

NORTH CAROLINA DEPARTMENT OF LABOR
STANDARDS AND INSPECTIONS
EMPLOYMENT DISCRIMINATION BUREAU

City of Charlotte Fire Department

To: Tiffany L. Lathan, Bureau Chief
File

From: Irene Diaz-Clark, Discrimination Investigator
Date: October 20, 2015

File: 149-15

Date Filed: March 24, 2015

Complainant:

Represented by: Meg Maloney

Respondent: City of Charlotte Fire Department

Represented by: Sara Lincoln

REPORT OF INVESTIGATION

Allegation

This complaint was timely-filed by [REDACTED] alleging [REDACTED] was retaliated against by Respondent, City of Charlotte Fire Department, because [REDACTED] engaged in the REDA protected activity of exercising [REDACTED] rights under the North Carolina **Occupational Safety and Health Act** [§ 95-126, (1973, c. 295, s. 1; c. 476, s. 128; 1989, c. 727, s. 219(13); 1997-443, s. 11A.33; 2005-133, s. 2)].

PREDICATION:

This investigation was initiated on May 15, 2015, based on the filing of a complaint by [REDACTED] (Complainant) alleging [REDACTED] was retaliated against by the City of Charlotte Fire Department (Respondent) because [REDACTED] engaged in the protected activity of complaining about some safety issues to [REDACTED]

Complainant alleged [REDACTED] was terminated on September 25, 2014, after [REDACTED] refused to follow "improper instructions" and complained to [REDACTED]. Since this complaint was filed within 180 days of the adverse employment action, this complaint is considered timely filed with the NCDOL. However, since more than 30 days has passed between the occurrence of the alleged adverse employment action and the filing of this complaint, Complainant is not eligible for dual filing with the US Department of Labor.

NOTE: This complaint was filed on March 24, 2015; however, Complainant's attorney did not send Complainant's questionnaire until June 3, 2015.

Complainant:

Complainant states [REDACTED] was hired by Respondent on April 5, 2010.

[REDACTED] states in [REDACTED] questionnaire [REDACTED] was terminated on September 25, 2014, because [REDACTED] complained to [REDACTED] about financial mismanagement and health and safety issues. Complainant states [REDACTED] complained about the unsafe condition of the new prospective location of the Fire Department Arson Division at 1517 N. Graham St., Charlotte, and the department's failure to obtain permits and inspections.

Complainant states [REDACTED] was allegedly terminated for violating the Social Media Policy (Q4c); however, Complainant states [REDACTED] Facebook page was set to private and Respondent admitted they could not see what [REDACTED] posted. Complainant states [REDACTED] was warned by several members of the Fire Department that speaking out about unsafe and unhealthy conditions at the future arson division building would put a target on [REDACTED] back and [REDACTED] would be retaliated against (Q4e).

Complainant states [REDACTED] most recent health and safety complaint was made on August 19, 2014, to [REDACTED] Investigations Task Force heard [REDACTED] complain, and mentions several witnesses (Q5). The emails from Complainant to [REDACTED] and vice versa) are attached to the Questionnaire and in this report as Exhibit 1¹. It is worth mentioning that in one of the emails, Complainant mentions [REDACTED] as "being on board", and [REDACTED] tells [REDACTED] [REDACTED] will send a list of problems with the building "after [REDACTED] approves". This indicates that [REDACTED] was not only aware of the problems, but was willing to complain outside the chain of command.

Job Refusal (Q7): Complainant states [REDACTED] was asked by Management and HR to send a written statement about [REDACTED] Facebook post via [REDACTED] personal email to avoid public records law, and [REDACTED] refused to do this, since [REDACTED] felt this was illegal. [REDACTED] voiced [REDACTED] refusal to [REDACTED]

Complainant states [REDACTED] raised several health and safety concerns about the new building, including (Q11 attached to the Questionnaire and Exhibit 2)²:

- Air quality
- Blue Dye seeping through walls and floors
- Flooded basement
- Windows didn't close, so water was running down the walls
- Mold in bathrooms
- Insufficient fire exits on upper floor
- Wooden elevator on a pulley system
- Asbestos in ceiling and roof
- Inconsistent positions about asbestos in the walls

Complainant states the Fire Educators had moved to the building "in the middle of August 2014" but Fire Investigators had not moved yet at the time of [REDACTED] termination. Complainant states [REDACTED] could not get the Fire Department to address these concerns. [REDACTED] contacted [REDACTED] Charlotte

¹ Email from Complainant to [REDACTED]

² Attachment to Question 11 of Questionnaire

City Council member in charge of Community Safety, Building on August 20, 2014 with

then arranged to tour the Arson some City engineers, CFD

Complainant states on August 26, 2014 received an "A" rating on annual performance review and a raise from gave information on raise and praised for level of commitment and the quality of work.

On August 27, 2014, contacted and instructed to go to the headquarters immediately to discuss a complaint the Fire Department had received from a citizen. The citizen claimed Complainant had posted racist comments on Facebook page and comments were criticized on Al Sharpton's fan page. Complainant met with the meeting was told the meeting was only informative and they just wanted to be aware that someone was watching Facebook posts. Complainant reminded Respondent Facebook page was set to "private" since the Bomb Squad had secured it after name "was found on a hit list" at the jail. Complainant states during the meeting was told by Respondent was not being disciplined and they were just trying to protect and the department and would not be "made an example".

During the meeting it was discussed that the emails came from however both parties agreed the allegations were not credible. acknowledged Complainant was exercising right to Freedom of Speech, and acknowledged that other first responders had similar comments and posts on their personal Facebook pages. In addition, Respondent acknowledged that some of the lines of the email seemed to have been copied and pasted. After the discussion, instructed Complainant to prepare a written response to the allegations and not to send the response through official email address. told to send response from personal email to personal email, which provided (Exhibit 3).

Complainant also makes the following remarks:

- There is no resident in North Carolina with the name
- Facebook page was not existent until August 20, 2014, when it was first created. The same day and other City representatives toured the building.
- Facebook page had no friends, comments, tags or any other evidence of being a real profile and was set to "public".
- did not provide in email any contact information so it would be odd that anybody could contact back.
- complained about an "email" "floating around social media", and claims this "email" was on Al Sharpton fan page.

