



July 18, 2025

Andrea Lucas
Acting Chair
U.S. Equal Employment Opportunity Commission
131 M Street, NE
Washington, DC 20507

Investigation Request: Cracker Barrel Old Country Store, Inc.

Dear Ms. Lucas:

America First Legal Foundation (“AFL”) is a national, nonprofit organization working to protect the rule of law, due process, and equal protection for all Americans. We request that the Equal Employment Opportunity Commission (“EEOC”) investigate Cracker Barrel Old Country Store, Inc. (“Cracker Barrel”) for violating Title VII of the Civil Rights Act of 1964. 42 U.S.C. § 2000e-2. Cracker Barrel’s employment practices, as described below, appear to discriminate against employees, or prospective employees, solely because of their skin color or sex. This is patently unlawful. *See* 42 U.S.C. §§ 2000e-2(a), (d). Accordingly, we respectfully request that you issue a Commissioner Charge pursuant to 29 C.F.R. § 1601.6(a).

Cracker Barrel is a publicly traded corporation incorporated under the laws of the State of Tennessee, with its principal executive offices located at 305 Hartmann Drive, Lebanon, Tennessee 37087.¹ Cracker Barrel represents to shareholders, investors, and the public that it has and will continue limiting, segregating, or classifying employees or applicants for employment in ways that would deprive, or tend to deprive, white and/or male individuals of employment, training, or promotions because of their race, color, sex, or national origin.

As evidence of its discriminatory priorities, Cracker Barrel’s website has a dedicated page titled “Culture and Inclusion” that lists the company’s Diversity, Equity, and Inclusion initiatives.² For example, under the title “Strategy Turns into Action,” Cracker Barrel states that it is “committed to making progress through action” to “[a]ttract, select, develop, and retain high performing talent with *diverse*

¹ *Cracker Barrel Old Country Store, Inc. Form 10-K* (Sept. 27, 2024), <https://perma.cc/2Y4T-EZ7P> [hereinafter *Cracker Barrel 2024 Form 10-K*].

² *Culture and Inclusion*, CRACKER BARREL, <https://perma.cc/5JVH-W924> (last accessed June 20, 2025). The page was previously titled “Diversity and Inclusion.” It was renamed in 2024 but retains many of the same discriminatory commitments.

*backgrounds, experiences and perspectives.*³ This goal extends to the very highest levels of the Company. Putting this “strategy” into action, Cracker Barrel admits that its Nominating and Corporate Governance Committee “*considers, among other things . . . diversity of age, gender, race and ethnic background*” in evaluating potential candidates for the Company’s Board of Directors.⁴ Data included in Cracker Barrel’s 2024 ESG Report on the racial and ethnic diversity of its board classifies its board members as either “Diverse” or “Not-diverse,” further clarifying that Cracker Barrel uses the term “diversity” to refer to immutable characteristics—which Title VII explicitly prohibits from employment decisions.⁵

Cracker Barrel also allows employees to join identity-based Business Resource Groups (“BRGs”). BRGs—described on Cracker Barrel’s website under the title: “Proud Representation: Business Resource Groups”—are “employee-led organizations [that] provide opportunities to network, develop leadership skills, and serve as cross-functional resources for our teams as they make decisions that impact our brand.”⁶ Cracker Barrel states that its BRGs “support our diverse employee base.”⁷ Cracker Barrel’s dedicated “Careers” website states that BRGs, in part, “*support the development of diverse team members.*”⁸ The evidence suggests that these groups unlawfully provide workplace benefits to select classes of employees, restricted by race, ethnicity, and sex. For example:

- The Advancing Modern Professionals for Tomorrow (“AMPT”) BRG “aims to connect and empower modern professionals by promoting a community of inclusive, ambitious, and *diverse members* that unify through the Cracker Barrel to equip our community and leaders for the future. This *BRG provides networking, development, and community outreach opportunities that supplement the professional and personal lives of its members.*”⁹
- The Be Bold BRG’s mission “is to *cultivate and develop Black Leaders within the Cracker Barrel organization utilizing allyship, mentorship, and education*

³ *Id.* (emphasis added).

