U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Miami District Office

One Biscayne Tower
2 South Biscayne Blvd., Suite 2700
Miami, FL 33131
PH: (305) 536-4491
TDD: (305) 536-5721
FAX: (305) 530-6121

MEDIATION CONFIRMATION

Charge Number: 150 A2 03043

Charging Party: Annie Grimes

Respondent: Miami Dade Housing Agency

This is to confirm that (co-mediator) if applicable and I have been selected to conduct a mediation session scheduled for the date, time and location indicated below:

Date: August 26, 2002

Time: 1:00pm

Location: One Biscayne Tower, 2 South Biscayne Boulevard, Suite 3150, 31st Floor.

(On the Corner of Biscayne and Flagler. The Building with the large red

and white candy striped antenna)

Please return the second page of this notice with the information requested within five (5) days of receipt. ***This information will be shared with all parties attending the mediation session. Parties are reminded that persons with authority to resolve the charge or their representatives, if any, are permitted to attend the mediation.***

Any settlement agreement signed as a result of the mediation process is legally binding on the parties and if signed by the EEOC, enforceable by the Commission. ***All disclosures made during the mediation shall be treated as confidential, except that imminent or actual threats of harm to one's self or others will be reported to the appropriate authorities.*** If a settlement is reached as a result of the mediation, I am required to report to EEOC any benefits received. As noted in the confidentiality agreement, this information is reported to the EEOC only for the purpose of providing aggregate data for the evaluation of the mediation program.

If you have any questions do not hesitate to call me at (305) 530-6042, or fax me at (305) 530-6121

Sincerely,

Kimberley M. Reynolds

Kimberley M. Reynolds
ADR Mediator

VENDOR E01399
DATE PAID 09/10/02

THIS CHECK REPRESENTS A PAYMENT EITHER UNDER A TRUST AGREEMENT OR FOR GOODS AND SERVICES DELIVERE OR RENDERED TO MIAMI-DADE COUNTY. SUPPORT DOCUMENTATION IS KEPT ON FILE BY THE CLERK'S OFFICE.

VOUCHER NUMBER	Purchase Order or Contract Number	DESCRIPTION	NET AMOUNT
542523	082602	INV 082602	1,500.0
		ANNIE GRIMES	1,500.0

SECURITY FEATURES INCLUDE: VOID PANTOGRAPH/ERASABLE INK IN AMOUNT AREA AND BLEED-THRU ARABIC AND MICR NUMBERING

MIAMI-DADE

MIAMI-DADE HOUSING AGENCY

63-643
670

582297

VOID AFTER SIX MONTHS
FIRST UNION NATIONAL BANK
MIAMI, FLORIDA 33131

EXACTLY *********1500 DOLLARS AND 00 CENTS

Date	Control Number	Amount of Check
09/10/02	582297	****$1,500.00

ANNIE GRIMES
12200 NE 6 AVE #209
NORTH MIAMI, FL 33161

MIAMI-DADE COUNTY
MAYOR
CLERK

⑈582297⑈ ⑆067006432⑆ 2696206699012⑈

EXHIBIT D

January19, 2005

Ms. Annie L. Grimes
12200 North East 6th Avenue Apt.209
North Miami, Florida 33161-5541

Dear Ms. Grimes,

Pursuant to our phone conversation, this letter is to confirm your appointment for the clerk 4 position with the Security & Safety Division scheduled for January 25th, 2005 at 12:30 p.m. The interview will be held in the Security & Safety Division office located in the Flamingo Garage Ground Level.

Applicants qualifying for employment with the Miami-Dade Aviation Department will be subject to extensive security screening, including but not limited to fingerprint checks, employment verification, and other such procedures as may be mandated by federal law. The security clearance required by federal law is a continuing condition of employment.

If you have any questions, please call me at (305) 876-7735. Thank you.

