

**EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
NEW YORK DISTRICT OFFICE**

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COURTNEY FLINT,	:	EEOC Charge No.:
	:	
Complainant,	:	
	:	
v.	:	SUPPLEMENT TO CHARGE OF
	:	DISCRIMINATION AND
GUCCI AMERICA, INC,	:	<u>RETALIATION</u>
	:	
Respondent.	:	
-----X	:	

Complainant Courtney Flint (“Flint” or “Complainant”), hereby alleges the following against Gucci America, Inc. (“Gucci” or “Respondent”) in support of her Charge of Discrimination and Retaliation:

PRELIMINARY STATEMENT

1. In March 2021, Courtney Flint, Gucci’s long-time Senior Media Director, returned from maternity leave. Suddenly, Flint was described by her new boss Selena Kalvaria as not “engaged in her job” and not “proactive”—words that Flint had never heard before in her successful fifteen-plus year career at the fashion retailer. Kalvaria directed Flint to “re-engage” and, presumably, act the way Flint had before her pregnancy and maternity leave. Kalvaria also warned Flint not to seek any further reasonable accommodations related to Flint’s newborn, or they would need to have a “larger discussion.”

2. Kalvaria then promptly demoted Flint, substantially slashing Flint’s job responsibilities and number of direct reports. Kalvaria announced that Gucci would hire a new Vice President of Media who would, in effect, take over most of Flint’s pre-maternity responsibilities. Remarkably, Kalvaria claimed that Flint was no longer “qualified” for a job that Flint had been performing for nearly half-a-decade.

3. Flint complained to Kalvaria who did not deny her discriminatory intentions. Kalvaria instead told Flint that “things are hard very hard” for “working moms” who “have a lot of added burdens,” and claimed that she (Kalvaria) had been “very empathetic to [Flint’s] situation.”

4. Flint also complained to Gucci’s Human Resources Department (“HR”), who promptly encouraged Flint to quit. According to an HR representative, Flint was an “at will employee” and, therefore, “free to leave.” The HR representative also reminded Flint of the “Great Resignation,” the need for “change,” and assumed that Flint, a working mother, was perhaps “not up to change.”

5. Through its actions, Gucci discriminated and retaliated against Flint in violation of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e *et seq.*¹

PARTIES

6. Complainant Flint is the Senior Media Director at Gucci America, Inc. At all relevant times, Flint was an “employee” and/or “eligible employee” under Title VII.

7. Respondent Gucci is a New York business corporation with its principal place of business located at 195 Broadway, New York, New York 10007, and is duly organized and existing under and by virtue of the laws of the State of New York. At all relevant times, Gucci America, Inc. was an “employer” and/or “covered employer” under Title VII.

¹ Gucci also violated the Family and Medical Leave Act, 29 U.S.C. §§ 2601 *et seq.* (“FMLA”); the New York State Human Rights Law, Executive Law § 290 *et seq.* (“NYSHRL” or the “Executive Law”); and the Administrative Code of the City of New York § 8-107 *et seq.* (“NYCHRL” or the “City Law”). Flint reserves all rights to bring claims against Gucci and Kalvaria individually under these statutes, which are not administered by the EEOC.

FACTS

I. BACKGROUND

8. Flint is an accomplished media and advertising professional. Early in her career, she worked in the media and advertising departments at Guess Inc. and New York Magazine.

9. In 2005, Flint joined Gucci as a Local Media Planner. She excelled in her role and earned numerous promotions, including in 2017, when she became Senior Media Director of Brand Engagement.

10. As Senior Media Director, Flint was responsible for, among other things, overseeing all traditional and digital media activities in the United States and Canada. Moreover, this promotion awarded her a merit raise and increased bonus opportunities.

II. FLINT GIVES BIRTH, TAKES PROTECTED MEDICAL LEAVE AND SEEKS REASONABLE ACCOMMODATIONS

11. In November of 2020, Flint gave birth to her third child and exercised her right to take job-protected leave.

12. She returned to work in March 2021. Upon her return, Gucci greeted Flint with derogatory remarks concerning her pregnancy. For example, during one of her first meetings back from maternity leave, Susan Chokachi, Gucci's CEO, asked Flint if she "need[ed] time to build up her stamina after having [her] third child." Taken aback, Flint responded that there was "too much work to be done" in order to "build up," and she was therefore motivated to get back to work.

13. In April 2021, Chokachi again asked if Flint had "built up her stamina for work," suggesting that Flint, as a working mother, would be more tired and less productive. Flint responded that since her return she had been fully committed and felt that her stamina had been even greater than before her most recent pregnancy.

14. In fact, Flint did not need additional “stamina.” Rather, all she needed was a reasonable accommodation related to childbirth: that she be permitted to work from home five days per week, as well as flexible hours, until she could arrange for appropriate childcare for her newborn.

15. These accommodations, which were extended briefly in early August 2021, permitted Flint to perform the essential functions of her job remotely.

16. Indeed, Flint’s requests presented little, if any, burden to Gucci because, at the time, all of Flint’s peers and colleagues worked from home approximately eighty percent of the time (four out of five days).²

17. While Gucci granted Flint’s requests (because it had to), the Company warned Flint not to seek any further accommodations.

18. In August 2021, Kalvaria, who had only begun supervising Flint a month earlier, cautioned Flint that there would be a “larger discussion” if Flint needed to extend her accommodations.

