granted

FORMER WORKER CLAIMS HE WAS FIRED BECAUSE OF HIS AGE, NOT REDUCED WORKFORCE

An Ohio employee was terminated as part of a company's reduction-in-force. The man believed that his age was the deciding factor in his firing, and he took his argument to court. The plaintiff worked at Titanium Metal Corporation, operating as Timet, as a shipping supervisor from 1985 to 2009. Beginning in 2005, the man's department was shipping a high volume of product, and he and his supervisor agreed that another worker was necessary to help with the workload. An employee was transferred, and he trained with the plaintiff and another man working a similar position of scrap supervisor. Near the end of 2008, however, the demand for product diminished considerably. Management decided to reduce the number of workers, and the Toronto, OH, facility was restructured. Seventeen positions were eliminated, and managers decided to jettison one of the three supervisor positions in the plaintiff's department, including the scrap supervisor and the employee brought in to cover the excessive workload. Each of the plant's employees was evaluated in multiple categories, and the plaintiff received a lower evaluation than the other two men in his department. He was eventually fired, while the others retained their jobs. At the time, the plaintiff was 62 years of age. The man, alleging a violation of Ohio Revised Code, Section 4112.14 (which covers age discrimination), filed a suit in diversity jurisdiction – in which a district court, which typically hears federal cases, will consider a civil case when the parties live in different states or similar circumstances. He offered two pieces of direct evidence of discrimination. The first was an email from Timet's HR manager, discussing the employee's transfer, and the other was a comment from his supervisor, seeming to insinuate that the transferred worker would ultimately be supervising the plaintiff's department. Judges dismissed both examples of direct evidence. The HR manager's email was detailing the supervisors' tenures and did not specifically mention their age, and other parts of the email were, according to the appeals court, "ambiguous" without denoting anyone's age. The supervisor's remark likewise said nothing of age and did not include a mention of the plaintiff. Plaintiffs are allowed to prove cases by circumstantial evidence as well, and the man's argument in this regard was simply that he was replaced by the transferred employee and was fired not because of the company's reduction-in-force. But the other worker absorbed the plaintiff's prior responsibilities while retaining his own, a merging of positions that often occurs when workforces are reduced. All that remained was for the plaintiff to show a prima facie case – one that could be argued at trial. As such, he was required to prove that he was singled out because of his age, but his evidence failed to show proof. The courts further believed that the transferred employee's higher evaluation had base and noted that the scrap supervisor, who also kept his job, was older than the plaintiff. The district court granted summary judgment in favor of the company, and the plaintiff's later appeal was equally unproductive.