



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Charlotte District Office

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EEOC No: 570-2017-01803

Virginia James

February 20, 2020

[REDACTED]

Charging Party

Walmart, Inc.;
Wal-Mart Stores, Inc.;
Wal-Mart Stores East, LP.;
Wal-Mart Stores Arkansas;
Wal-Mart Louisiana, LLC;
Wal-Mart Associates, Inc; and
Wal-Mart Stores Texas, LLC.
c/o [REDACTED]

[REDACTED]

Respondent

DETERMINATION

Under the authority vested in me by the Equal Employment Opportunity Commission ("EEOC" or "Commission"), I issue the following determination as to the merits of this charge. Respondent is an employer within the meaning of Title I of the Americans with Disabilities Act of 1990, as amended, ("ADA"), 42 U.S.C. §12101, et seq. Timeliness and all other jurisdictional requirements for coverage have been met.

Charging Party alleges that she was denied a reasonable accommodation for her disability in that she was not allowed to take leave for disability-related reasons without incurring attendance points, in violation of the ADA. Charging Party also alleges she was discharged because of her disability in that after being denied leave for disability-related reasons she was discharged, in violation of the ADA.

Respondent denies Charging Party's allegations.

An examination of the evidence shows Charging Party was employed with Respondent as a Cashier. Charging Party is a qualified individual with a disability as defined by the ADA. Respondent was aware of Charging Party's disability and need for a reasonable accommodation in the form of leave. The information does not show that providing Charging Party with the reasonable

accommodation would have been an undue hardship for Respondent. Although Respondent was aware of Charging Party's need for leave as an accommodation, Respondent issued attendance points to Charging Party for time away from work due to her disability. Because of Respondent's denial of the reasonable accommodation, Charging Party was subsequently discharged.

Based on the above, there is reasonable cause to determine Charging Party was denied a reasonable accommodation. There is also reasonable cause to determine that because Respondent denied Charging Party's needed reasonable accommodation, Charging Party was discharged on the basis of her disability in violation of the ADA.

Additional evidence arising out of the investigation revealed that since at least October 1, 2015 to the present, Respondent has or had a nationwide no-fault attendance and leave policy and/or practice that subjects qualified individuals with disabilities to attendance points for missing time from work for disability-related reasons. Evidence shows that Respondent has failed to engage in the interactive process to determine whether reasonable accommodations could be provided, resulting in the accumulation of attendance points by qualified individuals with disabilities who required time away from work for disability-related reasons. Respondent has failed to provide reasonable accommodation to a class of similarly situated qualified individuals with disabilities who need or needed leave as an accommodation for disability-related reasons, resulting in them receiving discipline and/or being discharged. Therefore, there is reasonable cause to determine that Respondent has failed to provide reasonable accommodations and subsequently discharged a class of individuals on the basis of disability, in violation of the ADA.

Upon finding that there is reason to believe a violation has occurred, the Commission attempts to eliminate the alleged unlawful practice by informal methods of conciliation. Therefore, the Commission now invites the parties to join with it in reaching a resolution of this matter. The confidentiality provisions of Section 107 the ADA and Commission Regulations apply to information obtained during conciliation.

If Respondent declines to discuss settlement or when, for any other reason, a settlement acceptable to the District Director is not obtained, the District Director will inform the parties and advise them of the court enforcement alternatives available to aggrieved persons and the Commission. A Commission representative will contact each party in the near future to begin conciliation.

On Behalf of the Commission:



Thomas Colclough
District Director
U.S. EEOC Charlotte District

EEOC Letter of Determination
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cc: [REDACTED] *(via email and regular US mail)*

[REDACTED]

[REDACTED] *(via email and regular US mail)*
A Better Balance: The Work & Family Legal Center
40 Worth Street, 10th Floor
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