

United States Supreme Court Holds That Involuntary Job Transfers Can Violate Title VII

By Karen D. Adinolfi

On April 16, 2024, in the case of *Muldrow v. St. Louis*, the United States Supreme Court unanimously ruled that Title VII of the Civil Rights Act of 1964 prohibits discriminatory job transfers, even if the transfer does not come with “significant harm” to the employee. This ruling opens the way for an increased number of workplace discrimination lawsuits.

Plaintiff Jatonya Muldrow, a sergeant with the St. Louis Police Department, filed a lawsuit against the City, alleging discrimination based on her sex. She claimed she was involuntarily transferred from her position in the Intelligence Division to a patrol position because her supervisor wanted to hire a man for her original job. While Muldrow’s rank and pay remained the same in the new position, her responsibilities, perks, and schedule did not. The lower courts ruled against Muldrow, holding that she had to — but did not — show that the transfer caused her a “materially significant disadvantage” because her transfer “did not result in a diminution to her title, salary, or benefits” and had caused “only minor changes in working conditions.”

The Supreme Court accepted the case and reversed the decision. The unanimous ruling clarified that the language of Title VII required Muldrow to show only that the transfer brought about some “disadvantageous” change in an employment term or condition based on sex. “Although an employee must show *some* harm from a forced transfer to prevail in a Title VII suit, she need not show that the injury satisfies a significance test,” the Court held (emphasis added).

The lesson? Any decision you make as to an employee’s terms and conditions of employment, including a job transfer that does not change things like title, salary, or benefits, must be based on job-related and non-discriminatory considerations. Now that the Court has added transfers like the one in *Muldrow* to the lists of employer actions that must be non-discriminatory, you should ensure that your decision-makers are aware of this clarification of the law and act accordingly.

Call any one of the lawyers listed here for additional assistance and advice on this topic or any other employment law issue.

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