

The Republicrat-Gazette

Karen Cho, a recent university graduate, applied for a job with the Arkansas Republicrat-Gazette (RG) a local newspaper, where her sister was a well established reporter. Cho had also seen an ad in the paper calling for “bright, young, healthy, enthusiastic people interested in the newspaper business.”

Cho applied at the Premier State Employment Agency, which the RG had contracted with to screen its applicants. She completed the employment application which asked her, among other things: 1) whether she had ever been arrested or convicted of a crime; 2) whether she had transportation; 3) whether her prospective employer could check her credit; 4) her date of high school graduation; 6) her last rate of pay. Premier also called Cho’s references. One former employer told Premier, “Frankly, good luck to whoever hires that woman!” Another employer told Premier, “Well, she turned out to be all right to be so good looking.”

Cho completed the application and paid the agency’s fee, a certain percentage of which went to the paper, and began the interviewing process. Wendy Jones, a Premier Placement Counselor, asked Cho whether she felt she had any language impairment and whether she felt she could work in “the man’s world of news gathering.” Jones also informed her that she had better jobs for “hot babes such as herself.” However when Cho insisted that she be considered for the reporter’s position Jones relented and forwarded Cho’s resume to the RG. Jones also told Cho she would be hired at \$40,000 and receive a generous benefits package. Cho then turned down another quite lucrative job offer to work for the RG.

The RG which had a requirement that all news reporters live within the city limits. The paper felt that this requirement kept its reporters more in touch with events occurring in the city. After a few weeks, Cho’s editor, Hank, told Cho, “If you’re as good as your sister, then you’ll have a job for life! I wouldn’t want to lose a talented reporter such as yourself.” Cho then asked about the \$40,000 salary and was told, “No one starts at that salary level, but if you continue your excellent work, you will soon reach that level.” However Hank warned her that she could not continue her activities in Act-Up, a radical gay rights organization, because her high profile involvement compromised her objectivity.

After a couple of months on the job, Cho was approached by a member of RG’s Human Resources Department, who told her that her named had “come up” for a random drug test. Cho took the cup into the ladies room, provided a sample and went back to her desk.

Later that day she was approached by an extremely large and angry co-worker, Charles Swift who said, “You took my job, you little %\$#@! You’ll be very sorry for that. Believe me.” Swift then went out on his lunch hour and loosened the lug nuts on two of Cho’s tires. Swift, a former veteran, had returned from active duty to find his job had been given to Cho. RG knew that Swift had a bad temper, though RG felt his service in the special forces had probably given him the discipline to control it. However, Swift had been disciplined several times, both by senior officers and former employers for acts of violence, but no one admitted this to the R-P when it performed his reference check.

Cho was frightened by the encounter, but returned to her work where she had uncovered, quite surreptitiously, the fact that someone within the RG's upper management was receiving payments to publish favorable stories about a corrupt city administration. She told Hank about her findings and was immediately terminated. Hank had Cho escorted out by security, and walked behind her berating her as a nosy, hard headed %\$\$#@!

Discuss all potential employment related claims raised by this scenario. Include applicable case law and statutes. Be sure to address potential damages as well as the likelihood of success of any claim.