

Race Bias: Court Reiterates Definition Of Discrimination.

The US District Court for the Eastern District of Arkansas recently dismissed an African-American aide's race-discrimination lawsuit.

Discrimination means that a minority employee has been treated differently than a non-minority.

The minority employee must be able to show the court that a non-minority was accused of the same offense but disciplined less harshly.

UNITED STATES DISTRICT COURT
ARKANSAS
November 5, 2007

The aide was not able to show the court that she was meeting her employer's legitimate expectations. Her disciplinary write-ups and refusal to respond positively to corrective action were legitimate, non-discriminatory reasons for her termination, the court ruled.

Her history of disciplinary write-ups was basically the same, the court pointed out, during the time she was working on a unit with an African-American supervisor as when working on a unit with a Caucasian supervisor.

The aide was not able to point to any specific non-minority employee who, having been accused of the same disciplinary offenses, received more favorable treatment than she did.

It is fundamental to a valid discrimination lawsuit to be able to identify a non-minority employee or employees who received different treatment than the minority in the same situation, the court pointed out. ***Johnson v. Bryson, 2007 WL 3290455 (E.D. Ark., November 5, 2007).***