³ Copy of handwritten note with personal email address

v. City of Charlotte Fire Department

- [REDACTED] failed to attach the "email" as evidence and [REDACTED] acknowledge they could not find Complainant's post on any of the Al Sharpton's websites.
- [REDACTED] identified Complainant as [REDACTED]. Nowhere on Complainant's page stated [REDACTED] profession or place of employment or were pictures that would identify [REDACTED] as such.
- [REDACTED] wrote "the police officer and [REDACTED] racial comments". Complainant's only comment about race was "race should not be an issue".
- [REDACTED] wrote that "John Barrett is speaking on [REDACTED] Friday at an event"; however, Civil Rights activist John Barrett died on May 28, 2012.
- Complainant states in [REDACTED] Facebook comment [REDACTED] wrote: "So tired of hearing it's a racial thing. If you are a thug and worthless to society, it's not race- You're just a waste no matter what religion, race or sex you are".
- Complainant states [REDACTED] used the word "thug" referring to both whites and blacks and as a synonym of "violent person, criminal, vandal, hooligan etc."
- Unlike Complainant's Facebook page, there are several first responders Facebook pages set to public with similar or more offensive comments than [REDACTED] however, none of them are "known whistleblowers".

Complainant states after debating whether to follow the orders from HR to write a statement, print it, delete it and deliver it without using City email [REDACTED] decided to go against the directives and prepared [REDACTED] response and a statement explaining [REDACTED] decision on August 29, 2014, through [REDACTED] City email. Complainant states [REDACTED] had to prepare [REDACTED] response without having a copy of [REDACTED] City emails, since the City would not allow [REDACTED] to review them (Exhibit 4)⁴ despite [REDACTED] requests to receive a copy.

Complainant states after [REDACTED] August 27, 2014, meeting (where no disciplinary action was discussed) [REDACTED] didn't hear anything else about [REDACTED] Facebook posting until around September 15, 2014, when [REDACTED] of the Charlotte Firefighters Association sent the City a request for records related to [REDACTED] whistle blowing activities.

On September 24, 2014, Complainant was called to another meeting with [REDACTED] [REDACTED] being terminated. [REDACTED] termination hearing was scheduled for the next day at 9 AM, giving [REDACTED] no time to prepare for the hearing. According to Complainant, during the termination hearing on September 25, 2014, [REDACTED] argued a case for termination, "acted as both prosecutor and decision maker", did not allow Complainant to present any evidence related to the [REDACTED] emails and was "only interested in labeling" Complainant "as a racist and upholding the termination". Also during the hearing [REDACTED] admitted [REDACTED] could have easily forwarded the emails to Complainant but didn't, and [REDACTED] said [REDACTED] would provide Complainant with a copy of them; [REDACTED] did not provide anything until Complainant hired an attorney.

⁴ See copies of some emails from Complainant asking for a copy of [REDACTED] email

Complainant also mentions in [REDACTED] email to [REDACTED] that the department had asked them not to use the word "renovated" because they would be required to get permits, and instead use the term "maintenance".

Complainant states [REDACTED] was never disciplined prior to [REDACTED] Safety Complaint until September 25, 2014, when [REDACTED] was terminated.

Respondent:

A position statement was submitted from [REDACTED] on behalf of Respondent on June 26, 2015. Respondent states the City of Charlotte (COC) which includes the Charlotte Fire Department (CFD), provides equal employment opportunities to qualified individuals.

Respondent also provided a copy of the COC HR Standards and Guidelines, in which Rule 1 General Provisions it established "All City Of Charlotte employees are at-will employees whose tenure of employment is subject to satisfactory performance of work, personal conduct that is compatible with the trust inherent in public service, necessity for the performance of work and/or the availability of funds" (Exhibit 5)⁵. In addition, Respondent provided a copy of the CFD General Orders (Rules of Conduct/Class Offenses) in which is indicated that "Each employee is responsible to regulate his/her own conduct in a positive, productive and mature manner" and "Failure to do so will result in disciplinary action ranging from a Verbal/Written reprimand to a recommendation for Termination" (Exhibit 6)⁶.

The document also classifies between offenses that are Class A, B and C offenses, Class A offenses being the most severe: "Class "A" Offenses, shall be those which have severe negative impact on the Charlotte Fire Department's effectiveness, efficiency, safety or integrity". Class A offenses include:

- 1-Involvement in illegal or criminal activities while on/off duty is strictly prohibited.
- 2- Alcohol, drugs, or illegal substances shall not be used while on duty nor in a manner that affects an employee while on duty, off duty training or while an employee is presenting the CFD.
- 5-Expressions of prejudice or harassment concerning race, religion, national origin, gender sexual orientation, or other personal characteristics are prohibited as discussed in FO 208.07-Harassment Policy.

15-Employees shall conduct themselves at all times, both on and off-duty, in a manner which is in keeping with the highest standards of the fire service.

An Employee shall not engage in **conduct unbecoming** an employee of the Charlotte Fire Department. Conduct unbecoming an employee of the Charlotte Fire Department shall include, but not limited to, that which tends to bring the Charlotte Fire Department into disrepute, reflect unfavorably upon an employee or member of the department, or tends to impair the operation or efficiency of the Department or any of its personnel. This includes dereliction of duty.

⁵ Copy of Policy

⁶ Copy of Policy

17-Two Class "B" offenses or three Class "C" offenses in a 12-month period shall constitute a Class "A" offense.

18- A supervisor who becomes aware of an alleged Class "A" violation shall immediately notify the next level of supervision and take reasonable action, including relieving the employee of duty, until an investigation can be conducted. Failure of any supervisor or acting supervisors to take appropriate action is a Class "A" violation.

Respondent states Complainant began working as a Fire Investigator in April 2010. Respondent states [REDACTED] job was to conduct fire scene investigations, "from the Physical fire scene through the follow up investigation and prosecution of suspects". Respondent claims that as a Fire Investigator, Complainant was required to testify at hearings and trials, therefore, in order to fulfill [REDACTED] job, it was essential that Complainant could testify as an unbiased expert. The job description is attached as Exhibit 77.

Respondent states Complainant was terminated on September 25, 2014 as a result of conduct unbecoming a member of the CFD and violations of General Orders. Respondent attached the letter (Exhibit 8)⁸ from [REDACTED] to Complainant upholding [REDACTED] termination. In this letter [REDACTED] notes Complainant was "unable to present any evidence of significance to overturn the finding of the investigation".

Respondent acknowledges wanting to move the Arson Task Force to an existing building at 1517 North Graham. However, Respondent states there was not a set date for moving into the location, just a tentative date of "summer 2014". On August 1, 2014, [REDACTED] wrote an email telling the Force to "visit the building as often as they wished".

