

**IN THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
Civil Division**

R [REDACTED] NELOMS, and

**E [REDACTED] HORSLEY,
529 14th Street N.W., Ste. 722,
Washington, D.C. 20045,**

Plaintiffs,

v.

**DISTRICT OF COLUMBIA,
400 6th Street N.W., 10th Floor
Washington, D.C. 20001,**

Defendant.

Case No. 2026-CAB-004622

COMPLAINT

JURY TRIAL DEMANDED

COMPLAINT

(Discrimination based on family responsibilities)

INTRODUCTION

Amidst a record-setting spike in community COVID-19 cases in December of 2021, District of Columbia Department of Motor Vehicles (“DMV”) Hearing Examiners Ms. R [REDACTED] Neloms and Mr. E [REDACTED] Horsley (“the Parents”) each found themselves scrambling to figure out how to avoid leaving their children home alone when Prince George’s County Public Schools shifted to virtual learning with only a weekend of notice. The school district notified parents around 4 PM on December 17 that their children’s schools would be closed between December 20, 2021 and January 14, 2022. Realizing that childcare would be nearly impossible to obtain in the ongoing—and worsening—pandemic, and not wanting to leave their young children at home alone, Ms. Neloms and Mr. Horsley immediately asked their direct supervisor in person (and then again, by email) to allow them to telework with an Agency laptop during the school closure, just as they had done successfully for more than a year during the height of the pandemic, between March 2020 and June 2021. But Ms. Neloms’s and Mr. Horsley’s supervisor denied their telework request. The Parents also raised the issue with other supervisors and with DMV Human

Resources (“HR”) through their Union Vice President.

A week and a half after the Parents’ supervisor denied their initial request, the DMV offered the Parents a telework agreement that required them to purchase their own cost-prohibitive equipment and explicitly barred them from being solely responsible for a dependent during their telework hours. Yet, between March 2020 and June 2021, the DMV provided all Hearing Examiners with Agency laptops for telework and imposed no such restriction on Examiners’ dependent-care responsibilities. And, later in January 2022, just weeks after trying to impose on the Parents a restriction on providing dependent care while teleworking, the DMV issued each Hearing Examiner an Agency laptop to take home and use only when the DMV was closed for inclement weather. As during the period from March 2020 through June 2021, the DMV imposed no restrictions on employees’ inclement weather telework, provided that they fulfilled their duties.

The telework agreement DMV offered to the Parents in January 2022 did not condition telework on the avoidance of home distractions generally, on a limit to breaks from work, or on any aspect of the Parents’ telework arrangement except whether they were engaging in their family responsibilities—a protected characteristic under D.C. law. The dependent-care limitation applied no matter how attentive the Parents were to their job duties; even if parents spend 8 straight hours at their work computers, with their childcare duties merely consisting of providing an adult presence in the house while their children watch television, read a book, engage in virtual learning, or eat a meal their parents had pre-made before they turned on their work computers in the morning, the agreement forbids them from having sole responsibility for a dependent. In addition to the specific limitation in the agreement itself, the fact that the DMV issued the Hearing Examiners laptops for telework during the early stage of the COVID-19 pandemic and for inclement weather, without dependent-care restrictions, but denied the Parents’ request to telework under the same terms in order to care for their children during a school closure, strongly supports the inference that the DMV denied the Parents’ request because it stemmed from family

responsibilities. Additionally, and independently, the DMV's policy regarding telework had a disparate impact on the Parents based on their family responsibilities.

Such discrimination is unlawful. The District of Columbia Human Rights Act prohibits employers from "discriminat[ing] against any individual, with respect to his or her compensation, terms, conditions, or privileges of employment" "based upon . . . actual or perceived . . . family responsibilities[.]" D.C. Code § 2-1402.11(a)(1)(A). The DMV violated D.C. law when it prohibited the Parents from resuming telework with Agency laptops to provide an adult presence for their children, both before and after permitting extensive telework with Agency equipment for other reasons. Ms. Neloms and Mr. Horsley now assert their right to be free from discrimination in employment based on family responsibilities.

