

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Johnson v. Siemens Building Technologies, Inc.

273 F. App'x 543 (7th Cir. 2008) · Decided April 9, 2008

SUMMARY

Jeffery Johnson sued Siemens Building Technologies, Inc. under Title VII and 42 U.S.C. § 1981, alleging race and sex discrimination and retaliation. The Seventh Circuit affirmed summary judgment for Siemens, holding that Johnson had not shown an adverse employment action, pretext in the employer’s stated reasons for overtime and discipline, or retaliatory motive. The court also upheld dismissal of Johnson’s Illinois-law retaliatory-discharge claim.

CASE DETAILS

COURT	United States Court of Appeals for the Seventh Circuit
JURISDICTION	Federal
DECIDED	April 9, 2008
DISPOSITION	affirmed
PROCEDURAL POSTURE	Johnson appealed the district court's grant of summary judgment for Siemens on his federal race- and sex-discrimination and retaliation claims under Title VII and 42 U.S.C. § 1981, as well as the dismissal of his Illinois retaliatory-discharge claim after the court declined supplemental jurisdiction.
STANDARD OF REVIEW	Summary judgment was reviewed de novo. Summary judgment is appropriate when there is no genuine issue of material fact and the movant is entitled to judgment as a matter of law.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Jeffery Johnson v. Siemens Building Technologies, Inc.

TOPICS

- employment discrimination
- title vii
- retaliation
- summary judgment
- appellate procedure

PRACTICE AREAS

- employment law
- civil rights
- civil procedure
- appellate procedure

QUESTIONS PRESENTED

1. Whether Siemens's failure to provide Johnson with international-shipping training constituted an adverse employment action supporting race- or sex-discrimination claims under Title VII and 42 U.S.C. § 1981.
2. Whether Siemens's overtime requirements and temporary accommodation of a female coworker's childcare obligations supported Johnson's sex-discrimination claim or demonstrated that Siemens's stated business justification was pretextual.
3. Whether Johnson presented sufficient evidence that his October 2004 suspension and November 2004 termination were retaliatory for his complaints about race and sex discrimination.
4. Whether the district court properly declined supplemental jurisdiction over Johnson's Illinois retaliatory-discharge claim after dismissing all federal claims.

HOLDINGS

1. Siemens's failure to provide Johnson with international-shipping training was not a materially adverse change in the terms and conditions of employment and therefore could not support his discrimination claims.
2. Johnson did not show that Siemens's stated reason for requiring overtime—increased business and staffing needs—was pretextual, so summary judgment was proper on his sex-discrimination claim.
3. Johnson failed to show that Siemens's stated reason for suspending and terminating him—his repeated physical and verbal workplace conflicts—was pretextual; temporal proximity alone did not create a triable retaliation issue.
4. The district court reasonably exercised its discretion in declining supplemental jurisdiction over Johnson's Illinois retaliatory-discharge claim after disposing of all federal claims.

KEY QUOTATIONS

“Johnson has presented no evidence of discrimination and has not shown that Siemens’s asserted reason for its disciplinary actions against him is pretextual; therefore, we affirm the district court’s grant of summary judgment.” (543)

“Summary judgment is appropriate when there are no genuine issues of material fact.” (547)

“That the company had not yet done so does not amount to an adverse employment action, and thus this “failure to train” cannot serve as the basis of his discrimination claims.” (548)

“Mere temporal proximity between the filing of the charge of discrimination and the action alleged to have been taken in retaliation for that filing will rarely be sufficient in and of itself to create a triable issue.” (549)

FACTUAL BACKGROUND

Johnson, who is Black, worked as a domestic traffic coordinator for Siemens and repeatedly sought training in international shipping, which was provided to a white female coworker. He also complained that Siemens discriminated against him by requiring him to work overtime despite his childcare obligations while temporarily accommodating the coworker. After a history of workplace altercations and disciplinary warnings, Siemens

suspended Johnson and later terminated him following an incident with the coworker, concluding that he had violated its respectful-workplace policy.

PROCEDURAL HISTORY

Johnson sued Siemens in June 2005. After discovery closed, Siemens moved for summary judgment. The district court granted summary judgment on the federal claims, concluding that the failure to provide international-shipping training was not an adverse employment action, that Siemens reasonably accommodated Johnson's childcare obligations, and that his suspensions and termination were not related to his discrimination complaints. The court declined supplemental jurisdiction over the Illinois claim. The Seventh Circuit affirmed.

DISPOSITION

affirmed

CASES CITED

- Dorsey v. Morgan Stanley, 507 F.3d 624, 627 (7th Cir. 2007)
- Pantoja v. Am. Bearing Mfg. Corp., 495 F.3d 840, 843, 847 (7th Cir. 2007)
- McDonnell Douglas Corp. v. Green, 411 U.S. 792, 93 S. Ct. 1817, 36 L. Ed. 2d 668 (1973)
- Fane v. Locke Reynolds, LLP, 480 F.3d 534, 538 (7th Cir. 2007)
- Cerros v. Steel Tech., Inc., 288 F.3d 1040, 1044 (7th Cir. 2002)
- Stockett v. Muncie Ind. Transit Sys., 221 F.3d 997, 1001 (7th Cir. 2000)
- Nichols v. S. Ill. Univ.-Edwardsville, 510 F.3d 772, 780 (7th Cir. 2007)
- Hernreiter v. Chicago Hous. Auth., 315 F.3d 742, 745 (7th Cir. 2002)
- Greenslade v. Chicago Sun-Times, Inc., 112 F.3d 853, 865 (7th Cir. 1997)
- Gore v. Ind. Univ., 416 F.3d 590, 592 (7th Cir. 2005)
- Mills v. Health Care Serv. Corp., 171 F.3d 450, 456-57 (7th Cir. 1999)
- Kodl v. Bd. of Educ. Sch. Dist. 15, Villa Park, 490 F.3d 558, 562-63 (7th Cir. 2007)
- Barricks v. Eli Lilly & Co., 481 F.3d 556, 560-61 (7th Cir. 2007)
- Sublett v. Wiley & Sons, Inc., 463 F.3d 731, 740 (7th Cir. 2006)
- Hague v. Thompson Distrib. Co., 436 F.3d 816, 823 (7th Cir. 2006)
- Stone v. City of Ind. Pub. Util. Div., 281 F.3d 640, 644 (7th Cir. 2002)
- Williams Elecs. Games, Inc. v. Garrity, 479 F.3d 904, 906-08 (7th Cir. 2007)