

ELECTRICAL CONTRACTING COMPANY LAYS OFF WORKER, ACCUSED OF RACIAL DISCRIMINATION



A former employee of Regent Electric, Inc. in Ohio alleged in a lawsuit that the company had discriminated against him when they laid him off. He made his way from a district court to standing in front of appellate judges. The man, an African-American, worked as a journeyman – someone who’s completed an apprenticeship but hasn’t yet mastered a craft. Regent was contracted to provide electrical work at Westfield Elementary in Westfield, OH. The company hired exclusively from union labor, and one union recommended the journeyman, who’d been trained in inside wiring. He worked for four months and then Regent began transferring electricians to the Westfield project. The man was laid off as the company continued to transfer workers to its project. Prior to the man’s layoff, other workers, including journeymen and apprentices, were laid off as part of a reduction-in-force. The man believed that race was the motivating factor for the loss of his job. He attempted to file a grievance with his union but was more successful with an EEOC (Equal Employment Opportunity Commission) charge, receiving a Right-to-Sue notice. His suit alleged violations of the Civil Rights Act and Ohio state laws – claiming that Regent had discriminated against him by laying him off while employing Caucasian journeymen and an apprentice, all with less experience, and for making an exception to the reverse-seniority order (the last hired are laid off first) for a white journeyman. The plaintiff requested discovery from the defendants, including identification of all Regent projects within a certain time period; employment information on all field workers with date of hire, specific job, individual race, date of termination and reason for termination; and showing all hours worked by all employees on each of Regent’s projects. Regent countered by claiming that the discovery request was “overly broad” and would be “unduly burdensome.” Federal judges concurred, and the district court granted summary judgment favoring Regent. On appeal, the plaintiff argued both a single-motive theory – race was the sole reason for his layoff – and a mixed-motive theory – that Regent had both legitimate and discriminatory reasons. Both of these failed. The man could not dispute the validity of Regent’s reduction-in-force, which was negated by neither the available evidence nor the additional evidence which he had requested. He likewise could not show that the company had treated Caucasian workers more favorably, that he was more qualified than some of the white journeymen who retained their employment, or that his layoff was a pretext for discrimination. The man also argued that the district court had abused its discretion by denying his request for additional discovery. Appellate judges believed that Regent’s supplied evidence specific to the Westfield project was adequate, and they further noted that using more layoffs as evidence of discrimination would have a polar effect – the other projects included layoffs of Caucasian workers, which would have strengthened the defendants’ arguments. As the plaintiff could not successfully prove that racial discrimination was the reason for his layoff, or that federal judges should have allowed his discovery request, the appeals court affirmed the grant of summary judgment for the company.