

## U.S. Equal Employment Opportunity Commission

<b>Rebecca Jones</b> <b>HR Manager</b> <b>NORTH MIAMI POLICE DEPARTMENT</b> <b>700 N E 124 St</b> <b>North Miami, FL 33161</b>	PERSON FILING CHARGE
	<b>Natacha Jean-Francois</b>
	THIS PERSON (check one or both) <input checked="" type="checkbox"/> Claims To Be Aggrieved <input type="checkbox"/> Is Filing on Behalf of Other(s)
EEOC CHARGE NO. <b>510-2013-01993</b>	

## NOTICE OF CHARGE OF DISCRIMINATION

(See the enclosed for additional information)

This is notice that a charge of employment discrimination has been filed against your organization under:

- ☒ Title VII of the Civil Rights Act (Title VII)
 ☐ The Equal Pay Act (EPA)
 ☐ The Americans with Disabilities Act (ADA)
- ☐ The Age Discrimination in Employment Act (ADEA)
 ☐ The Genetic Information Nondiscrimination Act (GINA)

The boxes checked below apply to our handling of this charge:

- ☐ No action is required by you at this time.
- ☐ Please call the EEOC Representative listed below concerning the further handling of this charge.
- ☒ Please provide by **10-MAY-13** a statement of your position on the issues covered by this charge, with copies of any supporting documentation to the EEOC Representative listed below. Your response will be placed in the file and considered as we investigate the charge. A prompt response to this request will make it easier to conclude our investigation.
- ☒ Please respond fully by **10-MAY-13** to the enclosed request for information and send your response to the EEOC Representative listed below. Your response will be placed in the file and considered as we investigate the charge. A prompt response to this request will make it easier to conclude our investigation.
- ☒ EEOC has a Mediation program that gives parties an opportunity to resolve the issues of a charge without extensive investigation or expenditure of resources. If you would like to participate, please say so on the enclosed form and respond by **24-APR-13** to **Gilbert Carrillo, ADR Coordinator, at (305) 808-1838**. If you DO NOT wish to try Mediation, you must respond to any request(s) made above by the date(s) specified there.

For further inquiry on this matter, please use the charge number shown above. Your position statement, your response to our request for information, or any inquiry you may have should be directed to:

**FERNELLA PETERS,**  
**Enforcement Supervisor**

EEOC Representative

Telephone

(305) 808-1877

**Miami District Office**  
**Miami Tower, 100 S E 2nd Street**  
**Suite 1500**  
**Miami, FL 33131**  
**Fax: (305) 808-1855**

Enclosure(s):



Copy of Charge

## CIRCUMSTANCES OF ALLEGED DISCRIMINATION

- ☐ Race
 ☐ Color
 ☒ Sex
 ☐ Religion
 ☐ National Origin
 ☐ Age
 ☐ Disability
 ☐ Retaliation
 ☐ Genetic Information
 ☐ Other

See enclosed copy of charge of discrimination.

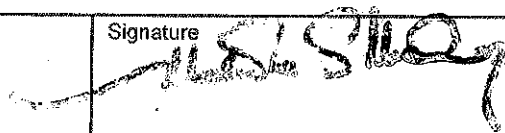
Date

April 8, 2013

Name / Title of Authorized Official

**Malcolm S. Medley,**  
**District Director**

Signature



IWO# 13-300  
 Matter No. 2013-00090

## INFORMATION ON CHARGES OF DISCRIMINATION

### EEOC RULES AND REGULATIONS

Section 1601.15 of EEOC's regulations provides that persons or organizations charged with employment discrimination may submit a statement of position or evidence regarding the issues covered by this charge.

EEOC's recordkeeping and reporting requirements are found at Title 29, Code of Federal Regulations (29 CFR): 29 CFR Part 1602 (see particularly Sec. 1602.14 below) for Title VII and the ADA; 29 CFR Part 1620 for the EPA; and 29 CFR Part 1627, for the ADEA. These regulations generally require respondents to preserve payroll and personnel records relevant to a charge of discrimination until disposition of the charge or litigation relating to the charge. (For ADEA charges, this notice is the written requirement described in Part 1627, Sec. 1627.3(b)(3), .4(a)(2) or .5(c), for respondents to preserve records relevant to the charge – the records to be retained, and for how long, are as described in Sec. 1602.14, as set out below). Parts 1602, 1620 and 1627 also prescribe record retention periods – generally, three years for basic payroll records and one year for personnel records. Questions about retention periods and the types of records to be retained should be resolved by referring to the regulations.

