

Amicus Curiae Briefs Employment Issues

Employment Discrimination

Case: *Walters v. Metropolitan Educational Enterprises, Inc*

Court: Supreme Court of the United States, October 1996

Amicus Brief: Women's Legal Defense Fund

Case: Walters filed a Title VII discrimination claim against Metropolitan Educational Enterprises. She was subsequently fired and the EEOC filed suit alleging that Metropolitan violated Title VII's prohibition against retaliatory firings. Metropolitan claimed that it was not covered by Title VII because it did not meet the definition of an employer who has fifteen or more employees. The Seventh Circuit followed the "day-to-day" method of counting employees, which looked to a specific day to see if an employee actually worked on that day or was being paid on that day despite an absence. The EEOC claimed that the correct method of computation was the "payroll" method of counting employees, which looked to see if an employer-employee relationship existed on a given day as evidenced by the employer's payroll.

Amicus Brief: The brief argues that the "day-to-day" method excludes many individuals who require a flexible work schedule, such as four days on, one day off or who may work from home. By excluding more employers than the "payroll" method, the "day-to-day" method limits the reach of Title VII's protections and, therefore, leaves more workers unprotected. Furthermore, because the "day-to-day" approach tends to exclude employers with hourly employees, as opposed to salaried employees, the employers left beyond the reach of Title VII are those who disproportionately employ lower-income workers, women, and racial minorities; workers who may be more likely to be victims of discrimination.

CWEALF: CWEALF joined the brief because it believes that an important step in gaining gender equity is to make sure that all employees are considered the same for purposes of considering what constitutes an employer-employee relationship. CWEALF also believes that setting a uniform standard for counting employees that places more employers within the reach of Title VII will eventually protect more employees.

Holding: The Supreme Court reversed the Seventh Circuit, adopting the "payroll" method for counting employees and remanded the case for further hearings.

Case: *Bryan County v. Brown*

Court: United States Supreme Court, 1997

Amicus Brief: Now Legal Defense and Education Fund

Case: Jill Brown brought a claim for damages pursuant to 42 U.S.C. § 1983 and Oklahoma State law against Reserve Deputy Stacy Burns and Bryan County, Oklahoma based on allegations of excessive force related to a high traffic chase and subsequent detention. Brown's suit against Bryan County was based on Burns employ and the sheriff's admission at trial that he had not

reviewed Burns' past criminal record that listed several misdemeanors, even though he had it in his possession at the time he hired Burns. The County had a policy of not hiring individuals who had been convicted of a felony, but it would hire those individuals who had been convicted of a misdemeanor. The Fifth Circuit found for Brown, affirming the jury's decision. Bryan County appealed.

Amicus Brief: The brief outlines case law that serves as a precedent to considering a single policy decision by a municipality that leads to the deprivation of constitutional rights of individuals to implicate the municipality's liability for damages. The municipality should be found liable because the sheriff was deliberately indifferent to the harm posed by his hiring decision; had it been mere negligence, no liability would attach. Recognizing an attachment of liability from a single policy decision that has foreseeable ramifications ultimately protects individuals. Within this framework, the brief illustrates several examples where women have been victims of sexual harassment, sexual abuse, and sex discrimination because of such policy decisions. If something more is required, these women will be unprotected.

CWEALF: CWEALF joined in the brief because it recognizes that single policy decisions often have lasting effects that can implicate the protections afforded to women both in and outside the workplace.

Holding: The Court reversed the Fifth Circuit's decision and rejected Bryan County's liability under 42 U.S.C. § 1983 for the hiring decision that resulted in the violation of Brown's constitutional rights. The Court required more than mere foreseeability to impose liability; rather, the Court requires that it be fairly obvious to the policy maker that the consequences that did occur will occur as a result of his/her decision.