

Southern District of New York Dismisses NYSHRL Claims that Arose Outside New York and Retaliation Claims for Failure to Demonstrate Pretext

October 23, 2012

The plaintiff served as a senior director for the defendant until her employment was terminated as a “cost-saving measure.” The plaintiff brought suit under Title VII of the Civil Rights Act, the New York State Human Rights Law (NYSHRL), and New Jersey law alleging that she was terminated in retaliation for complaining about gender discrimination.

Meyers v. Medco Health Solutions, Inc., No. 09-CV-9216(RKE) (S.D.N.Y. Oct 3, 2012, Eaton, J., sitting by designation from the U.S. Court of International Trade): The plaintiff served as a senior director for the defendant until her employment was terminated as a “cost-saving measure.” The plaintiff brought suit under Title VII of the Civil Rights Act, the New York State Human Rights Law (NYSHRL), and New Jersey law alleging that she was terminated in retaliation for complaining about gender discrimination. As an initial matter, the court dismissed the plaintiff’s NYSHRL claims because she was employed in New Jersey, the defendant was a New Jersey corporation, and the mere fact that the plaintiff occasionally worked at her home in New York did not warrant application of New York law. The court also held that the plaintiff had failed to rebut the defendant’s proffered reason for terminating her employment. First, the court held that the plaintiff’s argument that the defendant’s business was growing is unavailing because that “mere fact” alone does not render a decision to reduce costs pretextual. Second, the court concluded that the plaintiff had not established that she was the only person in her group who was involuntarily terminated because two other employees were involuntarily terminated at the same time and for similar cost-saving reasons. Third, the court concluded that the plaintiff’s argument that she was “uniquely qualified” to remain with the company did not create any material issue of fact, and the court therefore dismissed the plaintiff’s retaliation claims arising from her dismissal. Further, the court also dismissed the plaintiff’s “failure to rehire” claims because she had failed to show that she applied for a specific position within the company following her dismissal.

This decision demonstrates that the NYSHRL may have jurisdictional limits for employees who live in New York but work for an out-of-state employer, and that employers may succeed against retaliation claims where

the plaintiff fails to produce any material facts to show that proffered business reasons for her termination are pretextual.

TOPICS

Employment Law