially report them to anybody at the City for fear of jeopardizing her dream job and incurring the ire of Arroyo and Tabora.

Arroyo Initiates an Inappropriate Sexual Relationship with Ms. Morales Which Becomes Intermittent, At Times

27. Ms. Morales was tasked with chauffeuring Arroyo to different events outside of City Hall, both before and after work hours, in his personal car.

28. This “job duty” was a requirement because Arroyo was a frequent attendee at political events throughout the city.

29. Early in her tenure at HHS, during many a car trip with Arroyo, Arroyo became sexually aggressive with Ms. Morales. His comments to her ranged from flirtatious flattery to outright sexual suggestion and commentary. Arroyo would attempt to hold Ms. Morales' hand and would comment to her that he was "stressed" and that he was lonely due to problems in his marriage. Frequently, during these car trips, Arroyo would also ask Ms. Morales to hold his hand.

30. Ms. Morales attempted to deflect the commentary and fend off the physical approaches of her boss. Despite her rejection, Arroyo persisted

31. Eventually, during a car trip, Arroyo boldly attempted to caress Ms. Morales' face, to kiss her and to touch other parts of her body. Ms. Morales was fearful and resisted. Arroyo's unsolicited behavior nonetheless continued for a period and included several incidents.

32. Ms. Morales initially resisted Arroyo's unwelcome behavior, informing him that his actions were inappropriate, but Arroyo was intent on wearing Ms. Morales down and continued this unwelcome behavior.

33. Arroyo elicited personal information from, Ms. Morales and was aware that Ms. Morales' and her husband were having marital difficulties. The couple had separated and had commenced divorce proceedings in 2016. Arroyo also became aware that Ms. Morales was undergoing psychiatric treatment, although he may not have known that his persistent, unwelcome sexual advances were one basis for such treatment.

34. Arroyo, cognizant of Ms. Morales' mental state and the difficult marital circumstances, took advantage of her circumstances, her emotional state and his occupational dominance to initiate and continue an inappropriate sexual relationship with Ms. Morales during 2016.

35. Ms. Morales felt trapped and confused and eventually relented to Arroyo's advances and engaged in a sexual relationship with him during 2016.

36. Shortly before Christmas of 2016, Ms. Morales learned that her estranged husband would require chemotherapy for an aggressive cancer. His future was uncertain and Ms. Morales decided to support her husband and their family (they have one young son). They halted their divorce proceedings and Ms. Morales' husband began treatment at the Dana Farber Cancer Institute.

37. Ms. Morales also informed Arroyo that their personal relationship must end.

Ms. Morales Terminates the Relationship and Arroyo Retaliates

38. Ms. Morales informed Arroyo, in January 2017, that their physical/personal relationship was over. She also discussed with him her regret over engaging in a relationship with him, pointing out to Arroyo the impropriety of the relationship between an employee and her workplace superior.

39. Arroyo, of course, was aware of Ms. Morales' husband's medical condition in January 2017. To the shock of Ms. Morales, Arroyo openly discussed her husband's condition in front of Tabora and suggested that she refrain from taking Family Medical Leave Act ("FMLA") leave to care for her husband, asking her in an accusatory manner, "you're not going to take FMLA leave, right?"

40. Tabora, upon hearing this remark, quickly stated "let's pretend he did not just say that", chuckled and then shuffled Arroyo away to her office.

41. Arroyo and Tabora often openly discussed private medical information concerning HHS staff who opted to take FMLA leave, leaving Ms. Morales concerned for her husband's privacy.

42. Arroyo and Tabora also described FMLA leave as an excuse to take a “paid vacation” for the “lazy”. As a result, Ms. Morales did not request nor take any FMLA leave, at that time.

43. After Ms. Morales termination her physical relationship with Arroyo in January 2017, the work conditions at HHS quickly deteriorated.

44. Arroyo, despite Ms. Morales’ admonitions, continued making physical advances and requests for sex upon Ms. Morales.

45. After Ms. Morales rebuked Arroyo’s continued advances, Arroyo threatened to expose their “former relationship” to co-workers. He commented to Ms. Morales, in front of his other subordinates, “You owe me one . . . don’t forget that.” Ms. Morales believed this to be yet another of Arroyo’s attempts to intimidate her into entertaining his advances.

46. Arroyo also told Ms. Morales that former employees who had reported Arroyo’s misconduct to the City Human Resources Department were ultimately demoted and/or quietly forced to resign. In fact, Arroyo and Tabora often referred to (and made jokes in front of Ms. Morales about) two of Arroyo’s former executive assistants who were forced to quit their jobs after reporting workplace misconduct.

