



## CMHA police officer sues agency, claiming reverse discrimination

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By **Leila Atassi, The Plain Dealer**

CLEVELAND, Ohio -- A white police officer for the **Cuyahoga Metropolitan Housing Authority** sued the agency and its police chief, arguing that he was passed over for a sergeant's position in favor of a black officer who failed the department's promotional exam.

In the lawsuit, filed last month in Cuyahoga County Common Pleas Court, Michael Jones, of Medina, said he performed impeccably on the job for 19 years, and when he applied for a promotion in late 2008, was ranked second out of nine candidates by an outside agency.

But in September 2009, Police Chief Andres Gonzales announced his decision to promote officer James Harris, who was ranked seventh out of the candidates and was the only one to fail the exam.

Jones filed a union grievance claiming race discrimination. And shortly afterward, the department again passed him up and promoted a lesser ranked officer, according to the suit.

Jones then lodged a complaint with the Equal Employment Opportunity Commission, charging discrimination based on race and disability, related to a series of wrist injuries sustained on the job.

But taking action only provoked retaliation, Jones argues. Gonzales demoted Jones from the Detective Bureau to basic patrol. And when Jones complained of the retaliation to the Ohio Civil Rights Commission, the chief rejected Jones yet again for a sergeant's post and denied his application to become a K-9 officer.

The suit, which was assigned to Common Pleas Judge Michael Astrab, requests damages in excess of \$25,000 and reimbursement of lost wages. It also asks that the defendants be ordered to promote Jones, without a probationary period, and with the seniority he would have accrued had he been hired on the day Gonzales promoted Harris instead.

Attorney Adrian Thompson, who is representing CMHA, said the agency denies all of Jones' claims. He said upon review by both the Ohio Civil Rights Commission and the EEOC, Jones' complaints were found to have no merit.



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Jones' attorney, David Steiner, said even though the EEOC was unable to conclude that there was a violation of civil rights laws, the commission did not certify that CMHA was in compliance either.

Steiner said the burden falls on CMHA to provide a non-discriminatory reason for its treatment of Jones, but the agency has yet to do so.

"Why go through the process of hiring a third party agency to rate these people and then completely disregard it and pick someone from the bottom of the barrel?" Steiner said. "We all understand employers have to make tough decisions and choose between similarly qualified candidates. But this is not that type of situation. There was a vast disparity with the way they were ranked."

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