

CITY OF NEW YORK  
COMMISSION ON HUMAN RIGHTS

In the Matter of the Complaint of:

THE NEW YORK CITY COMMISSION  
ON HUMAN RIGHTS,

Complainant,

— against —

WILLIAMS-SONOMA STORES, INC.,  
and WEST ELM, INC.,

Respondents.

Complaint No.: M-E-39TV-24-134192-E  
Federal Charge No.: 16F— 2025— 00023  
(Williams— Sonoma, Inc.)  
Federal Charge No.: 16F— 2025— 00024  
(West Elm)

**VERIFIED COMPLAINT**

**NATURE OF THE ACTION**

The New York City Commission on Human Rights (“Commission”) brings this action against Respondents West Elm, Inc. (“West Elm”) and Williams-Sonoma Stores, Inc., (“Williams-Sonoma”) for violating §§ 8-107(11-a), (17), (25), and (31) of the Administrative Code of the City of New York (the “Code”). Since 2015, § 8-107(11-a), otherwise known as the Fair Chance Act, has outlawed inquiries into, and statements about, job applicants’ criminal conviction histories before a conditional offer of employment. Since 2017, § 8-107(25) of the Code has further prohibited employers from requesting salary history from job applicants. Since 2020, § 8-107(31) of the Code has further prohibited employers from testing job candidates for marijuana or tetrahydrocannabinols (THC) as a condition of employment.

The Commission alleges Respondents posted an application for employment stating that it collects personal information from background checks, subjects applicants to drug testing, and which inquires about the salary history of applicants. The Commission further alleges that maintaining barriers to hiring people with criminal records has a disparate impact on race and

national origin in violation of both the Code and Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et seq.* The Commission alleges as follows:

### **JURISDICTION AND VENUE**

The Commission initiates this Complaint pursuant to § 8-109(c) of the Code. The effects of the alleged unlawful policies and practices described in this complaint occurred in the City of New York.

### **PARTIES**

1. The Commission's address is 22 Reade Street, 3rd Floor, New York, NY 10007.
2. Respondent West Elm, Inc., is an employer as defined by § 8-102 of the Code and, upon information and belief, employs fifteen (15) or more employees. Respondent West Elm's address for service of process is c/o Corporation Services Company, 80 State Street, Albany, NY, United States, 12207 – 2543.
3. Respondent Williams-Sonoma Stores, Inc., is an employer as defined by § 8-102 of the Code and, upon information and belief, employs fifteen (15) or more employees. Respondent Williams Sonoma's address for service of process is c/o Corporation Services Company, 80 State Street, Albany, NY, United States, 12207 – 2543.

### **FACTS**

4. Respondents maintain a "Careers" page on their website, <https://www.williams-sonoma.com/customer-service/careers> (the "Website") for Respondents and their subsidiaries.

5. As of today, the website contains numerous employment applications for positions in New York City at Respondent Williams Sonoma and its subsidiaries, including Respondent West Elm.

6. Upon information and belief, Respondents' employment application requires the use of this website.

7. Upon information and belief, each employment application contains a link to apply for the relevant position. Upon clicking that link, are directed to an online application for the specific position.

8. As of February 2, 2024, the employment application for the position of "Associate Designer, Casual Seating" at Respondent West Elm and located in New York City, and upon information and belief for other positions offered by Respondents and their subsidiaries in New York City, contains a field in the "Application Questions" section which reads, "[t]he hiring process may consist of a phone interview, manager(s) interview, drug screen, background check, reference checks, and potential employment assessment. Are you willing to participate in this process?"

9. As of February 2, 2024, applicants for positions in New York City were also required to submit a common application which asked applicants to list all employment in the preceding seven (7) years, including their starting and final rate of compensation.

10. 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 on African American and Latin applicants 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 Code**

11. Complainant incorporates and realleges Paragraphs 1 through 10 of this Complaint as though fully set forth herein.

12. For each employment application for a position within New York City posted within the past year that required an applicant to acknowledge that Respondent may conduct a background check on the applicant, the Commission charges that Respondents caused to be circulated an employment application that expresses, directly or indirectly, a limitation or specification based on arrest or criminal conviction history in violation of § 8-107(11-a) of the Code.

**CHARGE II**  
**Race, National Origin, and Criminal Record Discrimination in Employment**  
**in Violation of § 8-107(17) of the Code**

13. Complainant incorporates and realleges Paragraphs 1 through 10 of this Complaint as though fully set forth herein.

14. The Commission charges that Respondents have policies and practices creating a disparate impact on race, national origin, and people with arrest or criminal conviction records, in violation of § 8-107(17) of the Code.

**CHARGE III**  
**Salary History Discrimination in Employment**  
**in Violation of § 8-107(25) of the Code**

15. Complainant incorporates and realleges Paragraphs 1 through 10 of this Complaint as though fully set forth herein.

16. For each employment application for a position within New York City posted within the past year that required an applicant to disclose their salary history, the Commission charges that Respondents caused to be circulated an employment application that inquired about an applicant's salary history in violation of § 8-107(25-b) of the Code.

**CHARGE IV**  
**Marijuana Testing in Employment**  
**in Violation of § 8-107(31) of the Code**

17. Complainant incorporates and realleges Paragraphs 1 through 10 of this Complaint as though fully set forth herein.

18. For each solicitation, application, or publication for employment at Respondents that contained any reference to a pre-employment drug test, including, but not limited to, any link to a document that contained any reference to a pre-employment drug test, and was posted in the last year, the Commission charges that Respondents requested or used for employment purposes the drug test of an applicant for employment or an employee, or otherwise discriminated against an applicant or an employee with regard to hiring, compensation, or the terms, conditions or privileges of employment based on drug use, including use of tetrahydrocannabinols or marijuana in such prospective employee or applicant's system in violation of § 8-107(31) of the NYCHRL.

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

19. Complainant incorporates and realleges Paragraphs 1 through 10 of this Complaint as though fully set forth herein.

20. The Commission charges that Respondents have 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 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 respectfully requests judgment against Respondents as follows:

- a) Declaring that Respondents' acts, practices, and omissions complained of herein violate the Code;
- b) Enjoining Respondents and their agents, employees, successors, and all other persons in active concert or participation from further violating the Code;
- c) Enjoining Respondents and their agents, employees, successors, and all other persons in active concert or participation from coercing, intimidating, threatening, or interfering with, or attempting to coerce, intimidate, threaten, or interfere with a person in the exercise or enjoyment of rights granted and/or protected under the Code;
- d) Directing Respondents to pay civil penalties; and
- e) Awarding such other and further relief as the Commission deems just and proper.

**[NO FURTHER TEXT ON THIS PAGE]**


Katherine Carroll, being duly sworn, deposes and says: I am the Deputy Commissioner of 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; the same is true of my own knowledge, except as to the matters therein stated on information and belief; and, as to those matters, I believe the same to be true.

Dated: New York, NY  
November 15, 2024

  
Katherine Carroll  
Deputy Commissioner  
Law Enforcement Bureau  
New York City Commission on Human Rights  
22 Reade Street, 3rd Floor  
New York, NY 10007

Prepared by: Jeremy Klutch,  
Agency Attorney

Subscribed and Sworn  
to before me  
this 15<sup>th</sup> day of November 2024

  
Notary Public



