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EMPLOYMENT - TEXAS

El Paso County Water Improvement District No. 1 v. Trevizo

Court of Appeals of Texas, El Paso - October 27, 2023 - S.W.3d - 2023 WL 7109919

Employee who worked as an equipment manager for water district brought action against district, alleging that district discriminated against him on basis of his age and disability, denied him reasonable accommodation, and retaliated against him, resulting in a hostile work environment.

The District Court denied district's plea to the jurisdiction and motion for summary judgment based on sovereign immunity. District appealed.

On rehearing, the Court of Appeals held that:

- Manager's comment to employee was a stray remark that did not constitute competent direct evidence to support age discrimination claim;
- Employee did not provide sufficient evidence he was treated less favorably than similarly situated younger employees;
- Employee failed to establish a prima facie case of disability discrimination;
- Employee's statements that he was "tired of sweating" and "getting dizzy" were insufficient to constitute a request for reasonable accommodation;
- Employee failed to establish causal-link requirement for retaliation claim;
- Employee's request to not drive trucks without air conditioning, as purported accommodation for his disability, was not a protected activity sufficient to invoke anti-retaliation provisions of employment discrimination statute; and
- Alleged harassing actions against employee were not severe or pervasive enough to create an objectively hostile or abusive work environment.

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