Huber v. Wal-Mart Stores, Inc.

U.S. Supreme Court
Settlement Agreement Reached
January 14, 2008

Keywords: reassignment, vacant position, diversity, employment. legal concepts, public accommodations

Facts of the Case

Before acquiring her disability, Pam Huber earned $13.00 per hour as an Order Filler in Wal-Mart's Clarksville, Arkansas distribution center. Ms. Huber then injured her right arm and hand in an accident, was no longer able to perform her job duties, and requested that Wal-Mart accommodate her by transferring her to a vacant, equivalent position. At the time Ms. Huber requested this accommodation, there was an open Router position in the Clarksville distribution center that paid $12.50 an hour. Even though Ms. Huber was qualified for the Router position, rather than transfer her, Wal-Mart required her to compete for the position and then filled the position with another person they believed to be better qualified. Wal-Mart then assigned Ms. Huber to a janitorial position at another facility, reducing her pay to $6.20 an hour.

Ms. Huber sued Wal-Mart, claiming that their refusal to transfer her to the vacant, equivalent position constituted discrimination in violation of the Americans with Disabilities Act ("ADA"). The trial court agreed with Ms. Huber, and said that "forcing a qualified, disabled employee to compete with others in order to be provided a reassignment as a reasonable accommodation for [her] disability violates the ADA." Wal-Mart appealed that order to the Eighth Circuit Court of Appeals, which reversed the trial courts decision. The appellate court said that the ADA only required Wal-Mart to allow Ms. Huber to compete for the Router position and that the statute did not require Wal-Mart to turn away a superior applicant. Quoting the Seventh Circuit Court of Appeals in *EEOC v. Humiston-Keeling* (2007), the court added, "To conclude otherwise is 'affirmative action with a vengeance. That is giving a job to someone solely on the basis of his status as a member of a statutorily protected group."

Ms. Huber appealed this decision to the United States Supreme Court, which granted a writ of certiorari to hear the case in 2008. On January 14, 2008, however, the parties reached a confidential settlement agreement.

Issue of the Case

1. When an employee is prevented from performing the essential functions of her/his current position because of a disability, and there is a vacant, equivalent position for which the employee is qualified, does the ADA require the employer to reassign the employee to that position even when there is a more qualified applicant?

Arguments & Analysis
Ruling

The Supreme Court was set to hear oral arguments in this case in the spring of 2008, however, the Court agreed to dismiss this suit on January 14, 2008, after Ms. Huber and Walmart reached a confidential settlement. For now, whether the ADA requires an employer to reassign an employee with a disability to a vacant position for which a more qualified applicant exists is a question that will remain unanswered by the nation's highest court. The Eighth Circuit's decision that the employer does not have to reassign the employee with a disability to the position but can place a more qualified individual in the position, will stand.

Links

- United States Supreme Court Docket Information – Huber v. Wal-Mart
  www.supremecourt.gov/Search.aspx?FileName=/docketfiles/07-480.htm
- Eighth Circuit Court of Appeals – Huber v. Wal-Mart Stores, Inc., 486 F.3d 480 (May 30, 2007)
  caselaw.findlaw.com/us-8th-circuit/1083228.html
- Greg Stohr, Wal-Mart, Worker Cancel High Court Clash, Settle Case (Update2), Bloomberg Television (Jan. 14, 2008)
  www.bloomberg.com/apps/news?pid=newsarchive&sid=a5gjEo3pYRDU&refer=home

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