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**The Employer  
Advisory**

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**Employment Case Analysis You Can Use**

**FEDERAL COURT REJECTS REVERSE DISCRIMINATION LAWSUIT**

Douglas Katerinos worked for the IRS for a probationary period of six months. At the end of this period the IRS let Katerinos choose to resign or be fired. Katerinos resigned. The IRS based its decision on Katerinos improper time management, reporting, attitude and judgment. Katerinos charged the IRS with discrimination under Title VII of the Civil Rights Act. Katerinos claimed the IRS bestowed less opportunity and more disciplinary action on him than on female or non-white employees.

Other employees subsequently attempted to locate Katerinos, who's only known address was a post office box. Katerinos alleged that this was retaliatory harassment for his charges. The district court granted the IRS's motion for summary judgment. Katerinos appealed.

The Appellate Court upheld the order of summary judgment. An employee alleging "reverse discrimination" must show an employer has a reason or tendency to discriminate against whites or males. Unfavorable treatment of whites or males in employment is not demonstrated when a small number of female employees escape discipline for one single action. An employer's statement that a white male employee was discharged due to poor job performance must be rebutted with evidence that the reason given is a pretext for reverse discrimination.

**Employees alleging "reverse discrimination" face major hurdles in order to overcome the presumption that most employers do not give women and minorities preferential treatment in employment.**

Katerinos v. U. S. Dept. of the Treasury, Nos. 02-3247 & 02-3485. May 12, 2004. Copyright 2004 Schiff & Hulbert. This employer newsletter is for information purposes only and is not intended to constitute or be a substitute for legal advice. If you have a question about a particular situation, please contact us. (DLS)