

CITY OF NEW YORK
COMMISSION ON HUMAN RIGHTS

In the Matter of the Complaint of:

THE NEW YORK CITY COMMISSION ON
HUMAN RIGHTS, and [REDACTED]

Complainants,

- against -

THE ARTEZEN HOTEL LLC,

Respondent.

Complaint No.: M-E-3-23-120100

([REDACTED])

Complaint No.: M-E-3RV-24-131613
(NYCCHR)

Federal Charge No.: 16F-2024-00034

VERIFIED COMPLAINT

NATURE OF THE ACTION

The New York City Commission on Human Rights (“Commission”) and [REDACTED] (“Complainant [REDACTED]”) (collectively, “Complainants”) bring this action against The Artezen Hotel LLC (“Artezen” or “Respondent”) for engaging in unlawful discriminatory practices in violation of §§ 8-107(11-a) and 8-107(25)(b)(1) of the Administrative Code of the City of New York (“NYCHRL”). The NYCHRL outlaws inquiries into job applicants’ criminal conviction histories until after a conditional offer of employment. The Commission alleges Respondent’s employment application requires applicants to mark a box to consent to a criminal background check prior to a conditional offer of employment. Maintaining such barriers to hiring people with criminal records has a disparate impact on race and national origin in violation of Title VII of the Civil Rights Act of 1964. Further, Respondent’s employment application inquires into applicants’ salary history in violation of the NYCHRL. The Commission alleges as follows:

JURISDICTION AND VENUE

The Commission initiates this Complaint pursuant to § 8-109(c) of the NYCHRL. Complainant [REDACTED] initiates this Complaint pursuant to § 8-109(a) of the NYCHRL. The unlawful policies and practices alleged in this complaint occurred in the City of New York.

THE PARTIES

1. The Commission's address for service of process is 22 Reade Street, New York, NY 10007.
2. Complainant [REDACTED] address for service of process is c/o New York City Commission on Human Rights, Law Enforcement Bureau; 22 Reade Street; New York, NY 10007.
3. Respondent Artezen operates a hotel at 25 John Street, New York, NY, 10038, ("Hotel") and is an employer as defined by § 8-102 of the Administrative Code of the City of New York (the "Code"). Respondent Artezen employs fifteen (15) or more employees. Respondent Artezen's address for service of process is c/o [REDACTED] Esq., 6-53 152nd Street, #2R, Whitestone, NY, 11357.

FACTS

4. On or about December 30, 2022, Complainant [REDACTED] went to the Hotel to apply for the position of Front Desk Agent.
5. The Hotel's advertisement for the Front Desk Agent position instructed applicants to apply in person and stated, "No experience necessary."
6. Complainant [REDACTED] does have experience working as a front desk agent.
7. As of December 30, 2022, Respondent maintained and disseminated an Employment Application for job opportunities at the Hotel that required applicants to list their salaries from five (5) previous jobs.

8. As of December 30, 2022, Respondent maintained and disseminated an Employment Application for job opportunities at the Hotel that asked applicants, “If selected for employment are you willing to submit to a background check?”
9. Upon inquiring about the position of Front Desk Agent, Complainant [REDACTED] was provided with the Employment Application, which she completed, omitting the requested information regarding salary history.
10. Complainant was never selected for an interview after submitting her application to the Hotel.
11. On or about January 10, 2023, Respondent reposted the job advertisement for the Front Desk Agent position on Craigslist.
12. Upon information and belief, Respondent required every applicant for employment in New York City, within the past year, to complete an application for employment containing substantially the same or similar language as set forth in Paragraphs 5 and 6 above.
13. Upon information and belief, Respondent maintains policies and practices to the detriment of job applicants with criminal records. These policies and practices have a disparate impact upon African-Americans and Latinos in violation of Title VII of the Civil Rights Act of 1964.