⁴ Cracker Barrel Old Country Store, Inc., Schedule 14A, at 68 (available at <https://perma.cc/7J9R-NZC2>) (emphasis added).

⁵ 2024 ESG Report at 7, CRACKER BARREL. (available at <https://perma.cc/359Z-LCLT>) [hereinafter *Cracker Barrel 2024 ESG Report*]. Cracker Barrel also tracks “Female Representation” on its board one of several charts under the title “A Diverse, Independent and Highly Qualified Board.”

⁶ See CRACKER BARREL, *supra* note 2.

⁷ *Life at Cracker Barrel*, CRACKER BARREL, <https://perma.cc/39M7-GSPW> (emphasis added). Cracker Barrel’s websites make contradictory statements that employees may join any BRG they are interested in, but also that the BRGs provide workplace benefits to employees of a specified race, ethnicity, or gender.

⁸ *Id.* (emphasis added).

⁹ *Id.* (emphasis added).

*to create a path to continued excellence as well as a vibrant and diverse community.*¹⁰

- The HOLA BRG “[p]rovides opportunities to our Latino team members to celebrate their culture and community while growing their careers.”¹¹ Cracker Barrel also describes that “HOLA’s mission is to promote Hispanic and Latino culture through *hiring, developing, and retaining talent* within Cracker Barrel. To create a culture of inclusivity and awareness through community outreach.”¹²
- The LGBTQ+ Alliance BRG “[p]rovides a space for *LGBTQ+ people* to meet and support each other while increasing LGBTQ+ awareness at Cracker Barrel.”¹³
- The Women’s Connect BRG’s mission is to “*inspire the women of Cracker Barrel by empowering, educating and engaging to achieve the strategic initiatives of Cracker Barrel.*”¹⁴ Cracker Barrel also describes that this BRG “[h]elps women on our team find connections and *grow their careers.*”¹⁵

Each of these BRGs appears to unlawfully provide unique opportunities to advance in one’s career with Cracker Barrel so long as the employee is Black, Hispanic, Latino, “LGBTQ+,” or a woman. Such discrimination in consideration for promotions, professional development opportunities, and training is illegal under Title VII.

Cracker Barrel does not hide its discriminatory intent, stating in its 2024 Form 10-K that it wants to increase its “focus on leadership development and mentorship programs to better secure strong, diverse talents across all facets of our organization.”¹⁶ Cracker Barrel continues: “This commitment is exemplified by our *D.E.L.T.A program (Diverse Employee Leadership Talent Advancement)*. This leadership program *identifies diverse managers* who have exhibited all the skills we value in our top-performing managers, brings them together to learn from each other, positions them to advance to their next role, while continuing to advance our business and strategic goals in the process.”¹⁷

¹⁰ CRACKER BARREL, *supra* note 2 (emphasis added); *see also* CRACKER BARREL, *supra* note 7 (similarly describing Be Bold as a BRG that “[d]evelops Black team members through mentorship and education to create future leaders while continuing to champion our diverse and open community”).

¹¹ CRACKER BARREL, *supra* note 7 (emphasis added).

¹² CRACKER BARREL, *supra* note 2 (emphasis added).

¹³ CRACKER BARREL, *supra* note 7 (emphasis added).

¹⁴ CRACKER BARREL, *supra* note 2 (emphasis added).

¹⁵ *See* CRACKER BARREL, *supra* note 7 (emphasis added); *see also* Cracker Barrel 2024 Form 10-K (describing Women’s Connect simply as “[i]nspiring women leaders”). The lack of a group for men appears to exclude men from workplace-sponsored inspiration and other employment benefits this group only offers to women employees.

¹⁶ Cracker Barrel 2024 Form 10-K at 12.

¹⁷ *Id.* (emphasis added). References to the D.E.L.T.A. program have been removed from Cracker Barrel’s website but are present in its most recent Form 10-K.

