

WERE SEX AND RACE DISCRIMINATION THE REASONS FOR DENIAL OF WOMAN'S PROMOTION?



A female employee of the Federal Aviation Administration (FAA) brought sex and race claims against her employer. The woman, an African-American, alleged that she was denied a promotion on the basis of her race and gender. She was employed by the FAA for a number of years, starting her most recent position as a Telecommunications Specialist in 1989. In 2000, she wanted to be bumped to a higher pay grade, but her supervisor informed her that she would need more experience on a national level, in the field, on projects with higher visibility and with the National Airspace System. She successfully completed all of these, but following her work on a national contract, her supervisor failed to praise her at a staff meeting – while praising all the other members of the section. In 2002, she worked a six-month assignment as a temporary TSE Supervisor, not receiving a temporary pay increase because she wasn't an engineer. Soon after the detail ended, the FAA decided to make the temporary position permanent, allowing any worker with a high level of technical ability to apply. Less than 20 people applied for the job, including the woman, but the position ultimately went to a white male who had won a 2002 "Technician of the Year" award and was recognized for his leadership and supervisory skills. She filed a lawsuit claiming violations of Title VII of the Civil Rights Act. The woman's assertion was that the supervisor's recommendation to hire the other employee was merely a pretext for discrimination. To support this, she cited the supervisor not praising her at the meeting. He later testified that she had already been recognized nationally for the project. The plaintiff further pointed to the man's testimony at an EEOC (Equal Employment Opportunity Commission) hearing, in which the supervisor agreed that, in his experience, a male was more likely to have technical skills than a female. There was also an incident in the 1990s, when a white female accused the plaintiff of favoring an African-American employee. The plaintiff's temporary promotion was taken away, but with no investigation. The district court ruled in the FAA's favor. It believed that, at best, the woman had shown that not awarding her the promotion was the wrong decision, but not that anyone was lying about it. On appeal, the plaintiff cited testimony from her supervisor, who claimed that she "shied away" from technical issues but offered no proof. But he had referenced, in his recommendation memo, the woman not adequately explaining in her application how she resolves technical problems. As for the 1990s incident, the woman hadn't shown a similar situation of a white employee being favored, and the supervisor handling the situation differently. The EEOC hearing could likewise not show that the supervisor would neglect any female with a high level of technical capabilities. The woman claimed that she was "clearly more qualified" for the TSE Supervisor position than the male worker. But she was unable to prove this contention, only demonstrating that she was more qualified in some areas. Since she couldn't show that reliance on the other employee's superior qualifications was pretextual, the woman had not sufficiently proven discrimination. Appellate judges affirmed the grant of summary judgment for the FAA.