

DID WOMAN VOICE A THREAT AGAINST HER BOSS TO PSYCHIATRIST?



A female Postal Service employee had told her psychiatrist of suicidal and homicidal thoughts. The therapist, in turn, informed the woman's supervisor, and she was eventually fired. She took the company to court. The woman, who is black, began working as a mail processing clerk in 1974. In 2005, a new maintenance manager was assigned to the plant. Just a few months later, the plaintiff reported disparate treatment to the head of the facility, and the subsequent month emailed both the manager and the previous manager, accusing them of discrimination and threatening to file a charge with the Equal Employment Opportunity Commission (EEOC). She later put in a request for leave for surgery. That same day, the manager told the plaintiff to clean a storeroom and move heavy boxes, but the woman stated that she could not lift the boxes due to her impending surgery and that the storeroom's chemicals and dust would provoke her asthma. She was issued a "Letter of Warning" from the manager, and several days later, the facility head denied her sick leave request. After the surgery, she was to avoid climbing stairs. She was told that she could work in the ground-floor storeroom, but she rejected the idea because of her asthma and was sent home. A week later, her medical restrictions allowed her to climb stairs once or twice per day, but the time-clock location would exceed such a limit. She again left work and was subsequently issued an absent-without-leave notice. The woman checked herself into a hospital's psychiatric unit for depression, anxiety and insomnia. She was treated and discharged after three weeks with a good report. When the manager called the plaintiff's psychiatrist about the employee's condition, the doctor informed him of a threat that the woman had reportedly made on his life. The therapist had no record of such a threat beyond the inexplicit notation in the discharge report. The plaintiff later blamed a "language barrier," stating that the doctor had taken her literally. Higher ups responded by placing the woman in "emergency off-duty status." The manager filed a police report, and the woman filed two complaints with the EEOC. The Postal Service, meanwhile, held an investigation, and the plaintiff admitted to expressing suicidal and homicidal thoughts but said that she'd never hurt anyone or made a plan to do so. Soon after, the employee was fired for "unacceptable behavior" from her "homicidal



ideations," a violation of the company's policy on "Violent and/or Threatening Behavior."

She returned to work two years later after passing a fitness-for-duty exam, but pursued her EEOC complaints, both of which were denied by an administrative law judge. She finally filed a lawsuit, claiming discrimination for the off-duty status and termination, retaliation for her complaints, and failing to accommodate her. The district court ruled in favor of the defendants. The plaintiff had stated that two white employees had threatened someone with a knife and had received only two-weeks suspension, but the court did not believe that the situations were similar and, as such, the women had not provided sufficient evidence proving discrimination or that her firing was pretextual. An appeals court had a differing opinion. It believed that, though the women's evidence was "indirect," it need only have a "meaningful comparison." In other words, the two white co-workers' suspension was evidence enough – particularly as the same manager had enforced the same regulations. Therefore, she'd adequate proven pretext and discrimination. Accordingly, the court remanded the case for further proceedings.