

# EEOC NEWS



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

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## **EEOC SUES STAFFING SOLUTIONS FOR MULTIPLE DISCRIMINATORY HIRING PRACTICES**

### ***Owner Frequently Used Racial Slurs and Forced Out Manager Who Opposed Hiring Discrimination, Federal Agency Charges***

BUFFALO, N.Y. –Staffing Solutions of WNY Inc., a Buffalo-based staffing company that places employees with clients throughout Western New York, violated federal laws prohibiting hiring discrimination, the U.S. Equal Employment Opportunity Commission (EEOC) charged in a lawsuit filed today.

According to the complaint, EEOC contends that Staffing Solutions either refused to hire highly qualified Black applicants or placed them in the lowest paying, least desirable jobs. Further, EEOC alleges that Staffing Solutions’ owner, Kathleen Faulhaber, regularly referred to Black applicants as “n---rs,” instructed her staff to comply with clients’ race and sex preferences, placed employees in positions based on race and sex, and rejected pregnant applicants.

Additionally, the complaint alleges that applicants over the age of 50, applicants with disabilities, and those whom the company deemed disabled were routinely rejected by Staffing Solutions. EEOC contends that applicants were improperly asked for their dates of birth and about injuries and medical conditions, and that Staffing Solutions rejected applicants considered too old and those who revealed health issues, such as cancer, blindness, or back injuries.

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Finally, EEOC charges that an office manager for Staffing Solutions complained about the illegal hiring practices and voiced objections to Faulhaber's repeated use of racial slurs, but was warned that she would be fired if she failed to comply. The office manager felt she had no choice but to resign.

Staffing Solutions' alleged hiring practices violate Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act and the Age Discrimination in Employment Act which prohibit discrimination on the basis of age, disability, race, or sex, as well as retaliation.

The EEOC filed suit in U.S. District Court for the Western District of New York (*EEOC v. Staffing Solutions of WNY, Inc.*, Civil Action No. 1:18-cv-00562) after first attempting to reach a pre-litigation settlement through its conciliation process. The EEOC seeks back pay; compensatory, liquidated, and punitive damages; and injunctive relief. The agency's litigation effort will be led by Trial Attorneys Daniel Seltzer, Elizabeth Fox-Solomon, and Supervisory Trial Attorney Nora Curtin.

"Staffing Solutions' conduct harkens back to a time over half a century ago, before the passage of federal laws that make this type of discriminatory hiring illegal," said Jeffrey Burstein, regional attorney for EEOC's New York District Office. "The EEOC is sending a clear message with this lawsuit: those days are over."

Kevin Berry, the EEOC's New York district director, added "Staffing companies are playing an increasingly large role in our economy. The EEOC will fight to ensure that they do not become an instrument of discrimination. The law is clear that honoring discriminatory client requests is illegal."

"I'm proud to have been born and raised in Buffalo," said Curtin. "Buffalonians, and all Americans, deserve to be hired based on their qualifications, without regard to age, disability, race or sex."

Eliminating barriers in recruitment and hiring, and preserving access to the legal system by eliminating retaliation are national priorities identified by the EEOC's [Strategic Enforcement Plan \(SEP\)](#).

The EEOC's New York District Office is responsible for processing discrimination charges, administrative enforcement, and the conduct of agency litigation in Connecticut, Maine, Massachusetts, New Hampshire, New York, northern New Jersey, Rhode Island, and Vermont. The Buffalo Local Office conducted the investigation resulting in this lawsuit.

The EEOC advances opportunity in the workplace by enforcing federal laws that prohibit employment discrimination. More information is available at [www.eeoc.gov](http://www.eeoc.gov). Stay connected with the latest EEOC news by subscribing to our [email updates](#).

Anyone who may have been discriminated against by Staffing Solutions should contact the EEOC at [staffingsolutionslawsuit@eeoc.gov](mailto:staffingsolutionslawsuit@eeoc.gov).