

Deborah Gunter

Hometown: Palm Springs, Calif.

Employed by Wal-Mart, Inc., October 1993- January 1994; April 2, 1996 – August 25, 1999, in Waxahachie, Texas; Riverside, Perris and Elsinore, Calif.

Deborah Gunter had more than 20 years in retail, including supervisory and management experience, prior to working for Wal-Mart. During her three years as a full-time employee at Wal-Mart, she was repeatedly denied training and management opportunities despite her interest in becoming a company leader.

After working as a seasonal employee for a few months in 1993-94, Gunter applied for and was hired in March 1996 as a part-time cashier in the Photo Lab of a Riverside, Calif., Wal-Mart. Excited about her prospects within the company, she eagerly applied herself to her job in the Photo Lab. However, she soon learned that because of staffing issues she had to work 12-hour shifts with no breaks. She complained to her Department Manager, but the staffing issues continued and she failed to earn overtime due to her status as a part-time employee.

Around this time, Gunter also became interested in learning how to use the Telzon Machine, a hand-held computer that scans merchandise for pricing and inventory. She knew that this training would enable her to advance in the company and repeatedly asked her Department Manager and other Assistant Managers, only to have her requests denied. Eventually she taught herself how to use the Telzon.

After a brief medical leave, Gunter transferred departments so that she could work nights and free up her daytime hours for her education. By this time, she had received her first annual evaluation, was ranked “standard,” and was now making \$6.10 an hour, up from \$5.50 when she started. While on the night shift she heard rumors that male stockers were being paid more than female stockers and were assigned to the higher-paying receiver positions. This was confirmed when a male co-worker told her he was being paid \$8.50—more than \$2.00 an hour higher than her pay.

Despite this, Gunter still wanted to enter management and was thrilled to learn of a Department Manager position in the Pet Department. Since she had been breeding and raising show dogs for many years and had previously worked in a pet store, she felt uniquely qualified for the position. Even though the Assistant Manager who interviewed her told her he was impressed with her experience, Gunter was denied the job. In total, she applied three times for the position and was passed over each time— twice in favor of men. She complained to both the Overnight Manager and the Store Manager, each of whom told her that the other candidates were hired because they had more experience. However, none of those hired managed to retain the job for any length of time. “I believe that the short length of time these candidates served in the position indicated their lack of experience and qualifications,” said Gunter.

In May 1998, she requested a transfer to the Perris, Calif., store to move closer to home and return to day shifts. She was offered a customer service/cashier position in the Tires & Lubrication Express (TLE) Department at \$7.00 an hour. After she started, she learned that there was no Support Manager on the day shift. On top of her regular duties, she quickly picked up the duties of the Support Manager and expressed an interest filling that position permanently. That fall, the TLE Manager asked Gunter to train a male associate for the Support Manager position. After explaining that she had been performing these duties for months without the title or pay increase, the TLE Manager responded that he would give her the position when it was available, but that he still wanted her to train the associate for back-up. Gunter did train the associate and he was soon hired as the new Support Manager. For her part, Gunter had her hours cut.

Not long after, the new Support Manager was transferred to the night shift and the TLE Manager asked her to train another male associate for the daytime position. Gunter reminded the TLE Manager and District Manager that had been promised the Support Manager position. They both reassured her that this was still the case but that she needed a back-up as they could not rely on her "24/7." Gunter again did as she was told, and yet again the associate was made Support Manager and she had her hours cut.

Fed up, she complained to her Store Manager who promptly sent her back to the TLE Manager and District Manager. Her TLE Manager then told her that he didn't believe that she was qualified for the position. "This really angered me because I had asked [the TLE Manager] for additional training on the computer several times and he had always told me that he was too busy to train me," said Gunter.

Following this incident, Gunter said the atmosphere at the Perris store became "unbearable." Her Manager had previously made sexually explicit remarks to her which had not only gone unpunished but deemed a "misunderstanding."

In May 1999, she was transferred to the TLE Department at the Lake Elsinore, Calif., store. "The Perris TLE Manager told me to my face that he was glad to get rid of me," she said. That summer, Gunter yet again was asked to train a male associate in the Support Manager duties. She was informed that the associate would simply be closing the TLE on nights when she wasn't working. As had happened before, her hours were cut shortly after the associate's training was complete. "I was furious and began complaining . . . that I could not support myself on such reduced hours," said Gunter. "In addition to losing wages, my benefits were also at risk of being cut if I did not work enough hours to qualify for coverage."

In mid-August 1999, Gunter informed her Manager that she needed to have her hours back or she would resign and requested a meeting with her District Manager. Several days later, she was informed that the District Manager would not meet with her nor would her hours increase. She was handed \$800 in cash as exit pay and an exit interview form to sign. Deborah Gunter filed as a plaintiff in the sex discrimination case against Wal-Mart in April 2003.

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