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**STATE OF WASHINGTON
KING COUNTY SUPERIOR COURT**

STATE OF WASHINGTON,	NO.
Plaintiff,	
v.	COMPLAINT
O'REILLY AUTO ENTERPRISES, LLC,	
Defendant.	

I. INTRODUCTION

1.1. The Plaintiff, State of Washington, by and through its attorneys Robert W. Ferguson, Attorney General, and Teri Healy and Alyssa P. Au, Assistant Attorneys General, brings this action against O'Reilly Auto Enterprises, LLC (O'Reilly) to enforce Washington's Healthy Starts Act (HSA), RCW 43.10.005, the Washington Law Against Discrimination (WLAD), RCW 49.60.030 and RCW 49.60.180, and the Consumer Protection Act (CPA), RCW 19.86.020.

1.2. This case seeks to remedy O'Reilly's policy and practice of refusing to accommodate its pregnant employees when they request reasonable accommodations in the workplace such as the ability to sit or rest, have flexible restroom breaks, wear a modified uniform, limit the handling of hazardous materials, limit weight lifting to 17 pounds or less, and ability to pump breast milk for their newborn babies. Instead of accommodating its pregnant employees as required by state law, O'Reilly routinely rejected their requests for reasonable job

1 modifications and engaged in retaliation such as forcing them to take unpaid leave, demoting
2 them, issuing them negative performance reviews, threatening to terminate them, and actually or
3 constructively discharging them. To keep their jobs, for example, pregnant employees endured
4 harassment from peers, were forced to continue handling hazardous materials, and exceeded their
5 weight lifting restrictions. Consequently, among other things, these employees suffered mentally,
6 physically, and financially as a result of O'Reilly's unlawful actions. O'Reilly's actions violate
7 Washington law. The State brings this action to obtain a declaration that O'Reilly's actions violate
8 state law, secure injunctive relief requiring O'Reilly's to stop unlawful practices, and to provide
9 monetary and equitable relief to the Washingtonians who were harmed by O'Reilly's unlawful
10 actions.

11 **II. JURISDICTION**

12 2.1. This court has jurisdiction over this matter pursuant to RCW 2.08.010,
13 RCW 43.10.005(6), RCW 49.60.030(2), and RCW 19.86.080.

14 2.2. Pursuant to RCW 4.12.020(3) and RCW 4.12.025(1) and (3), venue properly lies
15 in King County, Washington as the violations alleged in this Complaint arose in whole or in part
16 in King County, O'Reilly transacts business in King County, and O'Reilly employees performed
17 work in King County.

18 **III. THE PARTIES**

19 3.1. Plaintiff is the State of Washington.

20 3.2. The Attorney General is authorized to commence this action pursuant to
21 RCW 43.10.030(1), RCW 43.10.005(6), RCW 49.60.030(2), RCW 19.86.080(1), and
22 RCW 19.86.140.

23 3.3. Defendant O'Reilly is a Missouri limited liability company that sells automobile
24 parts and offers various automobile services. O'Reilly's principal office is located at 233 S.
25 Patterson Ave., Springfield, Missouri.

26 3.4. At all relevant times, O'Reilly has been a corporation registered in Washington.

1 3.5. At all relevant times, O'Reilly has done business in Washington, and has had 15
2 or more employees.

3 3.6. At all relevant times, O'Reilly has been an "employer" within the meaning of
4 RCW 49.60.040(11).

5 3.7. At all relevant times, O'Reilly has been engaged in "trade" or "commerce" within
6 the meaning of RCW 19.86.010(2).

7 IV. FACTUAL ALLEGATIONS

8 A. O'Reilly's Business Operations

9 4.1. O'Reilly was founded in 1957. As of March 31, 2023, O'Reilly operates 5,986
10 stores in 48 U.S. states and Puerto Rico, and 43 stores in Mexico.

11 4.2. O'Reilly is one of the largest specialty retailers of automotive aftermarket parts,
12 tools, supplies, equipment, and accessories in the United States, and serves professional service
13 providers as well as do-it-yourself customers.

14 4.3. O'Reilly also offers limited automobile services including but not limited to
15 battery, alternator, starter, and check engine light testing, fluid and battery recycling, and
16 headlight bulb and wiper blade installation.

