

# Piling on disciplinary charges can look like retaliation

It's easier for employees to prove retaliation for complaining about discrimination than it is to prove the underlying complaint. When disciplining someone who has complained, make sure each infraction is iron-clad—and don't pile on additional dubious charges.

**Recent case:** Evelyn, a nurse of Nigerian origin, complained about race discrimination. Soon after, she was disciplined and eventually fired for a long list of alleged wrongdoing.

She sued, arguing that about half the reasons were not factually valid.

Even so, the court dismissed her discrimination claim. But it said her retaliation claim could go forward because the false discharge reasons made her firing look like punishment. (*Oseghale v. Department of Corrections*, No. F068768, Court of Appeal of California, 2015)