



take a seat: summary judgement reversed in suitable seating suit

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Last week, a California appeals court reversed a summary judgement in favor of AutoZoners, who was sued by an ex-employee for failing to provide her with suitable seating, ruling that triable issues of material fact exist.

Background

The plaintiff worked as a sales associate at an AutoZone parts store operated by AutoZoners, assisting customers at cashier counter and parts counter workstations. After she resigned, she filed one claim under California's Private Attorneys General Act (PAGA), asserting that AutoZoners failed to provide her with suitable seating. Under California's Wage Orders, employees must be provided with suitable seats when the nature of work allows them to be seated. The plaintiff claimed that she was able to perform all or most of her work behind the cashier and parts counters while sitting, and although two chairs were available in the store they were not placed at the cashier or parts counter workstations.

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