

SUPREME COURT OF TENNESSEE

Sykes v. Chattanooga Housing Authority

343 S.W.3d 18 (Tenn. 2011) · No. E2008-00525-SC-R11-CV · Decided June 24, 2011

SUMMARY

The Tennessee Supreme Court reviewed retaliatory-discharge claims brought by former Chattanooga Housing Authority employees under the Tennessee Public Protection Act and the Tennessee Human Rights Act. The court affirmed summary judgment for the defendants on the statutory whistleblower claims because the plaintiffs could not establish that their protected activity was the sole cause of their terminations, but reversed summary judgment on the THRA claims because disputed facts existed regarding causation. The case was remanded.

CASE DETAILS

COURT	Supreme Court of Tennessee
WRITING FOR THE COURT	Sharon G. Lee; Cornelia A. Clark, Chief Justice; Janice M. Holder; Gary R. Wade
JURISDICTION	Tennessee
DECIDED	June 24, 2011
DOCKET	E2008-00525-SC-R11-CV
DISPOSITION	affirmed
PROCEDURAL POSTURE	Plaintiffs appealed by permission from the Tennessee Court of Appeals after the trial court granted defendants summary judgment on retaliatory-discharge claims under the Tennessee Public Protection Act and Tennessee Human Rights Act.
STANDARD OF REVIEW	Summary judgment is reviewed de novo with no presumption of correctness. The evidence and reasonable inferences must be viewed in the light most favorable to the nonmoving party, and summary judgment is proper only when the facts permit a reasonable person to reach one conclusion.
PRECEDENTIAL VALUE	Published Tennessee Supreme Court opinion; precedential.
PARTIES	Timmy Sykes, Curtis Greene v. Chattanooga Housing Authority, Jeff Hazelwood

TOPICS

retaliation

wrongful termination

whistleblower

employment discrimination

summary judgment

PRACTICE AREAS

employment law

civil rights

employment discrimination

QUESTIONS PRESENTED

1. Whether summary judgment was proper on the plaintiffs' retaliatory-discharge claims under the Tennessee Public Protection Act.
2. Whether summary judgment was proper on the plaintiffs' retaliatory-discharge claims under the Tennessee Human Rights Act.
3. What causation standard applies to retaliatory-discharge claims under the Tennessee Public Protection Act and the THRA.
4. Whether the Tennessee summary-judgment standard, rather than the federal McDonnell Douglas burden-shifting framework, governs these claims.

HOLDINGS

1. A claimant under Tennessee Code Annotated section 50-1-304 must prove that the employer terminated the claimant solely for refusing to participate in or remain silent about illegal activity. Because undisputed evidence established legitimate reasons for terminating both plaintiffs and the plaintiffs could not show a genuine issue of material fact on sole causation, summary judgment for defendants was proper.
2. A THRA retaliation claimant need show only a causal connection between protected activity and materially adverse employment action, not that the protected activity was the sole cause of the termination. Because both plaintiffs identified genuine issues of material fact regarding retaliatory causation, summary judgment on the THRA claims was improper.
3. Tennessee courts must apply the ordinary Tennessee summary-judgment standard in retaliatory-discharge cases rather than the federal McDonnell Douglas framework for allocating burdens and ordering proof.

KEY QUOTATIONS

“A Whistleblower Act claimant has the burden of proving the following four elements to prevail on his or her statutory retaliatory discharge claim:” (at 8)

“under the [Whistleblower Act], the plaintiff must demonstrate an exclusive causal relationship between his whistleblowing activity and his subsequent discharge.” (at 9)

“Importantly, a THRA claim does not require a showing of sole causation as does a Whistleblower Act claim.” (at 11)

“Viewing the evidence and all reasonable inferences therefrom in the light most favorable to the non-moving parties and disregarding countervailing proof, we hold that both Mr. Sykes and Mr. Greene have identified

genuine issues of material fact as to whether there was a causal connection between their protected activity and the materially adverse action taken against them.” (at 14)

FACTUAL BACKGROUND

Timmy Sykes and Curtis Greene were criminal investigators employed by the Chattanooga Housing Authority's Public Safety Department. They complained to CHA officials about alleged illegal searches and seizures, racial profiling, abusive treatment of residents, and other improper practices by department supervisors. Sykes was suspended and terminated after an investigation involving alleged misconduct, while Greene was disciplined and later terminated after repeated excessive personal use of a CHA cell phone, including more than one thousand personal calls during medical leave. Both employees claimed their discipline and termination were retaliatory.

PROCEDURAL HISTORY

The Circuit Court for Hamilton County granted the Chattanooga Housing Authority and Jeff Hazelwood summary judgment on all claims. The Court of Appeals vacated summary judgment on the THRA claims because genuine issues of material fact existed and affirmed the judgment on the Tennessee Public Protection Act claims. The Tennessee Supreme Court granted permission to appeal, affirmed the Court of Appeals, and remanded the case.

DISPOSITION

affirmed

REMAND INSTRUCTIONS

The judgment of the Court of Appeals was affirmed, and the case was remanded to the Circuit Court for Hamilton County for further proceedings on the THRA claims.

CASES CITED

- Hannan v. Alltel Publ'g Co., 270 S.W.3d 1 (Tenn. 2008)
- Byrd v. Hall, 847 S.W.2d 208 (Tenn. 1993)
- Martin v. Norfolk S. Ry. Co., 271 S.W.3d 76 (Tenn. 2008)
- Blanchard v. Kellum, 975 S.W.2d 522 (Tenn. 1998)
- Robinson v. Omer, 952 S.W.2d 423 (Tenn. 1997)
- Staples v. CBL & Assocs., Inc., 15 S.W.3d 83 (Tenn. 2000)
- Giggers v. Memphis Hous. Auth., 277 S.W.3d 359 (Tenn. 2009)
- Kinsler v. Berkline, LLC, 320 S.W.3d 796 (Tenn. 2010)
- Gossett v. Tractor Supply Co., 320 S.W.3d 777 (Tenn. 2010)
- McDonnell Douglas Corp. v. Green, 411 U.S. 792 (1973)
- Guy v. Mut. of Omaha Ins. Co., 79 S.W.3d 528 (Tenn. 2002)
- Mason v. Seaton, 942 S.W.2d 470 (Tenn. 1997)

- Voss v. Shelter Mut. Ins. Co., 958 S.W.2d 342 (Tenn. Ct. App. 1997)
- Collins v. AmSouth Bank, 241 S.W.3d 879 (Tenn. Ct. App. 2007)
- Darnall v. A+ Homecare, Inc., 1999 WL 346225 (Tenn. Ct. App. June 2, 1999)
- Mills v. CSX Transp., Inc., 300 S.W.3d 627 (Tenn. 2009)
- Allen v. McPhee, 240 S.W.3d 803 (Tenn. 2007)
- Newcomb v. Kohler Co., 222 S.W.3d 368 (Tenn. Ct. App. 2006)
- Sykes v. Chattanooga Hous. Auth., No. E2008-00525-COA-R3-CV, 2009 WL 2365705 (Tenn. Ct. App. July 31, 2009)

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