

Boys & Girls worker was fired

Jury says employer illegally retaliated

By LYNN FRANEY

The Kansas City Star, February 4, 2006

David Smith, head of the Boys & Girls Clubs of Greater Kansas City, fired his vice president after she said his hiring practices were racist, a jury decided Friday.

Both Smith and the former vice president, Tameka Bryant, are black. Bryant said Smith had told her not to hire a white woman and a Hispanic man for jobs with the Boys & Girls Clubs. She said he told her he wanted black people to fill those positions.

A Jackson County jury said that Smith, who also is president of the Kansas City school board, had illegally retaliated against Bryant by firing her.

Bryant deserves \$375,000 for lost wages, back pay and emotional distress, the jury said.

And Smith should pay \$60,000 in punitive damages, which are meant to punish a defendant for misconduct, the jury decided. The Boys & Girls Clubs, a nonprofit organization that runs youth centers throughout the metropolitan area, should pay \$175,000 in punitive damages, the jury said.

"Now I can breathe," Bryant said in an interview after the verdict Friday afternoon. "I am relieved. ... I am so glad it's over."

Smith declined to comment on the verdict, which capped a weeklong trial in Jackson County Circuit Court.

"Talk to my attorneys," he said.

Moments later, when asked for his side of the story, he said his side really didn't matter anymore because the jury had found against him.

His attorneys at Lathrop & Gage could not be reached for comment.

Robert Firnhaber, board chairman for the Boys & Girls Clubs, could not be reached for comment. Another board member said any comment would have to come from Firnhaber.

Bryant worked for the Boys & Girls Clubs in Atlanta when she was hired in January 2002 as Smith's vice president for operations.

Then, in January 2004 she considered a former Boys & Girls Club co-worker from Atlanta as a potential unit director in Kansas City.

When she told Smith she wanted to hire the Atlanta woman, Smith nixed the idea, she said, because the co-worker was white and he wanted a black person in that position.

She said part of his comment was “a white girl can’t run a club in the inner city,” according to her lawsuit.

A black person ultimately was hired for the position.

Within a few months, Bryant said, she chose a Hispanic man for a Kansas City, Kan., director’s position.

Her decision was reversed, and Smith told her Boys & Girls Clubs leadership didn’t want a Hispanic man leading the Kansas City, Kan., unit.

Weeks later, she said she was told by Smith to resign or be fired.

According to court documents, Smith said she was being fired because she had used sick leave time to attend a real estate course.

But Bryant’s lawyers, Brendan Donelon and Mark A. Jess, submitted documentation showing that Smith had approved, in writing, her request to use personal and sick leave time to attend the real estate course.

She said in the interview that she had been shocked at his comments regarding the race of the woman and man.

“It’s illegal,” she said, to discriminate based on race. “HELLO!”

She refused to resign and was fired, she said.

Bryant, who now is working as a real estate agent, said she grew up with the Boys & Girls Clubs, going to them as a child growing up in New York City, then working at them first in New York, then Atlanta and, finally, Kansas City.

She said some people asked her why she didn’t leave Kansas City after leaving the Boys & Girls Clubs.

“I had to fight,” she said. “I couldn’t fight from somewhere else.”

Discrimination is wrong, she said, no matter what the race of the job candidates being discriminated against.

It’s wrong when black people are passed over for positions in workplaces with mostly white workers, she said, and “it’s surely not OK because the shoe is on the other foot.”

Smith testified that he earns \$140,000 a year as president of the Boys & Girls Clubs.

He is running unopposed for re-election to the Kansas City school board.

Bryant said she remembers that when she brought her family from Atlanta, her young daughter asked her to find a school that enrolled both black and white students.

When Bryant dropped her daughter off at school Friday morning, before heading to the Jackson County Courthouse for the last day of the trial, she watched as her daughter ran off to hang out with her white friends.

The sight pleased her: "That's the way it should be."