JURISDICTION

1. This action arises under the District of Columbia Human Rights Act (DCHRA). This Court has jurisdiction because all the alleged misconduct occurred in the District of Columbia.

2. Ms. Neloms's and Mr. Horsley's claims are timely because they are filed within 90 days of the District of Columbia Office of Human Rights serving them with notices of their right to file a civil action on April 6, 2026. *See id.* § 2-1403.16(c)(2).

PARTIES

3. Plaintiff R [REDACTED] Neloms is a single mother and is employed as a Hearing Examiner by the DMV. One of her daughters, who was 10 years old during the events described herein, is enrolled in Prince George's County Public Schools and was so enrolled at all relevant times.

4. Plaintiff B [REDACTED] Horsley was also employed by the DMV as a Hearing Examiner at the time of the events described herein, and is a father of three young children, who were aged 5, 4, and 2 at the relevant times. Mr. Horsley is now a Supervisory Hearing Examiner. At all relevant times, Mr. Horsley's children were enrolled in kindergarten, pre-kindergarten, and an Employee Childcare Center, all within the Prince George's County Public School System.

5. Defendant District of Columbia (“the District”) is a municipal corporation and is the local government for the territory that is the seat of the United States government. The District is responsible for the actions of employees of the District of Columbia Department of Motor Vehicles, who are the District’s agents.

FACTS

A. DMV Permits Hearing Examiners To Telework During the First Fifteen Months of the COVID-19 Pandemic.

6. At the time of the relevant events, Ms. Neloms and Mr. Horsley adjudicated parking tickets, photo enforcement tickets, and minor moving infractions, along with 19 other Hearing Examiners. Hearing Examiners evaluate many of the tickets in their “queues” based only on written materials. Other tickets are adjudicated via hearings, which are often conducted virtually.

7. Hearing Examiners are considered non-essential employees.

8. Under D.C. Department of Human Resources policy, non-essential employees, unlike essential employees, are eligible for telework.¹

9. In March 2020, the Washington D.C. metro area, like the rest of the world, experienced an outbreak of the COVID-19 virus. In response to the growing number of infections, District of Columbia Mayor Muriel Bowser declared a public health emergency on March 11, and on March 30, issued a Stay at Home Order. *See* Mayor’s Order 2020-054, Stay at Home Order (Mar. 30, 2020).

10. In March 2020, Hearing Examiners—including Ms. Neloms and Mr. Horsley—began to telework from their homes.

11. Cassandra Claytor, the Chief Hearing Examiner, sent the Hearing Examiners a telework agreement outlining various telework parameters, which differed from those in the District

¹ *See* “Essential and Emergency Employees: District Personnel Instruction No. 12-59,” D.C. Dep’t of Human Resources (effective Jan. 4, 2017), *available at* <https://edpm.dc.gov/issuances/essential-and-emergency-employees/>.

government's standard telework application and attendance policy.

12. In particular, unlike the standard telework application used throughout the District's government for both permanent and ad hoc telework, the DMV agreement required that employees provide their own equipment and prohibited them from having "sole responsibility for providing dependent care during work hours" (referred to below as the "no-dependents" provision).

13. Nonetheless, beginning in March 2020, the Hearing Examiners were notified that they would be given Agency laptops to use for telework purposes, and the DMV's policy during the COVID-19 emergency was to suspend the "no-dependents" provision.

14. The Hearing Examiner team, including Ms. Neloms and Mr. Horsley, operated efficiently in the remote environment for over fifteen months—not only resolving new cases in a timely manner, but also clearing backlogged tickets from its "queues" and tackling additional responsibilities.

15. Ms. Neloms's and Mr. Horsley's children were not a distraction from their work during this early-pandemic telework period.

16. Ms. Neloms's 10-year-old daughter attended remote school online in parallel with her mother's telework, with Ms. Neloms taking occasional and brief breaks to attend to her daughter's basic needs that arose during the day.

17. Mr. Horsley's children attended virtual school, watched educational videos, and played games with each other while he worked and, like Ms. Neloms, Mr. Horsley took occasional and brief breaks to meet their basic needs.

