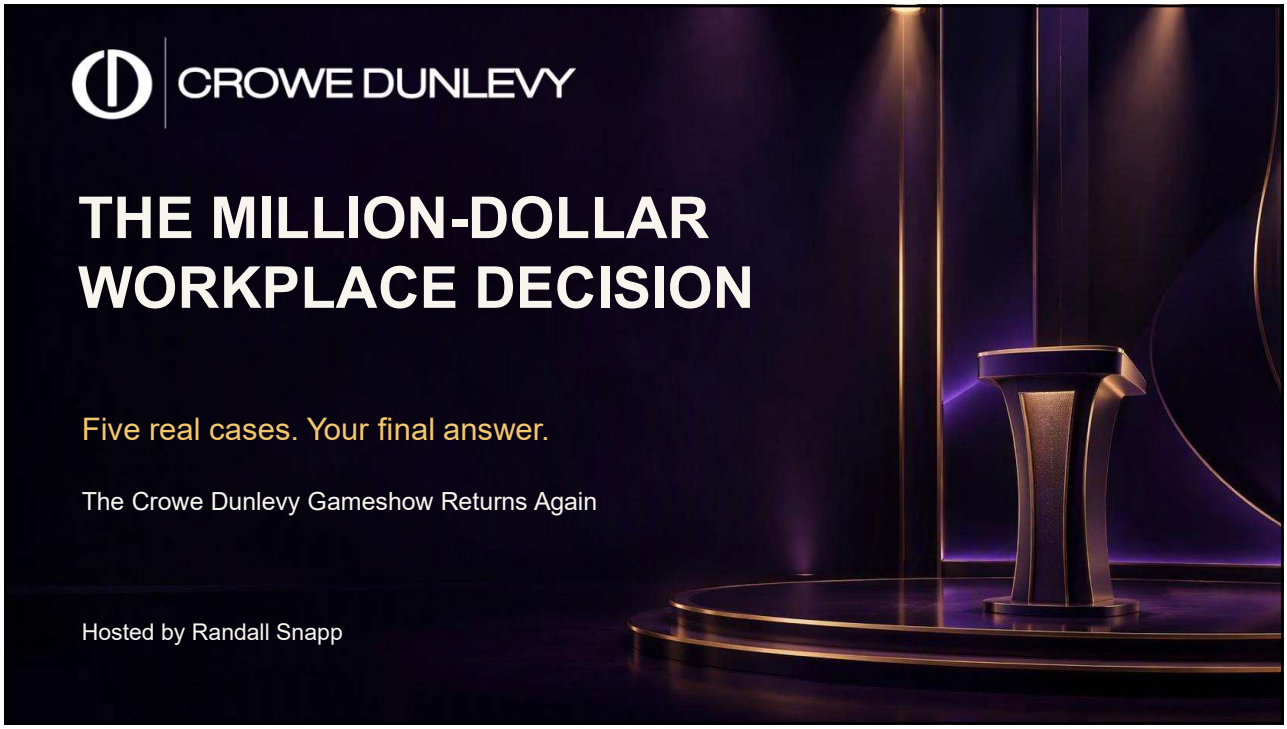


1

Michael W. Bowling



- Past Chair of the Labor & Employment Practice Group
- Trial lawyer and litigator in the firm's Tulsa office
- *Subsequent information should not be understood as, or considered a substitute for, specific legal advice. For inquiries, please contact Randall J. Snapp, or another licensed attorney.

© Crowe Dunlevy 2026

2

ROUND 1 THE SCENARIO

The Sunday shift

A postal employee observes Sunday as a religious Sabbath.

Sunday deliveries expand. USPS assigns his deliveries to coworkers when he does not work.

After progressive discipline, he resigns and sues under Title VII.



What would your team decide?

03

3

ROUND 1 FINAL ANSWER?

Is a burden greater than a minor cost enough to deny the accommodation?

A Yes, any extra staffing cost is enough.

B No, the employer must show substantial increased costs in context.

C Yes, if coworkers object to covering Sundays.

D No employer may ever require Sunday work.

04

4

ROUND 1 ANSWER & DISCUSSION

A minor cost does not establish undue hardship

B

CORRECT ANSWER

The employer must show substantial increased costs in relation to its particular business.

The Supreme Court vacated the employer's win and sent the case back. It did not decide that Groff must ultimately win.

DISCUSS

What coverage options and actual business costs would you document before saying no?

HR PRACTICE

Evaluate alternatives and the practical impact on the business. Coworker resentment alone cannot settle the question.

05

5

ROUND 2 THE SCENARIO

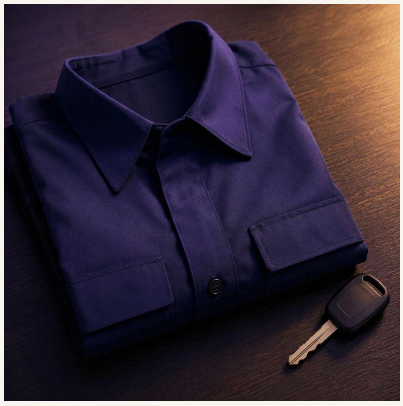
Same pay. Different job.

