DIANE SYKES ON DISCRIMINATION

Highlights:

- Diane Sykes ruled against workers with disabilities.
  - Sykes ruled that extended leave was not protected under the Americans with Disabilities Act.
  - Sykes sided with a decision that ruled a "separate-but-equal" arrangement was a permissible policy.

Sykes Ruled Against Workers With Disabilities

SYKES RULED THAT EXTENDED LEAVE WAS NOT PROTECTED UNDER THE AMERICANS WITH DISABILITIES ACT

2018: Sykes Wrote The Majority Opinion For A Case Which Ruled That Extended Absences Were Not Classified As A Reasonable Accommodation Under The Americans With Disability Act. According to the Harvard Law Review, "Recently, in Severson v. Heartland Woodcraft, Inc., the Seventh Circuit broke rank with its sister circuits when it held that a leave of absence spanning multiple months is per se unreasonable under the ADA. […] The Seventh Circuit affirmed. Writing for the panel, Judge Sykes held that Heartland did not violate the ADA when it terminated Severson's employment. The court's opinion focused primarily on a single question: whether a multimonth extension of Severson's leave of absence qualified as a 'reasonable accommodation' under the ADA. In answering that question with a resounding 'no,' the Severson court relied on the reasoning of a prior Seventh Circuit decision: Byrne v. Avon Products, Inc." [Harvard Law Review, 4/2/18]

The Supreme Court Denied Cert

The Supreme Court Denied Cert. According to the U.S. Supreme Court, a petition for a writ of certiorari was denied on April 2, 2018. [Supreme Court of the United States, viewed 6/24/24]

SYKES SIDED WITH A DECISION THAT RULED A "SEPARATE-BUT-EQUAL ARRANGEMENT" WAS A PERMISSIBLE POLICY

2017: Sykes Ruled That A Company Attempting To Match The Racial Makeup Of Its Stores To The Demographics Of The Area By Transferring Employees Did Not Violate Federal Civil Rights Law. According to the Cook County Record, "On Nov. 21, the full panel of judges at the U.S. Seventh Circuit Court of Appeals in Chicago announced its refusal to reconsider a three-judge panel's decision earlier this summer to reject the U.S. Equal Employment Opportunity Commission's case against auto parts seller Autozone, in which the regulatory agency took up a former store employee's accusations the retailer violated federal civil rights law by allegedly attempting to match racial makeup of its store's workers to the demographic characteristics of the communities in which those stores may be located. In June, the panel, including judges Frank H. Easterbrook, Michael S. Kanne and Diane S. Sykes, rejected the EEOC's appeal of Chicago federal district judge's decision. In that decision, the Seventh Circuit judges unanimously shot down the EEOC's contention federal civil rights law allows for discrimination actions to be brought, even if no employees suffered any loss in pay, benefits, job position or responsibilities as a result of the alleged discriminatory action." [Cook County Record, 11/29/17]

The Seventh Circuit Denied An En Banc Hearing, With Sykes In The Majority

Sykes Joined The Majority Decision To Deny EEOC Petition To Rehear The Case. According to the majority decision in the case of the United States Equal Employment Opportunity Commission v. Autozone, "Before WOOD, Chief Judge, and FLAUM, EASTERBROOK, KANNE, ROVNER, SYKES, HAMILTON, and BARRETT, Circuit Judges. On Petition for Rehearing En Banc. PER CURIAM. On consideration of the EEOC's petition for rehearing, the panel has voted unanimously to deny rehearing. A judge in active service called for a vote on the request for rehearing en banc. A majority of judges in active service voted to deny rehearing en banc. Chief Judge Wood and Judges Rovner and Hamilton voted to grant

rehearing en banc. It is therefore ordered that the petition for rehearing and for rehearing en banc is DENIED." [United States Equal Employment Opportunity Commission v. Autozone (2017), 15-3201, 11/21/17]

The Dissent Said That The Majority Opinion Made "Separate-But-Equal" Arrangements Permissible

The Dissent Argued Sykes And The Majority Permitted Autozone To Operate Under A "Separate-But-Equal Arrangement." According to the majority decision in the case of the United States Equal Employment Opportunity Commission v. Autozone, "Title VII makes it unlawful for any employer to 'limit, segregate, or classify his employees ... in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual's race, color, religion, sex, or national origin.' 42 U.S.C. § 2000e-2(a). The Equal Employment Opportunity Commission argues that AutoZone violated this provision when it used race as the defining characteristic for sorting employees into separate facilities — in this case, a 'Hispanic' store located at South Kedzie Avenue and West 49th Street, and an 'African-American' store in Chicago's Roseland neighborhood. The Commission, whose factual allegations we must credit at this stage, claims that AutoZone went so far as to transfer one African-American employee, Kevin Stuckey, from the Kedzie store to the Roseland store in order to ensure the racial homogeneity of both locations. Under the panel's reasoning, this separate-but-equal arrangement is permissible under Title VII so long as the 'separate' facilities really are 'equal.' […] Because the panel's opinion, as I read it, endorses the erroneous view that 'separate-but-equal' workplaces are consistent with Title VII, I respectfully dissent from denial of rehearing en banc" [United States Equal Employment Opportunity Commission v. Autozone (2017), 15-3201, 11/21/17]