

Derek Rotondo

Charge of Discrimination

The particulars are:

1. I began working for J.P. Morgan Chase & Company (“JPMC”) in 2010. Since that time, I have worked in JPMC’s Columbus, Ohio office. My first position was in the debit card fraud, check fraud, and fraud hotline department. I have since served in several different positions. In August 2015, I was promoted to the position I currently hold: Associate and Investigator in Global Security and Investigations on the National Vulnerable Adult Investigations team.
2. During my employment with JPMC, my wife and I have had two children, the first of whom was born on May 2, 2015 and the second of whom was born on June 6, 2017. After the birth of both of my children, I was eligible for and took paid parental leave under JPMC’s paid parental leave policy. However, under JPMC’s policies, I have been limited in the amount of paid parental leave I have been eligible to take because of my sex.
3. Through this charge, I am challenging JPMC’s pattern or practice of discriminating against fathers in the provision of paid parental leave by denying them caretaking leave on the same terms as mothers based on their sex and sex-based stereotypes. JPMC’s company-wide pattern, practice, and/or policy facially discriminates against fathers by presumptively treating and qualifying biological mothers as primary caregivers automatically eligible for sixteen (16) weeks of paid parental leave and presumptively treating fathers as non-primary caretakers eligible for only two (2) weeks of paid parental leave. Fathers may only be treated as primary caregivers if they are able to demonstrate that their spouse or domestic partner has returned to work, or that they are the spouse or domestic partner of a mother who is medically incapable of any care of the child. Mothers who work for JPMC are not required to make such a showing. This pattern, practice, and/or policy constitutes a sex-based classification and a sex-based stereotype that violates Title VII of the federal Civil Rights Act, 42 U.S.C. § 2000e-2(a)(1)-(2), and the Ohio Fair Employment Practices Act, Ohio Revised Code § 4112.02(A). It constitutes intentional sex discrimination and has an unlawful disparate impact on male employees of JPMC.
4. I am filing this charge on behalf of all fathers throughout the United States who have previously been eligible to receive paid parental leave from JPMC, as well as all fathers who are now eligible to receive or may be eligible to receive paid parental leave from JPMC in the future. This class charge is meant to exhaust all class-based disparate treatment, class-based disparate impact, and class-based stereotyping claims relating to all past, current, and future employees of JPMC throughout the United States who have been, are, or may be eligible for paid parental leave under JPMC’s paid parental leave policy, including prior versions

of the paid parental leave policy and including fathers who were subjected to discrimination earlier than two years prior to this charge.

5. My first child was born in 2015. At that time, JPMC's parental leave policy provided fathers with only one (1) week of paid parental leave, while providing mothers a substantially greater number of weeks of paid parental leave. Following the birth of my first child on May 2, 2015, I took one week of paid parental leave pursuant to JPMC's parental leave policy and one week of accrued paid time off. I would have taken more than one week of paid parental leave had I been eligible to do so under JPMC's prior policy.
6. Upon information and belief, JPMC changed its parental leave policy about a year ago. JPMC's current policy allows primary caregivers to receive up to sixteen (16) weeks of paid parental leave to care for a child and allows non-primary caregivers to receive up to two (2) weeks of paid parental leave to care for a child.
7. In 2016, my wife became pregnant with our second child.
8. On or about May 15, 2017, three weeks before the birth of my second child, I contacted JPMC's Disability Management Services ("DMS") by phone to request to take 16 weeks of paid leave as a primary caregiver upon the birth of my second child.
9. During that May 15 conversation with DMS, the DMS representative confirmed that JPMC's current policy provides up to sixteen (16) weeks of paid parental leave to primary caregivers to be taken consecutively immediately following the birth or placement of a child, while providing only two (2) weeks of paid parental leave to non-primary caregivers. However, the DMS representative further informed me that JPMC presumptively considers mothers to be primary caregivers, and that I could only qualify as the primary caregiver if: (1) I showed that my wife had returned to work before the expiration of sixteen (16) weeks, or (2) I submitted documentation showing that my wife is medically incapable of providing any care for our child.
10. That same day on May 15, 2017, following my conversation with DMS, I contacted JPMC's human resources department in writing via the company's online portal, "Ask Access HR," to confirm that the information DMS had given me was correct. Later that day, I received a response from JPMC's human resources department stating that "As per our policy Birth Mothers are what we consider as the Primary Caregivers [*sic*]," and confirming that per JPMC's policy, a father may only be considered the primary caregiver if (1) his spouse or domestic partner who is the primary caregiver returns to work prior to using all 16 weeks, in which case the father could utilize the remaining balance of the 16 weeks; or (2) the mother is "medically incapable of any care of the child," in which case the father must provide documentation from his spouse or domestic partner's physician of that incapacity.