18. Indeed, the parents received positive performance reviews and were rated "valued" and "highly effective" performers during this period, and Ms. Neloms was described by her supervisor as a "model employee" in several respects.

19. Around July 1, 2021, Ms. Neloms and Mr. Horsley returned to the office.

C. The DMV Repeatedly Denies the Parents' Request To Resume Telework During the Winter 2021-22 Prince George's County School Closure.

20. In December of 2021, the Washington D.C. metro area, including Prince George's County, experienced a record-breaking surge in COVID-19 cases as a result of the prolific Omicron variant.²

21. Around 4:30 PM on Friday, December 17, 2021, Ms. Neloms was leaving the office when she saw an email from the CEO of Prince George's County Public Schools, explaining that due to a "stark rise in COVID-19 cases throughout [the] school system, all students [would] transition to virtual learning" beginning three days later, on Monday, December 20, 2021, and to continue through January 14, 2022.

22. Mr. Horsley received the same email message while still at the office.

23. Ms. Neloms returned to the office, and she, Mr. Horsley, and another coworker affected by the closure verbally asked their direct supervisor, Remigia Davis, Supervisory Hearing Examiner, for permission to resume "situational telework" using the same employer-issued laptops that they used between March 2020 and June 2021.

24. The District uses the term "situational telework" to mean an ad hoc use of telework when a temporary need to work from home arises, as opposed to a routine telework schedule providing that an employee will work from home on the same predetermined days each week.

25. Ms. Davis told the Parents that she could not provide an immediate solution and would need to speak with them again later.

26. On Sunday, December 19, the day before virtual learning was scheduled to begin, Mr. Horsley emailed Ms. Davis on behalf of himself, Ms. Neloms, and the third parent mentioned

² See Andrew Beaujon, *Omicron Is Smashing Case Records in DC, Maryland, and Virginia*, The Washingtonian, Dec. 29, 2021, available at <https://www.washingtonian.com/2021/12/29/dc-maryland-and-virginia-omicron-case-records-smashing>.

previously. In the email, the Parents “request[ed] to be assigned to situational telework during the closure,” and to be allowed to use the laptops the DMV provided employees from March 2020 through June 2021 so that they could work from home.

27. Also on December 19, Ms. Neloms emailed Wanda Butler, the DMV Adjudication Services Administrator, explaining she would be absent due to the school closure.

28. Mr. Horsley likewise emailed Ms. Butler, explaining that he would need to be on leave that week due to the school closure and noting that he and his wife were “trying to figure out how to manage this next 5-6 weeks as [he did] not have enough leave to cover that extended time period.”

29. The next day, on December 20, Kevin Donahue, the City Administrator, issued an order reinstituting a mask requirement in District Government buildings and authorizing the expansion of “situational telework until January 31, 2022” starting on December 21, at the discretion of Agency Directors, so long as it did not “interfere with the agency’s delivery of services to constituents.”

30. On that same day, Denis D’Arbela, President of DMV employees’ local union, sent a letter to several Directors of D.C. government agencies (including the Director of DMV), stating that the Prince George’s County Public School District had closed its educational campuses, and imploring the Directors to “immediately institute situational telework policies and practices for all nonessential employees.”

31. A few days later, Ms. Neloms sent Ms. Davis another email, explaining that she would continue to be absent, and asking for an update on the Parents’ situational telework request.

32. Not until December 23, four business days after the Parents initially requested telework, did Ms. Davis provide an answer. Responding to Mr. Horsley’s December 19 email, Ms. Davis denied the Parents’ request.

33. Ms. Davis explained that even though “the Director granted situational telework for agency employees due to the public health emergency,” “the agency has not expanded the situational

telework policy to include [the Parents'] current request for telework.” As a result, the Parents “would be required to utilize [their] personal leave for the days that [they were] unable to work.”

34. Despite further follow-up and expression of concern by the DMV Employees' Union Vice President, Joseph Davis, the DMV did not change its position.

