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Airport Janitor Says He Was Fired For Catholic Observance

By **Aaron Leibowitz**

Law360 (October 2, 2018, 2:11 PM EDT) -- A custodian at Logan International Airport in Boston was taunted, disciplined and ultimately fired in retaliation for praying during breaks and asking not to work on Sundays, according to a complaint filed in Suffolk Superior Court on Tuesday.

Arcadio Cruz says he was "constantly teased" by his supervisor and co-workers at C&W Facilities Services for going to the airport chapel during lunch and for carrying a Bible and rosary beads. The company demanded Cruz work Sundays, the suit says, despite an agreement with the Massachusetts Commission Against Discrimination that stipulated otherwise.

When Cruz protested, the complaint says, he was suspended without pay and then fired.

"I worked for C&W Services for nearly a decade, planning to retire from this company," Cruz said in a statement. "But I could not endure the bullying and unfair treatment that I experienced there."

Cruz worked for C&W — based in Auburndale, Massachusetts, and known as DTZ until 2015 — at Logan for seven years before his supervisor allegedly singled him out for his Catholicism.

"Call your God to clean the urinal," the suit says the supervisor told Cruz after Cruz noted that a urinal needed to be fixed.

On another occasion, Cruz said, the supervisor threatened to fire him because of his religion, saying, "I don't care that you're Catholic."

A representative for C&W did not immediately respond to a request for comment on Tuesday.

Cruz filed a complaint against C&W with the Massachusetts Commission Against Discrimination in September 2014, the suit says, and a settlement agreement was reached seven months later.

The deal said Cruz would work only Tuesday through Saturday and exclusively in Logan's Terminal B, which is closest to the airport chapel and away from the supervisor who allegedly mistreated him.

But in March 2017, the suit says, C&W changed Cruz's work schedule to Wednesday through Sunday and altered his assignment so that he was not stationed exclusively in Terminal B. When Cruz complained to human resources, the company allegedly asked for a letter from his pastor to prove his religious obligations.

Cruz complied, the suit says, submitting a letter from a reverend at St. Joseph's Parish in Lynn, Massachusetts, who wrote that Cruz should be "free from work on Sundays so that he can fulfill his religious duties as a Catholic."

C&W offered three alternative schedules, the complaint says, but all of them required that Cruz continue to work on Sundays.

The complaint outlines a series of incidents that followed in which Cruz was accused of violating company policies, suspended and then fired. Among the alleged violations were failing to clock out to use the restroom, using the wrong detergent to clean mirrors and using the same brush to clean toilets and sinks.

"All these accusations are false and part of a retaliatory campaign against Cruz for his requests for accommodations and complaints of religious discrimination," the complaint says.

Cruz said he was fired in September 2018.

The suit seeks compensatory and punitive damages for religious discrimination, retaliation and breach of contract.

Cruz is represented by Bryn Sfetsios of Pontikes Law LLC, and Sophia Hall of the Lawyers' Committee for Civil Rights and Economic Justice.

Counsel information for C&W was not immediately available on Tuesday.

The case is Arcadio Cruz v. C&W Facilities Services, case number 1884-cv-03072, in Suffolk County Superior Court in Massachusetts.

--Editing by Stephen Berg.