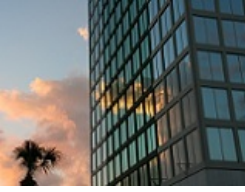
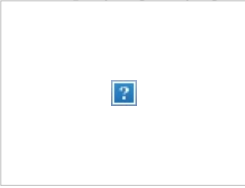


POOR JOB PERFORMANCE OR UNLAWFUL COMPANY PRACTICES?



An Indian-American woman working as an analyst was fired for her consistently poor job evaluations. She claims, however, that her termination was due to discrimination and retaliation, and she responded with a lawsuit. The woman began working in the Technology Labs division at Accenture near the end of 2007. She'd initially applied for a consultant position, but she was told that she lacked the necessary experience, and she accepted a job as a junior analyst. She was evaluated following her first client project. A supervisor praised her analytical skills and ability to work independently, but she was also condemned for pushing too hard for her own ideas, having trouble understanding project objectives and problems accepting criticisms. She was sent a copy of the evaluation and said that she would "ignore it" as it was "unsolicited." She later said that the supervisor was disrespectful and had acted condescendingly towards her. She was removed from her subsequent client project for poor performance. The corresponding evaluation cited resistance to constructive feedback, not following instructions, taking too long to finish assignments and lack of professionalism – noting an instance when she "burst into tears" at a client's site. Her career counselor recommended a change in her conduct as the negative reports of her job performance were becoming a "trend." The woman submitted two forms asserting that senior management was patronizing her and only concerned with its own interests. She later suggested a potential biometrics project but was told that it was not practical, to which she responded that she felt like she was "knocking on closed doors." The company began laying off employees in late 2008, and the plaintiff was fired in January 2009. She refused an offer of severance.



She filed a charge with the EEOC (Equal Employment Opportunity Commission). Her ensuing lawsuit alleged violations of Title VII of the Civil Rights Act and U.S. Code, Section 1981 (equal rights under the law) for discrimination based on sex, race and national origin. She specifically cited being hired as an analyst and not a consultant, her termination and retaliation for complaints of senior management. She further noted the dismissal of her biometrics project idea. Summary judgment was granted for Accenture by a district court. It found that the woman could not support a case for trial because her EEOC charge had not been filed within 300 days of the alleged discrimination (not being hired as a consultant), and she could not prove that she was qualified or that other applicants with like qualifications found employment. The retaliation claim was also rejected, as she couldn't show that she was meeting job expectations, other employees in similar situations were being treated favorably, or any pretext. Furthermore, she had not complained discriminatory treatment before being fired. On appeal, she argued that a comparable employee was treated preferentially, but this was dismissed, as she had failed to mention the employee in district court – having compared herself with an employee too dissimilar. The appeals court also found that her complaints of senior management could not be linked to complaints of discrimination, so the retaliation claim was not supported. The grant of summary judgment in favor of the company was accordingly affirmed.