

More CVS Workers Sue Over Alleged Orders To Racially Profile Black & Hispanic Shoppers

BY [NATHAN TEMPEY](#) IN [NEWS](#) ON MAR 29, 2016 1:42 PM



Two managers at CVS stores in Queens and Manhattan allegedly have no love for their black and Latino customers (Spencer Platt/Getty)

Three more former [CVS](#) store detectives are suing the pharmacy chain, claiming that their bosses at stores across New York City used racial slurs, encouraged them to follow black and Hispanic customers who had done nothing wrong, let white shoplifters go free for more serious thefts than those that shoplifters of color were arrested for, and even pushed them to frame black and Hispanic shoppers to meet quotas.

The suits, in Bronx Supreme Court and Brooklyn federal court, echo the claims of [a class-action lawsuit](#) brought last year on behalf of five former store detectives, as well as a subsequent Bronx suit by another former store detective. Three of the former workers involved with the class-action have since gone into out-of-court arbitration.

The federal suit filed yesterday on behalf of one former store detective, Sheldon Thomas, begins with some of the many outrageous directives attributed to store managers and loss prevention bosses in the previous lawsuits, including, "Most shoplifters are Spanish or back. You will need to look at them closely," and, "Our numbers should be up there because lots of niggers and Hispanics can't afford anything. They're always stealing."

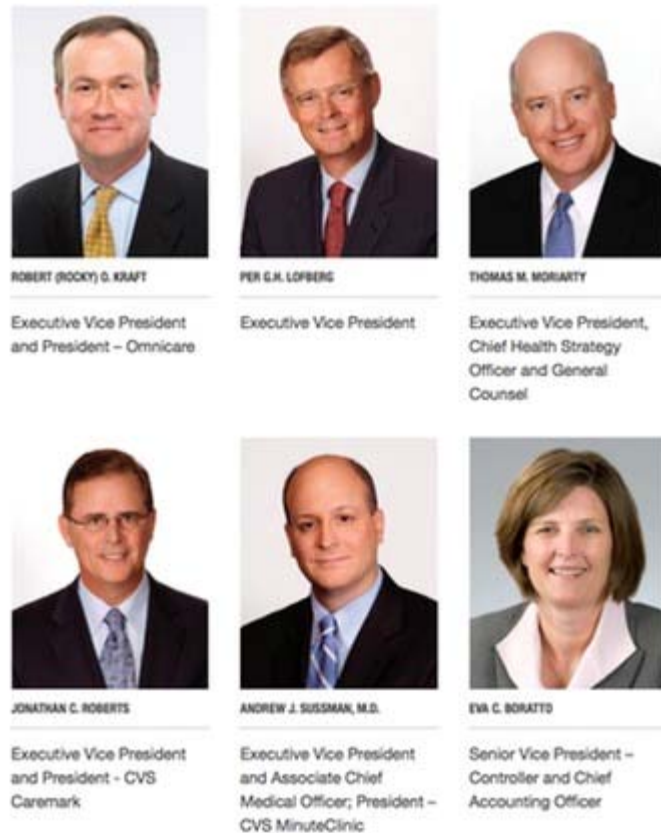
"Thus," Thomas's suit reads, "it should come as no surprise that Mr. Thomas...was subjected to identical treatment at the hands of his supervisors." The store detectives, who serve as undercover shoppers and detain shoplifters, rotate through CVS stores around the city, reporting to both regional security managers and store managers. Thomas accuses two loss prevention bosses named in past lawsuits of raining racial invective on him, too. One boss allegedly told him, "There are a lot of black and Spanish people here. Make sure you watch them." The boss allegedly also instructed him to have African American and Hispanic people arrested when caught stealing, and allegedly told his team to fabricate reasons to bust customers to boost his numbers with the company.

Another security higher-up allegedly told Thomas, "Make sure to watch the Spanish because they are thieves and crooks." Both managers purportedly only used race-specific language to describe people of color, never when referring to white shoplifters. Store managers Thomas dealt with also allegedly called black customers "niggers."

The firm Wigdor LLP is representing the former CVS workers in each of the two federal and three state lawsuits alleging similar behavior, as well as a federal class-action filed yesterday alleging that CVS withheld wages by forcing employees to participate in work-related phone calls, meetings, and trainings on off days without pay, much less overtime. Michael Willemin, a lawyer to Thomas and others, said that the similarities between the discrimination cases show that there's a culture of racism in CVS management.

"What Mr. Thomas's complaint demonstrates is that market investigators across New York were subjected to the common practice of discrimination at CVS stores," he said, adding that there's evidence of "a pattern and practice of discrimination across the board."

In the 2015 suit, Willemin and his colleagues noted that all of the executives at the Rhode-Island-based pharmacy giant are white. In a response in that case, CVS lawyers wrote that 44 percent of New York market investigators are African American and 20 percent are Hispanic, and that training materials "expressly forbid racial profiling or any other type of discriminatory behavior." The company claims that the plaintiffs in that case never called a hotline for discrimination concerns or, as two former employees claim they did, went through human resources. One of those two says she was not allowed to come back from an approved leave of absence shortly after her HR complaint went nowhere. CVS claims that the other resigned after female employees complained about his sexist language.



Among many other defenses, CVS blames the former employees for their plight, saying they "failed to comply with their legal duty to mitigate their claimed damages." The company writes further, "even if any unlawful act or omission occurred, which CVS expressly denies, CVS cannot be held vicariously liable for alleged misconduct that is contrary to CVS's express policies, procedures, and good faith efforts to comply with applicable laws and/or regulations."

CVS is reported to be the nation's second-largest pharmacy chain, with more than 9,500 stores. As such, Willemin said, New Yorkers should be concerned about racism driving decision-making at its stores.

"For a company like that to permit race discrimination and racial profiling would have a profound impact on all people in New York City, and our city should not stand for that," he said.