

Discrimination: Discipline Handed Out Only To Minority Aide.

The facility agreed to reinstate an African-American CNA and to pay him a \$100,000 settlement to resolve his civil rights lawsuit filed in the US District Court for the Northern District of California.

An African-American CNA was physically accosted on the job by his acting supervisor, a Caucasian psychiatric technician.

The CNA was suspended and steps were taken to terminate him. Nothing was done to the psych tech.

UNITED STATES DISTRICT COURT
CALIFORNIA
April 6, 2010

Reportedly the altercation left certain of his co-workers afraid of him and feeling physically threatened.

The process was started to terminate the CNA, a civil service employee with vested rights, on the grounds that it was not assured that he would adhere to the facility's policy against violence in the workplace and that he was unwilling to take responsibility for his own behavior which contributed to the negative interaction with the psychiatric technician.

The minority CNA did refuse to participate in anger management and conflict resolution training as was recommended and declined to enter into a written agreement with the other party concerning their future relationship working together on the job and to sign a written acknowledgment of the facility's workplace violence and harassment policies.

The upshot of the case was the lack of any explanation why the minority employee alone was held responsible for an incident in which both parties seemed at least equally at fault, if in fact the other party was not actually more to blame. **Harris v. City and County of San Francisco, 2010 WL 4013858 (N.D. Cal., April 6, 2010).**