

Jason Habinsky in Law360: 4 Discrimination Cases to Watch as Justices Get Back in Gear

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Haynes Boone Partner [Jason Habinsky](#) was featured in a *Law360* article about four notable discrimination cases that will be on the U.S. Supreme Court's docket.

Below is an excerpt:

In early 2019, Ashidda Forqus asked the high court to consider whether discriminatory lateral transfers or a company's decision to deny transfer requests made by someone seeking to escape bias are actionable under Title VII when they don't involve a pay cut or any other material harm.

Jason Habinsky, chair of the labor and employment practice at Haynes Boone LLP, said the case "addresses the most fundamental question of when 'adverse' circumstances rise to the level of qualifying as 'materially' adverse."

"The Supreme Court very well may conclude that the denial of a purely lateral transfer qualifies as a 'no harm, no foul' decision which, therefore, cannot be 'adverse,'" he said. "However, if the Supreme Court were to unpeel another layer of the onion and focus on the underlying reason why the employee wanted the transfer — it would virtually redefine the scope of the 'materiality' threshold."

The high court this term will also consider whether to grant a cert petition filed in June by Mitche Dalberiste, a Seventh-day Adventist, who claimed he lost a job offer because of his religious practices without any alternatives being considered.

Haynes Boone's Habinsky said the "ramifications of this decision will prove monumental."

"On one hand, the Supreme Court could squarely reinforce the lighter and more manageable burden for employers to refuse to provide religious accommodations," Habinsky said.

"On the other hand, the Supreme Court could redefine the breadth of this obligation, requiring employers to shift responsibilities, workloads and schedules to accommodate religious requests in ways they were not previously required," he added. "In either case, creating a standard closer to a bright line test will enable employers to better grasp their obligations when facing requests for workplace modifications on the basis of religion."

To read the full article, click [here](#).