

## What Employers Got Wrong: Hiring and Retaliation Missteps Identified by an Oklahoma Federal Court

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**January 7, 2026**

*Pendergraft v. Steiner* (W.D. Okla. 2025) shows HR and managers what NOT to do in hiring, promotions, and handling employee complaints. The court allowed race, color, and age discrimination and retaliation claims to go forward against USPS because the employee alleged specific, fact-based flaws in USPS's processes. The allegations (deemed by the Court to be true for purposes of assessing the defendants' motion to dismiss) show the exact managerial missteps that result in costly claims.

### Where Management Went Wrong

#### 1. Inconsistent Hiring & Promotion Messaging

The employee said he was told he ranked #1 for jobs he applied for, but was rejected, while younger, less qualified internal candidates were chosen. Courts consider inconsistencies like these to be pretext, meaning management's so-called non-discriminatory reasons for picking the less qualified candidates are unworthy of belief.

#### HR Next Steps:

- Standardize interview questions and evaluation processes
- Document that hiring managers followed the process and based decisions on relevant, job-related criteria
- Caution managers to be careful about what they say—casual comments about candidates can be used against them

#### 2. Discouraging EEO or HR Contact

A supervisor allegedly warned the employee not to pursue an EEOC charge and suggested he could be fired if he did. The court treated this as classic retaliation.

#### HR Next Steps:

- Train supervisors on what constitutes legally protected activity that can result in retaliation claims
- Make it clear: no one should discourage reporting issues to the EEOC or management

- Require managers to notify HR immediately when a complaint is raised

### 3. Discipline Following Too Quickly After Complaints

After the employee contacted the EEOC, a manager allegedly confronted him in a hostile manner, resulting in an altercation. The employee was suspended and terminated. Timing of the confrontation alone helped the retaliation claim survive.

#### HR Next Steps:

- Review all proposed disciplinary actions, especially within 90 days of the protected activity
- Require justification for the action supported by contemporaneous documentation
- Slow down decision-making until HR verifies a legitimate basis unrelated to the protected activity

Pendergraft still has to prove his allegations to win the case. But his allegations were sufficiently specific to survive dismissal. And they provide several key lessons for HR and management.

For questions regarding this development, or any other employment and labor questions, please contact your GableGotwals attorney or a member of [our Employment & Labor Group](#).



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