



New York Times Hit With Discrimination Class Action

By **Suevon Lee**

Law360, New York (April 28, 2016, 5:28 PM ET) -- Two female African-American advertising account managers slammed The [New York Times Co.](#) with a putative class action in New York federal court on Thursday, alleging the paper's business unit pays minorities, women and older workers less and has targeted them for buyouts as part of companywide layoffs.

The 61-page suit names the New York Times as well as Chief Executive Officer Mark Thompson and Chief Revenue Officer Meredith Levien, saying the alleged pattern of disparate treatment occurred under their watch. The suit claims that Levien referenced the need for employees to be “people who look like the people we are selling to” during a 2013 meeting when she was executive vice president of advertising.

“It is astonishing that a news organization that regularly promotes liberal social viewpoints could have a double standard when it comes to blatantly discriminating and retaliating against its own hard-working and dedicated employees,” the plaintiffs’ attorney Douglas H. Wigdor of [Wigdor LLP](#) said Thursday.

Ernestine Grant, 62, and Marjorie Walker, 61, claim they and other older, minority or female employees in the advertising department were assigned lower-revenue accounts, passed over for promotion; paid less than younger, junior employees or replaced by younger, white individuals after being fired; and excluded from meetings and other “informal” networking events such as those that took place throughout the summer of 2015 at the Hamptons’ residence of a former New York Times senior vice president of advertising.

Their complaint alleges that they made “numerous” protected complaints about the alleged unfair treatment, including their observations that younger, white employees in the business division were routinely promoted, sometimes to positions that weren’t posted, or placed on “digital and higher revenue teams.”

With regard to the named company executives in the suit, the suit alleges that since Thompson joined the New York Times as its CEO in 2012, the workplace has become “an

environment rife with discrimination based on age, race, and gender” and that he’s used his position to “hire in and reward managers who would carry out his vision of the ideal workforce.”

One of those individuals, the suit alleges, was Levien, who joined the company in 2013 as executive vice president of advertising. The suit alleges that in one meeting with senior management, Levien told the room that she was looking for a workforce filled with “fresh faces” and that workers should be “people who look like the people we’re selling to” and presented photos of “generally older Times employees of color, critiquing them based on their age, marital status, and other protected characteristics,” according to the complaint.

The suit further alleges that Levien, who has since been promoted to be the New York Times chief revenue officer, said at the time, “this isn’t what our sales team should look like.” Roughly 30 employees who were minorities and over age 40 soon after left the company by accepting a company buyout or being fired, the suit states.

The suit also accuses Levien of giving younger advertising employees premium tickets to woo clients and allowing younger, white employees in the department to take “Summer Fridays.”

The suit claims such remarks and actions “gave cover to, and outright encouraged, disparate treatment” against older, minority employees in the advertising department. For instance, the suit says that a then-senior VP of advertising, Brendan Monaghan, mostly limited his account manager hires from October 2013 to November 2015 to “white men under the age of 30, who he dubbed his ‘handsome men.’ ”

Grant and Walker claimed that they raised their concerns to senior company executives but were ignored. Grant, a 16-year veteran of the company, was recently offered a buyout, according to the complaint, but did not accept it. Walker, 61, has worked at the company for the past eight years, according to the complaint, who once held a position with a high-revenue fashion and jewelry team. She alleges that after she requested a transfer to another advertising team after an internal dispute with a supervisor, she was “demoted” to the recruitment team.

Walker, too, says she was also offered a buyout in December but didn’t accept it.

Through a spokeswoman, the New York Times said Thursday that the lawsuit is “entirely without merit” and that it “strongly” disagrees with any claims the paper and the two executives discriminated against any worker or group of employees.

“This lawsuit contains a series of recycled, scurrilous and unjustified attacks on both Mark Thompson and Meredith Levien,” a Times spokeswoman told Law360 on Thursday. “It also completely distorts the realities of the work environment at The New York Times.”

This is the third age- and gender-related lawsuit filed by female advertising employees against the New York Times in the past year. Last June, Tracy Quitasol, who is in her early 50s, filed a federal discrimination suit against the company, alleging that after nine years with the paper, she was “packaged out” to be replaced by white employees under age 40. Additionally, in February, Arielle Davies filed a federal discrimination suit against the New York Times relating to her termination during maternity leave.

Thursday’s complaint indicates that Grant and Walker will be filing charges of discrimination with the [Equal Employment Opportunity Commission](#) and file an amended complaint that includes alleged violations of Title VII of the Civil Rights Act of 1964.

The race-based discrimination claim seeks to represent a class of about 40 African-American employees at the company who previously or currently are employed in its business division as account managers, while the age- and gender-based discrimination claims seek to represent, respectively, a class of older or female employees employed as account managers in the business division. Both of those proposed classes also contain about 40 individuals.

The suit brings claims under the New York State Human Rights Law, New York City Human Rights Law, New York City Administrative Code, Equal Pay Act and New York Labor Law.

Grant and Walker are represented by Douglas H. Wigdor, Lawrence M. Pearson and Elizabeth J. Chen of Wigdor LLP.

Counsel information for the New York Times Co. was not immediately available on Thursday.

The case is Ernestine Grant et al. v. The New York Times Company et al., case number [1:16-cv-03175](#) in the U.S. District Court for the Southern District of New York.

--Editing by Patricia K. Cole.