17 4.4. As of January 2023, O'Reilly employs 87,745 people nationwide, 22% of whom
18 identify as women. As of 2021, the majority of female employees worked under the "Operatives"
19 job category, which includes returns and delivery positions, followed by "Sales Workers," who
20 work in O'Reilly retail stores.

21 4.5. O'Reilly operates 169 stores in Washington State in 27 counties. The Washington
22 county with the most O'Reilly stores is King County (36 stores).

23 4.6. O'Reilly makes public-facing representations called the "O'Reilly Culture"
24 regarding to how their employees are treated and how they are expected to treat others. O'Reilly's
25
26

1 website¹ states the following:

2 The O'Reilly Culture...Our **COMMITMENT** To Our Customers and Our Team
3 Members.

4 We are **ENTHUSIASTIC, HARDWORKING PROFESSIONALS** who are
5 **DEDICATED** to **TEAMWORK, SAFETY/WELLNESS** and **EXCELLENT**
6 **CUSTOMER SERVICE**. We will practice **EXPENSE CONTROL** while
7 setting an example of **RESPECT, HONESTY**, and a **WIN-WIN ATTITUDE** in
8 everything we do.

9 4.7. Under O'Reilly's Career Opportunities web page², the following anti-
10 discrimination statement is posted:

11 O'Reilly Auto Parts does not discriminate against applicants on the basis of race,
12 religion, national origin or ancestry, sex, sexual orientation, gender identity,
13 pregnancy, age, veteran status, uniformed service member status, physical or
14 mental disability, genetic information, or other protected status as defined by local,
15 state, or federal law, as applicable.

16 **B. O'Reilly's Treatment of Past, Current, and Prospective Pregnant Employees**

17 4.8. Despite its public commitments to fair treatment and non-discrimination,
18 O'Reilly's policies and practices routinely violate the rights of its pregnant workers.

19 4.9. Since at least January 1, 2017, O'Reilly has received at least 134 requests for
20 pregnancy accommodations from employees working for O'Reilly in Washington.

21 4.10. O'Reilly has maintained a policy or practice of unlawfully denying pregnancy
22 accommodation requests. These practices have included, but are not limited to, refusing to
23 accommodate pregnant employees' requests for the following:

24 4.10.1. Frequent, longer, or flexible restroom breaks;

25 4.10.2. Modification of a no food or drink policy;

26 4.10.3. Seating or permission for the employee to sit more frequently;

¹ Exhibit 1 (O'Reilly Culture, <https://corporate.oreillyauto.com/corporate-information-culture>, accessed on Aug. 4, 2023).

² Exhibit 2 (Career Opportunities, <https://corporate.oreillyauto.com/onlineapplication/careerpage>, accessed on Aug. 4, 2023).

- 1 4.10.4. Permission to refrain from lifting more than 17 pounds;
- 2 4.10.5. Modification of a work schedule or job assignment;
- 3 4.10.6. Provision of a temporary transfer to a less strenuous or hazardous position;
- 4 4.10.7. Scheduling flexibility for prenatal visits; and
- 5 4.10.8. Provision of reasonable break time to pump breastmilk.

6 4.11. Since at least January 1, 2017, O'Reilly retaliated against female employees who
7 requested pregnancy-related accommodations. After employees made pregnancy-related requests
8 for accommodations, O'Reilly's retaliatory actions have included, but are not limited to, the
9 following:

- 10 4.11.1. Termination from employment;
- 11 4.11.2. Forcing employees to resign;
- 12 4.11.3. Demotion to a lower job rank;
- 13 4.11.4. Threats to their employment causing pregnant employees to take an unpaid
14 leave of absence;
- 15 4.11.5. Threats to their employment causing pregnant or recently pregnant
16 employees to return from a leave of absence early;
- 17 4.11.6. Giving pregnant employees negative performance reviews;
- 18 4.11.7. Condoning harassment from coworkers; and
- 19 4.11.8. Requesting unnecessary documentation from pregnant employees or their
20 medical providers.

21 4.12. By routinely denying pregnancy accommodation requests and retaliating against
22 their pregnant employees for making such requests, O'Reilly treated female pregnant employees
23 differently than male/non-pregnant employees and therefore engaged in unlawful workplace
24 discrimination on the basis of sex.