III. GUCCI DEMOTES FLINT

19. On September 30, 2021, as part of Flint’s performance review, Kalvaria asked whether Flint was “engaged in her job.” According to Kalvaria, “things are very hard” for “working moms” like Flint who “have a lot of added burdens.” Flint was stunned by Kalvaria’s comments.

20. Flint was forced to defend against Kalvaria’s discriminatory attitude that Flint, as a working mother, was somehow less committed to her job, explaining that she had been

² Gucci corporate employees worked from home full time since 2020 because of the pandemic. In May 2021, Gucci corporate employees returned to the office only one day per week.

working tirelessly to help transition Kalvaria into her new role while continuing to perform her existing job responsibilities.

21. On or about October 4, 2021, Kalvaria released Flint's annual review, where she continued to falsely describe Flint in sexist terms, such as "not completely engage[d]" and not "proactive." Kalvaria also wrote that she wanted Flint to "re-engage," referring to Flint's purported pre-pregnancy work.

22. Flint attempted to respond in writing to Kalvaria's inaccurate and discriminatory review but could not. HR "closed" the review before Flint could submit her comments.

23. A few days later, on October 6, 2021, Kalvaria demoted Flint.

24. As part of a purported "reorganization," Kalvaria told Flint that she had decided to hire a new Vice President ("VP"), Media, who would take over the responsibilities Flint had been successfully performing since 2016. Moving forward, Flint would only be responsible for "Awareness," approximately twenty-five percent of her former role.

25. Flint protested that the VP position was "essentially the job [she] had been doing for the last five years with stellar results." Kalvaria claimed that Flint was not "qualified" because Flint did not have "performance media experience." In fact, the Company experienced exponential growth while Flint was responsible for this very task.

26. During this meeting, Flint also complained about discrimination. She protested to Kalvaria that she was being treated differently because she had children and requested accommodations; that, as a result, she was wrongly perceived as not being "invested" in her role; and that Kalvaria intentionally wrote the review to justify demoting Flint.

27. Kalvaria did not specifically deny Flint's allegations. Rather, Kalvaria claimed that she had "been very empathetic to [Flint's] situation" and ended the discussion.

IV. GUCCI'S "INVESTIGATION"

28. On October 7, 2021, Flint met with HR representative Lucinda Rosso to, once again, protest the unlawful treatment.

29. Among other things, Flint told Rosso that her responsibilities had been slashed, and that she had been denied the VP position (which she had been performing for more than five years) because she had three kids, a new baby at home, took maternity leave and requested accommodations.

30. Rosso attempted to persuade Flint to quit rather than pursue her allegations.

31. Rosso described Flint's allegations as "really serious" and demanded to know who Flint was accusing of discrimination. Flint identified Kalvaria, who was the decision maker and had sent Flint a clear message that she was no longer wanted at the Company.

32. According to Rosso, however, Flint was an "at will employee" and, therefore, "free to leave." In an obvious effort to convince Flint to quit, Rosso spoke about the "Great Resignation," the need for "change," and described how she (Rosso) had left her prior position at Armani amid corporate changes. Rosso speculated that perhaps Flint was "not up to change." Rosso also reminded Flint that, as an at will employee, Gucci was "free to fire" Flint.

33. Flint persisted in pursuing her rights. On November 19, 2021, Flint asked Rosso to give her an update on the Company's "investigation," which had been languishing for more than a month.

34. Rosso explained that, while the investigation was "wrapping up" and thus not yet complete, the Company was nevertheless likely to conclude that there was "no evidence" to substantiate Flint's claims of discrimination.

35. Flint reminded Rosso that she led a woefully understaffed media team for five years with stellar results, yet no one at the Company could explain why she was not being considered for the VP position but instead had been “shoved down.”

36. On December 1, 2021, Flint spoke to Jessica Buquicchio, Gucci’s “investigator.”

37. Predictably, Buquicchio found no evidence of discrimination. Buquicchio refused, however, to share with Flint any specifics concerning her investigation or her conclusions.

38. On December 8, 2021, Gucci posted the VP position, which included Flint’s former job responsibilities but, upon information and belief, at a higher title and pay.

39. On December 10, 2021, Flint formally applied for the position. Gucci immediately rejected Flint’s application. According to Rosso, Flint did “not possess the experience and qualifications” for a job that Flint had been performing exceptionally for the last five years.

40. In a transparent attempt to hide its unlawful conduct, Gucci subsequently offered to “interview” Flint for a position that it has already decided not to give her.

CONCLUSION

41. Flint respectfully requests the Equal Employment Opportunity Commission investigate and find that Gucci discriminated and retaliated against her.³

³ Discrimination against working mothers appears to be part of the Gucci’s corporate culture. In July 2010, Gucci fired a woman who had recently announced her pregnancy. Crisses v. Gucci America, Inc., No. 10 Civ. 8393 (GBD), 2012 WL 3834634, at *3 (S.D.N.Y. Aug. 21, 2012). It also demoted “another pregnant employee.” Id. A top Gucci executive at the time exclaimed, “Wow, all these pregnant girls, what are we going to do with all of them?” Id. As here, Gucci tried to explain away these unlawful actions as the result of a “company-wide restructuring” and attempted – unsuccessfully – to have the matter thrown out of court. Id. at *5-6. The Court, however, found sufficient “evidence” for a jury to “conclude that [the pregnant

employee's] termination occurred under circumstances giving rise to an inference of unlawful pregnancy discrimination.” Id. at *6.