11. If I were a female employee of JPMC, I would be presumptively eligible to receive 16 weeks of paid parental leave automatically as a primary caregiver regardless of whether my spouse had returned to work or was medically capable of providing any care for our child. As a male employee of JPMC, I am presumptively limited to two weeks of paid parental leave immediately following my child's birth, and I can only be designated as the primary caregiver eligible for the 16 weeks of paid leave if I make an additional showing that I fall under one of the two delineated exceptions to the default primary caregiver rule: (1) that my spouse has returned to work, in which case I may use the balance of the 16 weeks remaining, or (2) if I can demonstrate that I am the spouse or domestic partner of a mother who is medically incapable of any care of our child.
12. On June 6, 2017, my wife gave birth to our second child, another boy. My wife enjoyed a normal delivery without any complications. She is recovering well from childbirth, and both she and my son are healthy.
13. I would prefer to be the primary caregiver for my son and take the full 16 weeks of paid time off, until September 26, 2017. But because of JPMC's discriminatory and unlawful policy, I have not been approved to be the primary caregiver, and I am only eligible to take paid parental leave until June 21, 2017. Because I am ineligible to take a longer period of paid parental leave, I plan to take 2 to 3 weeks of FMLA leave to extend my time at home with our new baby. I will have to use my accrued paid time off in order to continue receiving pay during that FMLA leave.
14. I do not qualify as a primary caregiver under the first exception in JPMC's primary caregiver policy because, my wife, as a teacher, has the summer off. I, therefore, will not be able to demonstrate that she has returned to work. If I were a female employee of JPMC, I would be able to receive the full 16 weeks of paid parental leave automatically as a primary caregiver regardless of whether or not my spouse was working during the 16-week parental leave period.
15. I do not qualify as a primary caregiver under the second exception in JPMC's primary caregiver policy because, thankfully, my wife is recovering well from childbirth; as a result, she is not now and hopefully will not in the future become "medically incapable of providing any care for our child."
16. If I had been eligible to be deemed a primary caregiver, I would have been able to continue caring for my child for the full 16 weeks, without having to use my accrued paid time off and without taking any unpaid leave.
17. JPMC's policy of making mothers the presumptive primary caregiver has prevented and/or discouraged me and other fathers employed by JPMC from being primary caregivers and receiving the full 16 weeks of paid parental leave.

18. JPMC has discriminated against me and other fathers pursuant to a company-wide pattern, practice, or policy that facially discriminates against men by presumptively treating and qualifying biological mothers as primary caregivers eligible for sixteen (16) weeks of paid parental leave while presumptively limiting fathers to the role of non-primary caretakers eligible for only two (2) weeks of paid parental leave. Pursuant to this pattern, practice, or policy, biological mothers are eligible to be designated as primary caregivers without regard to whether their domestic partner or spouse is working or caring for the child; by contrast, before biological fathers may qualify as the primary caregiver, they are required to demonstrate that their spouse or domestic partner has returned to work, or that the mother of their child is medically incapable of any care for the child. This pattern, practice, or policy constitutes a sex-based classification that treats biological fathers in a manner that, but for their sex, would be different, and therefore violates federal and state law.
19. JPMC's pattern, practice, or policy described above also relies upon and enforces a sex-based stereotype that women are and should be caretakers of children, and that women do and should remain at home to care for a child following the child's birth, while men are not and should not be caretakers and instead do and should return to work shortly after the birth of a child. This sex-based stereotyping violates federal and state law.
20. JPMC's pattern, practice, or policy also has an unlawful disparate impact on male employees, who are disproportionately prevented from being primary caretakers, in violation of federal and state law.
21. By engaging in the conduct described above, JPMC has violated Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e *et seq.* (as amended), the Ohio Fair Employment Practices Act, and other state and local laws that prohibit employers from discriminating against employees based on sex.
22. The above description is a short summary of the circumstances and is not intended to be an exhaustive recitation of the facts. I believe that the conduct described above is part of a company-wide policy or pattern and practice of discrimination based on sex, and that it has adversely impacted hundreds or thousands of fathers who currently or previously worked for JPMC. This Charge is representative and is intended to place JPMC on notice of class-wide allegations of discrimination.
23. Through this charge and legal action, I am seeking all injunctive, equitable, legal, and/or monetary relief or damages for me and other fathers who are part of the Class described above.
24. I request that the EEOC investigate all of the claims made in this charge on a class-wide basis.

25. To the greatest extent under the law, for exhaustion and tolling purposes this class-based charge relies upon any and all prior charges that have been filed with the EEOC or any state or local agency that relate to JPMC's current or past paid parental leave policy. JPMC's ongoing pattern or practice constitutes a continuing violation of Title VII and Ohio state law.

I swear under penalty of perjury that I have read the above charge and that it is true and correct to the best of my knowledge, information, and belief.

Dated: 6/14/2017

Signed: 

Derek Rotondo

Sworn before me this 14th day of June, 2017

Melissa E Pfister
Notary Public



MELISSA E. PFISTER
Notary Public, State of Ohio
My Comm. Expires 05/10/2021
Recorded in Franklin County