



STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL

ERIC T. SCHNEIDERMAN  
ATTORNEY GENERAL

DIVISION OF SOCIAL JUSTICE  
CIVIL RIGHTS BUREAU

October 7, 2015

**VIA ELECTRONIC MAIL**

Nancy Straface  
Vice President Human Resources  
Century 21 Department Stores LLC  
22 Cortlandt Street  
New York, New York 10007

**Re: Century 21's Compliance with New York  
State Civil Rights Laws Protecting Mothers'  
Right to Breastfeed in Public Accommodations**

Dear Ms. Straface:

The purpose of this Letter Agreement is to memorialize Century 21's cooperation with the Attorney General's Office (OAG) and commitment to implementing and maintaining policies, procedures, training and notification protocols to ensure that the rights of breastfeeding mothers are not infringed in Century 21 stores in New York State.

Under New York state civil rights law, "a mother may breastfeed her baby in any location, public or private, where the mother is otherwise authorized to be, irrespective of whether or not the nipple of the mother's breast is covered during or incidental to the breastfeeding." *See* New York Civil Rights Law §79-e.

Our Office received a complaint alleging that on or about July 30, 2015, a Century 21 employee told a mother breastfeeding her child on the sales floor of the ladies' department at the Company's Cortlandt Street store in Manhattan, New York, that she must go to the fitting room. The complainant alleged that she subsequently filed a complaint through Century 21's website but received no response from the Company.

Our Office's investigation found that Century 21 did not have a policy addressing the right to breastfeed within its stores at the time of the alleged incident. Although Century 21 adopted a written breastfeeding policy shortly after the commencement of our Office's investigation, our Office believes the policy could be strengthened. Our Office further believes that Century 21's

customer complaint procedure also could be strengthened. Accordingly, Century 21 commits to the following measures to resolve this Office's investigation into this matter.

### **POLICY**

Century 21 agrees to revise its written company-wide breastfeeding policy that prohibits employees from interfering with a mother's right to breastfeed at its stores to state the following:

1. Breastfeeding mothers have the right to breastfeed their babies in any area of the store where the public has access;
2. Century 21 employees must allow any breastfeeding mother to breastfeed her baby without interference; and
3. Century 21 employees may not ask breastfeeding mothers to go to the fitting room or any other private area because she is breastfeeding.

The revised breastfeeding policy shall be subject to OAG review.

### **COMPLAINT PROCEDURE**

Century 21 agrees that complaints made to Century 21 alleging interference by an employee with a mother's right to breastfeed will be investigated by the Company within fifteen (15) days after receiving the complaint. Century 21 shall designate which employees will handle these complaints. Century 21 also agrees to respond to such complaints in a timely manner.

### **DISTRIBUTION**

Century 21 agrees to distribute in hard copy to all New York store employees and managers who deal with customers the revised breastfeeding policy within forty-five (45) days of the effective date and to instruct all such employees that they are required to comply with this policy. Any questions they have about the policy shall be answered.

### **PUBLIC NOTICE**

Century 21 agrees to display the international symbol of breastfeeding at the entrance of all five New York Century 21 stores.

### **MONETARY RELIEF**

Century 21 agrees to pay \$5,000 directly to the New York City Department of Health and Mental Hygiene to support the activities of its Newborn Home Visiting Program, upon execution of this letter agreement. Century 21 shall produce evidence of payment to the OAG.

### **MONITORING**

Century 21 agrees to submit a report to our Office within ninety (90) days detailing the actions taken to implement this agreement. The report shall include (1) a copy of Century 21's revised breastfeeding policy; (2) any complaints received by Century 21 alleging employee interference with a mother's right to breastfeed; (3) evidence that Century 21 has instructed all New York store employees and managers who deal with customers on the revised breastfeeding policy; and

(4) evidence that Century 21 has posted the international symbol of breastfeeding at the entrance of all Century 21 stores in New York.

All written communications to the OAG pursuant to this Agreement shall be directed as follows:

Dariely Rodriguez  
Assistant Attorney General  
NYS Office of the Attorney General  
Civil Rights Bureau  
120 Broadway, 23rd Floor  
New York, New York 10271

**SCOPE**

This Agreement shall expire within six (6) months of the effective date, except that the OAG may, in its sole discretion, extend the Agreement term upon a good faith determination that Century 21 has not complied materially with this Agreement, which material non-compliance the OAG shall discuss and attempt to resolve with Century 21 in good faith before making such determination.

The contents of this letter neither constitute nor suggest admission of wrongdoing on the part of Century 21, or any violation of any laws or regulations applicable to Century 21.

As used herein, the effective date is the date the OAG signs this Agreement.

**CENTURY 21 DEPARTMENT STORES LLC**

By: Nancy Straface  
Nancy Straface  
Vice President Human Resources  
Century 21 Department Stores LLC  
22 Cortlandt Street  
New York, New York 10007

Date: 10/13/2015

**ERIC T. SCHNEIDERMAN  
ATTORNEY GENERAL OF  
THE STATE OF NEW YORK**

By: Kristen Clarke  
Kristen Clarke  
Civil Rights Bureau Chief

Dariely Rodriguez  
Dariely Rodriguez  
Assistant Attorney General

120 Broadway, 23rd Floor  
New York, New York 10271

Date: 10/26/15