

Henry Cuellar fired a member of his staff after she requested maternity leave. Cuellar then urged staff members to discredit her job performance in court. Cuellar then settled for a secret amount.

**Henry Cuellar fired his acting chief of staff, Kristie Small, two months after she requested maternity leave, citing a previously unknown “probation period” and “failure to perform her duties:”**

- **Kristie Small, Henry Cuellar’s acting chief of staff, requested maternity leave in August 2018, and Cuellar “responded by informing Small...that her continued employment was contingent on a 90-day ‘probation period’ for new hires.”** “Kristie Small said she was working 10 hours per day as Cuellar’s acting chief of staff and sending the congressman daily status reports on her work. Small informed him in an Aug. 8 email she was pregnant, and would like to take maternity leave, the lawsuit says. Cuellar responded by informing Small, who was hired that June, that her continued employment was contingent on a 90-day ‘probation period’ for new hires. ‘Ok let’s talk about this and probation period for you as I have for every new employee,’ Cuellar wrote in response.” (Emily Kopp, “Former staffer sues Rep. Henry Cuellar, saying she was fired because she was pregnant,” [Roll Call](#), 5/8/19)
  - **Small claimed other staffers said they had “never heard of” the probation period.** “Other staffers in Cuellar’s office told Small they had never heard of the 90-day probationary period, according to the suit.” (Emily Kopp, “Former staffer sues Rep. Henry Cuellar, saying she was fired because she was pregnant,” [Roll Call](#), 5/8/19)
- **Cuellar fired Small in October 2018 for a “failure to perform her duties that month.”** “Small had a job performance meeting with Cuellar in mid-September, and at that time the congressman extended the probationary period by 30 days. In October, she was fired for a failure to perform her duties that month.” (Emily Kopp, “Former staffer sues Rep. Henry Cuellar, saying she was fired because she was pregnant,” [Roll Call](#), 5/8/19)

**Small quickly filed a complaint against Cuellar’s office with the Office of Compliance in October 2018, claiming she was fired for being pregnant, but Cuellar’s office defended his actions:**

- **In October 2018, Small filed a complaint with the congressional Office of Compliance, claiming Cuellar fired her for being pregnant.** “A former senior aide to Democratic U.S. Rep. Henry Cuellar has filed a complaint with a special congressional office, claiming that she was fired, in violation of federal law, for being pregnant. Kristie Small submitted a request for counseling Monday with the Office of Compliance, the body that handles discrimination and harassment complaints in Congress, after she was terminated as Cuellar’s acting chief of staff last week.” (Elise Viebeck, “Former aide to Texas congressman files complaint saying she was fired over pregnancy,” [The Texas Tribune](#), 10/25/18)
  - **Small was required to “undergo a lengthy counseling and mediation process” with the Office before being permitted to file a lawsuit.** “Small, who is in her third trimester of pregnancy, must undergo a lengthy counseling and mediation

process through the Office of Compliance before she is permitted to file a lawsuit. The system was criticized in the wake of the #MeToo movement as biased toward lawmakers over staff. The House and Senate failed to agree on a bill to overhaul the system before recessing for the midterm elections.” (Elise Viebeck, “Former aide to Texas congressman files complaint saying she was fired over pregnancy,” [The Texas Tribune](#), 10/25/18)

- **Small dismissed work-related issues as a possible cause for her firing.** “Before joining Cuellar’s office, Small worked for more than 13 years as an aide to Rep. Robert A. Brady (D-Pa.), first in his personal office and then as a professional staff member on the House Administration Committee. She asserted she never had ‘issues, problems, write-ups or terminations’ in her previous jobs. Brady’s spokesmen did not immediately respond to requests for comment...Small said that they met to discuss the probation period Sept. 5 and that Cuellar praised her work while asking her to help the office’s media team and learn more about his legislative positions. She said he told her they would revisit the issues in 30 days. Small said she had been ‘working on those two things already’ and devoted substantial effort after their conversation to fulfilling his requests. ‘I know I did a good job,’ she said. ‘It was an extremely difficult work environment, but I didn’t let that bother me. I’m not afraid of hard work or a tough boss.’ Small said Cuellar called her last Tuesday to say that she had failed to adequately address his concerns and that she could either resign or be fired.” (Elise Viebeck, “Former aide to Texas congressman files complaint saying she was fired over pregnancy,” [The Texas Tribune](#), 10/25/18)
- **Cuellar’s office responded that he acted in compliance with House Rules.** “Cuellar’s office released a statement defending Small’s firing but declining to address her claims in detail. ‘The Office of Representative Cuellar considers internal personnel matters confidential and will not comment publicly on Ms. Small’s allegations at this time, except to say that the office values its employees and conducts all personnel matters in compliance with the congressional Accountability Act and applicable House Rules. All actions taken with respect to Ms. Small’s employment were in compliance with the law and House Rules,’ the statement said.” (Elise Viebeck, “Former aide to Texas congressman files complaint saying she was fired over pregnancy,” [The Texas Tribune](#), 10/25/18)

**Small suffered a stillbirth two weeks after her termination and filed a federal lawsuit against Cuellar in May 2019, alleging poor workplace conditions, “malicious” actions, and damages including “pain and suffering, emotional distress, and mental anguish:”**