47. Arroyo repeatedly told Ms. Morales that he was close friends with the City Hall Human Resources Director, Vivian Leonard (“Leonard”), making sure Ms. Morales was aware that, if Ms. Morales reported misconduct, Leonard’s office would immediately notify him.

48. After Ms. Morales rebukes of Arroyo’s advances, Arroyo and Tabora suddenly halted several public health projects in which Ms. Morales played a vital role, such as suicide prevention efforts in Boston.

49. Arroyo and Tabora also started excluding her from HHS staff meetings.

50. Moreover, Arroyo and Tabora, for the first time, criticized Ms. Morales' work product without any basis to do so.

51. One such instance involved a meeting in the spring of 2017 attended by Tabora, Arroyo and Ms. Morales. The meeting consisted entirely of Tabora and Arroyo generally berating Ms. Morales about her work product without providing specific examples or critique. They denounced her as "the help" and made it clear that her future at HHS was bleak.

52. Arroyo and Tabora advised Ms. Morales that she would have to "play nice" if she wanted to transfer out of HHS on good terms.

53. Desperate to escape Arroyo, at this time, Ms. Morales made attempts to find an acceptable, comparable position out of HHS but with the City.

54. Ms. Morales' efforts to secure employment elsewhere in the City were fruitless.

55. Ms. Morales, the subject now of endless harassment and with nowhere to turn, contacted the City's Human Resources Department ("HR").

Ms. Morales Complains to the City's Human Resources Department and the City Retaliates

56. On July 24, 2017, Ms. Morales, overwhelmed by Arroyo's retaliatory and harassing behavior, scheduled a meeting with Jennifer Wexler ("Wexler") of the City's HR Department.

57. Inexplicably and without Ms. Morales' knowledge or consent, Wexler inserted the meeting on Ms. Morales' electronic calendar, which both Arroyo and Tabora could access at any time.

58. Approximately thirty minutes after Wexler inserted the meeting on Ms. Morales' electronic calendar, Arroyo summoned Ms. Morales into his office.

59. Arroyo was aware that Ms. Morales had scheduled a meeting with HR. During this meeting in Arroyo's office, Arroyo sneered to Ms. Morales "[y]ou wouldn't want to hurt me because you wouldn't want me to hurt you, right?" He also cautioned "[y]ou wouldn't want to make me look bad, because you wouldn't want me to make you look bad, right?" adding, "I thought we settled this".

60. Ms. Morales was terrified and decided to make a move for the door.

61. When Ms. Morales rose from her chair to escape the meeting, Arroyo stood over her. As Ms. Morales attempted to walk past him, Arroyo grabbed the back of her neck and squeezed it very hard.

62. Ms. Morales managed to escape Arroyo's clutch and scampered from his office.

63. Shaken and in tears by the physical attack in Arroyo's office, Ms. Morales immediately went to HR to complain. Bernard Killarney ("Killarney"), HR Director of Operations, met with Ms. Morales.

64. Killarney apologized to Ms. Morales for Arroyo's behavior and assured Ms. Morales that he would speak with Wexler the following morning and then follow up with Ms. Morales. Killarney never followed up with Ms. Morales concerning this incident or any of the other illegal conduct she reported.

65. On July 25, 2017, Ms. Morales met with Wexler. She detailed Arroyo's behavior, complaining specifically of sexual harassment, a hostile workplace, the assault and the retaliation described above. Ms. Morales requested that the intolerable workplace conditions caused by Arroyo be rectified. She clearly stated her desire to remain with HHS.

66. The next day, on July 26, 2017, the Mayor's Chief of Staff, Daniel Koh ("Koh"), summoned Ms. Morales into his office. He told Ms. Morales that he had spoken to the Director

of HR, Leonard, and that she had apprised him of the situation. Koh, however, offered no explanation of what the City would do to address the misconduct and illegal acts she described.

67. A mere two days later, on July 28, 2017, Ms. Morales learned how the City decided to handle the illegal conduct she had reported – they demoted Ms. Morales and removed her from her beloved position with HHS.

68. Leonard ordered Ms. Morales to report to the City's Public Facilities Department the following week, advising Ms. Morales that she would now be the Special Assistant to the Director of Public Facilities. Leonard informed Ms. Morales that the move was permanent but that her salary would not change.

69. Ms. Morales was stunned. She had not requested a transfer from any individual at HR, nor from Wexler or Leonard or Killarney or Koh. In fact, she specifically expressed her desire to remain with HHS. Ms. Morales, moreover, correctly viewed this transfer as a humiliating demotion.

70. This move to Special Assistant was, in fact, a demotion. Ms. Morales was given no information regarding her role as "Special Assistant." She had no duties, no responsibilities and no projects or tasks to perform. Ms. Morales' desk was empty and bare upon her arrival and she had no assignments.

