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# Weekly Employment Brief

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## I'd Like A New Boss, Please: Employees Not Entitled To New Supervisor As Reasonable Accommodation

Feeling that her present boss was being too "confrontational," Michelle Snyder thought that she was entitled to a new one under Washington state disability laws. Unfortunately for her, the Washington Supreme Court believed otherwise, and rejected her claim that "reasonable accommodations" included new supervisors. According to the court, Snyder failed to point to any case or statute under state law or the ADA requiring such an accommodation. Indeed, the court went as far as to say that "there is no duty for an employer to provide employees with a stress-free workplace." This case underscores the notion that there are limits to what employers need to do in order to satisfy the "reasonable accommodation" doctrine.

## Back On The Hook: Court Overturns Summary Judgment Against Time Warner For African American Employees Fired During Workplace Reduction

Lawyers and managers at Time Warner breathed a sigh of relief when a trial court granted summary judgment in a race discrimination suit filed by three African American employees. The employees were fired in a workforce reduction in which no Caucasian employees in their division were fired. Their relief proved to be short lived, however, as the appeals court reversed the summary judgment and sent the issue to a jury. Although the media giant argued that the white employees in the division had "unique and irreplaceable job responsibilities" justifying their retention, there was evidence that supervisors may have given the white employees more responsibilities in an effort to make them "unique" and "irreplaceable." As such, the court decided that reasonable jurors could find that Time Warner's reasons were merely pretext. This case demonstrates once again that employers must be extremely cautious when issuing reductions in force, even when an "outward" reason may seem legitimate.

## Older, Wiser - And Richer: Ford Motor Company Settles Two Discrimination Class Actions For \$10.5 Million

Ford Motor Company managed to make two thorny discrimination class action lawsuits disappear, but paid a hefty price to the tune of \$10.5 million to do so. Roughly 620 current and former Ford employees joined in the two class actions against Ford, accusing the automaker's recently implemented employee evaluation system of discriminating against older white men, and disproportionately favoring minorities and young women. The plaintiffs claimed that before the new evaluation system, they had received positive evaluations, but under the new system, they received lower reviews while some women and minorities with less experience or inferior work records were rated higher.

## Step Up To The Mic: Voice Analysis Does Not Violate Polygraph Laws

When a nurse at Covenant Medical Center in Iowa found an obscene message directed to her on her work voice mail, she was even more shocked to discover that she recognized the voice as that of the hospital's security manager. The hospital's ensuing sexual harassment investigation included making a tape of the call and matching it with voice print analysis. The manager, however, refused to submit to the hospital's request for his voice print analysis, and was fired. The manager then sued for wrongful discharge, alleging that the hospital's request for his voice print analysis was a violation of his rights under Iowa's polygraph law, which prohibits employers from requiring polygraphs as a condition of employment. The Iowa Supreme Court found that the polygraph statute did not extend to voice print analysis, pointing out that voice print analysis was "a method of identification," rather than a polygraph-like procedure to measure veracity. Although this issue remains undecided in California, this case does provide some precedent that voice identification will not violate California's polygraph laws.