



**U.S. Equal Employment Opportunity Commission**

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## **Press Release**

09-13-2023

# **EEOC Sues Walmart for Disability Discrimination**

Retailer Based Continued Employment on an Unlawful Qualification Standard, Federal Agency Charges

LITTLE ROCK, Ark. – Walmart, Inc. and Walmart Stores Arkansas, LLC, a multi-national retailer, violated federal law when it subjected a nationwide class of employees with disabilities to unlawful testing, the U.S. Equal Employment Opportunity Commission (EEOC) charged in a lawsuit it filed today.

According to the EEOC’s lawsuit, in 2015, Walmart collaborated with a third-party entity to create the “Pathways Training Program,” including a test called the “Pathways Graduation Assessment.” By January 2017, Walmart required its newly hired hourly associates at its Supercenters and Neighborhood Market Stores across the U.S. to complete the program. The EEOC’s suit alleges Walmart terminated employees with disabilities across the U.S., including two in Arkansas, who failed the test after three attempts even though the employees satisfactorily performed their jobs.

One former Arkansas employee worked at a Supercenter store in North Little Rock, and another former Arkansas employee worked at a Neighborhood Market Store in Fayetteville. Because of their disabilities, neither Arkansas employee passed the Pathways Graduation Assessment, and Walmart dismissed both employees despite their satisfactory job performance. The EEOC’s suit said the test was not related to

the employees' job duties or job performance.

Such alleged conduct violates the Americans with Disabilities Act (ADA). The EEOC filed suit in U.S. District Court for the Western District of Arkansas, Fayetteville Division, Civil Action No. 5:23-cv-05149, after first attempting to reach a pre-litigation settlement through its conciliation process. The suit seeks monetary relief in the form of back pay, compensatory and punitive damages, compensation for lost benefits, and an injunction against future discrimination.

“Employees with disabilities face far too many obstacles in life, and the workplace should not be one of those obstacles,” said Edmond Sims, acting district director of the EEOC’s Memphis District Office, which has jurisdiction over Arkansas, Tennessee and portions of Mississippi. “Employees with disabilities who are successfully performing their jobs should be commended, not terminated.”

For more information on disability discrimination, please visit

**<https://www.eeoc.gov/disability-discrimination> (<https://www.eeoc.gov/disability-discrimination>).**

The EEOC advances opportunity in the workplace by enforcing federal laws prohibiting employment discrimination. More information is available at **[www.eeoc.gov](http://www.eeoc.gov) (<http://www.eeoc.gov>)**. Stay connected with the latest EEOC news by subscribing to our **[email updates](https://public.govdelivery.com/accounts/USEEOC/subscriber/new) (<https://public.govdelivery.com/accounts/USEEOC/subscriber/new>)**.