D. The DMV Imposes Burdensome Conditions on Situational Telework Requests Arising from Family Responsibilities but Permits Situational Telework Freely in Other Contexts.

35. On January 3, 2022, with Prince George's County schools still closed, the Parents' direct supervisor, Ms. Davis, contacted all Hearing Examiners and explained that due to inclement weather, “the office will be closed and we will all be teleworking for the day.” Despite denying the Parents' telework request for the school closure, which would have included the very same day, Ms. Davis instructed the Hearing Examiners to work from home.

36. Because the Hearing Examiners had been required to return their Agency laptops in the summer of 2021, they had to work on their personal devices. Ms. Davis instructed them to take a computer-based training course that did not require them to use the specialized DMV software, known as e-TIMS, installed on Agency devices. Ms. Davis did not impose a no-dependents condition on the inclement weather telework.

37. The next day, January 4, 2022, Ms. Davis sent Ms. Neloms and Mr. Horsley each an email, explaining that the DMV was “considering telework on a case by case basis” and that a “telework agreement” was attached.

38. The attached agreement was not the same as the District government's standard, District-wide application form for permanent and situational telework (a form with which Mr. Horsley is familiar), but was the same as the telework agreement distributed to the Hearing Examiners in March 2020.

39. Though the DMV was purporting to be receptive to the possibility of teleworking for

the Parents, the telework agreement itself made clear that DMV was not.

40. Specifically, the agreement contained, under a section entitled “Limitations,” what amounted to a “no-dependents” provision: “Employees cannot have sole responsibility for providing dependent care during work hours.”

41. Unlike in March 2020, the DMV did not suspend the “no-dependents” provision in the agreement it sent the Parents on January 4, 2022.

42. The District’s standard telework application and attendance policy contains no such term.

43. The agreement Ms. Davis sent to the Parents also explained that “DCDMV will not provide any equipment associated with teleworking,” and that the teleworking “employee is responsible for all maintenance and repairs of employee-owned equipment required for teleworking.”

44. Unlike in March 2020, DMV did not offer the Parents an Agency laptop.

45. The DMV’s sudden unwillingness to provide the Parents with the same laptops that they used earlier in the pandemic meant that the Parents would need to purchase new laptops to telework.

46. The software that the Hearing Examiners use operates properly only on certain devices, meaning that parents who did not have a computer that met the DMV’s specific performance requirements would need to obtain a new device.

47. Additionally, the use of personal devices raises privacy concerns for both employees and members of the public with whom the Hearing Examiners interact. The DMV can access the programs that Hearing Examiners use and the data that a computer stores for those programs, potentially giving the DMV access to information on its employees’ personal devices. Additionally, the Hearing Examiners handle potentially sensitive client information as part of their role. Requiring them to adjudicate tickets on a personal device may render that information vulnerable to security

threats.

48. In the absence of a waiver of both the “no-dependents” and laptop provisions, Mr. Horsley interpreted the telework agreement as effectively a denial of his request to telework in order to ensure his children wouldn’t be left home alone during the school closure. Because the telework agreement required Mr. Horsley to expend significant resources on a computer and barred him from providing an adult presence for his children, it did not address his needs, and so he did not sign the form.

49. By the time Ms. Neloms received the non-standard telework agreement from Ms. Davis, Ms. Neloms had painstakingly located and paid for childcare from January 10 to January 14. As a result, she saw no reason to sign a telework agreement that would require her to purchase expensive equipment and would not permit her to provide an adult presence for her child during that time. She, too, interpreted the “no-dependents” telework agreement as effectively a denial of her request to telework in order to ensure her children wouldn’t be left home alone during the school closure.

50. About a week and a half after the Parents’ children returned to in-person learning, Ms. Davis sent all Hearing Examiners an email entitled “Laptop Pickup,” explaining that “[d]ue to the possibility of snow this weekend, the agency will be issuing each of you laptops to use in the event of inclement weather and a telework posture is declared by DCHR or the DMV Director.”

51. The email asked that the Hearing Examiners come to “the conference room and pickup [sic] a laptop and sign the assignment form.”