Together, Cracker Barrel’s discriminatory policies appear to have achieved their intended effect; Cracker Barrel’s workforce data reveals that since fiscal year 2022, the representation of women and racial/ethnic minorities in Cracker Barrel professional staff (including home office and district managers), store level management, and hourly staff have each increased by at least three percent¹⁸—only women hourly staff remained constant over the same period at sixty eight percent, though Cracker Barrel writes in its Form 10-K that “70% of our employee population is female.”¹⁹

Title VII of the Civil Rights Act of 1964 prohibits an employer from discriminating “against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual’s race, color, religion, sex, or national origin.” 42 U.S.C. § 2000e-2(a)(1). The Supreme Court has held that the “terms or conditions” phrase in Title VII is not used in the narrow contractual sense; it covers more than the economic or tangible.”²⁰

Cracker Barrel repeatedly admits that considerations of race, color, national origin, and sex play a motivating factor in the Company’s employment practices. Yet these considerations, purportedly embedded in its culture and day-to-day operations, are patently illegal. Cracker Barrel’s policies openly discriminate against heterosexual, white, and male employees in favor of diverse employees. Discrimination advocates—under the guise of “diversity” and “equity”—have for years claimed that straight white men must be treated differently than diverse individuals by holding them to a higher evidentiary standard; however, the Supreme Court has directly addressed this claim, holding that “Title VII does not impose such a heightened standard on majority-group plaintiffs.”²¹

Cracker Barrel’s self-described, ongoing employment practices are patently unlawful, deeply harmful, and immoral.²² Discrimination based on immutable characteristics such as race, color, national origin, or sex “generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely to ever be undone.”²³ Decades of case law hold that—no matter how well-intentioned—policies that seek to impose racial balancing are prohibited by Title VII.²⁴ More

¹⁸ *Cracker Barrel 2024 ESG Report* at 29.

¹⁹ *Cracker Barrel 2024 Form 10-K* at 11.

²⁰ *Muldrow v. City of St. Louis*, 601 U.S. 346 (2024) (cleaned up) (citing *Meritor Sav. Bank, FSB v. Vinson*, 477 U.S. 57, 64 (1986); *Bostock v. Clayton County, Ga.*, 590 U.S. 644, 658, 681 (2020); see also *United Steelworkers of Am. v. Weber*, 443 U.S. 193, 208 (1979); *Johnson v. Transp. Agency*, 480 U.S. 616, 621–41 (1987).

²¹ *Ames v. Ohio Dep’t of Youth Servs.*, No. 23–1039, slip op. at 9 (June 5, 2025).

²² *Bob Jones Univ. v. United States*, 461 U.S. 574, 593 (1983) (“racial discrimination in education violates a most fundamental national public policy, as well as rights of individuals”).

²³ *Brown v. Bd. of Education*, 347 U.S. 484, 494 (1954).

²⁴ See, e.g., *United Steelworkers*, 443 U.S. at 208; *Johnson*, 480 U.S. at 621-641; see also *Bostock*, 590 U.S. at 650.

broadly, the discrimination highlighted in this case necessarily foments contention and resentment; it is “odious and destructive.”²⁵ It truly “is a sordid business, this divvying us up” by race or sex.²⁶ Accordingly, we request that you issue a Commissioner Charge to investigate these allegations and ensure that Cracker Barrel ceases all discriminatory employment practices.

Thank you in advance for your cooperation.

Sincerely,

/s/ Will Scolinos

America First Legal Foundation

CC: Kalpana Kotagal, Commissioner, EEOC
Andrew Rogers, EEOC, Acting General Counsel, EEOC
Phillip Bornefeld, Director, EEOC Nashville Area Office
Faye Williams, Regional Attorney, EEOC Nashville Area Office

²⁵ *Texas v. Johnson*, 491 U.S. 397, 418 (1989).

²⁶ *League of United Latin Am. Citizens v. Perry*, 548 U.S. 399, 511 (2006) (Roberts, C.J., concurring in part).

APPENDIX



Everyone FEELS AT HOME

CULTURE, BELONGING AND INCLUSION AT CRACKER BARREL

We have a responsibility to live up to our mission of Pleasing People each day, ensuring that every member of our team and every guest feels at home, feels cared for like family, and feels like they belong. Also guiding our way is the sense of belonging we strive to deliver as part of our People Promise.