BEFORE

Intelligence unit
Regular schedule
Take-home car

AFTER

Uniformed patrol
Weekend shifts
No take-home car



Same rank and pay.
She alleges a sex-based transfer.

What would your team decide?

06

6

ROUND 2 FINAL ANSWER?

What harm must she show to challenge the transfer under Title VII?

A A pay cut or demotion is always required.

B The transfer must cause significant economic harm.

C Some harm to an identifiable term or condition of employment.

D Any transfer automatically proves discrimination.

07

7

ROUND 2 ANSWER & DISCUSSION

A transfer can cause harm without a pay cut

C

CORRECT ANSWER

A Title VII transfer claim requires some harm to an identifiable term or condition of employment. The harm need not be significant.

The Supreme Court vacated and remanded. Muldrow still had to prove the elements of her discrimination claim.

DISCUSS

Which changes in schedule, duties, or perks would your transfer review capture?

HR PRACTICE

Record what changes for the employee and the legitimate reason for the move. Unchanged pay does not end the review.

08

8

ROUND 3 THE SCENARIO

The high earner paid by the day

$200,000+

annual earnings, paid by the day

84 hours

typical week on the offshore rig



A supervisor seeks overtime.
The employer claims an executive exemption.

What would your team decide?

09

9

ROUND 3 FINAL ANSWER?

Does his high annual pay, by itself, establish the claimed overtime exemption?

A No, this daily-rate arrangement failed the salary-basis requirement.

B Yes, everyone earning over $200,000 is exempt.

C Yes, anyone with supervisory duties is exempt.

D Yes, a paycheck every two weeks makes daily pay a salary.

10

10

ROUND 3 ANSWER & DISCUSSION

High annual earnings do not cure the pay structure

A

CORRECT ANSWER

Hewitt's daily-rate pay failed the salary-basis test for the executive exemption at issue.

The Supreme Court affirmed the Fifth Circuit's decision for Hewitt on the exemption issue.

DISCUSS

Which jobs in your organization earn high pay but use a daily or shift rate?

HR PRACTICE

Review the pay method as well as duties. A compliant weekly guarantee may matter under the separate regulatory route.

11

11

ROUND 4 THE SCENARIO

A medical crisis and extended leave



1. An employee suffers a medical emergency and spends months in intensive care.
2. His employer terminates him as he moves to inpatient rehabilitation. He brings disability discrimination claims.
3. His allegations identify no workable accommodation beyond leave, with no plausible return date within six months.

What would your team decide?

12

12

ROUND 4 FINAL ANSWER?

Did his allegations support a disability discrimination claim on these facts?

A Yes, hospitalization guarantees job protection.

B Yes, an employer must always hold a job for six months.

C No, medical leave can never be an accommodation.

D No, he alleged no workable reasonable accommodation.

13

13

ROUND 4 ANSWER & DISCUSSION

The disability claims failed on the pleaded facts

D

CORRECT ANSWER

Cline did not plausibly allege he could perform essential job functions with a reasonable accommodation.

The Tenth Circuit affirmed dismissal of the disability claims. It revived his separate Oklahoma age discrimination claim.

DISCUSS

What return-to-work information would you need before evaluating extended leave?

HR PRACTICE

Evaluate expected duration and essential duties. Check other leave protections separately. This case creates no automatic termination deadline.

14

14

ROUND 5 THE SCENARIO

The corrected time report

An Oklahoma university employee corrects a leave report after her supervisor rejects her use of compensatory time.

She complains of discriminatory treatment. The university later characterizes the report as falsified.

The university fires her for performance and timekeeping issues. She challenges its reasons as a cover for discrimination and retaliation.



What would your team decide?

15

15

ROUND 5 FINAL ANSWER?

Could her Title VII claims proceed despite the employer's stated reasons?

A No, citing performance always defeats a claim.

B Yes, the evidence raised a factual dispute about the stated reasons.

C Yes, every firing after a complaint is unlawful.

D No, correcting a time report waives discrimination claims.

16

16

ROUND 5 ANSWER & DISCUSSION

The Tenth Circuit revived the Title VII claims

B

CORRECT ANSWER

Dixon presented enough evidence of pretext to create a factual dispute over the employer's stated reasons.

The court reversed summary judgment on Title VII discrimination and retaliation. It did not decide that she had proved liability.

DISCUSS

Would your records explain why a corrected report later became alleged dishonesty?

HR PRACTICE

Check the consistency of the stated reasons against contemporaneous records. Review the full evidence, rather than relying on labels.

17

17



Contact
Randall J. Snapp
918.592.9855
randall.snapp@crowedunlevy.com
crowedunlevy.com

Oklahoma City
Braniff Building
324 North Robinson Avenue
405.235.7700

Tulsa
500 Kennedy Building
321 South Boston Avenue
918.592.9800

Dallas
Spaces McKinney Avenue
1919 McKinney Avenue
214.420.2163

Houston
3663 N. Sam Houston
Parkway East, Suite 628

To sign up for Crowe Dunlevy news, legal updates and seminars, please visit crowedunlevy.com/subscribe

© Crowe Dunlevy 2026

18