

## PTLA FACTUAL SCENARIO

On July 28, 2006, Jane Wantatot began her employment as a front desk clerk at the five star Rossi Hotel & Resort (“Rossi Resort”). In her first several months of employment, Ms. Wantatot did an outstanding job; at the conclusion of her 90-day orientation period, she received the company’s preliminary evaluation in which she scored ratings of very good and outstanding in all evaluated categories. In November 2006, just after her 90-day review, the management at Rossi Resort received two customer complaints that Ms. Wantatot had been rude. However, when these were investigated, it was learned that these were made by very difficult guests who had to be contacted regarding excessive noise and attempting to get housekeeping personnel to join a party in a guest room. No discipline was issued to Ms. Wantatot.

On December 6, 2006, Ms. Wantatot notified Rossi Resort that she was pregnant and due to delivery in August 2007.

Following her disclosure of pregnancy, Rossi Resorts received another guest complaint on December 8. The guest complained that Ms. Wantatot had been rude when she waited on him. When questioned by the Director of Guest Relations, Ms. Wantatot stated that the guest had made her very uncomfortable by making comments about how pretty she was, that he was in town looking to meet someone and was hoping to find an attractive woman who was interested in relaxing with him in his room later. Ms. Wantatot said she was uncomfortable and just hurried through the registration process with the guest, but was not rude. When management asked her why she did not report the complaint as outlined in the employee handbook, she said

she just thought it came with the territory of her job and that she had heard her manager say, on more than one occasion, that he could not handle employees who were hypersensitive.

The guest was a repeat customer about whom no other employees had ever complained. He was very demanding that action be taken about the rude treatment he received from Ms. Wantatot. Rossi Resorts issued the guest two free nights stay and complimentary dinner for two at its premier restaurant. Ms. Wantatot's supervisor also issued a final written warning to Ms. Wantatot, indicating that any further performance problems would result in termination.

Two weeks later, Ms. Wantatot was tardy; she arrived 15 minutes late for work on two occasions. The following day, her supervisor met with her, issuing her a termination report, citing prior guest complaints and two occasions of tardiness as the basis for termination.

Subsequently, Ms. Wantatot contacted the Department of Labor to make a complaint under the Family and Medical Leave Act. She also filed a complaint with the Equal Employment Opportunity Commission, claiming disability discrimination, Title VII discrimination and sexual harassment.