Sincerely,

Graciela Espinoza
Office Support Specialist 2
Security & Safety Division

JBR/ge

EXHIBIT E

TRI-STATE EMPLOYMENT SERVICES 330 BISCAYNE BLVD., SUITE 605 • MIAMI, FL 33132

01 31 [redacted] ANNIE L. GRIMES Hold Check Flag: MIA Check #: 920412 Check Date: 12/17/04 W/E Date: 12/05

EARNINGS	Reg Hrs	Reg rate	OT Hrs	OT Rate	Amount
MIAMI DADE AV	.00	10.30	5.00	15.45	77.25

DEDUCTIONS	This Ck	Y-T-D
Federal Tax	2.62	213.98
Medicare	1.12	28.52
Soc. Sec. Tax	4.79	121.98
State Tax	.00	.00

Bonus Pay		.00
Vacation Pay		.00
Misc. Pay		.00
Hours - Check	.00	5.00
Hours - YTD	186.00	

	This Ck	Y-T-D
Total Earnings	77.25	1967.30
Total Deductions	8.53	364.48
Net Check Amount	68.72	1602.82

TRI-STATE EMPLOYMENT SERVICES 330 BISCAYNE BLVD., SUITE 605 • MIAMI, FL 33132

01 31 [redacted] ANNIE L. GRIMES Hold Check Flag: MIA Check #: 920084 Check Date: 12/17/04 W/E Date: 12/12

EARNINGS	Reg Hrs	Reg rate	OT Hrs	OT Rate	Amount
MIAMI DADE AV	40.00	10.30	3.00	15.45	458.35

DEDUCTIONS	This Ck	Y-T-D
Federal Tax	54.32	265.68
Medicare	6.65	34.05
Soc. Sec. Tax	28.42	145.61
State Tax	.00	.00

Bonus Pay		.00
Vacation Pay		.00
Misc. Pay		.00
Hours - Check	40.00	3.00
Hours - YTD	224.00	

	This Ck	Y-T-D
Total Earnings	458.35	2348.40
Total Deductions	89.39	445.34
Net Check Amount	368.96	1903.06

EXHIBIT F

PROGRAM: PAYB3547 MIAMI-DADE COUNTY PAGE: 01
JOB/STEP: J353545/S353545 PERSONNEL CHANGE DOCUMENT DATE: 05/14/2002
TIME: 21:44:27

REASON: TERMINATION EFFECTIVE DATE: 05/03/2002
NAME: GRIMES, ANNIE L DEPT-DIV-LOC: 080-04-001
SOC-SEC-NO: [redacted] PPE: 05/12/2002 JOB STATUS: 1
ACTIVE STATUS: AE TERMINATED STATUS: DA REHIRE: N
OCCUPATION CODE: 000021 OCCUPATION DESC : OFF SUPPORT SPEC 2
ENT: 01 SUBENT: 02 INDEX: SH386508 BU: H TERM CHECK NO: 0293759
HRLY RATE: 9.38350 REG HRS: 40.00 O/T HRS: 0.00 RET KIND: 21
TUITION REFUND AMOUNT: 0.00

PAY EXCEPTIONS ----------

LEAVE:----------
COMP RATE: 0.00000
BH: U MA: 00 MR: 00
FH: U XA: 0000.000 XS: 0000.000
PP: 01 SE: 000.000 FE: 000.000
PPP: 00 LG: 01

TYPE	BEGIN +	EARNED -	USED =	BALANCE
ANNL	048.500	000.000	000.000	048.500
COMP	000.000	000.000	000.000	000.000
HLDY	000.000	000.000	000.000	000.000
SICK	037.500	000.000	000.000	037.500

MONEY ADJUSTMENTS ----------
15 21.11 04 455.10 92 20.38

DEDUCTIONS ----------
77 1 0.00 F5 1 0.00 D3 1 6.49

08/06/2004

GROSS TO NET:

+ REG:	375.34	- FICA:	53.66	- MICA:	12.55	:	+ GROSS PAY=	871.93
+ O/T:	0.00	- W/H:	157.78	- RET:	0.00	:	- TOTAL DED=	230.48
+ ADJ:	496.59	- DEDS:	6.49			:	NET PAY=	641.45

COMMENTS:

DISMISSAL (D)

DA Incompetency
DB Offensive Conduct
DC Dishonesty
DD Insubordination
DE Chronic Absenteeism/Tardiness
DF Loss of License or Certificate
DG Convicted of Crime
DH Negligence or Willful Damage
DI *Separation: Under Investigation (See page 13 for details)*
DJ Violation of Departmental Rule
DK Physical or Mental Impairment
DL Poor Driving Record
DM Falsification of Application
DN Drug/Alcohol Test Results
DX Other Reason

OTHER TERMINATION (E)