Respondent further acknowledges Complainant did send an email to [REDACTED] on August 7, 2014 regarding holes and the state of the fence of the building. [REDACTED] responded to [REDACTED] email the same day saying it was already scheduled to resolve the issues. The position statement denies any other complaints from Complainant to [REDACTED] direct supervisors about air quality, asbestos, mold or any of the issues Complainant wrote on [REDACTED] email.

Respondent states on August 14, 2014, Complainant sent an email from [REDACTED] personal email address to [REDACTED] personal email address. In this email Complainant had a list of complaints regarding the building at 1517 North Graham and requested [REDACTED] take a tour. Complainant did not cc'd [REDACTED] in this email. On August 19, 2015, Complainant sent additional email to [REDACTED] with a two page list of safety and health complaints.

On August 20, 2014, [REDACTED] took a tour of the building with CFD members, [REDACTED] of the Fire Department, [REDACTED]. Respondent states that at this time in particular, members of the CFD did not know the origin of [REDACTED] tour.

Respondent explains at the time of [REDACTED] tour there was no evidence that "anyone at CFD knew that the genesis for the tour with [REDACTED] were the complaints from [REDACTED]. Respondent also states "after [REDACTED] tour of the building, [REDACTED] last performance review was completed and [REDACTED] received good marks" [REDACTED] was praised for [REDACTED] quality of work, [REDACTED] received

⁷ Job Description

⁸ Letter from [REDACTED] upholding the decision

a raise and on August 22, 2014, [REDACTED] signed the review. Respondent argues that based on these facts, Complainant was not terminated for [REDACTED] Whistleblowing activities'.

NOTE: Contrary to Respondent's statement, the review on August 19th was done before the tour on August 20, 2014, and according to Respondent's own statement, at this point they did not know about Complainant's email to [REDACTED] So basically these facts don't prove anything and they contradict each other.

Respondent states on the same day of [REDACTED] tour (August 20, 2014), Complainant posted a Facebook posting that later on would come to the attention to members of the CFD, [REDACTED]



[REDACTED]
20 minutes ago

White guy shot by police yesterday near Ferguson..... Where is Obama? Where is Holder? Where is Al Sharpton? Where are Trayvon Martins parents? Where are all the white guys supporters? So WHY is everyone MAKING it a racial issue?!? So tired of hearing it's a racial thing. If you are a thug and worthless to society, it's not race- You're just a waste no matter what religion, race or sex you are!



4 people like this.

[REDACTED]
here, here!

8 minutes ago · Like

[REDACTED]

The very fact that the powers that be made this a racial issue shows that they



Write a comment

On August 26, 2014, [REDACTED] received the following email from [REDACTED] who found Complainant's post insensitive:

From: [REDACTED]
To: [REDACTED]
Subject: First Responder Unacceptable
Sent: Tue, Aug 26, 2014 11:49:26 PM

Hello,

I hope this email finds you both in good health and spirit. This email is floating around social media. Today I seen from Rev. Al Sharpton (an pastor. As I was reading the post, I notice this [REDACTED] I think someone needs speak to this [REDACTED] Because my home town is in the spotlight today. Everyone is entitled to their own language. But when it's a first responder that is writing this everyone seems to be on the edge. [REDACTED] is just like anyone else but the public is throwing blows at [REDACTED] Today someone listed under [REDACTED] post. look at this [REDACTED] mutual comments. Please talk with her about her comments. I hate to see a hardcase go through what Ferguson is going through. John Barrett is speaking on [REDACTED] Friday at an event.

Sent from Yahoo Mail on Android

Respondent states [REDACTED] was not a friend of Complainant. [REDACTED] was "able to view [REDACTED] post on other social media sites". Also Respondent notes [REDACTED] knew that Complainant was affiliated either with CMPD or CFD, but fails to identify how [REDACTED] would have this type of information, since Complainant did not identify [REDACTED]

[REDACTED] asked [REDACTED] to investigate the post and contact [REDACTED] Respondent fails to explain if [REDACTED] tried to make contact with [REDACTED] other than by email, to verify [REDACTED] identity or what steps Respondent took or didn't take to verify the legitimacy of the complaint. On August 27, 2014, [REDACTED] wrote another email to [REDACTED] about another Facebook post.

From: [REDACTED]
Sent: Wednesday, August 27, 2014 8:33 AM
To: [REDACTED]
Subject: Screenshot (08:30AM, Aug 27, 2014)

Here is another one! Why is [REDACTED] doing this. [REDACTED] may not mean anything by it but it could cause a lot of problems in the community.

Sent from Yahoo Mail on Android



shared Law Enforcement Today's photo.

57 minutes ago

Law Enforcement Today
Yesterday at 5:00 PM

**WHAT ARE YOUR THOUGHTS? – with
Wouldntyou Liketoknow and**



Respondent states once [REDACTED] determined that Complainant was a CFD employee [REDACTED] turned over the investigation to CFD leadership. Respondent notes "during the investigation" Complainant admitted writing the Facebook posts and said [REDACTED] did not find anything wrong with the posts. Respondent fails to identify what type of investigation was conducted, by whom and if anybody took the time to verify [REDACTED] identity or legitimacy. In addition, Respondent notes Complainant "did not have any insight to the potential impact these posts had on [REDACTED] ability to be seen as a credible unbiased, fair investigator and a respectable and professional employee of the CFD".

Respondent denies that Complainant was terminated in retaliation for [REDACTED] whistleblowing activities, and asserts Complainant was terminated for the nature and content of [REDACTED] Facebook posts, specifically conduct unbecoming a member of CFD and Violations of CFD General Orders. In addition, Respondent states [REDACTED] posts "were viewed by others as racially offensive" and had the potential to "cause tension between CFD and the citizens" of Charlotte. Respondent states "a few African

American employees of CFD and CMPD were questioned" and "each employee questioned answered affirmatively"⁹.

Respondent adds that if a member of the community would see Complainant's post "and harbor ill will to CFD because of it" it could put Complainant and the rest of first responders in potential danger. Furthermore, because Complainant's job included testifying against criminal defendants, the posts could be used against [REDACTED] since [REDACTED] could be presented as a potential bias witness. Respondent states the DA's office was also contacted and "they agreed that it would be difficult to use [REDACTED] as an unbiased witness in future arson prosecutions"¹⁰. According to the position statement, Complainant had put at risk [REDACTED] credibility consequently putting the safety of the City also at risk.

