

PITT, DOWTY, McGEHEE & MIRER, P.C.

Overview of our approach to discrimination/harassment in the workplace

Prospective clients consulting our firm for advice on employment-discrimination matters usually fall into one of four categories. First current employees often present claims of racial, sexual or disability status harassment, inappropriate treatment on the job, denial/failure of promotional opportunity, failure to accommodate a disability, or discrimination in regard to other terms or conditions of employment on the basis of race, gender, national-origin, retaliatory motive, age, religion, disability status, marital status, weight, or status as a whistleblower.

Secondly, we are frequently consulted by current employees who are in a non-work status such as on a medical leave of absence, administrative leave, or suspension. In many cases, the medical leave is the result of stress associated with on-the-job harassment caused by an unlawful hostile work environment or discrimination based on disability status.

Third, we are frequently consulted by former employees who have been involuntarily terminated from their employment or who have resigned under adverse conditions amounting to what the law recognizes as a constructive discharge. A constructive discharge occurs when the employer deliberately creates working conditions so intolerable that a reasonable individual would be forced to resign under these conditions. Whether your employment conditions are so intolerable to create a constructive discharge is a complex factual and legal issue requiring expert evaluation. Do not resign your employment expecting to assert a constructive discharge claim without first consulting with an experienced attorney. We are often consulted by individuals who have been separated from employment and offered a severance package containing a release of claims.

Fourth, we are frequently consulted by prospective employees who claim they were not hired by an employer because of impermissible considerations such as race, gender, national origin, age, religion, marital status, weight, prior Workers' Compensation conditions, disability status, or for other reasons prohibited by law.