

# Mary Ruth Houston Authors Law360 Employment Authority Article on Job Transfer Bias Claims

*Law360 Employment Authority*  
Orlando  
6.20.22

**Mary Ruth Houston**, Co-Managing Partner of Shutts & Bowen LLP's Orlando office and Chair of the Labor & Employment Practice Group, authored an article in *Law360 Employment Authority* discussing a recent decision by the U.S. Court of Appeals for the D.C. Circuit, lowering the bar for job transfer bias claims.

In the article, Mary Ruth discusses the reversal of a decision of a prior panel of the court by the U.S. Court of Appeals for the D.C. Circuit on June 3, 2022, which had previously held that the denial of a lateral transfer was not an adverse employment action for purposes of a Title VII discrimination claim.

The full D.C. Circuit categorically held, "an employer that transfers an employee or denies an employee's transfer request because of the employee's race, color, religion, sex, or national origin violates Title VII, by discriminating against the employee..."

According to Mary Ruth, the case, at least in the D.C. Circuit, represents an erosion of the level of materiality required for an adverse action under a disparate treatment claim, and may completely eliminate it. She also asserts that practitioners should keep a close eye on cases as the effects of this decision develop.

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

Law360 Employment Authority combines the speed and quality of Law360 with the experience of best-in-class employment reporters to provide in-depth coverage of discrimination, wage and hour, and labor developments.

## Mary Ruth Houston Authors Law360 Employment Authority Article on Job Transfer Bias Claims

---

### About Mary Ruth Houston

Mary Ruth Houston is Co-Managing Partner of the Orlando office and Chair of the firm's Labor & Employment Law Practice Group. She is certified as a mediator in Florida courts and the Middle District of Florida. She was selected as Orlando's 2020 "Lawyer of the Year" in Litigation - Labor and Employment, by *Best Lawyers in America*®. Mary Ruth focuses on business and employment-related issues using a problem-solving approach that helps clients concentrate on their core business. With over 30 years of experience handling complex disputes, her understanding of business issues outside the courtroom enables her to advise companies on how to avoid litigation, minimize its effects or, when litigation is required, handle it efficiently and effectively. Mary Ruth assists companies throughout Florida and beyond with legal challenges that may permanently affect their businesses. Corporations of all sizes turn to Mary Ruth for her experience in pretrial, trial (including trying multiple cases to verdict), and appellate work. Mary Ruth's practice encompasses a broad range of labor and employment issues.

### Professionals

Mary Ruth Houston

### Practice Areas

Labor and Employment

### Offices

Orlando