

RITE AID PHARMACY MANAGER FIRED FOR ALTERING TIMEKEEPING RECORDS, RESPONDS WITH LAWSUIT



A manager at a pharmacy company filed a lawsuit against the business, claiming that he'd been fired for complaining of racial harassment. According to his former employers, however, his position had been terminated for violation of company policy – namely that he had decreased employees' hours so that they would be paid less. The man, who is black, worked for Rite Aid for several years as a Pharmacy Manager and later as a Pharmacy District Manager. In May 2008, he informed an HR manager that pharmacists working for him did not want to work for a black supervisor. He testified in court that, for close to a year, he'd told the HR rep and others repeatedly of similar comments from pharmacists, complaining of racism among four of the people he supervised. In April 2009, the man was disciplined for violating company policy – paying a pharmacist for drive time and mileage to drive to her home store. A final, written warning indicated that additional violations could result in further discipline, including termination. The following month, a salaried staff pharmacist complained to the Regional Vice President that the supervisor had told her she would not be compensated for all the time she had worked in another store. An ensuing investigation found that the man had told two pharmacists that they would not be paid for all the hours they had worked. The manager had logged on to the company's timekeeping system on a couple of occasions and had decreased the number of hours worked by the two employees, thereby decreasing the amount that they were paid. In the course of the investigation, he did not acknowledge changing the pharmacists' hours but later admitted to it. He asserted that what he had actually told the employees was that they wouldn't be paid for time working on inventory because they hadn't obtained pre-approval for the extra time. According to Rite Aid policy, a salaried pharmacy manager won't be compensated for hours working on the physical inventory. There was no policy regarding hours worked during a controlled drug inventory or a salaried manager not being paid for working on any type of inventory. Because he had altered timekeeping records and denied employees' hours worked, the man was fired. He sued K&B Louisiana Corporation and Rite Aid Headquarters Corporation, initially claiming retaliatory discharge, retaliatory harassment and racial harassment. He later dropped the two harassment claims, maintaining that he'd been fired in retaliation for complaints. The district court, seeing no reason not to accept Rite Aid's reason for the termination, dismissed the man's case. Appellate judges concurred. They believed that the plaintiff had failed to offer evidence that the pharmacists disliked working for a black supervisor so much that they demanded the company to respond. The plaintiff also admitted that none of the four pharmacists had ever made racist comments or said that they didn't want to work for him. He even admitted that the Regional VP, who made the final decision on firing him, was not racist and didn't tolerate such behavior among pharmacists. He detailed one employee's apparent animosity but couldn't specify a racial component. Accordingly, the appeals court affirmed the suit's dismissal.