

*The U.S. Equal Employment Opportunity Commission*

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FOR IMMEDIATE RELEASE  
Monday, December 17, 2001

CONTACT:  
EEOC Phoenix District Office  
Mary Jo O'Neill, Supervisory Trial  
Attorney  
(602) 640-5044;  
TTY: (602) 640-5072

EEOC San Francisco District Office  
Lynn Palma, Senior Trial Attorney  
(415) 356-5223

William Tamayo, Regional Attorney  
(415) 356-5084

EEOC Headquarters  
Reginald Welch  
(202) 663-4900  
TTY: (202) 663-4494

## COMPREHENSIVE EEOC, WAL-MART SETTLEMENT RESOLVES DISABILITY LAWSUIT

WASHINGTON - The U.S. Equal Employment Opportunity Commission (EEOC) announced that a \$6.8 million consent decree with retail giant Wal-Mart Stores was signed today by Federal District Court Judge Garland Burrell in Sacramento, Calif. The decree resolves the EEOC's lawsuit, Case No. S-99-0414-GEB DAD, which alleged that Wal-Mart's pre-employment questionnaire, "Matrix of Essential Job Functions," violated the Americans with Disabilities Act (ADA). Parties to the decree also have agreed to settle 12 other ADA lawsuits filed against Wal-Mart in 11 states.

"Wal-Mart has been a very hands-on participant in drawing up this agreement and eliminating barriers for applicants and employees with disabilities," said EEOC Chair Cari M. Dominguez. "What is extremely gratifying about this private sector-government resolution is the intensive effort on everybody's part to rectify past practices and to ensure that the Wal-Mart facilities of the future will be more promising workplaces for current and prospective individuals with disabilities."

The agency's chief negotiator of the consent decree, Mary Jo O'Neill of EEOC's Phoenix District Office, said, "This agreement is the result of months of negotiations by a national negotiation team for the EEOC and Wal-Mart." She added: "Wal-Mart's willingness to enter into this global settlement, which includes significant nationwide training on the ADA and job offers, clearly demonstrates Wal-Mart's commitment to the ADA."

Between 1994 and 1998, Wal-Mart sought disability-related information from applicants through their "Matrix" questionnaire before making conditional offers of employment, a violation of the federal disability law. As part of the decree, Wal-Mart has abolished the unlawful pre-employment questionnaire and will institute an array of new or revised policies.

Also under the decree, Wal-Mart will provide priority consideration for hiring at its distribution centers to applicants who were qualified for employment but rejected based on medical or disability related information requested during the now defunct interview process. A toll-free number (1-866-513-8206) has been established for applicants at Wal-Mart distribution centers between 1994 and 1998 who may have been affected by the pre-employment inquiries.

The decree describes two separate funds to compensate alleged victims of discrimination: a \$3.8 million fund for identified charging parties and aggrieved individuals in this and 12 other EEOC-filed lawsuits, and a \$3 million fund to provide damages for individuals yet to be identified who were allegedly harmed by the pre-employment practice and other ADA violations.

Steven Sanders, a former Wal-Mart employee with a hearing impairment who was one of the charging parties in the case, said, "I will now be able to return to Wal-Mart and be a part of their team. I am so grateful that the EEOC believed in me and fought for me and that Wal-Mart was willing to give me another opportunity."

Bentonville, Ark.-based Wal-Mart, with 1.14 million workers at nearly 4,000 facilities worldwide, is America's largest retailer.

In addition to enforcing Title I of the ADA, which prohibits discrimination against individuals with disabilities in the private sector and state and local governments, the EEOC enforces other federal laws which prohibit workplace discrimination based on race, color, religion, sex, national origin, or age. Further information about the EEOC is available at [www.eeoc.gov](http://www.eeoc.gov).

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*This page was last modified on February 13, 2003.*



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