EA Fail to Satisfy Probationary Period
EB End of Temporary Work
EC Death
ED Layoff
EF Co-op Return to School
EG Retirement
EH Expired Layoff Rights
EI Medical Disability
EJ Administrative
EK End of Training Under Federal Grant
ER Retired End of DIP
EU Poll workers Inactive

EARLY RETIREMENT

DEPARTURE INCENTIVE PROGRAM (DIP)

RC DIP Retiree (Cash Option Selected)
RI DIP Retiree (Insurance Option Selected)

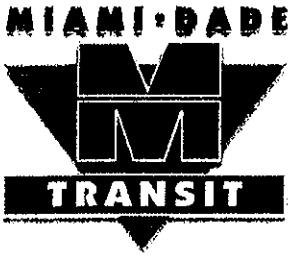
DEFERRED RETIREMENT OPTION PROGRAM (DROP)

Employees that select to participate in the DROP program maintain their regular employee status code.

DISCONTINUED EMPLOYEE STATUS CODES

AQ	*Vocational Exploration*	
AS	*Work in a Higher Classification*	*A full-time appointment but of Higher temporary nature.*
AV	*Permanent HUD*	*Full-time positions. Same as "AA" but these employees accrue annual and Sick leave benefits differently due to a merger from the City of Miami.*

EXHIBIT G



3300 Northwest 32 Avenue, Miami, Florida 33142-5795

We'll Take You There!

July 9, 2004

Annie Grimes
12200 NE 6 Ave #209
North Miami, FL 33161

RE: Clerk 3

Dear Applicant:

We would like to thank you for your interest in employment with Miami-Dade Transit (MDT).

Although you have not been selected, this should not discourage you from pursuing other employment opportunities with Miami-Dade Transit (MDT).

If you are interested in any other positions with Miami-Dade County or with our department in particular, vacancies are advertised in the classified section of The Miami Herald on Sundays and posted weekly at 140 West Flagler Street. In addition, the latest information on available positions can be obtained from the Miami-Dade Transit (MDT) Job Information Hot Line, (305) 637-3801, the Miami-Dade County Job Information Hot Line, (305) 375-1871, the County Web Site at www.co.miami-dade.fl.us/jobs/, or the hearing impaired may call TDD-TDY (305) 638-7456.

Also our new Interactive voice Response System is available to obtain detailed information on different positions, including minimum qualifications, and brief nature of work, which is available Monday thru Friday 8:30 am to 4:00 pm at (305) 375-JOBS. To be a candidate for any of these positions, applicants must meet the requirements and follow the application instructions which are outlined in the public announcements.

We wish you success in your employment endeavors.