Our teams work hard to create a culture of hospitality that's welcoming, respectful and inclusive to everyone who walks through our doors. Our food and décor celebrate warm memories of the past, and our inclusive culture and beliefs help us make way for an even brighter future, together. Discrimination, overt or through unconscious bias, has no place at Cracker Barrel Old Country Store.

STRATEGY TURNS INTO ACTION

We are committed to our journey of improvement and understanding, and we realize intent alone is not enough - we are committed to making progress through action.



CULTURE

Educate, advocate, and communicate to create an inclusive, engaging, culture and work environment.



WORKFORCE

Attract, select, develop, and retain high performing talent with diverse backgrounds, experiences and perspectives.



BUSINESS

Build and nurture diverse partnerships in the communities where we live and work, and ensure we have diverse representation in our advertising.



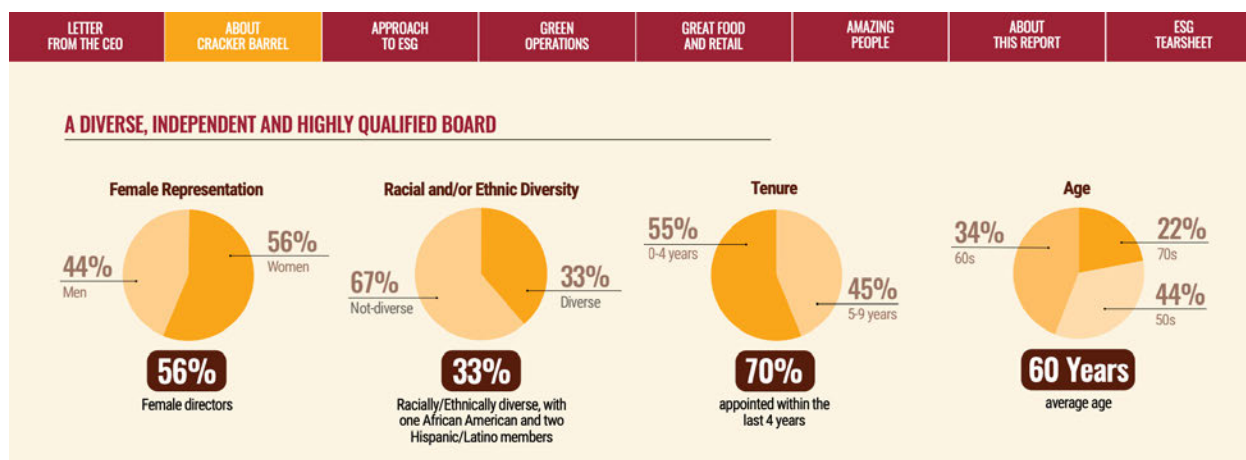
Diversity

In evaluating potential candidates for Board membership, the Nominating and Corporate Governance Committee considers, among other things, independence, character, ability to exercise sound judgment, diversity of age, gender, race and ethnic background and professional experience. Our Board of Directors believes in a governing style that emphasizes respect for diversity in perspective and includes individuals from diverse backgrounds. Our Board of Directors believes that diversity is important because varied points of view contribute to a more effective, engaged Board of Directors and better decision-making processes. For the Annual Meeting, our Board of Directors is recommending ten individuals who bring valuable diversity to our Board of Directors. Their collective experience covers a wide range of professional, geographic and industry backgrounds. These nominees range in age from 50 to 73. Eight (8) of these recommended nominees are women or racially or ethnically diverse, and five (5) of the ten (10) members of our senior management (including our Chief Executive Officer, Ms. Masino) are women.

