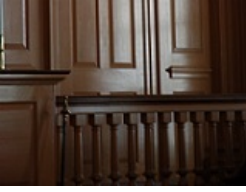


EMPLOYEE VS. BOSS IN THE COURTROOM



A woman and her former supervisor had conflicting arguments in court: the woman alleges a hostile work environment and her termination (a forced resignation, more precisely) a result of retaliation, while her supervisor cited a lackluster job performance and the employee talking to a higher up about her superior. The woman was hired as a Division Manager for the Texas Department of Family and Protective Services (DFPS) in early 2007. Her first 12 months was a probationary period, during which time she could be fired with no advance notice or cause. About a month in, she was told by her supervisor to hire a residential contract manager for the San Antonio office. The plaintiff interviewed four applicants and decided on a woman whom she'd supervised at another agency. At the time of the interview, the recommended applicant was pregnant and would have a lengthy commute to the office. Here is where the stories first clash: The plaintiff claimed that the supervisor was irate over the suggestion and didn't believe that a pregnant employee could handle the job, while the supervisor pleaded ignorance of the pregnancy and said that she was only concerned about the commute. She checked the next candidate for hire, but the references were not positive. The plaintiff claimed that she further discussed the hire and said that it would be discriminatory to not hire the woman due to her pregnancy. A week later, the supervisor approved the hire. Around the same time, the supervisor expressed discontent with the plaintiff's job performance and attitude at the workplace and began documenting the performance problems. The new hire asked the plaintiff if she could transfer to another office, which, as it was essentially a lateral move, was against company policy. The plaintiff approached the supervisor, who denied the



request. The subject was broached later, this time the woman saying that her obstetrician recommended less travel. Contradictory testimonies continued: The plaintiff says she provided her boss with a doctor's note in May, but the supervisor claims to have received the note at the end of June. The plaintiff also tried, on more than once occasion, to speak to her supervisor's boss about providing accommodation for the pregnant worker. The supervisor finally offered the plaintiff the option of termination or a voluntary resignation. She chose the latter. The woman filed a lawsuit claiming a hostile work environment and retaliation for complaints of discrimination. This also includes an allegation of race discrimination, in which she questioned a budget spreadsheet when realizing that African-American employees were reportedly being paid less. She claimed that the supervisor's response was to act in a hostile manner, but the supervisor said that she was only angry at the plaintiff sharing salary information with others. The district court granted summary judgment against the plaintiff, believing that she had not established evidence to support either claim. She filed an appeal, challenging only the dismissal of the retaliation claim. The company had presented a list of performance problems from the plaintiff, whereas the woman's charge of pretext resided almost exclusively on temporal proximity – that she was fired soon after her complaints and discussions over the pregnant worker. Accordingly, the appeals court affirmed the grant of summary judgment.