

Discrimination Case Ends With School Paying Fees Of Former Worker

by admin

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DURHAM — Durham Technical Community College must pay nearly \$100,000 for the legal fees of a former employee who accused the school of discriminating against her by not renewing her teaching contract because of a polio-related disability.

Judge Howard Manning also ordered that Susan F. Johnson, whose case went to the state Supreme Court, receive back wages of \$12,012.

Manning's order ends a lawsuit filed eight years ago.

Stewart Fisher, a lawyer who represented Johnson, said the case set important legal precedents in the state. Handicapped plaintiffs claiming discrimination must now prove only that disability was a "motivating factor" for their termination, not the sole reason.

"After eight years of litigating, we accomplished everything we set out to do," Fisher said. "I feel good about it. I am very pleased and proud to have represented Susan. We think this will help other handicapped people. No question about it."

Johnson, who contracted polio as a young child, began working for Durham Tech in 1993, teaching literacy skills to inmates at the county jail. She fell from her crutches in June 1994 and injured herself while trying to open a heavy security door at the jail.

Johnson's contract was allowed to lapse when it came up for renewal in June 1995.

A judge threw out the case in 1998, but the state Court of Appeals reinstated the claim. Johnson then lost the case when Manning determined that anonymous phone calls accusing Johnson of using drugs and having sex with inmates were to blame. The Court of Appeals ruled that he erred and the state Supreme Court agreed.

Lawyers George Miller Jr. and his son, George Miller III, representing Durham Tech, have repeatedly said there was no malice in the school's treatment of Johnson.

Johnson now teaches English to Chinese and Mexican immigrants in Georgia, Fisher said. She turned down a job offer from the college in January offered under court order.