

FORMER POLICE OFFICER CITES DISCRIMINATION FOR NOT GETTING FULL-TIME POSITION



A police officer working part time resigned from his position and later alleged discrimination based on his national origin. His resultant lawsuit made its way from a Missouri district court to the U.S. Court of Appeals. The man, a native of Amman, Jordan, and a U.S. citizen since 2002, was hired as a part-time police officer in the city of Country Club Hills, IL. At the time, the plaintiff was the owner of two gas stations. A month after he was hired, a citizen complained to the police captain and a lieutenant that the officer had made a U-turn for a traffic stop and had referred to the citizen as a “lying weasel.” The man admitted to both accusations, and he received a warning. After another month, he expressed interest in an open position for a full-time officer. The police chief recommended another applicant, believing that the person was more qualified and that the plaintiff would be unable to work the required rotating shifts due to his gas station businesses. The plaintiff claims that, after spending a few months in Jordan, his captain began making comments on Hezbollah (a militant group and political party in Lebanon) and asked if the officer was “sending money overseas.” The captain also allegedly asked if the officer knew the location of Osama bin Laden – this was back in 2008 – and on more than one occasion told the man, “That’s not how we do it in the U.S.” Another officer, in an affidavit, said that the captain suggested the plaintiff was working for Jihad in the Middle East. Both officers had complained to the chief



about the captain’s remarks.

When the officer was passed for another full-time position, he resigned, less than a year after he was hired. He then filed a lawsuit against the city, claiming a Civil Rights Act violation of discrimination on the basis of his national origin. He testified in district court that he did not believe the chief “harbored discriminatory animus” against him, but he alleged that the captain “assisted” in the employment of police officers, providing background checks and making recommendations. The court disagreed, granting summary judgment in favor of the defendant. On appeal, the man asserted that the district court had not considered whether the captain was integral to decision making, and that the captain’s apparently discriminatory behavior is a link to the man not being hired full time. He claims that he had told the chief that he preferred morning and afternoon shifts but would be available the night shift if a necessity. The appeals court did not concede to the notion of the captain as a decision maker, even rejecting the plaintiff’s allusion to the cat’s paw theory – a legal theory in which a subordinate with no decision-making power is able to manipulate a decision maker into discriminatory action. The court saw no pretext for passing the man over for the two full-time positions, believing that the two people hired had more experience. Determining that the chief was the genuine decision maker and with the confirmation that he did not engage in discriminatory conduct, the appeals court affirmed the district court’s ruling.