Respondent states Complainant alleges [REDACTED] made numerous complaints about health and safety; however, Complainant has not provided documentation to establish [REDACTED] made any of these complaints within the CFD prior to [REDACTED] other than the email [REDACTED] sent to [REDACTED] on August 7, 2014, about the fence.

Respondent states COC and CFD "acknowledge that the use of non-COC email addresses to conduct COC business is not a best practice it certainly is not a violation of the law". However, Respondent fails to address why Complainant was instructed to use [REDACTED] personal email to deliver [REDACTED] response about the Facebook postings and why was [REDACTED] given a personal email address where to deliver the message.

Respondent maintains Complainant was terminated because [REDACTED] was in violation of some of the CFD General Orders. [REDACTED] was cited for termination on September 24, 2014, as a result of conduct unbecoming a member of the CFD and violations of Federal Orders as well as the Social Media Policy. [REDACTED] letter is attached to the Position Statement and to this report as Exhibit 9¹¹. In this letter [REDACTED] acknowledges that Complainant's comment "was not directed to any specific person or group". [REDACTED] states the post "has been perceived by members of the community, city organization, and fire department as prejudice". According to several African American members of the Fire Department, the use of the term thug is exceptionally derogatory to the African American male community".

Respondent adds that Complainant fails to identify a single individual in [REDACTED] Complaint, where another employee had posted something similar; the post had been brought to the CFD's attention but was ignored. In addition, Respondent notes CFD is made up of 1,154 fulltime positions and CFD is unable to monitor all accounts. However, when a citizen complains about a questionable posting, COC responds.

Respondent also clarifies that Complainant's Facebook posting was not the only posting brought to the attention of CFD. According to Respondent, on February 20, 2015, [REDACTED] shared a post on [REDACTED] Facebook regarding former Olympian Bruce Jenner. The posting was brought up by members of the Community, and [REDACTED] was placed on administrative leave on February 24, 2015. Prior to the completion of the pertinent investigation, [REDACTED] opted to retire.

⁹ There is no mention what employees were questioned, how many or their job positions.

¹⁰ Again, no details on who was questioned, how, when, etc.

¹¹ Copy of letter

Investigation:

Complainant was interviewed on June 8, 2015. Complainant stated that [REDACTED] told [REDACTED] to type [REDACTED] response to the posting through [REDACTED] personal email and at home since all emails were public records.

Complainant denied ever calling OSHA. Complainant stated [REDACTED] did not know [REDACTED] was violating a Social Media Policy and [REDACTED] does not remember having to sign any policy regarding this subject.

Complainant explained that the Bomb Squad had secured [REDACTED] Facebook page to private and set up so [REDACTED] name would not be searchable so, only [REDACTED] friends could see what [REDACTED] posted. Complainant states [REDACTED] had a few friends on Facebook from the fire Department.

Complainant stated [REDACTED] was provided with a copy of [REDACTED] posting on August 27, 2014, after [REDACTED] complained. Nobody claims to have talked to [REDACTED] and nobody has [REDACTED] contact information. Complainant states at the beginning Respondent admitted it could not find anything on Facebook and [REDACTED] credibility was at stake.

Complainant stated other First Responders had posted on Facebook similar postings but they have never been terminated.

Complainant stated [REDACTED] still has the post-it note that [REDACTED] gave [REDACTED] with [REDACTED] personal email address.

On June 29, 2015, Respondent was asked to respond to a series of questions prepared based on the position statement submitted by Ms. Lincoln (attorney representing Respondent). Respondent was asked to provide information about any other City employees disciplined due to the Social Media policies (other than [REDACTED] discussed in the position statement). Respondent replied that while it is impossible to have a comprehensive list of disciplined employees because each department has its own HR manager, they are aware of at least five other employees that were disciplined due to Social Media issues:

- -
 -
 -
- 

According to Respondent, [REDACTED] was reprimanded, suspended without pay, put on performance probation, issued a formal apology for the post and attended a diversity/awareness/sensitivity class. "The CATS and N & BS employees both received written reprimands as did one of the 311 employees. The other 311 employee was given three months' probation". **None of them were terminated** like Complainant.

Respondent was asked to explain if anybody verified [REDACTED] existence or reliability. Respondent stated no one was able to identify [REDACTED] or speak face to face with [REDACTED] the only contact made was through emails. Respondent stated [REDACTED] was probably an actual friend of Complainant that used the name of [REDACTED] as an alias. Respondent does not know if Complainant identified [REDACTED] as part of the CFD but states [REDACTED] does identify [REDACTED] on [REDACTED] LinkedIn page.

X

o Posted the following comment on [REDACTED] Facebook page open to the Public:

January 8, 2013 via iOS

This is pathetic. Society really let [REDACTED] down... By not having [REDACTED] neutered 14 kids ago!

SOMEONE'S GOTTA PAY FO...
youtube.com

6 Likes 3 Comments

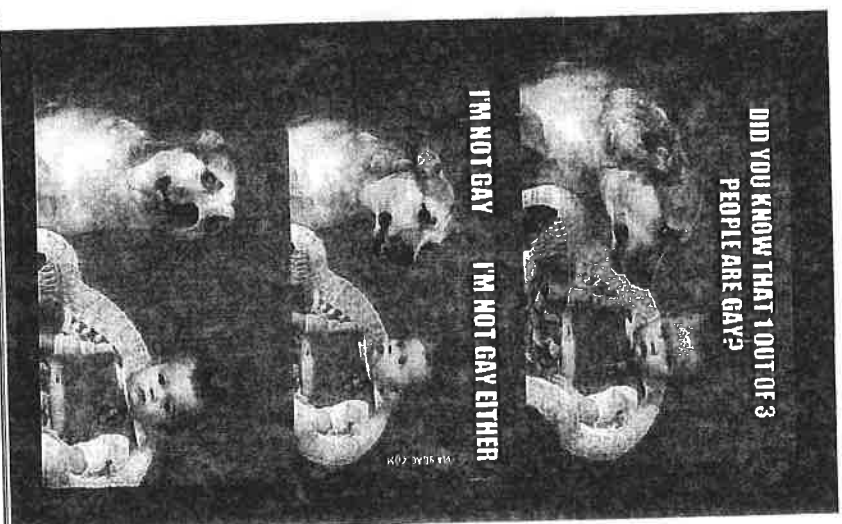
Share

¹² Facebook postings by

- Posted the following post. [REDACTED] Facebook page was also open to the Public:



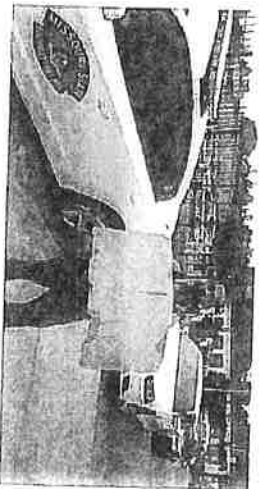
2 Likes 1 Comment





August 20 at 14:47 Edited

I'm not a racist...I'm not a homophobe and I'm not a sexist. I believe that no one should have their rights violated, not the cops, not blacks, not whites, not gays, not religionists, not non believers, not women. Let's call a spade a spade, think outside the box.



