

22-193 MULDROW V. CITY OF ST. LOUIS, MO

DECISION BELOW: 30 F.4th 680

LOWER COURT CASE NUMBER: 20-2975

QUESTION PRESENTED:

Title VII of the Civil Rights Act of 1964 makes it unlawful for an employer "to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual" with respect to "compensation, terms, conditions, or privileges of employment" on the basis of race, color, religion, sex, or national origin. 42 U.S.C. § 2000e-2(a)(1). The Eighth Circuit below followed binding circuit precedent to hold that discriminatory job transfers (and denials of requested transfers) are lawful under Title VII when they do not impose "materially significant disadvantages" on employees.

The question presented is:

Does Title VII prohibit discrimination as to all "terms, conditions, or privileges of employment," or is its reach limited to discriminatory employer conduct that courts determine causes materially significant disadvantages for employees?

THE PETITION FOR A WRIT OF CERTIORARI IS GRANTED LIMITED TO THE FOLLOWING QUESTION: DOES TITLE VII PROHIBIT DISCRIMINATION IN TRANSFER DECISIONS ABSENT A SEPARATE COURT DETERMINATION THAT THE TRANSFER DECISION CAUSED A SIGNIFICANT DISADVANTAGE?

CERT. GRANTED 6/30/2023