

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

Brewster v. Barnes

788 F.2d 985 (4th Cir. 1986) · Decided April 10, 1986

SUMMARY

The Fourth Circuit held that a deputy sheriff was an employee under the Equal Pay Act and that her work was substantially equal to that of male correctional officers. It concluded that the defendants failed to prove that the pay disparity was based on a factor other than sex, while affirming the finding that they had not intentionally discriminated under Title VII. The court reversed the due-process judgment under 42 U.S.C. § 1983, held the Equal Pay Act claim timely, and remanded for modification of the judgment.

CASE DETAILS

COURT	United States Court of Appeals for the Fourth Circuit
WRITING FOR THE COURT	Sprouse, Circuit Judge; Sprouse
JURISDICTION	Federal
DECIDED	April 10, 1986
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appeals and cross-appeal from a bench-trial judgment involving claims under the Equal Pay Act, Title VII, and 42 U.S.C. § 1983.
STANDARD OF REVIEW	Clear-error review of the district court's factual findings concerning intentional discrimination and the affirmative defense under the Equal Pay Act; de novo review of statutory and constitutional questions.
PRECEDENTIAL VALUE	published and precedential
PARTIES	George F. Barnes, W.H. Forst, Charles K. Tribble, Members of the Compensation Board of the Commonwealth of Virginia v. Joyce H. Brewster

TOPICS

- wage and hour
- employment discrimination
- title vii
- civil rights
- appellate procedure

PRACTICE AREAS

- employment law
- civil rights
- constitutional law
- remedies
- appellate procedure

QUESTIONS PRESENTED

1. Whether negligent deprivation of a property interest supports a claim for deprivation of property without due process under 42 U.S.C. § 1983.
2. Whether Brewster was excluded from the Equal Pay Act's definition of employee because she was a member of the sheriff's personal staff.
3. Whether Brewster performed work substantially equal to that of male correctional officers.
4. Whether the defendants proved that the wage differential resulted from a statutory affirmative defense, including a factor other than sex.
5. Whether the defendants intentionally discriminated against Brewster because of sex in violation of Title VII.
6. Whether the Equal Pay Act claim was barred by the statute of limitations.
7. Whether the award of attorneys' fees and costs required modification after the appellate disposition.

HOLDINGS

1. Negligent conduct by a government official causing an unintended deprivation of property does not violate the Due Process Clause and therefore cannot support Brewster's § 1983 due-process claim.
2. Brewster was not a member of the sheriff's personal staff and therefore was an employee covered by the Equal Pay Act.
3. Brewster performed work substantially equal to that of the male correctional officers and established a prima facie violation of the Equal Pay Act.
4. The Compensation Board and Board of Supervisors failed to prove that the wage differential resulted from a seniority system, merit system, production-based system, or bona fide factor other than sex.
5. The defendants did not violate Title VII because Brewster failed to prove intentional discrimination based on sex.
6. The Equal Pay Act claim was timely because the defendants' refusal to provide Brewster the same seniority-based salary as male correctional officers constituted a continuing violation through the end of her employment.

KEY QUOTATIONS

“Thus, the district court’s finding that the defendants were negligent in failing to pay Brewster the higher salary of a correctional officer will not support a claim for deprivation of property without due process of law under § 1983.” (at 989)

“We conclude that the district court correctly held that the work performed by Brewster was substantially equal to that of the male correctional officers.” (at 991)

“In sum, the members of the Board of Supervisors and the Compensation Board, both individually and in their official capacities, are liable for violating the provisions of the Equal Pay Act.” (at 993)

FACTUAL BACKGROUND

Joyce H. Brewster worked for the Wythe County Sheriff's Department from 1968 through 1979. Although she initially performed secretarial duties, she worked primarily and eventually entirely as a correctional officer and matron, performing substantially the same work as male correctional officers. The sheriff repeatedly certified that she spent more than half of her time performing correctional-officer duties, but the Wythe County Board of Supervisors repeatedly refused to co-certify her, and the Compensation Board consequently denied her the higher salary until 1977, when it credited her only with no prior correctional-officer experience.

PROCEDURAL HISTORY

The district court initially ruled for the defendants on Brewster's Equal Pay Act, Title VII, and equal-protection claims, but ruled for Brewster on her § 1983 due-process claim and awarded back pay, interest, attorneys' fees, and costs. After remand for additional findings under Federal Rule of Civil Procedure 52, the district court found that the defendants violated the Equal Pay Act but held that Brewster was not an employee under that statute, rejected her Title VII claim, and reaffirmed the § 1983 judgment against members of the Compensation Board. The Fourth Circuit reversed the § 1983 judgment, reversed the Equal Pay Act judgment in favor of the Compensation Board and Board of Supervisors, affirmed the Title VII judgment, and remanded for modification of the judgment.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remand to the district court to modify its judgment to hold the members of the Wythe County Board of Supervisors and the Compensation Board, individually and in their official capacities, liable under the Equal Pay Act, and to determine whether the attorneys' fee and cost award should be modified.

CASES CITED

- Daniels v. Williams, 474 U.S. 327 (1986)
- Davidson v. Cannon, 474 U.S. 344 (1986)
- Curl v. Reavis, 740 F.2d 1323 (4th Cir. 1984)
- Calderon v. Martin County, 639 F.2d 271 (5th Cir. 1981)
- Owens v. Rush, 654 F.2d 1370 (10th Cir. 1981)
- Whited v. Fields, 581 F.Supp. 1444 (W.D.Va. 1984)
- Styers v. Forsyth County, 212 N.C. 558, 194 S.E. 305 (1937)
- Corning Glass Works v. Brennan, 417 U.S. 188 (1974)
- Brennan v. Prince William Hospital Corp., 503 F.2d 282 (4th Cir. 1974)
- Brobst v. Columbus Services International, 761 F.2d 148 (3d Cir. 1985)
- United States v. City of Milwaukee, 441 F.Supp. 1371 (E.D. Wis. 1977)
- County of Washington v. Gunther, 452 U.S. 161 (1981)
- EEOC v. Whitin Machine Works, Inc., 635 F.2d 1095 (4th Cir. 1980)

- *Anderson v. City of Bessemer City*, 470 U.S. 564 (1985)
- *International Brotherhood of Teamsters v. United States*, 431 U.S. 324 (1977)
- *Sinclair v. Automobile Club of Oklahoma, Inc.*, 733 F.2d 726 (10th Cir. 1984)
- *Hodgson v. American Bank of Commerce*, 447 F.2d 416 (5th Cir. 1971)
- *Griggs v. Duke Power Co.*, 401 U.S. 424 (1971)
- *Stastny v. Southern Bell Telephone & Telegraph Co.*, 628 F.2d 267 (4th Cir. 1980)
- *Jewkins v. Home Insurance Co.*, 635 F.2d 310 (4th Cir. 1980)
- *Hensley v. Eckerhart*, 461 U.S. 424 (1983)
- *Barber v. Kimbrell's Inc.*, 577 F.2d 216 (4th Cir. 1978)