**Section 1602.14 Preservation of records made or kept.** . . . . Where a charge ... has been filed, or an action brought by the Commission or the Attorney General, against an employer under Title VII or the ADA, the respondent ... shall preserve all personnel records relevant to the charge or the action until final disposition of the charge or action. The term *personnel records relevant to the charge*, for example, would include personnel or employment records relating to the aggrieved person and to all other aggrieved employees holding positions similar to that held or sought by the aggrieved person and application forms or test papers completed by an unsuccessful applicant and by all other candidates or the same position as that for which the aggrieved person applied and was rejected. The date of *final disposition of the charge or the action* means the date of expiration of the statutory period within which the aggrieved person may bring [a lawsuit] or, where an action is brought against an employer either by the aggrieved person, the Commission, or the Attorney General, the date on which such litigation is terminated.

### NOTICE OF NON-RETALIATION REQUIREMENTS

Section 704(a) of Title VII, Section 207(f) of GINA, Section 4(d) of the ADEA, and Section 503(a) of the ADA provide that it is an unlawful employment practice for an employer to discriminate against present or former employees or job applicants, for an employment agency to discriminate against any individual, or for a union to discriminate against its members or applicants for membership, because they have opposed any practice made an unlawful employment practice by the statutes, or because they have made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under the statutes. The Equal Pay Act contains similar provisions. Additionally, Section 503(b) of the ADA prohibits coercion, intimidation, threats, or interference with anyone because they have exercised or enjoyed, or aided or encouraged others in their exercise or enjoyment, of rights under the Act.

Persons filing charges of discrimination are advised of these Non-Retaliation Requirements and are instructed to notify EEOC if any attempt at retaliation is made. Please note that the Civil Rights Act of 1991 provides substantial additional monetary provisions to remedy instances of retaliation or other discrimination, including, for example, to remedy the emotional harm caused by on-the-job harassment.

### NOTICE REGARDING REPRESENTATION BY ATTORNEYS

Although you do not have to be represented by an attorney while we handle this charge, you have a right, and may wish to retain an attorney to represent you. If you do retain an attorney, please give us your attorney's name, address and phone number, and ask your attorney to write us confirming such representation.

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**CHARGE OF DISCRIMINATION**

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):

☐ FEPA  
☒ EEOC

510-2013-01993

**Florida Commission on Human Relations**

and EEOC

State or local Agency, if any

Name (indicate Mr., Ms., Mrs.)

**Natacha Jean-Francois**

Home Phone (Incl. Area Code)

**(305) 681-6238**

Date of Birth

**07-14-1971**

Street Address

**1096 Nw 127th Street, North Miami, FL 33168**

City, State and ZIP Code

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

**NORTH MIAMI POLICE DEPARTMENT**

No. Employees, Members

**500 or More**

Phone No. (Include Area Code)

**(305) 893-6511**

Street Address

**700 N E 124 St, North Miami, FL 33161**

City, State and ZIP Code

Name

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

☐ RACE    ☐ COLOR    ☒ SEX    ☐ RELIGION    ☐ NATIONAL ORIGIN  
☐ RETALIATION    ☐ AGE    ☐ DISABILITY    ☐ GENETIC INFORMATION  
☐ OTHER (Specify)

DATE(S) DISCRIMINATION TOOK PLACE  
Earliest                      Latest**05-01-2012****03-11-2013**☒ CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

- I. I am Female. I was hired by the above named Employer as a Victim Advocate in January 2011. Starting in/around May 2012, I began to experience harassment from my Supervisor, Sergeant Joseph Kissel (Male). I have been treated differently and less favorably than my Male counterparts. I have been issued a disciplinary action for violating a non-existent dress code, and for not following Sgt Kissel's instructions regarding mail. I am the only individual that I am aware of who has been subjected to this treatment. I have also complained to Human Resources.
- II. I believe that I was discriminated against due to my sex/Female, in violation of Title VII of the civil Rights Act of 1964, as amended.

Received

MAY 20 2013

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

NOTARY -- When necessary for State and Local Agency Requirements

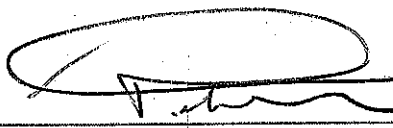
I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE  
(month, day, year)

Date

Charging Party Signature

03/14/13 



**U.S. Equal Employment Opportunity Commission  
Miami District Office**

Miami Tower, 100 S E 2nd Street  
Suite 1500  
Miami, FL 33131  
(305) 808-1740  
TTY (305) 808-1742  
Fax: (305) 808-1855

Charging Party: Natacha Jean-Francois  
EEOC Charge No.: 510-2013-01993

Rebecca Jones  
HR Manager  
NORTH MIAMI POLICE DEPARTMENT  
700 N E 124 St  
North Miami, FL 33161

Dear Jones:

Your organization is hereby requested to submit information and records relevant to the subject charge of discrimination. The Commission is required by law to investigate charges filed with it, and the enclosed request for information does not necessarily represent the entire body of evidence which we need to obtain from your organization in order that a proper determination as to merits of the charge can be made. Please submit a response to the requested information by the deadline cited below.

