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Justice Department Suit Alleges Religious Discrimination by Metro

- Bus operator trainee didn't want to work on the Sabbath

By BILL HEARD, Editor

(Sept. 17, 2004) The U.S. Department of Justice, in a suit filed this week, is accusing Metro of religious discrimination against a former bus operator trainee who was employed by the agency for about a month in 2002.

The suit claims that Metro "enforced an unnecessary requirement" for Operations Division employees to be available to staff the agency's 'round-the-clock, 365-days-a-year transit service schedule.

Metro's recruitment and selection policy, HR 3-1, prohibits discrimination on the basis of race, color, creed, ancestry, national origin, gender, sexual orientation, religion, age, veteran status or disability.

The Justice Department bases its discrimination allegations on the case of Henry Asher, a member of the Jewish faith. The Tarzana man was hired by Metro on June 17, 2002, and was discharged on July 22, 2002, after he had two missouts during operator training – a stated cause for dismissal under the agency's employment policy.

Prior to employment by Metro, bus operator candidates must sign as part of their job applications a statement that they are available for work on day, any shift.

Asher initially agreed to this requirement, but later said he wanted a schedule that would allow him to avoid working on the Jewish Sabbath and on eight religious holidays.

Metro's bargaining agreement with the UTU includes strong seniority provisions, under which UTU members bid twice a year during "shakeups" for work assignments and job locations on the basis of length of service.

As part of the suit, the Justice Department seeks a change in Metro's employment practices, along with monetary damages and "other relief" for Asher and others.