

Case study of joanne zippitelli

Education



Week 1 Case Study Summary Joanne Zippitelli was a 63 year old woman who filed a claim of against J. C. Penney and her employer, James Johnson, in 2004. She decided to file a claim when she was not promoted to Shift Operations Manager. The reason she cited for the claim is that she was passed over for a promotion that she felt she was most qualified for because of her age which is a clear violation of title VII of the Civil Rights Act of 1964 and the Age Discrimination Act in Employment Act (ADEA) of 1967.

The job was given to another female under the age of 40. Since the plaintiff could not provide sufficient evidence that Anita played a role in the decision-making process or that the defendant used discriminatory factors against her the case was awarded to the defendants. Questions 1.

Given a conversation that an employee had with her supervisor about applying for a promotion, which resulted in a question about age and a response by the supervisor when she found out that the applicant was 63 that the applicant would “ probably not” coupled with the fact that the applicant had better performance evaluations than the younger woman who was awarded the position, would not a reasonable layperson in the position of the applicant think that she had been discriminated against because of age?

Yes, a reasonable layperson would agree with the 63 year old employee that age discrimination was a factor in the hiring process. One may think that the verbal response and previous job performance would have guaranteed him or her that position. However, there could have been additional selection criteria that the employer was looking for that would be a better fit for the organization. Unfortunately that is not case. If the person making the verbal

response has no role or influence on who gets hired or promoted, there is not a case for age discrimination unless other factors are brought to the forefront. . Was the fact that the plaintiff had better performance evaluations than the younger worker promoted to the job evidence of discriminatory intent because of age? Yes, with the plaintiff having better work performance evaluations supports her claim of age discrimination. Based on comments made by Anita Benko, the plaintiff received better performance evaluations and was still passed over for a younger candidate therefore provided substantial evidence for the plaintiff to pursue a claim of discriminatory intent because of age.

Based on the evidence she has made a prima-facie case showing she's in a protected class, she was qualified for the position, she was dismissed in spite of being qualified, and that she was replaced by a younger and less qualified person. Because of the plaintiff moving her case forward allowed J. C. Penney can review its hiring practices. 3. Was Benko's remark that the plaintiff would " probably not get the job" when the plaintiff revealed her age sufficient evidence for a jury to find that the defendant's stated reasons served as a pretext to hide a discriminatory practice?

The remark made by Benko was not sufficient evidence in order for a jury to find the defendant's reason a pretext to hide a discriminatory practice. Benko was not on the hiring committee nor was she consulted on the applicants. Her comment was solely based on her opinion and she clearly misspoke with such an offensive remark. Her comment could be perceived as a form of harassment. There may have additional factors in the hiring

process which the plaintiff may not have been privy to when seeking the promotion.