

HUSBAND AND WIFE SHARE A LAWSUIT AGAINST AMERICAN GREETINGS



A husband and wife, both working at American Greetings Corporation, filed a lawsuit against their employers after the husband was fired. They alleged race and age discrimination, as well as retaliation. Both spouses are African Americans and were in their early 50s at the time of the lawsuit. The woman had been working at the company in varying positions since 1975. In 2005, she was given written warnings for not following proper procedure or an “error rate” beyond company guidelines. Following her third warning in 2006, she submitted a complaint to the company’s Solutions Mediation Program, claiming race discrimination and retaliation for a similar charge several years prior. A mediator reviewed the case but found no wrongdoing. In 2007, the company said that the woman was ineligible for an open position due to three warnings on her record – the same warnings from the previous year, as they stayed on record for a year of time worked. She was eventually awarded a position, though the company asserted that it was an error due to her warnings. Believing she was eligible for all positions for which she applied, she filed another complaint alleging retaliation and discrimination based on race and age. The woman’s husband began working at the company in 1990. In 2006, he received a verbal warning and two written warnings for violating a company policy requiring employees to report a work absence at least 30 minutes before a scheduled shift. After verbal and written warnings for safety violations in 2007, he lost his power truck operator job and was placed elsewhere at the same facility. He was given another written warning for again violating the aforementioned policy and subsequently filed a complaint with identical claims alleged by his wife. A fifth warning in 2008 for failing to meet “uniform



time standard” resulted in his termination.

The couple’s lawsuit alleged a Civil Rights Act violation of race discrimination, age discrimination and retaliation. They both asserted that their younger, white co-workers were treated more favorably, and that they were retaliated against for internal complaints. The district court found no evidence of discrimination and, as such, believed that the retaliation claim was unsubstantiated. Summary judgment was granted in favor of the company. On appeal, the husband and wife claimed that their dual testimonies corroborated one another and the court negated the testimony of another employee. The appeals court believed that the couple had failed to prove the various warnings’ lack of validity, which was supporting a claim of pretext for discrimination and the husband’s termination. Similarly, an African American was awarded a job over the woman, and an older African American replaced the man when he was taken off his job as power truck operator. Much like the district court’s dismissal of the retaliation claims due to no proof of discrimination, the appeals court found the assertion of retaliation lacking support. The district court’s decision was accordingly affirmed.