

## Employee Cannot Bypass Title VII, ADA Regulatory Schemes to Hold Public Employers Personally Liable, Third Circuit Rules

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Plaintiff-employees cannot pursue a claim under 42 U.S.C. § 1983 (Section 1983) for rights created under Title VII of the Civil Rights Act and the Americans with Disabilities Act, the federal appeals court in Philadelphia has held in a case of first impression for the Third Circuit. *Williams v. Pennsylvania Human Relations Commission, et al.*, No. 16-4383 (3d Cir. Aug. 30, 2017). The Court joins seven other circuits to have considered the issue and came to the same conclusion.

After exhausting her administrative remedies, the plaintiff, Cheryl Williams, filed suit against her former employer, the Pennsylvania Human Relations Commission, alleging discrimination on the basis of her race and disability. Because no individual liability exists under Title VII or the ADA, Williams relied on Section 1983 to bring claims against her two supervisors in their individual capacities as “state actors.” The Western District of Pennsylvania granted the PHRC’s motion for summary judgment, finding Title VII and the ADA do not create individually enforceable rights under Section 1983. Williams appealed to the Third Circuit and the Third Circuit affirmed summary judgment for the defendants.

Title VII and the ADA have comprehensive regulatory schemes that include pre-lawsuit requirements, discreet filing deadlines, and limited liability for individual actors, the Third Circuit explained. Section 1983 contains no such administrative scheme. Instead, Section 1983 allows plaintiffs to proceed directly in court.

The court found that allowing Title VII or ADA claims to be brought as Section 1983 claims would “thwart Congress’s carefully crafted administrative scheme by throwing open a back door to the federal courthouse when the front door is purposefully fortified.” Thus, plaintiffs seeking to recover for workplace discrimination must use the administrative process outlined in the antidiscrimination statutes and cannot bypass those requirements through Section 1983.

Jackson Lewis attorneys are available to answer inquiries regarding this case and other workplace developments.

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