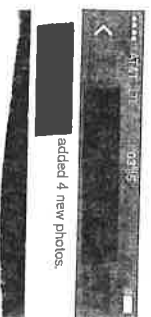
Reflecting on the Tragedy in Ferguson:
I'm Tired of People Like You, Mr. ...

12 Likes 4 Comments



Posted several pictures of [redacted] are open for the public to see.

These pictures



Ed Lutz 3 Comments

Share



- o Posted the following posts. Please note the use of the word "thug".

June 28, 2013 at 11:05am

June 28, 2013 at 10:14am

Y'all help make this go viral, please... — with Sal



Share

June 28, 2013 at 10:14am



Photo:

July 6, 2013 at 10:43am

July 6, 2013 at 12:23am

Hmmmmmm..... Interesting.

Paula Deen: Dumped by Walmart and Target for using the "n" word decades ago, then apologizing



Quentin Tarantino Makes the movie Django which uses the "n" word 113 times. Walmart and Target still carry it



facebook.com/ImageBlitz

September 12, 2013 at 8:58pm

This video pisses me off to no extent. Piece of crap thugs with nothing else better to do. Our crap @\$\$ political system with our crap @\$\$ laws and judicial system don't do enough. We need to bring back the... More



The Sick 'Game' Thugs Are Violently Playing On Innocent Pedestrians "... 06 Three boys, one 14-year-old and two ... conservative.com

2 Likes 4 Comments

Share

November 12, 2013 at 10:50am

Right Wing News

November 12, 2013 at 10:50am

facebook.com

July 27, 2013 at 7:20am

July 29, 2013 at 10:21am

"Can't Push-Race-Baiting-In-Chicago"

... It's All Drug Dealing Gang-Bangers Doing The Murdering!

TJ / SL

Ask yourself this question.

With all the murders in Chicago, which are 95% black, killing black. Why aren't you there?

Simple....

No money to be made!



3 Likes

Share

facebook.com

1 Like

Share

November 29, 2013 at 5:45pm

Right Wing News

November 23, 2013 at 1:00am



2 Likes

AT&T LTE 03:08

November 21, 2013

Hahaha that's awesome. I hope the pieces of crap thugs that play this game start getting what's coming to them. It's your right to protect yourself, might be a game to them until they get shot and killed.



Teen Playing The Knockout Game Gets Shot Twice By Victim | D The Web Guy x11057.com

6 Likes 1 Comment

Share

Everyone needs to see past all of this skin color shit. 90% of my coworkers and friends are white, I don't even realize it but once in a blue moon, because we are all similar minded good folks. That's all I'm worried about

More » Dec 6, 2013

I just think it's funny that the media wants to report about it now.

More » Dec 6, 2013

We should just ignore it. I hate that this is a story, the publicity has probably caused more hoodlums to imitate this.... I can't believe some of them are hitting ol ladies, pieces of shit

More » Dec 6, 2013

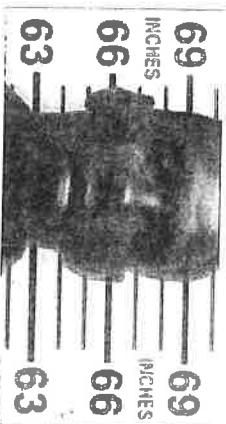
I agree 100%. The pieces of crap that started this and do this should be beaten with in an inch of their lives. People should be able to walk down the street not in fear. If the thugs are the ones doing it then that's who I blame. I have read tons of articles on this and believe me it's race related but trust me it's not from my end. Look at some of the nick names they call the victims. Call it like I see it.

More » Dec 6, 2013



Share

September 9 at 10:06



Have you heard the mainstream media screaming about the white cop killed...
the perpetrator information ccm

Share

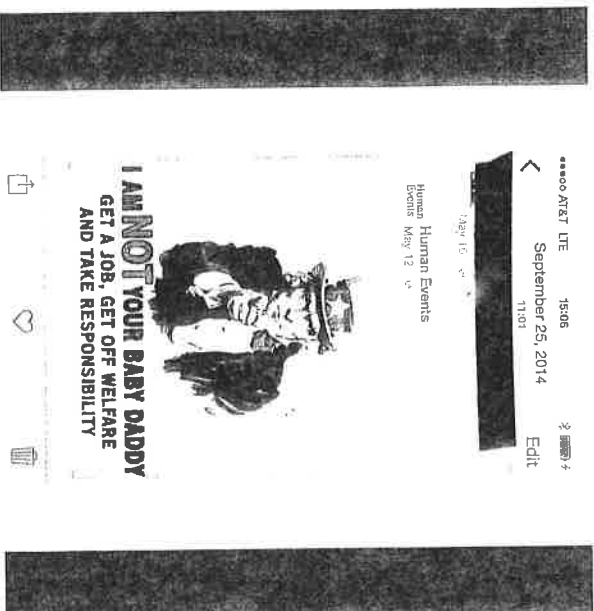
video: A Bad Lip Reading of The
NFL- Part 2.

