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# Salem man gets lost wages in federal lawsuit

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Day Staff Writer

A federal jury has awarded Salem resident Peter Lee \$399,000 in lost wages after deciding his former employer, OneSource Information Services Inc., violated the Family Medical Leave Act by firing him when he announced he would be taking time off for back surgery.

Lee's attorney, Peter J. Bartinik Jr. of Groton, said the award could be significantly higher after Judge Alvin W. Thompson reviews outstanding issues, including liquidated damages, interest, attorney's fees and future lost wages.

A jury reached the verdict in favor of Lee following a trial last week in

U.S. District Court in Hartford. The Omaha, Neb., attorney who represented OneSource, an information technology company based in Concord, Mass., could not be reached to comment.

Lee, 43, was a traveling salesman for OneSource from January 2001 to July 2003. He worked out of a home office and sold rights to the company's databases to large financial institutions. Lee injured his back on June 17, 2003 while traveling by train to New York City to meet with a customer. He reached up to the luggage compartment to grab his computer and twisted his back. The pain was so intense that he had to lie on the floor of his company's

New York office, Bartinik said.

Lee notified the company that he would be taking medical leave due to his back injury. A week later, his supervisor told him the medical leave would not affect his position. Lee continued working while he received conservative treatments, but on July 16, he informed the company that he needed to have surgery because the treatments were not working. He was fired the next day, according to Bartinik.

Company officials claimed they had other reasons for firing Lee, but "we showed the real reason is that he was retaliated against," Bartinik said.

"The company claimed his sales

quotas were below what they expected, but it turned out his numbers were the best of his entire team," he said.

Lee's gross pay was \$109,549 in 2001, \$105,106 in 2002 and \$90,802 for January through July 2003, according to the lawsuit.

The company also claimed Lee had worked out of its New York office, which had fewer than 50 employees. Employers of 50 or more people are required, under the Family Medical Leave Act of 1993, to allow employees 12 weeks of unpaid leave if they or certain family members are ill.

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