

Case Questions

1. Do you agree with the reasoning of the court?
2. Is it ethical that the bilingual workers were not paid an additional sum for their extra responsibilities?
3. Is speaking with bilingual customers really extra work?

Case 15.2*

Ali Asghar v. Henry M. Paulson, Jr., Secretary, Department of the Treasury, United States District Court for the District of Columbia

580 F. Supp. 2d 30; 2008 U.S. Dist. LEXIS 73279 (DC)

The issue is whether the Department of the Treasury acted for security reasons or for ethnic discriminatory reasons against an employee with an Afghan heritage.

LEON, UNITED STATES DISTRICT JUDGE. Plaintiff has been employed by the Bureau of Engraving and Printing ("Bureau"), a division of the Department of the Treasury, since 1995. During his tenure, plaintiff has filed a bevy of EEO complaints. Indeed, the claims alleged in this action were the basis of an EEO complaint filed by Asghar on March 4, 2005. In that complaint and in this action, plaintiff, a Muslim male and native of Afghanistan, raises various discrimination claims, primarily arising from a security investigation related to his extended trip to Afghanistan in 2004.

In June 2004, plaintiff requested leave without pay ("LWOP") from July 15, 2004 to December 31, 2004 to travel to Afghanistan for "family matters." Asghar told another supervisor, Felicia Jackson ("Jackson"), that he needed to travel to Afghanistan because his mother was ill. Pursuant to the Bureau's policy that supervisors report extended foreign travel by Bureau employees to the Office of Security, Brent notified that office about Asghar's foreign travel.

Glen Alonso ("Alonso") of the Office of Security was assigned to look further into Asghar's trip to Afghanistan. After learning from Brent that Asghar attributed his need to travel to his mother's health, Alonso reviewed Asghar's security folder and discovered that Asghar's mother was deceased. Because of this discrepancy and the fact that Asghar was traveling to a country in which the United States is engaged in armed conflict, Alonso became suspicious and decided that a further investigation into the matter was warranted. Accordingly, he decided to "redline" Asghar's entry badge and deprive him access to the agency until this issue was resolved.

Consequently, when Asghar returned to the Bureau on November 8, 2004, several weeks before the end of his LWOP period, he was denied entry into the building. Alonso then met Asghar at the entrance of the building and escorted him to the Office of Security for an interview. Three days later, on November 26, 2004, Asghar was cleared to return to work and did so on November 29, 2004.

Plaintiff contends that the security investigation was a discriminatory action, undertaken because of his race, color, national origin, and religion and made in retaliation for previous EEO filings. Plaintiff additionally alleges that the security investigation, along with several other incidents, created a hostile work environment.

To support his claim that the Bureau was motivated by discriminatory intent, plaintiff alleges that Bureau employees lied about the underlying reasons for reporting his foreign travel to the Office of Security. Specifically, plaintiff claims that "[Bureau employees] were motivated by a desire to

no longer familiar with the rules specific
 ing Colon's failure to answer calls from
 d Colon were in attendance. The parties
 re is no dispute that Colon stated he did
 nswer calls from multiple states without
 felt he could not properly answer Ohio
 e time. At that meeting, all agreed that
 dle calls from Ohio, and would handle
 ssed that Colon was obligated to answer

12, 2005, but on that date Colon refused
 ear back from his union representative.
 dination on the same day he refused to
 ber 28, 2005, for the stated reason of in-
 n he cites the following facts: First, he
 al Group was not being treated fairly and
 rms equal to those of the English-Only
 nd was sent to the union, though it was
 ng meetings in October 2005 regarding
 xpressed directly to IBTC management
 hird, Colon stated in his deposition that
 he was terminated that he was "making
 ustices he perceived the Bilingual Group

a on the basis of his national origin be
 rding the duties and obligations of the
 national origin of the members of the
 had addressed this issue. The court will
 al Group is exclusively Hispanic and the
 ch could give rise to an assumption that
 etext for discrimination on the basis of

aterially adverse employment action, re
 r the direct or indirect method of prom
 ction by virtue of the treatment of the
 als in multiple languages (as opposed to
 nswer calls from multiple states (as ap
 Colon admits that he was not required to
 ld (and did) provide training so that he
 ich he was responsible. Unquestionably
 a Sales and Service Representative in the
 eed upon Colon are not sufficient, either
 rially adverse employment action). A me
 nence or a change in job responsibility
 s and conditions of the employee's job
 2003 change in policy, the core impetus