Facebook open to the public

with pictures on



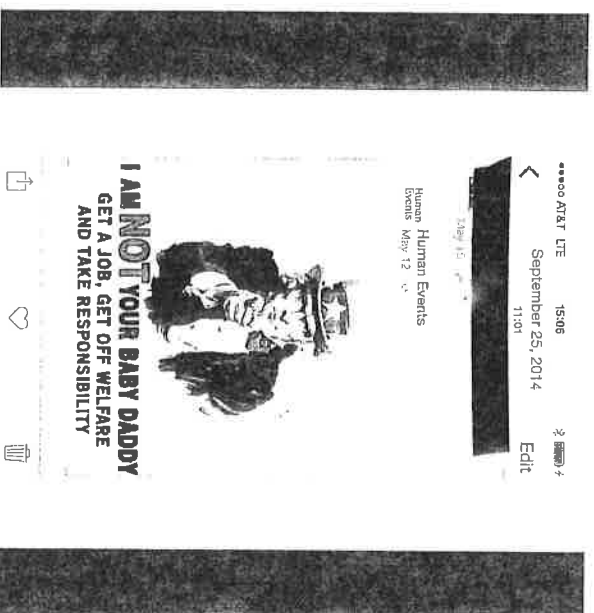
- o Posted the following posts referring to public benefit recipients



- Posted the same posting as Complainant and other racial postings



v. City of Charlotte Fire Department



- Posted the same posting as Complainant and other racial postings





1 hour ago



When a Black Cop Killed an Innocent White Man in Utah, the Press Was ...
freedomofpress.com

4 Likes

Share

photo.

1 hour ago

- o Posted same posting than Complainant and posted about the Ferguson Incident



November 2 at 19:31

photo.

November 13

WANT TO KNOW WHERE RACIAL TENSION AND CIVIL TERROR COMES FROM?



The Law Enforcement Officers have fallen in the Line of Duty since 1847. Donald took off his suit and tie special recognition from the White House.

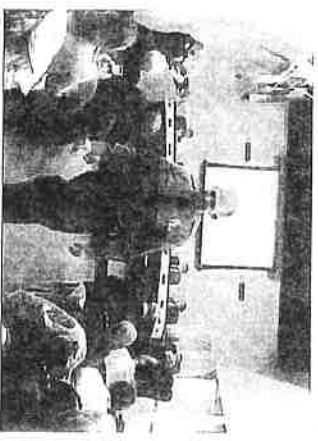
A man took a convenience store and assaulted a cop. The White House sends these representatives to his funeral service.



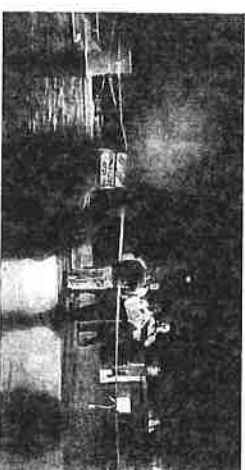
$$(1 + \beta) \frac{\partial}{\partial \beta} \ln \mathcal{Z} = \sum_{i=1}^n \langle \mathbf{u}_i \mathbf{u}_i^T \rangle$$

The authors of the study found that the use of a self-report measure of stress was associated with a higher risk of depression. The authors also found that the use of a self-report measure of stress was associated with a higher risk of depression. The authors also found that the use of a self-report measure of stress was associated with a higher risk of depression.

A former high-ranking officer of the U.S. Air Force, he has been a vocal critic of the military. He is also a member of the U.S. Air Force Association, a group that has been criticized for its close ties to the military.



11-5-2011



You got to be kidding me? There's another side to this story than what all the critics are saying? Never would have guessed it! Walking in the middle of the street, robbed a store, and punched an officer, attempted to get his firearm (hence why he has gunpowder on his hand) but yet he's just a good ole dad that has big goals in life! And no this is not a race thing for me, I have plenty of Black friends that put back a good many cool ones with me.

Share

20 minutes ago

20 minutes ago

White guy shot by police yesterday near Ferguson Where is Obama? Where is Holder? Where is Al Sharpton? Where are Trayvon Martin's parents? Where are all the white guys supporters? So WHY is everyone MAKING it a racial issue? So tired of hearing it's a racial thing. If you are a thug and worthless to society, it's not race. You're just a waste no matter what religion, race or sex you are!

Like

Comment

Share

4 people like this.

here, here!

8 minutes ago • Like

The very fact that the powers that be make this a social issue shows that there

 Write a comment



Enforcement Today's photo
57 minutes ago 21

57 minutes ago 2x

Yesterday at 3:45 P.M. ✓

WHAT ARE YOUR THOUGHTS? — with Wouldntyou Liketoknow and Johnny B Woode

WANT TO KNOW WHERE RACIAL TENSION
AND CULTURAL DIVIDE COMES FROM?

97-06-InfoContact

THE UNIVERSITY OF CHICAGO

www.sagepub.com/journals

A man robes a convenience store and assaults a cop, the White House sends three representatives to his presidential service.



Complainant's attorney also provided a copy of the communications between [REDACTED] [REDACTED]. In the first email (sent August 26 at 11:49 PM), [REDACTED] saw the post on Rev. Al Sharpton fan page and that John Barrett "is speaking on [REDACTED] Friday" at an Event. On another email (Sent on August 27, 2014 at 7:51 AM), [REDACTED] states "I do believe it has been removed after [REDACTED] got so much heat from the public around the world". There is no evidence whatsoever that [REDACTED] made any efforts to verify [REDACTED] existence, or if any of the information [REDACTED] was providing was accurate. After hours of searching the internet, I could not find any indication that Al Sharpton fan page had a copy of the posting or had ever posted or mentioned Complainant's post, much less a comment from Mr. Barrett, who passed away on May 28, 2012.

Complainant also sent the following documents:

- A copy of General Order 208.08 "Unofficial Use of CFD Images, Social networking Sites & Websites". Please see attached highlighted paragraph¹³. See Exhibit 11.
- A copy of a handwritten note which seems to be the note [REDACTED] gave Complainant with [REDACTED] personal email address so [REDACTED] could respond to [REDACTED] accusations from [REDACTED] personal email¹⁴. See Exhibit 2.
- A copy of [REDACTED] Facebook "profile" showing no friends or other activity, attached as Exhibit 12¹⁵
- A copy of [REDACTED] Performance Review and A Development plan performed by [REDACTED] from August 2013 through August 2014 and the year prior (Exhibit 13)¹⁶. In these reviews [REDACTED] writes:
 - Communicates clearly and effectively with internal and external customers providing services that is seamless in delivery
 - Responds to inquiries from insurance industry and other parties. [REDACTED] remains current on industry trends and topics.
 - Performs consistently to meet the Fire Investigation Task Force workgroup performance targets.
 - Is consistent in [REDACTED] actions towards teamwork meeting expected behaviors.
 - Consistently approaches work with a positive and flexible attitude.
 - Assists with request for multiple investigators while effectively utilizing the resources available to [REDACTED] is reliable and dependable to accomplish organizational goals.
 - Has coordinated and conducted investigations with numerous law enforcement agencies to obtain and provide crucial documentation towards the successful prosecution of arson cases,
 - Regularly meets job requirements. Participates in solutions to task force problems and actively supports unit decisions.
 - Has established good rapport with personnel from many divisions of the CFD CMPD and other agencies.

