

DISTRICT OF COLUMBIA COURT OF APPEALS

Monteilh v. AFSCME, AFL-CIO

982 A.2d 301 (D.C. 2009) · No. 06-CV-1155 · Decided September 17, 2009

SUMMARY

The District of Columbia Court of Appeals held that the D.C. Human Rights Act may confer jurisdiction over discrimination and retaliation claims when the employer's discriminatory or retaliatory decision was made in the District, even if the effects were felt exclusively outside the District. The court rejected headquarters presence alone as sufficient, reversed the Superior Court's dismissal for lack of subject matter jurisdiction, and remanded for further proceedings concerning the factual basis for jurisdiction over the claims.

CASE DETAILS

COURT	District of Columbia Court of Appeals
WRITING FOR THE COURT	Kramer, Associate Judge; Fisher, Associate Judge; Blackburne-Rigsby, Associate Judge
JURISDICTION	District of Columbia
DECIDED	September 17, 2009
DOCKET	06-CV-1155
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Monteilh appealed the Superior Court's dismissal of his District of Columbia Human Rights Act claims for lack of subject matter jurisdiction under Super. Ct. Civ. R. 12(b)(1).
STANDARD OF REVIEW	Subject matter jurisdiction is reviewed de novo. Factual findings made in connection with the jurisdictional inquiry are reviewed for clear error.
PRECEDENTIAL VALUE	Published opinion; binding precedent of the District of Columbia Court of Appeals.
PARTIES	Louis Monteilh v. AFSCME, AFL-CIO

TOPICS

- employment discrimination
- retaliation
- civil rights
- subject matter jurisdiction
- appellate procedure

PRACTICE AREAS

employment law

civil rights

civil procedure

QUESTIONS PRESENTED

1. Whether the DCHRA confers subject matter jurisdiction over employment-discrimination and retaliation claims when the challenged decisions were made or approved in the District of Columbia but the employee worked and experienced the effects of those decisions outside the District.
2. Whether AFSCME's District headquarters alone was sufficient to establish subject matter jurisdiction under the DCHRA.

HOLDINGS

1. Subject matter jurisdiction under the DCHRA exists when the employer's actual discriminatory or retaliatory decisions are alleged to have taken place in the District of Columbia, even if the employee worked and experienced the consequences exclusively outside the District.
2. The fact that an employer is headquartered in or has offices in the District, standing alone, is insufficient to establish subject matter jurisdiction under the DCHRA.

KEY QUOTATIONS

“With Matthews as background, we hold that recognizing jurisdiction under the DCHRA where actual discriminatory (and/or retaliatory) decisions by an employer are alleged to have taken place in the District is most faithful to the statutory language and purpose.” (304)

“It would not be enough to establish subject matter jurisdiction under the DCHRA simply to show that the company is headquartered here or has offices here. Either the decision must be made, or its effects must be felt, or both must have occurred, in the District of Columbia.” (304-05)

FACTUAL BACKGROUND

Monteilh worked for AFSCME as a union organizer and field representative from 1976 onward, performing his work in California and other locations but never working or applying for a position in the District of Columbia. AFSCME was headquartered in the District and exercised oversight over the regional offices where Monteilh worked. Monteilh alleged that AFSCME denied him promotions because of race and age, transferred him from California to Georgia in retaliation for filing a grievance, and subjected him to audits and discipline based on retaliatory motives. The trial court found that AFSCME personnel in the District made or approved at least some of the challenged decisions.

PROCEDURAL HISTORY

Monteilh sued AFSCME, alleging race and age discrimination and retaliation under the DCHRA. After an evidentiary hearing, the Superior Court concluded that the DCHRA did not apply because Monteilh had never worked or applied for employment in the District and dismissed the action for lack of subject matter jurisdiction. The District of Columbia Court of Appeals reversed and remanded for further proceedings because the record did not establish whether the District-based decisions supported jurisdiction over all of Monteilh's claims.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The case was remanded for further proceedings consistent with the opinion, including determination of whether the factual findings support subject matter jurisdiction over all of Monteilh's claims.

CASES CITED

- American University in Dubai v. D.C. Education Licensure Commission, 930 A.2d 200, 207 n.17 (D.C. 2007)
- Matthews v. Automated Business Systems & Services, Inc., 558 A.2d 1175, 1179-80 (D.C. 1989)
- Davis v. United States, 564 A.2d 31, 35 (D.C. 1989) (en banc)
- Quarles v. General Investment & Development Co., 260 F. Supp. 2d 1, 20 (D.D.C. 2003)
- Executive Sandwich Shoppe, Inc. v. Carr Realty Corp., 749 A.2d 724, 731-32 (D.C. 2000)
- Dean v. District of Columbia, 653 A.2d 307, 319 (D.C. 1995)
- Judkins v. Saint Joseph's College of Maine, 483 F. Supp. 2d 60, 65 (D. Me. 2007)