

Plaintiffs Cannot Bring Title VII or ADA Claims Through Section 1983

In a recent decision, the Third Circuit held for the first time that a plaintiff may not bring claims alleging violations of Title VII of the Civil Rights Act of 1964 (Title VII) or the Americans with Disabilities Act (ADA) under 42 U.S.C. § 1983. This case is relevant to public employers such as municipalities and schools who are subject not only to general anti-discrimination employment statutes, but also to the protections of the United States Constitution.

In *Cheryl Williams v. Penn. Human Relations Commission*, No 16-4383, the plaintiff - an African-American woman employed by the Pennsylvania Human Relations Commission (PHRC) as a Human Relations Representative, claimed she had been harassed by her supervisors from 2009 to 2013. The plaintiff sought and was granted Family and Medical Leave Act (FMLA) leave through February 2014, but did not return to work and resigned her position. The plaintiff filed a charge with the Equal Employment Opportunity Commission (EEOC) and, after receiving a right-to-sue letter, filed suit in federal court. The plaintiff brought a claim against the PHRC for discrimination, hostile work environment and constructive discharge under Title VII and a § 1983 claim against her supervisors for violations of Title VII and the ADA.

The trial court granted the defendants' motion for summary judgment and the plaintiff appealed. The Third Circuit held "that plaintiffs may not seek damages under § 1983 for stand-alone violations of either Title VII or the ADA." The Court noted that while § 1983 provided a method of vindicating federal rights conferred elsewhere, Congress could foreclose a remedy under § 1983 explicitly by statute or by creating an enforcement scheme that is incompatible with enforcement under § 1983. Both Title VII and the ADA have the same enforcement scheme: an aggrieved party must file a charge with the EEOC within 300 days of the discriminatory employment practice or within 30 days following the termination of proceedings before a related state agency. This exhaustion of administrative remedies allows the EEOC the opportunity to remedy the alleged discrimination before a plaintiff may bring suit. Section 1983 has only one enforcement mechanism: an aggrieved party filing suit in federal court. Since Congress clearly intended that Title VII and ADA claims progress through the administrative process first, such claims may not be brought directly through § 1983.

In addition, the Court of Appeals noted that Title VII and the ADA impose liability on employers. Allowing a plaintiff to bring such claims under § 1983 would allow claims against individuals such as supervisors in employment discrimination suits.

Comment: The Third Circuit's decision clearly defines the procedural requirements plaintiff employees must meet prior to bringing suit under Title VII and the ADA and prevents them from bootstrapping such claims using § 1983. Public employers should continue to train employees, supervisors and officials regarding harassment and discrimination and act promptly to investigate complaints and respond appropriately.

If you have any questions please contact Tracy A. Walsh at twalsh@wglaw.com or 215.825.7224, or Charles Starnes, at cstarnes@wglaw.com or 267.519.4976.