¹³ Copy from Complainant of GO 208.08

¹⁴ Copy of note

¹⁵ Copy of Profile.

¹⁶ Evaluation

N. City of Charlotte Fire Department

- o Has established good rapport with individuals in the fire investigation community from the insurance industry.
- o Has established [REDACTED] as a credible source within the fire investigation community
- o Shares information and searches for ways to make improvements. Practices active listening providing appropriate and timely feedback.
- o Accepts constructive criticism in a professional manner
- o Understands the importance of accomplishing organization goals and personal goals. Accepts responsibility for [REDACTED] actions and makes decision in the best interest of the Fire Investigation Task Force and the Department
- o Meets expected behaviors. Is dependable and offers assistance with programs at the CFD.
- o Has complied with attendance policies during this grading period.
- o Responded to a total of 151 calls for service. 74 incidents were assigned to [REDACTED] as lead investigator. Is consistent with productivity Standard Operating Guidelines.
- o Has documented [REDACTED] fire scenes in accordance with the policies and procedures, has taken the necessary measures to documents [REDACTED] work activity, and written reports.
- o Has consistently shown courtesy and respect for others. [REDACTED] recognizes and acknowledges the diversity of customers and members of the Charlotte Fire investigations Task Force
 - o [REDACTED] seeks to understand different point of view, both internally and externally.
 - o Collaborates to make decisions and solve problems.
 - o Is Reliable and dependable to help resolve issues and conduct work activities. Encourages open dialog within the fire unit.
 - o Identifies problems and willingly brings issues to the forefront for discussion and correction.
 - o Recognizes emerging trends and seeks to improve processes.
 - o Has acquired hours of training and maintained certifications and memberships.
 - o This review was signed by [REDACTED] on 8/19/14 and [REDACTED] on 8/22/14.

On June 29, 2015 Respondent sent a copy of a report of investigation conducted by [REDACTED] with Turning Point Litigation. The investigation was requested by the City of Charlotte and presented to [REDACTED]

On October 20, 2015, Respondent sent some additional information requested, attached here as Exhibit 15¹⁸. Please note the following:

- On September 2, 2014, [REDACTED] sent [REDACTED] an email saying [REDACTED] understanding that there would be no disciplinary action against Complainant, just some paperwork stating that the Facebook situation was discussed. Respondent sent a copy of a series of emails, first showing Complainant's efforts to get the relevant information about [REDACTED] complaint. Also the Email from [REDACTED] in which [REDACTED] writes "Correct me if I am wrong...there is no disciplinary actions taking place only paperwork stating that the Facebook posts and the situation were discussed with [REDACTED] and that a document was requested from [REDACTED] explaining [REDACTED] perspective." Then there is an explanation from [REDACTED] saying that at this time, "No disciplinary action was going to take place at the time because CFD did not even know if the Facebook posts belonged to [REDACTED]. However, Complainant

¹⁷ Copy of the report

¹⁸ See letter with questions and answers from Respondent.

admitted that the Facebook posts were [REDACTED] in the first meeting of August 27, when [REDACTED] was asked by [REDACTED] to write a statement about the postings.

- Respondent also explains that the Grievance process is separate from the Pre-Termination Hearing process. "Per the City of Charlotte Pre-Termination Hearing policy the employee gets 24 hours' notice for the Pre Termination Hearing, as [REDACTED] did in this case in compliance with the Pre-Termination Hearing Policy. Respondent also sent a note from [REDACTED], Attorney explaining the differences between the Grievance Process and the Pre-Termination Hearing Process. In this explanation it reads "this is the Pre-Termination Hearing that, pursuant to City Policy is held within 24 hours of the termination citation".

Please see a copy of the Pre-Termination Hearing Policy attached to the documents sent on October 20, 2015. The policy reads:

- Pre-Termination Notice Procedure: The employee must be given written Notice of Pre-Termination Hearing at least 24 hours prior to any termination.
- Hearing Process: Employee must be given at least 24 hours' notice of the hearing.

- It was also requested a verification from Respondent to make sure that [REDACTED] Report was accurate regarding the individuals involved in Complainant's appeals. [REDACTED] report states in page 55:

"...there is no assurance that the employee grievance portion of the process provided [REDACTED] with a meaningful review of the termination decision. By the time [REDACTED] was cited for termination on September 24, 2014, every person who would ever review [REDACTED] employee grievances had participated in one or more meetings regarding how [REDACTED] discipline should be handled. [REDACTED], who handled [REDACTED] termination and

pre-termination hearing, respectively, were both involved in the September 23, 2014 meeting. [REDACTED] who handled the grievance appeals submitted by [REDACTED] were involved in the September 16, 2014 meeting. At each of these meetings, there was a discussion that [REDACTED] Facebook posts were racially charged and could impact [REDACTED] interactions with the African-American community. In addition participants were told as a fact [REDACTED] showed no remorse for the Facebook posts. At each meetings, there was also an expressed opinion by one or more participants that [REDACTED] should be terminated.

In short, after the September 13 and 23 meetings, which occurred prior to the termination, no fresh eyes ever viewed or reviewed the decision to terminate [REDACTED]

Respondent verified that this information is accurate.

- Respondent also provided a note from [REDACTED] explaining why [REDACTED] requested Complainant to prepare a response to the Facebook posting using [REDACTED] personal email address.

On October 21, 2015, Investigators Julie Hughes and Irene Diaz heard the recording of the meeting that took place on August 27, 2014 with [REDACTED]

[REDACTED] The recording shows a cordial meeting in which Complainant's Facebook post is discussed and no disciplinary or further action is conceived, except for Respondent asking Complainant to prepare a statement about the posting (Exhibit 16)¹⁹.

On October 26, 2015, I requested from Complainant's attorney information regarding [REDACTED]

[REDACTED] On October 28, 2015, Complainant provided a chronology and a series of emails with attachments (Exhibit 17)²⁰ with documentation establishing the relevance of [REDACTED] involvement in the case. Some of these records explain why some of the witnesses mentioned [REDACTED] while I was asking them about Complainant and [REDACTED] email.

Interviews:

Several interviews were conducted during the investigation.

