

THE PLAIN DEALER

OHIO'S LARGEST NEWSPAPER CLEVELAND, MONDAY, MARCH 13, 1995

CCC dismissal was wrong, jury says

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PLAIN DEALER REPORTER

CLEVELAND — A former Cuyahoga Community College administrator has won a \$500,000 wrongful dismissal verdict against CCC in a decision his lawyers say is significant for the rights of employees. But a lawyer for the college says the verdict is unsound and will be appealed.

Richard Leiken, former assistant director of academic and student affairs, was awarded \$375,000 for lost wages and \$125,000 for emotional distress stemming from his June 1992 layoff.

Lawyers Michael Pearson and Ellen Simon Sacks said Leiken was first laid off in 1989 from his position as assistant to the president. He filed a suit and was rehired in January 1992 in a negotiated settlement. Six months later he was again laid off along with 57 other administrators.

Sacks said CCC administrators

knew in January 1992 that the college was facing a budget deficit and had been advised by a consulting company to trim administrative staff.

She said the college never had any intention of honoring the settlement to the first suit. That settlement included a clause that CCC would not retaliate against Leiken, she said.

CCC lawyer Rob Wolff said the college knew in January 1992 it was facing hard times but had not decided who exactly would be laid off in June.

"I don't think anybody at CCC knew that there was any specific plan that would result in any specific individuals losing their jobs," Wolff said.

Sacks said testimony proved that the people laid off in June were people that Frank Reis, vice president for human resources, "wanted to get rid of" despite testimony from college President Jerry Sue Thornton that she single-handedly made the final decisions about whom to cut.

Both Thornton and Reis testified

in the weeklong trial before Cuyahoga County Common Pleas Judge George J. McMonagle.

Sacks said the eight-man jury agreed with her argument that the college had negotiated in bad faith with Leiken.

"I think it was a fair verdict, a significant verdict for employees, significant in terms of an employee's rights in the work place. It was also significant to prove fraud against an employer, especially a public institution."

Wolff said it was not clear to him what convinced the jury that Leiken should be compensated.

"We understand that juries have a lot of sympathy for folks who have lost their jobs. That is why we see verdict sums like this," he said. "We think it is not a legally supportable verdict and will be reversed on appeal."

Leiken could not be reached for comment. Sacks said he had no comment.