

# Federal Case Law Update

Office of Congressional Workplace Rights

Office of the General Counsel

September 30, 2026



*advancing workplace rights, safety & health, and accessibility in the legislative branch*



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# Welcome

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**ADA/RA – Reasonable Accommodations (cont'd)**

- *Tumbleson v. Lakota Loc. Sch. Dist.*, 175 F.4th 773 (6th Cir. 2026) – The plaintiff's employer satisfied its reasonable accommodation obligation by allowing her to take unpaid leave to attend guide dog training (instead of the paid leave she requested).

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**ADA/RA – Substantial Limitations**

- *Edwards v. Shelby Cnty., Tenn.*, 159 F.4th 489 (6th Cir. 2025) – Even though the plaintiff drove at night occasionally, she was substantially impaired in the major life activity of seeing, so her night blindness could constitute a disability.
- *Pietsch v. FMC Techs., Inc.*, No. 24-20514, 2026 WL 561183 (5th Cir. Feb. 27, 2026) – Plaintiff was not substantially limited in the major life activity of working because he had a heart condition preventing him from receiving the employer-mandated COVID vaccine; this indirect limitation was too attenuated.

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ADA/RA – Miscellaneous

- DiChiara v. Summit Med. Grp., Inc.*, 181 F.4th 692 (6th Cir. 2026) – The plaintiff did not engage in protected activity when she assisted a law firm that brought an ADA and Title VII case (to which she was not a party) against her employer.

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Age Discrimination in Employment Act

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**ADEA**

- *Caldrone v. Circle K Stores Inc.*, 156 F.4th 952 (9th Cir. 2025) – Age difference of less than ten years is not “presumptively substantial,” but plaintiffs can still state a claim if other evidence shows that age was a significant factor in the decision.
- *Warner v. DeJoy*, 153 F.4th 109 (1st Cir. 2025) – Plaintiff chose to litigate the case under the higher *McDonnell Douglas* standard instead of the less strict *Babb v. Wilkie* test. The court held her to that, and found for the Postal Service because she could not prove that the Postal Service’s reasons for the decision were pretextual.

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**ADEA (cont’d)**

- *Walsh v. HNTB Corp.*, 169 F.4th 330 (1st Cir. 2026) – Being placed on a PIP and not receiving a discretionary bonus were not adverse employment actions sufficient to state a claim under the ADEA.
- *Lee v. WV Univ. Med. Corp.*, 181 F.4th 424 (4th Cir. 2026) – A manager’s statements that the employer “wanted to recruit someone much younger” were not direct evidence of age discrimination because they came after the fact and were about long-term planning, not a basis for the adverse action.
- *Jiang v. City of Tulsa*, 169 F.4th 1194 (10th Cir. 2026) – The court rejected the plaintiff’s arguments that procedural irregularities, the subjective nature of the decision, and the plaintiff’s overqualifications showed that the city’s justifications for hiring a younger white employee were pretextual.

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|  | <div>Title VII of the Civil Rights Act of 1964</div> |
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|  | <div><div>Title VII – DEI Issues</div><div><ul style="list-style-type: none"><li>• <i>Spengler v. Coop. Educ. Serv. Agency</i> 7, 180 F.4th 1015 (7th Cir. 2026) – Plaintiff demoted for refusing to adopt “equity mindset” was not discriminated against based on her race, but rather because of her ideology and opinions.</li><li>• <i>Young v. Colo. Dep’t of Corr.</i>, 174 F.4th 1283 (10th Cir. 2026) – White plaintiff failed to show that required Equity, Diversity, and Inclusion training containing negative stereotypes of White people created a hostile work environment for him.</li></ul></div></div> |

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- *Pratt v. Wis. Aluminum Foundry*, 183 F.4th 541 (7th Cir. 2026) – As the only HR manager in the company, the plaintiff did not have a “twin” comparator, but the court declined “to read a gaping hole into Title VII precluding executives, without direct professional peers, from proving their discrimination claims.” There is no “magic formula” or “hard and fast rule”; a plaintiff is required to provide relevant comparator evidence to create a meaningful comparison.
- *Johnson v. Baltimore City, Md.*, 163 F.4th 808 (4th Cir. 2026) – Comparators can be similarly situated without being “a perfect one-to-one match” to the plaintiff. Here, the plaintiff’s proffered comparators had committed similar enough misconduct to be meaningful comparators and enable a reasonable jury to draw an inference of discrimination.

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- *Sharpe-Miller v. Walmart, Inc.*, 181 F.4th 1037 (10th Cir. 2026) – In a matter of first impression, the court held that discrete acts which could be actionable on their own, such as demotion or termination, can still be part of a hostile work environment claim.
- *Smith v. P.A.M. Transp., Inc.*, 154 F.4th 375 (6th Cir. 2025) – A single use of a racial slur can be severe enough to constitute a hostile work environment, especially when used by a manager. Additionally, it does not matter that one of the alleged harassers belonged to the same race as the plaintiffs; Title VII can be violated by members of the same protected class as the victim.
- *Melton v. I-10 Truck Ctr. Inc.*, 166 F.4th 905 (11th Cir. 2026) – Even if pervasive racial hostility in the workplace is not directed at the plaintiff, it can still form the basis of a hostile work environment claim.

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### Title VII – Hostile Work Environment (cont'd)

- *Pannek v. U.S. Bank Nat'l Ass'n*, 186 F.4th 382 (6th Cir. 2026) – The bank successfully established a *Faragher/ Ellerth* affirmative defense, showing that it exercised reasonable care to prevent and correct the harassing behavior, and that the plaintiffs unreasonably failed to take advantage of the corrective opportunities the bank provided.
- *Brenyah v. Columbia Hosp. Corp. of Bay Area*, 181 F.4th 609 (5th Cir. 2026) – Investigations into hostile work environment complaints must be prompt and thorough, and steps must be taken that are reasonably calculated to end the harassing behavior.