The information will only be disclosed in accordance with 29 C.F.R. 1601.22, or otherwise made public if the charge results in litigation.

Sincerely,

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FERNELLA PETERS  
Enforcement Supervisor

Response Deadline Date:

The following dates are considered to be the "relevant period" for the attached Request for Information:  
March 1, 2012 - March 31, 2013

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**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**

**REQUEST FOR INFORMATION**

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Charging Party: Natacha Jean-Francois  
Respondent: NORTH MIAMI POLICE DEPARTMENT  
EEOC Charge No.: 510-2013-01993

1. Give the correct name and address of the facility named in the charge.
2. State the total number of persons who were employed by your organization during the relevant period. Include both full and part-time employees. How many employees are employed by your organization at the present time?
3. Supply an organizational chart, statement, or documents which describe your structure, indicating, if any, the relationship between it and superior and subordinate establishments within the organization.
4. Supply a statement or documents which identify the principal product or service of the named facility.
5. State the legal status of your organization, i.e., corporation, partnership, tax-exempt non-profit, etc. If incorporated, identify the state of incorporation.
6. State whether your organization has a contract with any agency of the federal government or is a subcontractor on a project which receives federal funding. Is your organization covered by the provisions of Executive Order 11246? If your answer is yes, has your organization been the subject of a compliance review by the OFCCP at any time during the past two years?
7. Submit a written position statement on each of the allegations of the charge, accompanied by documentary evidence and/or written statements, where appropriate. Also include any additional information and explanation you deem relevant to the charge.
8. Submit copies of all written rules, policies and procedures relating to the issue(s) raised in the charge. If such does not exist in written form, explain the rules, policies and procedures.
9. Submit a copy of your current employment application.
10. Submit a copy of your employee handbook.
11. Submit a copy of charging party's personnel file.

## Issue: DISCIPLINE

1. Submit copies of and/or explain all written rules relating to employee duties, conduct, and discipline for the charging party's job classification or department during the relevant period of time. Explain how an employee learns the contents of the rules and disciplinary procedure. If the disciplinary system is progressive, explain its structure, penalties, and mode of operation.
2. Submit copies of all records considered in taking this most recent disciplinary action against the charging party. If an action is not documented by a written record, state the offense and the resulting action, and explain why it was not recorded. For each disciplinary action taken against the charging party for the relevant period, explain in detail when, how, and by whom the charging party was notified of each action, the nature of the action, dates, and reasons why action was taken. State the name, and position of the person responsible for taking each action.
3. List all employees who received disciplinary action during the relevant period in the charging party's job classification or department. Include employee's name, date of hire, sex, whether probationary or not. For each person listed, describe each disciplinary action by:
  - a. date of the disciplinary action(s)
  - b. reason for disciplinary action(s),
  - c. type of disciplinary action(s) taken,
  - d. disciplinary record of employee prior to the instant issue, and
  - e. person imposing the penalty, include name, position title

Submit all documents which relate to any and all of the above disciplinary actions taken against the individuals listed above.

## Issue: HARASSMENT

1. State whether your organization has adopted any procedure by which an employee may register a complaint of harassment by co-workers or supervisors. If your answer is yes, describe and, if written, submit a copy of such procedures. Explain how these procedures are communicated to employees and supervisory personnel.
2. State whether the charging party complained to any supervisor or manager regarding the conduct described in the Charge of Discrimination. If your answer is yes, identify the person or persons with whom the complaint was registered and describe each and every action taken by your organization in response to that complaint. Provide a copy of any written document which reflects the complaint and the action taken as a result of the complaint.
3. State whether any other individual has complained to any supervisor or manager concerning the conduct described in the Charge of Discrimination. If the answer is yes, please list the following:
  - a. name, sex, position, of individual placing the complaint,
  - b. name, position, of supervisor or manager, and
  - c. any actions taken by your organization in response to the complaint.Provide a copy of any written document which reflects the complaint and the action taken as a result of the complaint.
4. Identify every individual who, to your knowledge, has information relevant to the allegations. For each such individual, provide the following:
  - a. name, position,
  - b. whether a present or former employee (if applicable), and
  - c. address and telephone number.

5. Identify the other employees who worked with the charging party during the relevant period. Include:
  - a. name, position,

b. last known address and telephone.

Submit copies of daily assignment sheets, time cards, attendance and payroll records for the individuals listed in #5, including the charging party.