71. She was ignored. Despite inquiries, she received no direction or information about her post. Ms. Morales spent her entire first week as "Special Assistant" staring at the walls of her new cubicle, wondering why she was being punished for Arroyo's actions and questioning whether she would ever have the opportunity to be of use in the world.

72. Ms. Morales, shaken by the and the abuse she had suffered at HHS and the demotion by the City, broke down. She sought additional medical treatment, including

psychiatric care, and commenced using sick time to deal with the emotional devastation wrought by her employer.

73. Ms. Morales was not able to return to her “Special Assistant” position at the Public Facilities Department due to her medical condition. On October 3, 2017, she requested FLMA leave until November 10, 2017, which was granted retroactive to mid-August.

74. At the completion of Ms. Morales’ FMLA leave on November 10, she was still suffering emotional distress from the actions of the Defendants.

75. Ms. Morales, unable to return to work due to her medical condition, resigned her position on November 11, 2017, informing the City that she was unable to perform her job duties due to the physical and emotional manifestations of the distress she suffered caused by the actions of the Defendants.

Count I
Hostile Environment Based Upon Sex
(MGL c. 151B)
All Defendants

76. Ms. Morales restates and incorporates herein by reference paragraphs 1 through 75.

77. Ms. Morales has timely satisfied all statutory prerequisites to filing this suit pursuant to M.G.L. c. 151B.

78. Ms. Morales was subjected to, by the City, through its agents/employees, an unwelcome, sexually hostile environment for the majority of her tenure at HHS.

79. This environment was severe, pervasive, hostile, offensive and altered the terms and conditions of her employment with the City.

80. Therefore, Ms. Morales alleges that the Defendants violated Massachusetts General Law c. 151B.

81. Ms. Morales has suffered substantial damages as a result of the Defendants' illegal actions, including lost pay and benefits, and severe and ongoing emotional distress.

Count II
Quid Pro Quo Sexual Harassment
(MGL c. 151B)
All Defendants

82. Ms. Morales restates and incorporates herein by reference paragraphs 1 through 81.

83. Ms. Morales has timely satisfied all statutory prerequisites to filing this suit pursuant to M.G.L. c. 151B.

84. Ms. Morales was subjected to, by Arroyo, a supervisory employee of the City, an unwelcome, sexually hostile environment for the majority of her tenure at HHS, which included unwanted sexual advances by Arroyo, requests for sex and unwanted physical contact.

85. Ms. Morales rejected these advances and requests by Arroyo.

86. Thereafter, Ms. Morales' job duties and responsibilities decreased and/or diminished due to and because of her rejection of Arroyo's sexual advances and requests for sex.

87. Therefore, Ms. Morales alleges that the Defendants violated Massachusetts General Law c. 151B.

88. Ms. Morales has suffered substantial damages as a result of the Defendants' illegal actions, including lost pay and benefits, and severe and ongoing emotional distress.

Count III
Retaliation
(MGL c. 151B)
All Defendants

89. Ms. Morales restates and incorporates herein by reference paragraphs 1 through 88.

90. Ms. Morales has timely satisfied all statutory prerequisites to filing this suit pursuant to M.G.L. c. 151B.

91. Ms. Morales reported to the City, in July 2017, that she was subjected to a hostile environment based on sex and retaliatory actions based upon her complaints to Arroyo.

92. Thereafter, she was subject to further and continuing discriminatory and retaliatory behavior, including her transfer and demotion.

93. Ms. Morales, on multiple occasions in 2016 and 2017, instructed Arroyo to cease harassing her and to discontinue his sexual relationship with her (his subordinate).

94. After each assertion to Arroyo, she was subject to further and continuing discriminatory and retaliatory behavior from Arroyo, particularly including her segregation from staff meetings, removal from workplace assignments and other workplace deprivations.

95. Therefore, Ms. Morales alleges that the Defendants violated Massachusetts General Law c. 151B.

96. Ms. Morales has suffered substantial damages as a result of the Defendants' illegal actions, including lost pay and benefits, and severe and ongoing emotional distress.

WHEREFORE, the Plaintiff, Hilani Morales, prays and requests the following:


- A. Enter judgment in favor of Morales and against all defendants in an amount not less than all direct, consequential and compensatory damages suffered by Morales as alleged in Counts I and II;
- B. Award Morales her costs and expenses incurred in this action including her reasonable attorneys' fees, as permitted by statute; and
- C. Award such other relief as this court deems just and proper.

HILANI MORALES DEMANDS A TRIAL BY JURY ON ALL CLAIMS SO TRIABLE.

Respectfully submitted,

Hilani Morales,

By her attorneys,



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