

## N.H. man alleges toy chain fired him over discrimination

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SALEM -- A New Hampshire man has filed a lawsuit alleging that he was denied promotions and then fired from his job as manager at a Kids 'R Us store in Peabody because he needed time off to care for his disabled son.

Wayne Schwar of Nashua filed his complaint Wednesday in Salem Superior Court.

The complaint names Kids 'R Us and its parent company, Toys 'R Us, and alleges employment discrimination.

Schwar worked for the chain for nearly four years, starting in 1994 as an assistant store manager in the Manchester, N.H. store. In 1997, he was transferred to the Peabody store, over his objections.

The lengthy commute, he told his supervisors, interfered with his ability to take his young son to medical appointments and also created child-care problems, according to the complaint.

Schwar's son has cerebral palsy and several other conditions that require a significant amount of medical attention.

After his transfer, Schwar applied for a promotion to store manager at the Manchester store. According to the complaint, another employee was chosen though Schwar had a better performance evaluation -- something Schwar attributes in his complaint to discrimination. He alleges that he was also passed over for a promotion to the Woburn store, an easier commute.

Schwar alleges in the complaint that his requests for scheduling changes to accommodate his son's illness were turned down.

He was ultimately promoted to store manager in Peabody in late 1997. However, about six months later, he asked the chain's district manager for time off in June because his son was due to undergo surgery. The

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district manager allegedly responded with an expletive, according to the complaint.

One day later, Schwar was fired.

The district manager, in a hearing before the Massachusetts Commission Against Discrimination, denied making such a comment.

Schwar alleges that he was also fired in part because the company was concerned about the potential impact of his son's medical costs on the company's insurance costs.

Last September, an MCAD investigator found probable cause for the complaint, but he and his lawyer subsequently withdrew the complaint and chose to go to court while he still has a right to seek a jury trial.

The suit seeks unspecified monetary damages, but also asks a judge to order the company to provide training for its store managers on employment discrimination.

Schwar's attorney, <sup>RICHARDS-STOWER</sup> Nancy Richard Stowers, declined comment, saying she would allow the complaint to speak for itself.

Officials of the New Jersey-based Toys 'R Us could not be reached for comment.