

# Worker taking high road can still quit & sue

Typically, workers sue after being fired or otherwise subjected to an adverse employment action such as a demotion. But sometimes, aggrieved employees can quit and still sue, alleging that their working conditions were so severe that they had no choice but to leave. That's known as constructive discharge.

**Recent case:** Deborah, who is black and holds a masters' degree, accepted a job as a college admissions officer. She earned \$40,000 per year, the same as the employee she replaced, who also held a masters' degree.

Admissions officers without advanced degrees were paid less. This, Deborah later said, made those workers resentful and hostile.

Over the next eight months, her direct supervisor, who had no role in hiring Deborah, frequently used racial slurs and other inflammatory language when referring to black people. Deborah complained to HR, but the behavior continued.

Then she began applying for promotions, trying to get out of the admissions department. When she wasn't promoted, she submitted a letter of resignation. A dean apologized and asked her to reconsider. Deborah agreed to stay for one week to help the transition. Instead, she was escorted off the premises.

Deborah sued, alleging she was compelled to quit because of the hostile environment.

The college argued conditions couldn't have been that intolerable if Deborah sought promotions and offered to stay on for a week.

The court disagreed, concluding that an employee's attempt to remain professional despite racial harassment didn't mean conditions weren't intolerable. (*Hite v. Manor Junior College*, ED PA, 2018)