

Changing job assignment soon after hire? That may be deemed a demotion

Here's a cautionary tale about changing a new employee's job duties soon after hire. He or she may claim the real reason is discrimination if the change happened soon after a new boss discovered the employee belonged to a protected class.

Recent case: Ilesha, a black woman, was hired as an administrative assistant and was told she would be supporting company executives. But she claimed that as soon as one of those executives saw her and realized she was black, her duties were suddenly changed. Instead of general administrative assistant tasks, she ended up spending over 90% of her time filing.

Ilesha sued, alleging she had in fact been informally demoted to a file clerk position. She believed this was because of racial discrimination.

The court said her case could go forward. It reasoned that the job changes could amount to a demotion, even if the company didn't officially call it that or change her pay and benefits. And because the changes happened after the executive staff realized she belonged to a protected class, Ilesha may have enough evidence to prove race was the motivating factor. (*Anderson v. Triad Resources*, No. H-14-0737, SD TX, 2014)

Final note: Always document any job duty changes and show they were justified by performance, operational needs or other nondiscriminatory factors.

Remember, pay and benefits alone aren't enough to make a *de facto* demotion nondiscriminatory. Assigning lower-level tasks and limiting prestige or promotional opportunities can become lawsuit fodder.