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September 18, 2003

Robert S. Curcio
Manager, Pension and Benefits
SIRTOA/MTA
60 Bay Street
Staten Island, New York 10301-2514

Re: Leslie Rios - Melissa Medina-Rios
Denial of Domestic Partner Benefits

Dear Mr. Curcio:

This firm represents Leslie Rios, an employee of SIRTOA/MTA who was denied health benefits for her domestic partner. Ms. Rios attempted to apply for benefits for her lesbian partner Melissa Medina-Rios and was told by you "we don't do that here." Only after the intervention of her union Chairperson Dee G. Vandenburg, of Local 1440 of the United Transportation Union, did you put your denial in writing. It is my hope that your rejection of her health benefit application was a regrettable mistake rather than intelligent decision. Your conduct violates SIRTOA EEO policy, two laws, two executive orders and one decision of the Supreme Court decided in January 2003.

Your own internal EEO policy states that it is forbidden to discriminate against employees based upon sexual orientation. Two executive orders, one signed by Governor Cuomo and then again by Governor Pataki prohibit discrimination in employment by state agencies including the MTA based upon sexual orientation. Furthermore, your actions violate both the New York City Human Rights Law and the New York State Human Rights law which prohibit discrimination in the terms, privileges and benefits of employment based upon sexual orientation. Should you fancy SIRTOA exempt from the law as a public authority as has been the MTA policy, I respectfully refer you to the decision of the Honorable Judge Lippman dated January 6, 2003. The decision is attached for your convenience. I personally litigated that case which I thought finally resolved this issue. Your own EEO policy, two executive orders, two laws and the Supreme Court decision should permit you to correct your regrettable mistake and make an intelligent decision.

As the fares paid by those on SIRTOA and the MTA should go to improve service, keep token booths open and increase pay to your workers, not litigation and high-priced lawyers, I

have taken the liberty of forwarding this letter to Proskauer Rose which represented the MTA on this issue previously. Hopefully, after reviewing this letter with counsel, the domestic partners of SIRTOA employees will be treated with dignity and respect, not as second class citizens. As the United Transportation Union represents Long Island Rail Road workers as well, the extension of benefits will have far reaching implications. Lastly, you will spare taxpayers the expense of paying to defend an illegal and discriminatory policy for a second unsuccessful time.

You are on notice that should you not reverse your decision in writing for Ms. Rios, Ms. Medina-Rios and all similarly situated within five days of receipt of this letter, we will take all action available to my client to enforce the law including injunctive relief, and seek compensation for damages including attorney fees and costs. Lastly, should the MTA not commit to sensitivity training on this issue and an agency-wide commitment to eradicating bias and discrimination, we shall seek the designation of a court appointed monitor to oversee training and eradication of continuing illegal conduct.

Guide yourself accordingly,


Thomas D. Shanahan

cc: Dee Vandenburg, UTU Local 1440
State Senator Thomas K. Duane
Gifford Miller, Speaker of the Council
Councilmember Quinn
Councilmember McMahan
Councilmember Oddo
Councilmember Lanza
Staten Island LAMBDA
Roger Toussaint, TWU
Aaron Schindel, Proskauer Rose
Gene Russianoff, NYPIRG/Straphanger Campaign
Peter S. Kalikow, MTA/Chairman