1 4.13. O'Reilly's discrimination and failure to grant reasonable pregnancy
2 accommodations caused pregnant employees to suffer mentally, physically, and financially.

3 Examples of this suffering include, but are not limited to:

4 4.13.1. Lost wages and benefits;

5 4.13.2. Confusion, embarrassment, shame, grief/sadness;

6 4.13.3. Feeling helpless, hopeless, isolated/alone;

7 4.13.4. Feeling deceived and disrespected by management and coworkers;

8 4.13.5. Unnecessary physical pain and injury, and continued exposure to unsafe
9 working conditions.

10 V. CAUSES OF ACTION

11 5.1. The State adopts the allegations listed above and incorporates them herein as if set
12 forth in full.

13 FIRST CAUSE OF ACTION

14 (Violation of the Healthy Starts Act – Failure to Accommodate Pregnant Employees)

15 5.2. Under the Healthy Starts Act, it is an unfair practice for any employer to fail or
16 refuse to make reasonable pregnancy accommodations unless the employer can demonstrate that
17 doing so would impose an undue hardship on the employer's business. RCW 43.10.005(2)(a).

18 5.3. By the actions described above, O'Reilly failed and/or refused to make reasonable
19 pregnancy accommodations without demonstrating that doing so would impose an undue
20 hardship on O'Reilly's business, in violation of RCW 43.10.005(2)(a).

21 SECOND CAUSE OF ACTION

22 (Violation of the Healthy Starts Act – Retaliation Against Pregnant Employees)

23 5.4. Under the Healthy Starts Act, it is an unfair practice for any employer to take
24 adverse action against an employee who requests, declines, or uses an accommodation under the
25 Healthy Starts Act that affects the terms, conditions, or privileges of employment.
26 RCW 43.10.005(2)(b).

1 5.5. By the actions described above, O'Reilly retaliated against its pregnant employees
2 who requested accommodations in violation of RCW 43.10.005(2)(b).

3 **THIRD CAUSE OF ACTION**

4 **(Violation of the Healthy Starts Act – Requiring Pregnant Employees to Take Leave)**

5 5.6. Under the Healthy Starts Act, it is an unfair practice for any employer to require
6 an employee to take leave if another reasonable accommodation can be provided for the
7 employee's pregnancy. RCW 43.10.005(2)(d).

8 5.7. By the actions described above, O'Reilly required its pregnant employees to take
9 leave in violation of RCW 43.10.005(2)(d).

10 **FOURTH CAUSE OF ACTION**

11 **(Violation of the Washington Law Against Discrimination – Sex Discrimination Against**
12 **Female Employees)**

13 5.8. Under the Washington Law against Discrimination, it is an unfair practice for an
14 employer to discharge or bar any person from employment, or to otherwise discriminate against
15 any person in compensation, or in other terms or conditions of employment, because of sex. RCW
16 49.60.030(1) (a); RCW 49.60.180(2) and (3).

17 5.9. By its actions described above, O'Reilly discriminated against female employees
18 because of their sex, in violation of RCW 49.60.030(1) (a) and RCW 49.60.180(2) and (3).

19 **FIFTH CAUSE OF ACTION**

20 **(Violation of the Washington Law Against Discrimination – Retaliation Against Female**
21 **Employees)**

22 5.10. Under the Washington Law against Discrimination, it is an unfair practice for an
23 employer to coerce, intimidate, threaten, or interfere with a person in the exercise or enjoyment
24 of, or on account of their having exercised or enjoyed, their rights granted or protected under the
25 WLAD because of their sex. RCW 49.60.030(1)(a); RCW 49.60.210(1).

1 5.11. By the actions described above, O'Reilly coerced, intimidated, threatened, or
2 interfered with its employees in the exercise of, or on account of their having exercised or
3 enjoyed, their rights granted or protected under the WLAD because of their sex in violation of
4 RCW 49.60.030(1)(a) and RCW 49.60.210(1).

5 **SIXTH CAUSE OF ACTION**

6 **(Violation of the Consumer Protection Act – Unfair and Deceptive Conduct Toward**
7 **Female Job Applicants)**

8 5.12. Unfair or deceptive acts or practices in the conduct of any trade or commerce are
9 unlawful under Washington State's Consumer Protection Act. RCW 19.86.020.

