Supreme Court Rules that the ADA Does Not Trump Employers' Seniority Systems
April 29, 2002

The U.S. Supreme Court ruled on April 29, 2002, that the ADA does not pre-empt employers' seniority systems. *US Airways, Inc. v. Barnett*, 00-1250, 535 U.S. __ (2002). Thus, an employer is not ordinarily required to accommodate a disabled employee by reassigning that employee to a vacant position if such reassignment would conflict with the employer's seniority system.

The Facts of the Case

US Airways maintains a seniority system for some 14,000 non-union customer service employees. Under this system, seniority dictates the assignment of duties, shifts, transfers and holidays.

Barnett, an employee of US Airways, suffered a work-related back injury and used the airline's seniority system for job assignments to transfer from his position as a cargo handler to a position in the mail room. When Barnett learned that more senior employees planned to transfer to the mail room, thereby "bumping him out" to a cargo job he was medically unable to perform, he asked the airline if he could remain in the mail room as a "reasonable accommodation" for his disability. US Airways denied this request, and Barnett was placed on medical leave with reduced pay.

Barnett sued under the ADA, claiming that US Airways should have reasonably accommodated his disability by making an exception to its seniority system that would have permitted him to continue working in the mail room.

The district court granted summary judgment for US Airways, but the Ninth Circuit reversed on appeal, rejecting the airline's claim that the ADA guarantees disabled employees nothing more than the right to apply for and compete equally for reassignment. Acknowledging that the employer's established seniority system is "a factor in the undue hardship analysis," the court held that the seniority system was not a *per se* bar to reassignment. According to the
Supreme Court Rules that the ADA Does Not Trump Employers' Seniority Systems (continued)

Ninth Circuit, the question of whether a seniority system can bar an accommodation should be analyzed on a case-by-case basis.

US Airways appealed to the Supreme Court.

The Court's Decision

In a 5-4 decision, the Supreme Court vacated the Ninth Circuit's decision, concluding that an otherwise reasonable accommodation under the ADA (such as reassignment to a vacant position) is generally not reasonable if it requires the employer to set aside its seniority system for the benefit of a disabled employee. In the words of Justice Breyer, "to show that a requested accommodation conflicts with the rules of a seniority system is ordinarily to show that the accommodation is not 'reasonable.' Hence such a showing will entitle an employer/defendant to summary judgment on the question...."

The Court did acknowledge, however, that a disabled employee remains free to present evidence of "special circumstances" warranting an exception to the employer's seniority system as a reasonable accommodation under the ADA. For example, where an employee can demonstrate that his employer regularly carved out exceptions to its seniority system, a court could conclude that the employer was required by the ADA to make another such exception as a reasonable accommodation for a disabled employee.

The Court's decision in *US Airways v. Barnett* marks the fifth time the Court has considered the employment-related provisions of the ADA; today, for the fifth time, the Court has ruled in favor of the employer.