

# Part-time, 'as-needed' employees can still sue for bias

Employees can sue for discrimination if you illegally figure their race, sex, age, religion, disability or pregnancy status into their termination. That's true even if an employee is a part-timer who works only a few hours on an as-needed basis.

So, before telling such infrequent employees that you won't be giving them any more hours, make sure the decision carries no taint of discrimination. Don't let pregnancy or any other protected characteristic play into the decision.

**Recent case:** Patricia Sinacole worked as an HR professional under an employment contract. When she moved to another city, the company offered her part-time, hourly work at home on an as-needed basis.

Sinacole worked under that arrangement for about a year and then became pregnant. Shortly after giving birth, the company sent her an e-mail saying it no longer needed her services. She sued, alleging sex and pregnancy discrimination.

The federal trial court concluded that her status as a part-time, as-needed employee didn't mean she couldn't sue for discrimination. The company's e-mail could be viewed as an adverse employment action triggering a lawsuit. That was true even though she hadn't actively worked for the company in the months before receiving the notice. (*Sinacole v. iGate Capital*, No. 2:04-CV-0921, WD PA, 2006)

**Final tip:** Before terminating *any* employee, always consider whether the person could have a discrimination claim. For example, terminating only recently pregnant part-timers while retaining others will cause trouble.