Board Diversity Matrix (as of September 27, 2024)*

	Female	Male	Non-Binary	Did Not Disclose Gender
Part I: Gender Identity				
Directors	5	5	0	0
Part II: Demographic Background				
African American or Black	0	1	0	0
Alaskan Native or Native American	0	0	0	0
Asian	0	0	0	0
Hispanic or Latinx	1	1	0	0
Native Hawaiian or Pacific Islander	0	0	0	0
White	4	3	0	0
Two or More Races or Ethnicities	0	0	0	0
Did Not Disclose Demographic Data	0	0	0	0

* The Company's Board Diversity Matrix for 2023 is disclosed in its Definitive Proxy Statement filed





PROUD REPRESENTATION: BUSINESS RESOURCE GROUPS

Our **Business Resource Groups (BRGs)** allow employees to come together in community around common interests, perspectives, and experiences. These employee-led organizations provide opportunities to **network, develop leadership skills, and serve as cross-functional resources** for our teams as they make decisions that impact our brand.



AMPT

AMPT (Advancing Modern Professionals for Tomorrow) aims to connect and empower modern professionals by promoting a community of inclusive, ambitious, and diverse members that unify through the Cracker Barrel to equip our community and leaders for the future. This BRG provides networking, development, and community outreach opportunities that supplement the professional and personal lives of its members.



BE BOLD

The mission of Be Bold is to cultivate and **develop Black Leaders** within the Cracker Barrel organization utilizing allyship, mentorship, and education to create a path to continued excellence as well as a vibrant and diverse community.



HOLA

HOLA's mission is to promote Hispanic and Latino culture through hiring, developing, and retaining talent within Cracker Barrel. To create a culture of inclusivity and awareness through community outreach.



LGBTQ+ ALLIANCE

Supporting Home Office and Field employees to bring their whole selves to work while strengthening Cracker Barrel's relationship to the LGBTQ+ community.



NEUROVERSE COLLECTIVE

NeuroVerse Collective is focused on advocacy and education around Neurodiversity.



SERVE

Our Veteran's BRG, SERVE, is dedicated to advocating for leadership and development opportunities for its members. We foster an environment of networking and volunteerism while focusing on recruitment, retention, and advancement of Veterans at this company.



WOMEN'S CONNECT

Our mission & goal is to inspire the women of Cracker Barrel by empowering, educating and engaging to achieve the strategic initiatives of Cracker Barrel.



BE BOLD

Develops Black team members through mentorship and education to create future leaders while continuing to champion our diverse and open community.



HOLA

Provides opportunities to our Latino team members to celebrate their culture and community while growing their careers.




LGBT ALLIANCE

Provides a space for LGBTQ+ people to meet and support each other while increasing LGBTQ+ awareness at Cracker Barrel.



WOMEN'S CONNECT

Helps women on our team find connections and support to grow their careers.



[HOME](#)
[CAREERS](#)
[LIFE AT CRACKER BARREL](#)
[WHO WE ARE](#)

Search by Keyword | Team ▼ | City, State or Zip Code 📍 | [SEARCH JOBS](#) | My Career Hub 📱



WARMTH IN EVERY WELCOME

Our home away from home atmosphere means getting the care you need to feel and do your best. Community, stability, support – it's no wonder many of our employees stay with us for years, building lasting careers and friendships.

- ☆ **PEOPLE PROMISE** ✔

- ★ **BUSINESS RESOURCE GROUPS** ✔

Seven resource groups to **support the development of diverse team members**, foster moments of celebration, and inspire joy

- ☆ **MANAGER TRAINING** ✔

- ☆ **ONBOARDING SUPPORT** ✔

Diversity, Equity & Inclusion

Since 1969, our corporate mission has been Pleasing People. As an organization, we have a responsibility to live up to our mission of Pleasing People each day, ensuring that every member of our team and every guest feels at home, feels cared for like family, and feels like they belong. Our teams work hard to create a culture of hospitality that's welcoming, respectful and inclusive to everyone who walks through our doors – whether as an employee or as a guest. Also guiding our way is the sense of belonging we strive to deliver as part of our People Promise. This includes embracing openness for all people, ideas, and perspectives. Our food and décor celebrate warm memories of the past, and we believe our inclusive culture and beliefs are vital to reinforcing these positive feelings in our employees and guests, and are thus critical to the strength of our brand and our corporate strategy. Our firmly held organization-wide policy is that discrimination, overt or through unconscious bias, has no place at Cracker Barrel Old Country Store.