CHARGE I
Employment Discrimination Based on Criminal History in Violation of
§ 8-107(11-a) of the NYCHRL

14. Complainants incorporate and reallege paragraphs 1 through 13 of this Complaint as though fully set forth herein.
15. For each applicant for a position at Respondent within New York City in the last year, the Commission charges that Respondent caused to be circulated an employment application that expresses, directly or indirectly, a limitation or specification based on arrest or criminal conviction in violation of § 8-107(11-a)(a)(1) of the NYCHRL.

16. For each applicant for a position at Respondent within New York City in the last year, the Commission charges that, prior to a conditional offer of employment, Respondent's employment application made an inquiry or statement related to an arrest or criminal conviction record in violation of § 8-107(11-a)(a)(2) of the NYCHRL.

CHARGE II
Employment Discrimination Based on Salary History in Violation of
§ 8-107(25)(b)(1) of the NYCHRL

17. Complainants incorporates and reallege paragraphs 1 through 13 of this Complaint as though full set forth herein.

18. For each applicant for a position within New York City since March 14, 2018, Complainants charge that Respondent caused to be circulated an employment application that inquired into applicants' salary history in violation of § 8-107(25)(b)(1) of the NYCHRL.

CHARGE III
Race Discrimination in Employment in Violation of
Title VII of the Civil Rights Act of 1964

19. Complainants incorporate and reallege paragraphs 1 through 13 of this Complaint as though fully set forth herein.

20. The Commission charges that Respondent has violated Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e et seq., on the basis of race, and accepts this Verified Complaint on behalf of the Equal Employment Opportunity Commission, subject to the statutory limitations contained in Title VII.

CHARGE IV
National Origin Discrimination in Employment in Violation of
Title VII of the Civil Rights Act of 1964

21. Complainants incorporate and reallege paragraphs 1 through 13 of this Complaint as though fully set forth herein.
22. The Commission charges that Respondent has violated Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e et seq., on the basis of national origin, and accepts this Verified Complaint on behalf of the Equal Employment Opportunity Commission, subject to the statutory limitations contained in Title VII.

PRAYER FOR RELIEF

WHEREFORE, the Commission and Complainant Edwards respectfully request judgment against Respondent as follows:

- a) Declaring that the Respondent's acts, practices, and omissions complained of herein violate the NYCHRL;
- b) Enjoining Respondent and its agents, employees, successors, and all other persons in active concert or participation from aiding, abetting, inciting, compelling, or coercing any of the acts forbidden by the NYCHRL;
- c) Directing Respondent to make all necessary modifications to its policies, practices and procedures to comply with the NYCHRL;
- d) Directing Respondent to train all management, agents, and employees on the NYCHRL;
- e) Directing Respondent to engage in affirmative relief, including anti-discrimination training, policy revisions, posting and notice to employees, and monitoring;
- f) Directing Respondents to pay damages;

- g) Directing Respondent to pay civil penalties; and
- h) Awarding such other relief as the Commissioner deems just and proper.

NO FURTHER TEXT ON THIS PAGE.

Sapna V. Raj, being duly sworn, deposes and says: that I am the Deputy Commissioner for the Law Enforcement Bureau of the New York City Commission on Human Rights, the Complainant herein; I have read the foregoing Complaint and know the content thereof; that the same is true of my own knowledge except as to the matters therein stated on information and belief; and that as to those matters, I believe the same to be true.

Dated: December 22, 2023
New York, NY



Sapna V. Raj
Deputy Commissioner
Law Enforcement Bureau
New York City Commission on Human Rights

██████████ being duly sworn, deposes and says: that I am the complainant herein; I have read (or had read to me) the foregoing complaint and know the content thereof; that the same is true of my own knowledge except as to the matters therein stated on information and belief; and that as to those matters, I believe the same to be true.

██████████
██████████

Subscribed and sworn to before me

This 22nd day of December, 2023.

Julie A. Dabrowski
(Signature of Notary Public) 

Prepared by:

Jacqueline E. Rios
Agency Attorney