10 5.13. By its actions described above, O'Reilly committed unfair and deceptive acts and
11 practices in the conduct of trade or commerce, in violation of RCW 19.86.020, by making unfair
12 and deceptive representations to female job applicants regarding how they would be treated by
13 O'Reilly and O'Reilly's discrimination based on sex and pregnancy.

14 5.14. O'Reilly's conduct affected the public interest.

15 5.15. O'Reilly's actions are not reasonable in relation to the development and
16 preservation of business and are inconsistent with the public interest.

17 **VI. PRAYER FOR RELIEF**

18 WHEREFORE, Plaintiff, State of Washington, prays that the Court:

19 6.1. Adjudge and decree that O'Reilly engaged in the conduct complained of herein;

20 6.2. Adjudge and decree that O'Reilly's conduct violates the Healthy Starts Act,
21 RCW 43.10.005(2)(a), (b), and (d);

22 6.3. Adjudge and decree that O'Reilly's conduct violates the Washington Law Against
23 Discrimination, RCW 49.60.030(1)(a), RCW 49.60.180(2) and (3), and RCW 49.60.210(1);

24 6.4. Adjudge and decree that O'Reilly's conduct violates the Consumer Protection Act,
25 RCW 19.86.020;

1 6.5. Issue a permanent injunction enjoining and restraining O'Reilly and its
2 representatives, successors, assigns, officers, agents, servants, employees, and all other persons
3 acting or claiming to act for, on behalf of, or in active concert or participation with O'Reilly from
4 engaging in the unlawful conduct complained herein;

5 6.6. Award damages or other appropriate monetary relief to each person aggrieved by
6 O'Reilly's discriminatory conduct, in an amount to be proven at trial;

7 6.7. Enter such orders for restitution as necessary to restore to any person an interest
8 in any moneys or property, real or personal, which may have been acquired by means of an act
9 prohibited by the CPA, pursuant to RCW 19.86.080(2);

10 6.8. Impose a civil penalty of up to \$7,500.00 for each and every violation of the CPA
11 pursuant to RCW 19.86.140;

12 6.9. Impose an enhanced civil penalty of \$5,000.00 for each violation of the CPA that
13 targets or impacts specific individuals or communities based on demographic characteristics
14 including sex, pursuant to RCW 19.86.140;

15 6.10. Award the State the costs of suit including reasonable attorneys' fees;

16 6.11. Award any other appropriate remedy authorized by law.

17 DATED this 16th day of August 2023.

18 Respectfully Submitted,

19 ROBERT W. FERGUSON
20 Attorney General

21 

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EXHIBIT 1

General Info

Leadership

History

Culture

Locations

News Room

The O'Reilly Culture

O'Reilly Auto Parts intends to be the automotive aftermarket industry leader, and we realize that this goal can only be accomplished with the help of our team members. A philosophy has evolved within O'Reilly with regard to how team members are treated and how they treat others. We call this our "O'Reilly Culture" and it can be summed up by the following business philosophy.

The O'Reilly Culture...Our **COMMITMENT** To Our Customers and Our Team Members.

We are **ENTHUSIASTIC, HARDWORKING PROFESSIONALS** who are **DEDICATED** to **TEAMWORK, SAFETY/WELLNESS** and **EXCELLENT CUSTOMER SERVICE**. We will practice **EXPENSE CONTROL** while setting an example of **RESPECT, HONESTY**, and a **WIN-WIN ATTITUDE** in everything we do.

EXHIBIT 2



Search Jobs

Select Area



STORES



Who We Are



CORPORATE



IT Careers



DISTRIBUTION



Route Driver Careers

Be Social. Stay Connected With O'Reilly Careers.



Shop O'ReillyAuto.com | Find A Nearby Store

O'Reilly Auto Parts does not discriminate against applicants on the basis of race, religion, color, national origin or ancestry, sex, sexual orientation, gender identity, pregnancy, age, veteran status, uniformed service member status, physical or mental disability, genetic information, or other protected status as defined by local, state, or federal law, as applicable.

Disclaimer

Should you receive an email from an O'Reilly Representative, we will only contact you from an @oreillyauto.com email address. No job offer or other correspondence regarding employment with O'Reilly will be sent from a "gmail", "Hotmail", or other similar address. Should you have additional questions, please email us at oreillycareers@oreillyauto.com