As of August 02, 2024, 34% of our employee population is racially and/or ethnically diverse and 70% of our employee population is female.

We provide opportunities for our employees to drive our Diversity, Equity & Inclusion strategy by creating programs that raise awareness and allow for a more inclusive culture. Our Business Resource Groups allow employees to come together with common interests, perspectives, and experiences around topics such as race, ethnicity, gender identity, and other special interests. These employee-led organizations provide opportunities to network, to obtain and develop leadership skills, and to inform and influence on all aspects of the Cracker Barrel brand.

Currently, there are seven Business Resource Groups in Cracker Barrel:

- AMPT (“Advancing Modern Professionals for Tomorrow”): Aims to connect and empower modern professionals by promoting a community of inclusive, ambitious, and diverse members that unify through Cracker Barrel to equip our community and leaders for the future;
- Be Bold: Cultivates and develops Black leaders within the Cracker Barrel organization utilizing allyship, mentorship, and education to create a path to continued excellence as well as a vibrant and diverse community;
- B-WELL: Improving the employee experience by sponsoring health and wellness activities that nurture employees’ physical, emotional, financial and intellectual wellbeing;
- HOLA (“Hispanic Organization for Leadership and Advancement”): Promoting Hispanic and Latino culture through hiring, developing and retaining talent within Cracker Barrel;
- LGBTQ+ Alliance: Promoting LGBTQ+ Awareness and Building Workplace Inclusion;
- SERVE: Advocating for leadership and development opportunities for veterans, fostering an environment of networking and volunteerism and focusing on recruitment, retention and advancement; and
- Women’s Connect: Inspiring women leaders.

We are increasing our focus on leadership development and mentorship programs to better secure strong, diverse talents across all facets of our organization. This commitment is exemplified by our D.E.L.T.A program (“Diverse Employee Leadership Talent Advancement”). This leadership program identifies diverse managers who have exhibited all the skills we value in our top-performing managers, brings them together to learn from each other, positions them to advance to their next role, while continuing to advance our business and strategic goals in the process.

Our new, robust diversity training includes education throughout all levels of the Company about unconscious and implicit bias and focuses on creating an inclusive culture and fostering a sense of belonging for all.

DEMOGRAPHICS AND DIVERSITY PERFORMANCE

Indicator	Unit	FY 2022	FY 2023	FY 2024
Board of Directors	Number (#)	10	10	9
<i>Women</i>	Percent (%)	40	50	56
<i>Racial/Ethnic Minority</i>	Percent (%)	40	33	33
Executive Team	Number (#)	9	9	10
<i>Women</i>	Percent (%)	55	55	50
<i>Racial/Ethnic Minority</i>	Percent (%)	22	22	20
Professional Staff (includes Home Office and District Managers)	Number (#)	954	1,011	1,169
<i>Women</i>	Percent (%)	52	54	55
<i>Racial/Ethnic Minority</i>	Percent (%)	15	14	18
Store-Level Management	Number (#)	3,269	3,352	3,476
<i>Women</i>	Percent (%)	47	50	51
<i>Racial/Ethnic Minority</i>	Percent (%)	24	25	27
Hourly Staff	Number (#)	66,584	68,523	69,191
<i>Women</i>	Percent (%)	68	68	68
<i>Racial/Ethnic Minority</i>	Percent (%)	34	36	38



redirect unused food from our restaurants to local food banks. The platform focuses on three key areas: addressing food insecurity, supporting community needs, and reducing food waste.

- **FAMILY:** In FY 2024, through our donation of \$150,000 to Feeding America we helped provide access to 1.5 million meals for families facing food insecurity.
- **COMMUNITY:** Through our partnership with Second Harvest Food Bank of Middle Tennessee, Cracker Barrel Food for Families funded 160,000 meals through Second Harvest's Mobile Market and Neighbor Care programs. Both programs offer innovative solutions to addressing hunger across 46