- **Small filed a federal lawsuit against Cuellar in May 2019, claiming she was fired after telling him she was pregnant.** “Rep. Henry Cuellar has been sued by a former staffer who says she was fired after telling him she was pregnant. The staffer, who filed a federal lawsuit in the Washington on Monday, said Cuellar’s actions were a violation of the Congressional Accountability Act. The lawsuit was first reported by The Associated Press.” (Emily Kopp, “Former staffer sues Rep. Henry Cuellar, saying she was fired because she was pregnant,” [Roll Call](#), 5/8/19)
  - **Small demanded a trial by jury.** (Kristie Small v. Office of Congressman Henry Cuellar, [U.S. District Court for the District of Columbia](#), Filed 5/6/19)

- The lawsuit stated that Cuellar’s wrongful termination “had a devastating impact” on Small, who delivered a stillborn baby two weeks after being fired. “Small suffered a stillbirth two weeks after her termination and Cuellar’s conduct ‘had a devastating impact’ on her, the suit states.” (Emily Kopp, “Former staffer sues Rep. Henry Cuellar, saying she was fired because she was pregnant,” [Roll Call](#), 5/8/19)

50. On October 16, 2018, Cuellar called Plaintiff and terminated her employment for failure to perform during the probationary period.

51. At Plaintiff’s request, Cuellar identified the specific tasks he claimed she failed to complete.

52. However, the reasons Cuellar gave for firing Plaintiff were false.

53. Plaintiff successfully completed the tasks Cuellar identified and otherwise performed her assigned duties throughout her employment.

54. Defendant’s conduct had a devastating impact on Plaintiff’s life.

55. Approximately two weeks after Defendant fired her, Plaintiff delivered her baby, who was stillborn. At the time, Plaintiff was 30 weeks pregnant.

(Kristie Small v. Office of Congressman Henry Cuellar, [U.S. District Court for the District of Columbia](#), Filed 5/6/19)

- Small noted that Cuellar’s office was initially “disorganized and lacked policies and procedures.”

29. Plaintiff immediately encountered significant challenges. Cuellar’s office was disorganized and lacked policies and procedures.

(Kristie Small v. Office of Congressman Henry Cuellar, [U.S. District Court for the District of Columbia](#), Filed 5/6/19)

- The lawsuit claimed Cuellar’s “malicious” actions caused Small damages including “pain and suffering, emotional distress, and mental anguish.”

59. Defendant’s actions were intentional, reckless, and/or malicious.

60. As a result, Plaintiff has suffered damages, including lost wages and benefits, pain and suffering, emotional distress, and mental anguish.

(Kristie Small v. Office of Congressman Henry Cuellar, [U.S. District Court for the District of Columbia](#), Filed 5/6/19)

**Cuellar requested that his staff author letters disparaging Small’s job performance:**

- Cuellar requested that his staff author letters disparaging Small’s job performance. “Cuellar’s office tried to dismiss the lawsuit on summary judgment and submitted letters

from Small's colleagues about her job performance but, according to court documents reviewed by Jezebel, Cuellar himself requested staffers write these letters after he fired Small, and at least five were dated after Small filed her lawsuit." ("Rep. Henry Cuellar Tried to Discredit a Staffer He Fired at 28 Weeks Pregnant," [Jezebel](#), Accessed 7/15/22)

- **A federal judge wrote that "Cuellar solicited written statements from his staffers about Small's performance after he fired her...And the staffers provided their statements after Small filed this action in May 2019."** "In denying the dismissal attempt by Cuellar's office, federal judge Trevor N. McFadden wrote, 'Indeed, Cuellar solicited written statements from his staffers about Small's performance after he fired her...And the staffers provided their statements after Small filed this action in May 2019,' McFadden said. 'Perhaps Cuellar was simply looking for corroboration of Small's poor performance, but a jury might also see this as an attempt to collect post hoc justifications.'" ("Rep. Henry Cuellar Tried to Discredit a Staffer He Fired at 28 Weeks Pregnant," [Jezebel](#), Accessed 7/15/22)
- **The staff letters, reviewed by Jezebel, allege that Small failed to catch typos in press releases and sometimes arrived at work late or left early.** The staff letters, reviewed by Jezebel, allege that Small failed to catch typos in press releases and sometimes arrived at work late or left early. (Again, Small was pregnant and the mother of a toddler.) One letter notes that Small was looking for a new daycare for her daughter. That same letter said one day "in the middle of the annual Taste of Laredo event (which is very important to the Congressman and office)," Small asked a colleague to leave early and give her and her daughter a ride back to the Capitol Hill office. ("Rep. Henry Cuellar Tried to Discredit a Staffer He Fired at 28 Weeks Pregnant," [Jezebel](#), Accessed 7/15/22)

### **Small and Cuellar settled the lawsuit in August 2021:**

- **Small and Cuellar came to a settlement in August 2021. Terms of the settlement were not made available.** "The lawsuit was settled last August, two weeks after progressive immigration attorney Jessica Cisneros announced a second run against the longtime Laredo congressman. Court records do not indicate the amount of the settlement." (Benjamin Wermund, "Sex discrimination lawsuit surfaces just weeks ahead of Texas Rep. Henry Cuellar's re-election race," [Houston Chronicle](#), 5/12/2022)