RECEIVED

STATE OF NEW YORK DIVISION OF HUMAN RIGHTS		v	award state and	Jo., 6 e 2015 O.S.H.I.
JAVIER CHAVEZ	· • • • • • • • • • • • • • • • • • • •	-x :	<del>G.</del>	day, a Late, a rain part a rain a
	Complainant,	:		aa.
-against-		:		CHARGE OF DISCRIMINATION
MACY'S, Inc.		:		
	Respondent.	: -X		
STATE OF NEW YORK )	s.:			

Complainant JAVIER CHAVEZ, being duly sworn, deposes and says:

COUNTY OF NASSAU

- 1. I reside at 145 Orchard Street, Elizabeth, NJ 07208. I charge the above employer, whose address is as follows: 136-50 Roosevelt Ave., Flushing, NY, 11354, in the County of Queens, with an unlawful discriminatory practice relating to Employment in violation of Article 15 of the Executive Law of the State of New York, because of my religion. I am a practicing Catholic.
- 2. The employer employs is an "employer" under the New York State Human Rights Law.
- 3. I began working for respondent in or about October 1990 as a door guard. In or about 1992, I was promoted to the position of Store Detective. I later became a Senior Store Detective. At all times, performance was satisfactory or better.
- 4. In May 2016, I received a phone call that a male was inside the ladies' restroom, with a female companion. At that time, a female customer and her daughter needed to use the ladies' restroom. They were afraid to enter because a male was in the ladies' room. A subordinate of mine entered the ladies

restroom to advise the male to leave and use the mens' bathroom. The male refused to leave. He later exited the bathroom holding hands with his female companion, and he declared that he "was a female," which was not true.

- 5. The male who exited the restroom reported to a manager that he was female and he was kicked out of the bathroom. He then met up with three individuals outside the store and engaged in violent behavior.
- 6. Lula, the Assistant Store Manager, then advised me that certain males can use the ladies' bathroom. I told her that I was never advised of this.
- 7. A few days later, Sophie, Assistant Security
  Manager, came to me and asked if I knew that transgendered
  persons are permitted to use different restrooms. I advised her
  that I had become aware of that. I also advised her that this
  was against my religion and contrary to the Bible. I also
  mentioned that I would not like my young daughters to be in the
  bathroom with a male inside. At no time did I state that I would
  refuse to enforce the policy. And respondent did not seek to
  discipline me at this time.
- 8. On May 27, 2016, a few days later, Jesse, Human Resources Manager, asked me about this incident with the male inside the ladies' restroom. I asked to be provided with a copy of the new policy concerning who can use the restrooms. She suspended me as a result of this incident, and I was later terminated.

9. After my employer learned that I was a practicing Catholic, with religious concerns about this policy, I was terminated because of my religion, in violation of the New York State Human Rights Law.

## WHEREFORE,

Respondent has discriminated against me, and terminated me, in violation of the Human Rights Law.

I have not commenced any other civil or criminal action nor do I have an action pending before any administrative agency under any other law of this State based upon this same unlawful discriminatory practice.

I declare, under penalty of perjury that the foregoing affidavit, consisting of 3 pages (including this page) is true and correct, except to matters stated upon information and belief, and as to those matters, I believe them to be true.

JAYIER CHAVEZ

Sworn to before me this

20/2 201

NOTARY PUBLIC

Notary Public, State of New York
No. 02NA5012039
Qualified in Nassau

Commission Expires on June 15, 2019

.