- [REDACTED] spoke with [REDACTED] before [REDACTED] sent [REDACTED] the whistleblower email, but "nobody did anything".
- Complainant had spoken with [REDACTED] about [REDACTED] safety concerns, and [REDACTED] was backing [REDACTED] up at the beginning. Then the culture of the Fire Department made [REDACTED] change: If you complain, they will terminate you.
- After Complainant sent [REDACTED] the email, [REDACTED] went to speak with the [REDACTED] who told [REDACTED] [REDACTED] had "no business and it was not [REDACTED] place" getting involved.
- [REDACTED] lied because [REDACTED] said [REDACTED] was happy with the building when [REDACTED] finished the tour. In reality, [REDACTED] had told [REDACTED] [REDACTED] would not "put a pig in that building". The building was 100 years old and completely inadequate: there were so many violations, asbestos on the roof, wires in a pump with water, etc.
- [REDACTED] decided to tour the building because of the email Complainant sent [REDACTED]. They were going to put people to sleep there at night and it was a fire trap. There were people already in the building.
- Complainant was terminated because [REDACTED] was the whistleblower. The Department said that it was because of [REDACTED] Ferguson comment, but if you look in Facebook, firefighters write things worse than [REDACTED] comment and they are not fired. They were using the word "thug" as an excuse for [REDACTED] termination. All the firefighters post horrible things about women and they are not terminated.
- [REDACTED] does not think anybody has being terminated for posting something in Facebook and "suddenly" Respondent is saying there is a policy regarding social media, but [REDACTED] does not remember signing on it.
- [REDACTED] believes [REDACTED] is the one that made the decision to terminate Complainant, because they were embarrassed and they thought [REDACTED] would "go away".
- Two reports say that the morale (in the department) is terrible. [REDACTED] is a "bad [REDACTED]"

¹⁹ Notes from recording.

²⁰ Records from Complainant received on 10/27/15

- [REDACTED] receives complaints from all the fire fighters because "only people who play the [REDACTED] game get promotions".
- The Fire Department gets rid of anybody that complains. Complainant was just worried about people sleeping in the building; they lied saying that nobody would move to the building but they already had people there.
- Everything is getting worse since [REDACTED] is there. [REDACTED] get complaints from the firefighters because only people who play [REDACTED] game get promotions.
- Complainant was fired because [REDACTED] came to me and I was not going to let this go by". [REDACTED] lies.

- Nobody was happy about having to move to the building, but after 10 years with the department [REDACTED] always felt [REDACTED] could go to [REDACTED] and above with a complaint, but there are certain ways to handle some situations.
- [REDACTED] states they were in a fire house, and they wondered why all the sudden they were having to be moved.
- "It took us some time to get with the idea". And then, all of the sudden they were told that they were changing buildings. When they found out it was a hole in the wall they were left with a lot of questions.
- It was out of the ordinary, because Respondent was in such a hurry. They moved the educators to the new building. We went to look at the building and there were some roof leaks but they were told that everything would be taken care of.
- [REDACTED] had an issue about the air quality test and they asked about the results, but did not receive them.
- They also were told the roof had asbestos and it was not going to be touched, so when they moved in, all the sudden Respondent changed the roof.
- [REDACTED] thinks [REDACTED] would have brought [REDACTED] concerns through the chain of command. [REDACTED] does not know if Complainant did that or not, but [REDACTED] had a history of going around the chain of command. "If [REDACTED] had some issues with me, [REDACTED] bypassed [REDACTED] and went straight to [REDACTED]. It seemed [REDACTED] relationship with [REDACTED] was a little too close.

- Is there a general fear in the Department that if anybody complains about safety they will be targeted by Management?
- I think so, if you do not go through the chain of command, you will be remembered.
- [REDACTED] states that is hard to say what happened to Complainant because [REDACTED] is not management and all was hearsay coming down; them being held to a higher standard as investigators, they had to be non-biased because people get charged (in court) based on their work, the Facebook post made [REDACTED] look bad...that seemed to be the "reason" for [REDACTED] termination.
- [REDACTED] does not know if some of their coworkers told Complainant that if [REDACTED] complained [REDACTED] would have a target on [REDACTED] back, [REDACTED] told Complainant that there are

- ways to handle [REDACTED] on some situations and that they cannot move up because people remember everything.
- [REDACTED] would not have put [REDACTED] post in Facebook. States the county has some issues with race and sexual orientation and they have to treat everybody with the same respect. [REDACTED] does not think [REDACTED] has ever signed anything about social media with the Department policies.
- [REDACTED] states that to [REDACTED] knowledge, the only other person that was disciplined for Facebook was [REDACTED]
- [REDACTED] states that the Facebook posting was not the real reason for Complainant's termination. [REDACTED] does not know if [REDACTED] had any prior write ups, but thinks that a write up, being put on probation and making Complainant apologize would have been enough. The pressure was coming from above through city council regarding [REDACTED] email. But they could not find [REDACTED] so why not put Complainant on probation?
- [REDACTED] was concerned about the air quality in the building. States they were given a list of items to be fixed but they were told to stay away, [REDACTED] knows the educators were there from 8 AM to 5 PM. [REDACTED] does not know if Complainant talked to [REDACTED] before contacting [REDACTED]
- States the condition of the building was an embarrassment for the fire investigators. They were going to be moved to a new building and suddenly they were told they were going to move to a building in bad conditions.
- [REDACTED] stated that it could be unsafe for [REDACTED] job to make safety complaints or any type of complaint about the project of the building.
- States there is an overall feeling in the department when you step up against [REDACTED] kind of the "ring leaders".
- [REDACTED] states that if anybody complains, they will encounter retaliatory discipline or targeting and Respondent will lie to put anybody in a bad situation.
- Believes Complainant didn't know what [REDACTED] was stepping into because it was unknown to [REDACTED] that the department was splitting money without telling the City Council. [REDACTED] exposed what they were doing without council's approval. States Respondent was doing things "through backways" so nobody would ask any questions.
- [REDACTED] told [REDACTED] that Respondent would fire Complainant for this, but didn't tell Complainant when they spoke on the 27th not to add more stress to [REDACTED] "There is a pattern of behavior, I've been doing this for years".
- [REDACTED] didn't find the post derogatory or prejudicial. [REDACTED] only asked black managers so they could predetermine the outcome. Respondent "was getting the answers they wanted". Respondent brought [REDACTED] the posting to the pre-termination hearing and [REDACTED] said "no matter what race". The post had nothing to do with race but behavior.
- [REDACTED] states other people had been disciplined but not terminated for posting inappropriate Facebook postings. [REDACTED] got 2 days suspension.