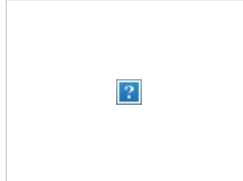


FORMER WALGREENS STORE MANAGER TAKES HER BOSSES TO COURT



A 20-year employee of Walgreens claimed that she had been discriminated against for her disability – from an injury sustained just outside the store. She likewise alleged retaliation for her participation in a class action suit against Walgreens. She took her arguments – and her former bosses – to court. The woman was working as a store manager in Connecticut when she slipped on ice and injured her knee. She took medical leave for surgery and recovery, during which time she notified the district manager that she hoped for reasonable accommodations upon her return and provided a report from her physician detailing her limitations of physical activity. A short time later, while still on leave, she filed a complaint with the EEOC (Equal Employment Opportunity Commission) charging gender discrimination. Her claims were incorporated into a class action complaint with more than 21,000 participants. The woman later accepted an offer to work as manager of a store in Massachusetts. She told the district manager that she would not be able to handle as much exertion, expressing her intent to delegate such duties and also her belief that the store was understaffed and she “deserved a raise.” She worked there for a little more than a year when she informed the district manager that she was having trouble walking and shelving items. The district manager requested an updated medical report, which noted several permanent physical restrictions. The woman was subsequently fired as she was unable to



perform the “essential functions” that her position necessitated. _____ She responded with a lawsuit, alleging violations of the Americans with Disabilities Act (ADA) and Title VII of the Civil Rights Act. The district court first examined the disability discrimination claim. Even assuming that she could meet the disability standards required by the ADA, the woman could not prove that she could perform the job’s essential functions with accommodation. Walgreens supplied a list of numerous tasks, but judges centered on two: maintaining the store’s condition and the implementation of store planograms – the upkeep of the store’s layout. These were considered routine physical tasks that the woman clearly could not perform. The woman’s assertion that delegation of such duties would be a reasonable accommodation failed to sway the court, which believed that a job that can be delegated is not rendered “non-essential” to the store manager position. She also noted that her most recent performance evaluation made no mention of her physical limitations, which she argued was proof that the duties weren’t essential. This evaluation, however, was completed before seeing the doctor’s medical report. The retaliation claim likewise failed, as the woman could not prove that Walgreens’ reason for firing her was a pretext for her involvement in the class action suit. She was fired based on the most recent report of physical restrictions, which negated her past performance, and as Walgreens determined that she could not handle her duties even with reasonable accommodations, her termination was lawful. The district court granted summary judgment in favor of Walgreens, and the woman’s appeal was unsuccessful.