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Court Limits Discrimination Claims for Public Employees

Recently, the United States Supreme Court decided in Engquist v. Oregon Department of Agriculture that public employees cannot bring suits under the Equal Protection Clause of the 14th Amendment on the ground that their employer discriminated against them by singling them out for wrongful or arbitrary treatment. Stated differently, public employee equal protection claims are now limited only to situations where a government employer discriminated against an employee due to the employee's membership in a broader class, e.g. discrimination based on race or age.

Engquist involved an employee of a state agency whose employer passed her over for a promotion and instead promoted an allegedly less-qualified colleague. Engquist's employer told Enquist that his decision to not promote her was due to internal restructuring. Yet, the employer previously told a third party that he was planning to fire Engquist because she was uncontrollable. After refusing a demotion and being resultantly laid off, Engquist filed suit under the Equal Protection Clause alleging that her employment was terminated for "arbitrary, vindictive, and malicious reasons."

The Court concluded that even assuming Enquist's allegations were true, the Equal Protection Clause does not protect public employees against their employers' individualized employment decisions. The Court emphasized that it is necessary to give the government greater leeway when it is acting as an employer and making discretionary decisions while managing its internal operations. The Court reasoned that the Equal Protection Clause's standards are largely unworkable in the context of employment decisions because its protections are generally applied to arbitrary discrimination against groups, not individual employees. Thus, allowing Engquist's claim would frustrate the functioning of at-will employment.

How This Impacts You

Enquist effectively makes it more difficult for public employees to bring equal protection suits against their employers. As a result, public employers should consider the case's importance both in pending litigation of discrimination claims and in future decisions concerning at-will employees. Notably, however, the Engquist decision does not affect employee claims brought under Congressional or state legislation.

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