

STATE OF RHODE ISLAND
PROVIDENCE, SC

SUPERIOR COURT

JACLYN ORNAZIAN, KIMBERLEE THEROUX :
PAUL RIANNA; and JENNIFER KILROY :
Plaintiffs :

vs. :

C.A. No. PC2024-

CHARTERCARE COMMUNITY BOARD, f/k/a :
CHARTERCARE HEALTH PARTNERS :
Defendant :

COMPLAINT

PARTIES

1. Plaintiff, Jaclyn Ornazian, is a resident of the Town of North Providence, Rhode Island. Our Lady of Fatima in November 2014. She was employed by Our Lady of Fatima Hospital/CharterCare, as a Charge Nurse for 7 years until her termination from employment on October 15, 2021.
2. Plaintiff, Kimberlee Theroux, is a resident of the Town of Killington, Connecticut. She is a 56 year old licensed registered nurse in the State of Rhode Island. She was employed by Our Lady of Fatima Hospital/CharterCare, as a Staff Registered Nurse-per diem for 5 years 5 months until her termination from employment on October 1, 2021, for failing to obtain the COVID-19 vaccine.
3. Plaintiff, Paul Rianna, is a resident of the City of Providence, Rhode Island. He is a 39 year old licensed mental health worker in the State of Rhode Island. He was employed by Our Lady of Fatima Hospital/CharterCare for two years, until he was terminated from employment on October 1, 2021, for failing to obtain the COVID-19 vaccine.
4. Plaintiff, Jennifer Kilroy, is a resident of the City of Providence, Rhode Island. She is a 46yr old Operations Manager Behavioral Health licensed to practice in the State of Rhode Island. She worked at Roger Williams Hospital as a clinician in the Outpatient Behavioral Health Department in September 2018 and remained there until the Roger Williams Behavioral Health Department closed in May 2019. She was then transferred to Fatima Hospital in the same position, and then promoted to Operations Manager in September of 2019. She was terminated from her employment at Fatima Hospital on October 1, 2021, for failing to obtain the COVID-19 vaccine.
5. Defendant, CharterCARE Community Board, formerly known as CharterCARE Health Partners, (“CharterCARE”) by and through its locations of Fatima Hospital, and Roger Williams Behavioral Health Department, is a Rhode Island not-for-profit corporation

licensed to do business in the State of Rhode Island, with its principal place of business located at One Citizens Plaza 10th Floor, Providence, Rhode Island 02903.

6. In or about August of 2021, the Rhode Island Department of Health enacted an Emergency Regulation (“Regulation”) entitled: “REQUIREMENT FOR IMMUNIZATION AGAINST COVID-19 FOR ALL WORKERS IN LICENSED HEALTH CARE FACILITIES AND OTHER PRACTICING HEALTH CARE PROVIDERS.” The Regulation took effect on October 1, 2021.
7. Nothing in the regulation requires employers of health care workers to terminate unvaccinated employees on or after October 1, 2021.
8. Nothing in the Regulation prohibits employers of health care workers from granting accommodations to employees on the basis of their religious beliefs.
9. On or about March 15, 2022, the Regulation was terminated, and there currently exists no State of Rhode Island requirement that health care providers be vaccinated against COVID-19.
10. In fact, a cost benefit analysis conducted by RIDOH in February of 2022 found that there was no basis to mandate a COVID-19 vaccine for health care workers, and in fact over 1,000 unvaccinated health care workers were permitted to continue to work during the effect dates of the emergency regulation, without any penalty.
11. In and around August of 2021, CharterCARE announced that because of the upcoming Regulation, it was requiring all of its employees to get the COVID-19 vaccine.
12. Each of Plaintiffs has a sincerely held religious belief against taking the COVID-19 vaccine as the reason for their denial to take the COVID-19 vaccine.
13. Each Plaintiff sought an accommodation from CharterCARE to maintain their employment during the term of the Regulation.
14. Plaintiffs were told that they were required to get the COVID-19 vaccine to maintain their employment. Defendants refused any accommodation for Plaintiff.
15. Defendants refused to engage in an interactive process with Plaintiffs regarding their religious exemption requests and otherwise failed to provide them with a reasonable accommodation to their religious beliefs.

COUNT I
VIOLATION OF THE RHODE ISLAND CIVIL RIGHTS ACT (RICRA)
R.I. GEN. LAWS § 42-112-1

16. Plaintiffs repeat and incorporate by reference all of the allegations contained in the complaint.
17. Defendant notified Plaintiffs that they were required to get a COVID-19 vaccine by October 1, 2021, because this was mandated by the RI Department of Health.
18. Plaintiffs notified her employer that they had a sincerely held religious belief which prevented them from taking the COVID-19 vaccine.
19. Defendant refused to engage in an interactive process with Plaintiffs regarding their religious exemption request and otherwise failed to provide them with a reasonable accommodation to their religious belief.
20. At all times Plaintiffs maintained an excellent work history and the reason for their termination was their employer's discrimination against them on the basis of their religion.
21. As a result of such unlawful actions, Plaintiffs have lost pay, and otherwise suffered adverse employment conditions.

WHEREFORE, Plaintiffs demand judgment against Defendant CharterCARE, including reinstatement to their position, with back pay and benefits, and compensatory and punitive damages. Plaintiffs also request attorney's fees and costs, and such other relief as this Court deems meet and just.

Plaintiffs,
By their Attorneys,

/s/Gregory P. Piccirilli, Esquire #4582
2 Starline Way, #7
Cranston, RI 02921
Telephone No.: (401) 578-3340
Gregory@splawri.com