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### Title VII – Retaliation

- *Russo v. N.H. Neurospine Inst., P.A.*, — F.4th —, No. 25-1519, 2026 WL 2491680 (1st Cir. Aug. 25, 2026) – The plaintiff's retaliation claim survived summary judgment even though the behavior she complained of wasn't a Title VII violation.
- *Pratt v. Wis. Aluminum Foundry*, 183 F.4th 541 (7th Cir. 2026) – "Title VII does not just protect employees who can accurately divine whether a claim has merit before reporting it to a supervisor. Rather, it protects all who honestly and reasonably believe they are reporting prohibited conduct." Here, the plaintiff honestly and reasonably believed she was reporting unlawful behavior.

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FLSA

- *Sec’y of Labor v. Comprehensive Healthcare Mgmt. Servs., LLC*, 177 F.4th 427 (3d. Cir. 2026) – Failure to pay “overtime gap” wages is not cognizable under the FLSA, though could be recoverable under state law. This decision reinforced a circuit split on the issue.
- *Hollis v. R&R Rests., Inc.*, 159 F.4th 677 (9th Cir. 2025) – It is unlawful for the agent of an employer to retaliate against an employee who filed an FLSA lawsuit against the employer by ending a business relationship between the employee and a different entity.

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OSH Act

- *TCP Specialists, LLC v. Sec’y of Lab.*, 178 F.4th 701 (D.C. Cir. 2026) – Even though the defendant employer was one of several employers at the worksite and was not the entity responsible for the accident, it was still liable under the General Duty Clause for failing to protect its own employees from the hazard.
- *Exxon Mobil Corp. v. OSHRC*, 183 F.4th 378 (5th Cir. 2026) – The Fifth Circuit vacated a citation after determining that OSHA exceeded its authority in promulgating 29 C.F.R. § 1904.5(b)(2)(ix), which requires work-related mental illnesses to be recorded in OSHA 300 injury and illness logs and OSHA 301 incident reports.

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|  |  | <b>Labor-Management Relations</b> |
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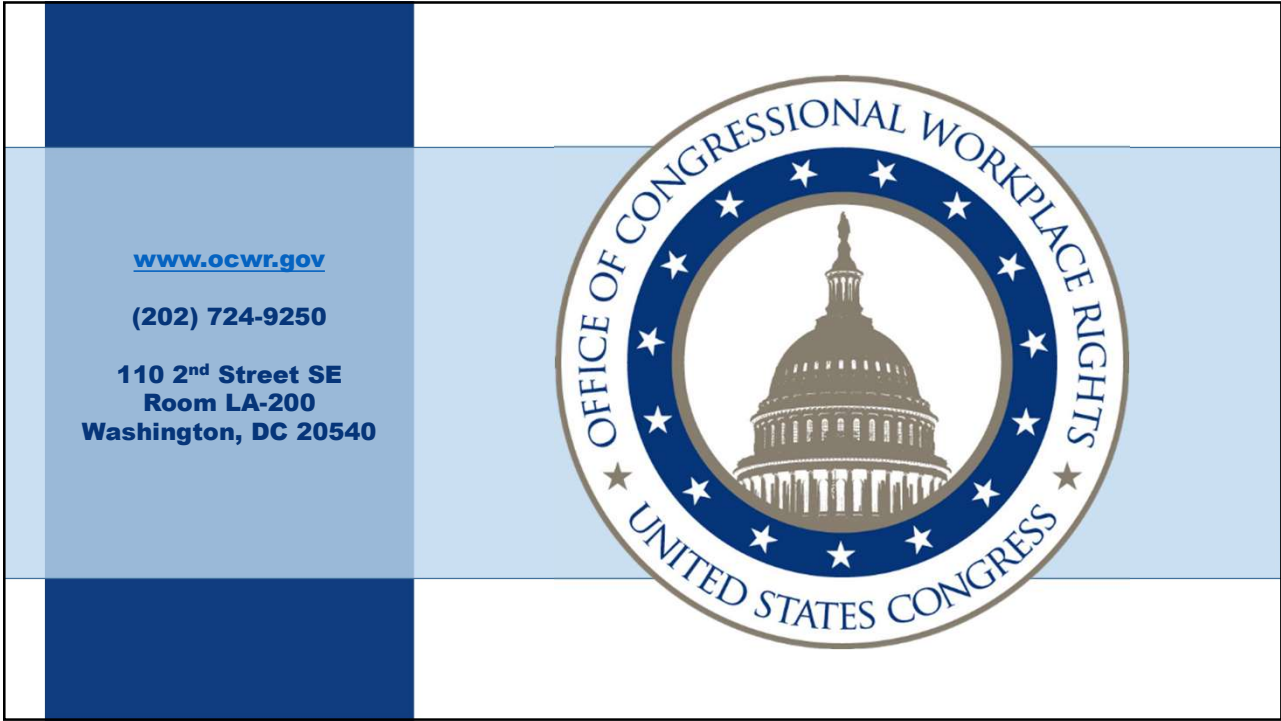
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|  |  | <b>National Labor Relations Board</b> <ul style="list-style-type: none"><li>• <i>Home Depot U.S.A., Inc. v. NLRB</i>, 158 F.4th 910 (8th Cir. 2025) – Home Depot met its burden of showing that “special circumstances” supported prohibiting a Minneapolis-area employee from writing “BLM” on his employee apron shortly after George Floyd’s murder.</li></ul> |

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