

WAS DISCRIMINATION COMPLAINT AGAINST TARGET NOT FILED IN TIMELY MANNER?



When a former employee of Target Stores brought action against the company, alleging discrimination on the basis of his race, a federal judge dismissed the claim as time-barred. The appeals court had a different opinion, however, believing that the question of filing in a timely manner had much to do with how the complaint was read. The man had filed a complaint, claiming a violation of Title VII of the Civil Rights Act. He was seeking damages against Target for failing to promote him and for other workers receiving preferential treatment with regard to the terms and conditions of employment. He further alleged that being treated less favorably was due to the fact that he is African American. On the complaint form, in the section asking when the discrimination had occurred, the man had written, "June 2009." In the form's narrative section, he claimed that he had applied to be a team leader after one year of employment at Target. The promotion was denied, and the man learned approximately one month later that a white co-worker had been given the position. The man asserts that working at Target became so unpleasant that he took a leave of absence in May 2010. Attached to the complaint was the charge of discrimination that the man had filed with the EEOC (Equal Employment Opportunity Commission) and the Missouri Commission on Human Rights. This charge had been filed May 27, 2010, but alleged that he had applied for the team-leader position in "July/August 2009" – after which point the other employee was awarded the position, the man's request for transfer was denied and his hours were later reduced. According to the EEOC charge, the discriminatory conduct occurred from June 1, 2009, until May 12, 2010. Target filed a motion for dismissal because of the June 2009 written on the complaint form, believing that the EEOC charge was not filed in a timely manner. The time limit for filing with the EEOC is 180 days, which can be extended to 300 days depending on the circumstances – in this case, the alleged late filing is beyond even the 300 days. On appeal, the man argued that the district court should have taken into account the EEOC charge noting the discrimination as occurring on later dates. Target countered by stating that allegations in a discrimination charge should not supersede express allegations in the Title VII complaint. Appellate judges believed that it wasn't a question of one superseding the other, but rather of whether or not the man should be held to the date on the complaint when an attachment lists other dates as well. The judges' opinion was that the district court should have "liberally construed" the entire complaint. Federal rules dictate that the complaint and the charge of discrimination be read together. The district court, it seems, relied solely on the Title VII complaint, but it should not have neglected the EEOC charge – freely interpreting the plaintiff's complaint. The appeals court's judgment was only with regard to the dismissal, which was reversed and remanded. The question of whether the complaint was sufficient to state a claim, which was addressed in court, is now up to a district court to decide.