52. When Ms. Neloms and Mr. Horsley each arrived in the conference room, they were met by IT professionals from the main DMV office, who gave them each a laptop and asked them to sign a form acknowledging that they were taking the District’s property into their possession.

53. The Hearing Examiners were not asked to sign any telework agreement, and no

restrictions were placed on their ability to provide an adult presence for their children during inclement weather.

54. The laptops that DMV provided for inclement weather were the same as the ones that it issued when all employees were permitted to telework between March 2020 and June 2021.

55. The DMV allowed Hearing Examiners to retain the laptops they picked up in late January 2022 for almost 11 months.

E. The Discrimination Unfairly Required Ms. Neloms and Mr. Horsley To Expend Personal Leave and Caused Them Dignitary and Emotional Harm.

56. The DMV has not explained why it barred the Parents from resuming the same telework arrangement that the DMV permitted during the early days of the pandemic and that it continued to allow for inclement-weather closures of the DMV.

57. The Parents are easily able to perform their job responsibilities while teleworking with their children at home, and they are no less productive at their jobs while teleworking than when working in person. None of the communications from the Parents' supervisors or the DMV's HR representatives regarding the Parents' telework request during the winter of 2021-22 ever so much as intimated that the telework arrangement between March 2020 and June 2021 yielded poor employee performance.

58. During Prince George's County winter school closure, Mr. Horsley and his wife took turns using their personal leave. In order to care for his children during this period, Mr. Horsley used 38 hours of personal leave.

59. Being denied an otherwise-permissible telework arrangement just because he wanted to use it to fulfill his family responsibilities left Mr. Horsley feeling angry and undervalued.

60. To avoid leaving her daughter home alone while she engaged in virtual learning, Ms. Neloms took personal leave between December 20 and December 23, 2021, and between January 3

and January 7, 2022. She returned to work on January 10.

61. Because of the DMV’s refusal to allow Ms. Neloms to telework, she used 72 hours of personal leave to care for her daughter during the winter 2021-22 Prince George’s County school closure. She also paid for childcare for the week of January 10-14—an expense she would not have incurred had the DMV permitted her to telework.

62. The DMV’s inflexibility in responding to Ms. Neloms’s telework request related to her family responsibilities left her feeling as though her dedication to the Agency over many years was totally unappreciated. The DMV’s discriminatory telework policy and refusal to allow her to resume a reasonable and feasible situational telework schedule has had a direct impact on her morale at work.

CLAIMS FOR RELIEF

Claim 1: Violation of D.C. Human Rights Act: Intentional Discrimination

63. The D.C. Human Rights Act of 1977 (DCHRA) prohibits employers from “discriminat[ing] against any individual, with respect to his or her compensation, terms, conditions, or privileges of employment” “based upon . . . actual or perceived . . . family responsibilities[.]” D.C. Code § 2-1402.11(a)(1)(A).

64. Section 2-1401.02(12) of the DCHRA defines “[f]amily responsibilities” as “the state of being . . . a contributor to the support of a person or persons in a dependent relationship[.]”

65. Ms. Neloms and Mr. Horsley are members of a protected class because they are contributors to the support of their minor children.

66. DMV’s refusal, despite an Order from the City Administrator authorizing situational telework, to allow the Parents to resume the earlier, successful telework arrangement that had been in place for over fifteen months and ended just six months before their December 2021 requests, harmed the Parents with respect to a “term[], condition[], or privilege[] of employment.” D.C. Code § 2-1402.11(a)(1)(A).

67. DMV was aware of Ms. Neloms's and Mr. Horsley's family responsibilities. Ms. Neloms and Mr. Horsley raised their concerns about the burden that the DMV was placing on parents on multiple occasions during the winter 2021-22 school closure. The Parents' Union Vice President raised the issue with the DMV's Director via an HR representative with respect to the winter 2021-22 telework denial.

68. Nonetheless, DMV and its agents persisted in rejecting Parents' request to telework in order to fulfill their family responsibilities during the winter 2021-22 pandemic-driven school closure, and then proposed a discriminatory "no-dependents" condition on telework that expressly foreclosed Parents' ability to telework while fulfilling their family responsibilities.

