**Ariana Cobb**

**U.S. District Court/Eastern District of N.Y**

**Weekes Discrimination**

**October 20, 2022**

Like many New Yorkers, LeRoy Weekes takes the subway to get to his job every day. He spends his hour commute transferring trains. Unlike New Yorkers, Weekes has a love and passion for these trains which he fostered into a career as a Quality Control Specialist at the New York Transit Authority. But this devotion has not been enough to advance him to a higher position.

Since 2012, Weekes has applied for approximately 50 positions with the Transit Authority. Of these positions, he has only been interviewed twice despite his 20-year tenure with the agency. Weekes says his supervisor has promoted his younger, white colleagues to positions he was not considered for. The 63-year-old believes the reason he has not been promoted is because of his age and racial discrimination.

After numerous years of being bypassed for promotions, Weekes has hired an attorney and filed a discrimination complaint against the New York Transit Authority. His complaint alleges that he was discriminated against based on age and race. The complaint states, “it is beyond dispute that the Charging Party was a highly-skilled, satisfactorily performing employee, and that on each occasion, a younger, generally less experienced, and frequently Caucasian was chosen for the position.” This statement alleges conduct that violates federal and state laws that protect employees from discrimination.

Both federal and state laws prohibit employment discrimination based on race, color, religion, sex, and national origin as well as age. However, states can adopt additional statutes that provide greater protection. For example, New York state laws have expanded the categories that protect workers. Michael Rojas, the Outreach and Education Coordinator for the New York District of the US Equal Employment Opportunity Commission outlined the laws in the State of New York as they relate to age. He says, “They have to protect people that are 40 and over, but their age protection law also protects people of any age.” Despite the protections of federal and state law, according to [Glassdoor](https://www.glassdoor.com/blog/new-study-discrimination/), the second largest job site in the U.S., 61 percent of Americans experience discrimination in the workplace.

While each case is looked at individually, it is not easy to prove a case of employment discrimination based on race or age. Pete Donohue of the Transport Workers Union Local 100 explains that some employees are promoted based on a civil service system that requires the Transit Authority to promote employees based on their scores on a civil service examination. Employees are ranked on a list based on their score, from the highest to the lowest, and promoted in rank order to available positions.

This however does not apply to Mr. Weekes. His attorney, Arthur Schwartz explained that the positions Weekes applied for were non-civil service positions. Regardless, he simply noted that “racial discrimination would be difficult to prove” but acknowledged they had a better chance with age discrimination. “I actually think it's more common than race discrimination,” the Attorney stated. This is not surprising given that 70 percent of the workforce are minority workers, according to [MTA statistics](https://new.mta.info/document/68201). Despite this, Weekes still alleges there is a racial discrimination issue. “I have seen it, I've experienced it, and my experiences are real. They're not fraudulent,” the 63-year-old exclaimed.

Stewart Wilson, 46, has also worked for 20 years in the maintainer department alongside Mr. Weekes. He too has experienced discrimination, Wilson says, “there needs to be a lot of changes when it comes to management and the way management does things.” He asserts that along with racial discrimination, diversity is an issue. He explains that while the MTA may appear diverse, this specific department has around 230 employees and of that number, no more than 40 of them are people of color. Both men say they know of other older minority employees who share the same discrimination experiences, but Wilson says, “the workers tend to shy away from trying to complain because they feel that they're going to be retaliated.”

Complaints of this kind are not unfamiliar to the MTA, with many going to trial or being settled privately. According to [NY Daily News](https://www.nydailynews.com/new-york/exclusive-mta-pays-1-2m-bias-lawsuit-article-1.2418997), in 2015, the MTA paid $1.2 million to settle a lawsuit brought by a group of current and former black and Hispanic transit cops. The group accused the agency of condoning and encouraging racial discrimination. Later in 2021, MTA was accused of “racial gatekeeping” within the police department by NYPD officer Jonathan Carter.

Mr. Weekes’ case is still in its early stages with the parties now submitting to discovery. The case attorney, Schwartz is hopeful that a settlement will be reached, if not the case will go in front of a judge next year. Nevertheless, Weekes wants equality for himself and his fellow minority coworkers, “Our future should not weigh on whether someone likes you or the color of your skin, it shouldn't matter about age, just that you can get the job done.”

Representatives from MTA and New York Transit Authority declined to respond to questions regarding employee discrimination complaints.

**###**

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