

US Airways, Inc. v. Barnett
122 S.Ct. 1516 (April 29, 2002)

Issue: Does the violation of a seniority system in order to accommodate a disabled employee constitute an “undue hardship” under the Americans with Disabilities Act?

Robert Barnett injured his back while working as a cargo handler for U.S. Airways. As a result, his employer transferred him to a less physically challenging position in the mailroom. However, under U.S. Airway’s seniority system, the mailroom job also was open to other employee bidding, and two individuals with more seniority indicated a desire for the mailroom job.

U.S. Airways decided that the seniority rights of the other employees outweighed Barnett’s right for an accommodation by way of the mailroom job. Barnett sued, arguing that U.S. Airways unlawfully discriminated against him by not making an exception to the seniority system.

The Supreme Court ruled that providing an accommodation that would violate pre-existing seniority system rules can constitute an undue hardship that the employer is not obligated to accept. To do so would undermine employee expectations of a consistent, impersonal, nondiscretionary personnel system.

The ruling does not preclude disabled employees from attempting to show that the benefits of violating an established personnel system to provide an accommodation outweigh any negative impacts. Courts may also consider whether or not the employer has made exceptions to the system in the past.