69. Whereas DMV provided laptops for all Hearing Examiners to telework during the early part of the pandemic and again in late January 2022 for use during inclement weather, the DMV forced the Parents to use significant personal leave when their children's schools closed in the winter of 2021-22, leaving them without childcare.

70. Thus, by promulgating a policy that denies telework based on membership in a protected class and denying Ms. Neloms and Mr. Horsley telework arrangements for the purpose of carrying out family responsibilities, even as DMV allowed telework for other reasons for employees in their department, DMV intentionally discriminated against Ms. Neloms and Mr. Horsley with respect to the terms and conditions of their employment because of their family responsibilities.

71. DMV's refusal to allow Ms. Neloms and Mr. Horsley situational telework in order to ensure their children's wellbeing during a public emergency forced them to deplete substantial personal leave and incur out-of-pocket expenses, and caused them both to feel stressed, anxious, angry, and devalued.

Claim 2: Violation of D.C. Human Rights Act: Disparate Impact

72. The DCHRA provides that "[a]ny practice which has the effect or consequence of

violating any of the provisions of this chapter shall be deemed to be an unlawful discriminatory practice.” D.C. Code § 2-1402.68.

73. The DMV’s telework policies during December 2021 and January 2022 had a disproportionate adverse effect on individuals with family responsibilities.

74. DMV’s refusal, despite an Order from the City Administrator authorizing situational telework, to allow the Parents to resume the earlier, successful telework arrangement that had been in place for over fifteen months and ended just six months before their December 2021 requests, harmed the Parents with respect to a “term[], condition[], or privilege[] of employment.” D.C. Code § 2-1402.11(a)(1)(A). By adopting a policy of allowing situational telework for reasons other than family responsibilities, while either forbidding parents to telework based on childcare needs or agreeing that they do so only if they did not serve as the sole caregiver for their children during work hours and did not use Agency equipment (thus requiring that the Parents purchase laptops), the DMV adopted a policy that disproportionately burdened individuals with family responsibilities, in violation of the D.C. Human Rights Act. Of DMV’s Hearing Examiners, only those with family responsibilities are harmed by DMV’s no-dependents provision.

75. The DMV’s telework policy during December 2021 and January 2022 caused the Parents stress and anxiety, and unfairly required them to use personal leave and incur otherwise unnecessary expenses.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs Neloms and Horsley request that this Court:

- (a) RULE that Defendant District of Columbia violated Ms. Neloms’s and Mr. Horsley’s rights under the DCHRA by discriminating against them in preventing them from resuming situational telework when their children’s schools closed due to a new wave in the ongoing COVID-19 pandemic;

- (b) ORDER that Defendant restore Ms. Neloms's and Mr. Horsley's personal leave that they were required to expend between December 20, 2021 and January 14, 2022 to fulfill their family responsibilities;
- (c) ORDER that Defendant permit situational telework for employees for the purpose of fulfilling their family responsibilities, to the same extent and on the same terms that Defendant permits situational telework for other purposes or reasons, and without restrictions on employees' ability to fulfill their family responsibilities while teleworking;
- (d) AWARD Ms. Neloms and Mr. Horsley compensatory damages against Defendant in an amount appropriate to the evidence as determined by a jury;
- (e) AWARD Ms. Neloms and Mr. Horsley their costs, reasonable attorneys' fees, and reasonable expenses in this action as provided in D.C. Code §§ 2-1403.16(f) & 2-1403.13(a)(1) and 4 DCMR § 207; and
- (f) GRANT Ms. Neloms and Mr. Horsley such other and further relief as this Court may deem just and proper.

July 3, 2026

Respectfully submitted,

/s/ Laura K. Follansbee

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³ Counsel would like to acknowledge the assistance of former Intake Specialist Ruby Rorty in the investigatory work reflected in this Complaint and the assistance of Paralegal and Intake Coordinator Ameerah Adetoro in the Complaint's preparation.