

Case briefings on mary tiano vs dillard store



**ASSIGN
BUSTER**

ment of the fact Dillard departmental stores had terminated the employment of one of employee, Mary Tiano, when she had gone on a ten days pilgrimage to Medjugorje, Yugoslavia. She had subsequently filed a case against them for religious discrimination under Title VII, 42 U. S. C. SS 2000e et seq. on March 18, 1998 in San Francisco, California. The case was heard by the bench comprising of circuit judges Betty B. Fletcher, Charles Wiggins, and Pamela Ann Rymer. The judges found prima facie case of religious discrimination and ruled the case in favor of Mary Tiano. They awarded Mary Tiano \$16, 445. 65 in lost wages. Later, Dillards appealed the findings of religious discrimination which was later reversed.

Issue

The main issue of the case was termination of employment on the basis of religious discrimination whereby the Dillard Departmental Store did not find the need of Mary Tiano's pilgrimage to Medjugorje, Yugoslavia as sufficient ground for legitimate leave of absence from work.

Rule of law

Title VII, 42 U. S. C. SS 2000e et seq. relates to the employment termination of an individual on the basis of their religious beliefs and states ' to discharge any individual . . . because of such individual's . . . religion' (S 2000e-2(a) (1)). Title VII also defines religion as ' all aspects of religious observance and practice, as well as belief, unless an employer demonstrates that he is unable to reasonably accommodate to an employee's or prospective employee's religious observance or practice without undue hardship on the conduct of the employer's business' (S 2000e(j)).

Analysis

The case is relatively simple in its context as it involves just 3 main

<https://assignbuster.com/case-briefings-on-mary-tiano-vs-dillard-store/>

elements. Firstly, the plaintiff, Mary Tiano was a bonafide employee of Dillard's in 1988 who worked as salesperson in the women's shoe department in its Park Central Mall, Arizona. She was a devout Roman Catholic which considerably influenced her life in general.

Secondly, in 1988, the defendant, Dillard's had an authorized policy of granting unpaid leave at management's discretion. They also discouraged vacation leave during their peak season period between October and December and had specific vacation policy that particularly prohibited taking leave of absence during this time.

Thirdly, after a determination of religious discrimination was issued by the Equal Employment Opportunity Commission, Mary Tiano had filed for damages under the said Title VII in the court of law.

It can be argued that Dillard's had basically denied leave because of its 'no leave policy' and also because it was not convinced of her urgency to meet her religious commitment or 'pilgrimage' at Medjugorje, Yugoslavia at that particular time only and in the case of any accommodation that would be made at that time, it would cause undue hardship to Dillard's. The plaintiff was awarded damages against the lost wages because Mary Tiano was unemployed for part of 1988 and through out the year 1989 as the plaintiff was employed from January 1990 onwards.

In the review, charge of religious discrimination against Dillard's was reversed because the court found that Mary Tiano had failed to prove the temporal mandate for religious discrimination. The district court had erred in establishing convincingly the temporal mandate which were based on Tiano's statement that 'she had to be there at that time'. The review petition found that Tiano's religious belief was limited to her going to <https://assignbuster.com/case-briefings-on-mary-tiano-vs-dillard-store/>

Medjugorje on a pilgrimage, which could have been accommodated at a time other than this particular time which was the peak business time for Dillard's. Therefore, it can be conclusively stated that there was no conflict of interest between the Tiano's pilgrimage or religious beliefs and employment duties which were crucial ingredients of her prima facie case. Hence, the appeal for reversal of findings was upheld.

Conclusion

I agree with the judgment and decisions made by the court basically because legally, Mary Tiano did not have a strong case of religious discrimination against Dillard's and they were right in refusing to grant her leave at that particular time of the year because it was their busiest time and granting of leave would have caused them undue hardship as it did, eventually. She was justifiably awarded the damages for lost wages for the period of her unemployment.