

## **SOURCE 3**

### **McDonnell Douglas Corp. v. Green**

**411 U.S. 792, 93 S.Ct. 1817 (1973)**

#### **U.S. Supreme Court - Employment Discrimination Framework**

The United States Supreme Court established a three-step burden-shifting framework for analyzing employment discrimination claims under Title VII of the Civil Rights Act of 1964. Ohio courts apply this same framework to discrimination claims brought under R.C. 4112.02(A).

#### **Three-Step Burden-Shifting Framework**

##### **Step 1: Plaintiff's Prima Facie Case**

The employee must first establish a prima facie case of discrimination by showing four elements:

- (1) The employee was a member of a protected class (e.g., female gender for sex discrimination claims);
- (2) The employee suffered an adverse employment action (e.g., termination, demotion, failure to promote);
- (3) The employee was qualified for the position; and
- (4) Either the employee was replaced by a person outside the protected class, OR the employee was treated differently than similarly situated, non-protected employees engaging in the same or similar conduct.

For the "qualified for position" element, courts examine the employee's general, objective qualifications, including education, experience in the relevant industry, and demonstrated possession of required general skills. The employee must show she was performing at a level which met the employer's legitimate expectations.

For the "similarly situated" comparison, employees must be similarly-situated in all respects. Courts look to factors such as whether the individuals have dealt with the same supervisor, have been subject to the same standards, and have engaged in the same conduct without differentiating or mitigating circumstances that would distinguish their conduct or the

employer's treatment of them.

## **Step 2: Employer's Burden of Production**

Once the plaintiff establishes a prima facie case, the burden of production shifts to the employer to articulate a legitimate, nondiscriminatory reason for the adverse employment action. The employer must provide a clear and specific reason that, if believed, would support a finding that discrimination did not motivate the decision. This burden is one of production, not persuasion.

## **Step 3: Plaintiff's Burden to Show Pretext**

If the employer satisfies its burden, the burden of production shifts back to the plaintiff to show that the employer's proffered legitimate, nondiscriminatory reason was mere pretext for intentional discrimination. The plaintiff may demonstrate pretext by showing: (1) that the proffered reasons had no basis in fact; (2) that the proffered reasons did not actually motivate the employer's action; or (3) that the proffered reasons were insufficient to motivate the employer's action. To survive summary judgment, the plaintiff must produce sufficient evidence from which a jury could reasonably reject the employer's explanation.

*Citation: McDonnell Douglas Corp. v. Green, 411 U.S. 792, 93 S.Ct. 1817 (1973)*

*Application to Ohio law: Ohio courts apply McDonnell Douglas to R.C. 4112.02(A) claims*