

STATE OF MICHIGAN
COURT OF APPEALS

SANDRA BRIGGS,

Plaintiff-Appellant,

v

DEPARTMENT OF COMMUNITY HEALTH,

Defendant-Appellee.

UNPUBLISHED
February 19, 2002

No. 227725
Ingham Circuit Court
LC No. 98-089115-CZ

Before: Smolenski, P.J., and Doctoroff and Owens, JJ.

PER CURIAM.

Plaintiff appeals as of right from the trial court's order granting defendant's motion for summary disposition of her claim of retaliation. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Plaintiff, who is Caucasian, began working at Northville Psychiatric Hospital (NPH) in 1985 as a safety supervisor. In July 1992 she was appointed Acting Safety Director, and in October 1992 she was promoted to Assistant Safety Director. On May 5, 1996, defendant appointed Kenneth Daniels, who is an African-American, to the position of Safety Director. Plaintiff, who had applied for that position, filed a Civil Service grievance on May 15, 1996. Subsequently, plaintiff received two written reprimands regarding her job performance.

Plaintiff filed suit, alleging violations of the Elliott-Larsen Civil Rights Act (ELCRA), MCL 37.2101 *et seq.*, including discrimination and retaliation. She alleged that defendant discriminated against her based on her race, gender, and age by refusing to appoint her to the position of Safety Director, and retaliated against her for filing the Civil Service grievance. She asserted that the retaliation included the written reprimands and a profane tirade from Daniels.

Defendant moved for summary disposition pursuant to MCR 2.116(C)(8) and (10). The parties stipulated to the dismissal of plaintiff's claim of age discrimination. The trial court denied defendant's motion for summary disposition of plaintiff's claims of race and gender discrimination. The trial court granted defendant's motion for summary disposition of plaintiff's claim of retaliation pursuant to MCR 2.116(C)(10), finding that while the internal grievance process constituted protected activity, plaintiff failed to establish that a genuine issue of fact existed as to whether she suffered an adverse employment action. Plaintiff's claims of race and gender discrimination proceeded to trial, and the jury returned a verdict of no cause of action.

We review a trial court's decision on a motion for summary disposition de novo. *Harrison v Olde Financial Corp*, 225 Mich App 601, 605; 572 NW2d 679 (1997). To establish a prima facie case of retaliation under the ELCRA, a claimant must show that she engaged in a protected activity, that the protected activity was known by the defendant, that the defendant took an employment action adverse to the claimant, and that a causal connection existed between the protected activity and the adverse employment action. *Barrett v Kirtland Community College*, 245 Mich App 306, 315; 628 NW2d 63 (2001). In construing the ELCRA, a court may consider federal court interpretations of the federal Civil Rights Act. These interpretations are not binding, but should be afforded substantial consideration. *Chambers v Trettco, Inc*, 463 Mich 297, 313-314; 614 NW2d 910 (2000); *Barrett, supra* at 314.

Plaintiff argues that the trial court erred by granting defendant's motion for summary disposition of her retaliation claim. We disagree and affirm. An adverse employment action need not have monetary considerations. *Wilcoxon v Minnesota Mining & Mfg Co*, 235 Mich App 347, 363-364; 597 NW2d 250 (1999). However, it must be materially and objectively adverse, and must be more than a "mere inconvenience." *Meyer v City of Center Line*, 242 Mich App 560, 569; 619 NW2d 182 (2000). Plaintiff presented no evidence that the reprimands she received after she filed the grievance resulted in a loss of status, responsibility, salary, etc. She continued to hold the position of Assistant Safety Director at NPH. We conclude that plaintiff's receipt of a reprimand, without further consequences, does not constitute a materially adverse employment action.

Furthermore, plaintiff's assertion that a question of fact existed as to whether the obscene tirade directed at her by Daniels resulted in a hostile work environment is without merit. Whether a hostile work environment exists is determined by whether a reasonable person, under the totality of the circumstances, would have perceived the conduct at issue as substantially interfering with the plaintiff's employment or having the purpose or effect of creating an intimidating, hostile, or offensive employment environment. *Quinto v Cross & Peters Co*, 451 Mich 358, 369; 547 NW2d 314 (1996). Plaintiff presented no evidence that the tirade in which Daniels engaged had such an effect. The trial court correctly granted summary disposition of plaintiff's retaliation claim.

Affirmed.

/s/ Michael R. Smolenski

/s/ Martin M. Doctoroff

/s/ Donald S. Owens