

FORMER ADVANCE AUTO PARTS STORE MANAGER IN MISSOURI TAKES HER BOSSES TO COURT



A former employee's complaints against Advance Auto Parts were dismissed for failure to exhaust administrative remedies and failure to state a claim. It was essentially a matter of how she filed a charge with the EEOC (Equal Employment Opportunity Commission) and the manner in which she worded her complaint. Appellate judges had conflicting opinions on the case. The woman worked as a store manager at one of the company's stores in Missouri. On more than one occasion, she reported to her male supervisor numerous instances of alleged misconduct from co-workers, including abusing the employee discount program, not adhering to the company's sick leave policy, and theft. Shortly after her report of theft, she was removed from her manager position for failing to make timely bank deposits on several occasions. She was afforded the opportunity to apply for another position with different responsibilities and lower pay. She filed an EEOC charge, alleging that she'd been treated unfavorably because her gender and her race – she's white, and her supervisor is African American. The charge was ultimately dismissed. The woman followed this with a lawsuit, claiming that she'd been retaliated against – she was fired just two days after reporting to the company's regional vice president that she'd filed with the EEOC. She also alleged wrongful discharge by asserting that her termination was due to her reports of employee misconduct. The district court dismissed her complaint. It believed that she had not taken advantage of all administrative prospects. Her EEOC charge concerned race and sex discrimination, and since the purported retaliation was because of her filing, she would be required to file another charge claiming retaliation prior to the lawsuit. Missouri heeds to at-will employment, and the district court did not see the woman's complaint as properly stating a public policy that had been violated. On appeal, the woman argued that, since the retaliation was directly related to the discrimination charges, filing with the EEOC a second time was unnecessary. Though this was a formerly accepted notion by the courts, it was "disavowed" later, and appellate judges abided by this opinion – affirming the district court's dismissal of the retaliation claim. The appeals court, however, saw merit in the wrongful discharge complaint. At-will employment entitles companies to fire workers for any reason or none at all, but firing a worker for whistleblowing is a clear violation of law. Judges believed that the allegations of employee-discount abuse and an improper refund (regarded as felony theft) were unmistakably prohibited acts. Therefore, her complaint has sufficient facts to support a claim under Missouri law. The dismissal of the wrongful discharge claim was reversed and remanded for further proceedings. One appellate judge had a dissenting opinion. He concurred with the reversal of the latter claim but disagreed with affirming the retaliation claim's dismissal. The judge saw the initial EEOC discrimination charge as "reasonably related to" the company allegedly retaliating against its employee for filing said charge. Consequently, he believed that the woman had exhausted administrative remedies and that her complaint in court was appropriate and should not have been dismissed.