Sincerely,

Sandra L. Gamble
Manager, MDT Employee Services

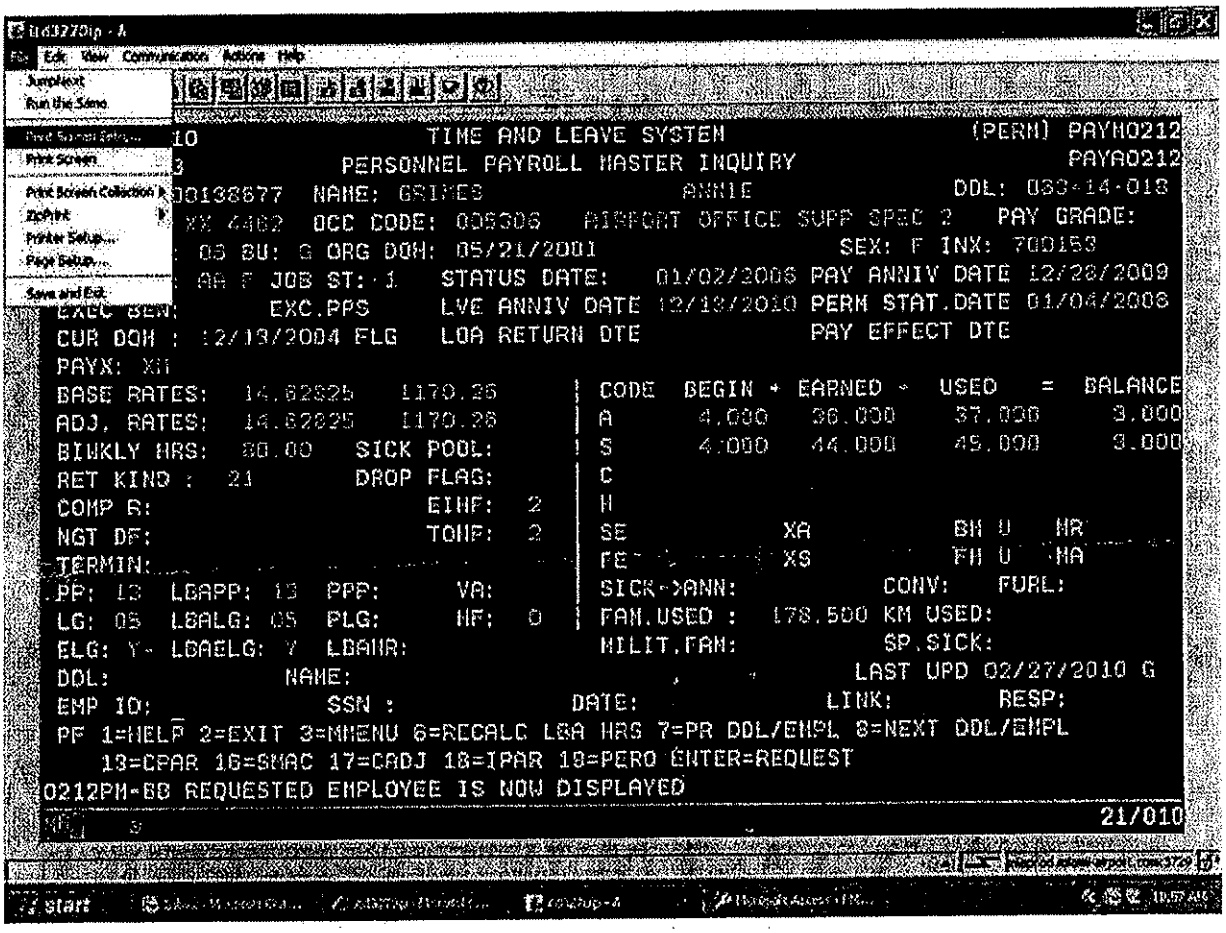
LOVE THY NEIGHBOR

EXHIBIT H

Grimes, Annie (Aviation)

From: Weekes, Sharon (Aviation)
Sent: Wednesday, June 09, 2010 10:58 AM
To: Grimes, Annie (Aviation)
Subject: Longevity

You have 5 years and 5 months of County Service.



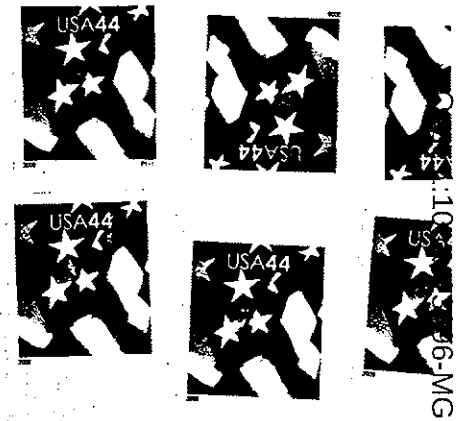
Sharon Weekes
Personnel Specialist 3
Miami Dade Aviation Department
P.O. Box #025504
Miami, Florida 33102-5504
Phone: 305-876-7821
Fax: 305-876-0514

sweekes@miami-airport.com

"Delivering Excellence Every Day"
Medical information is confidential and exempt from public disclosure under Chapter 119 of the Florida Statutes.

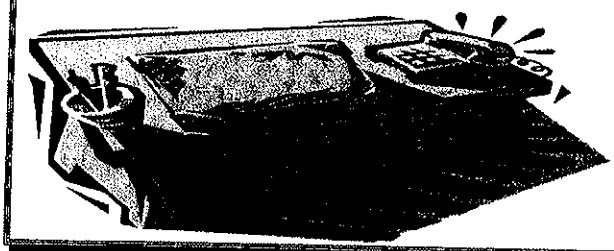
EXHIBIT J

Antonio M. Eiroa
4349 N.W 36 St
Miami Spring
Florida 33166



ANI Grin
12200 N.E.
6 AV. Apt # 209
North Miami
Florida 33161.

MIAMI INTERNATIONAL AIRPORT™



FROM THE DESK OF
Kelly Flores

"Today, I will seize each opportunity and use it to the fullest."
Louis Armstrong

DATE: 8/18/05

SUBJECT: A .Grimes Eval. (***Please see attached document(s).***

TO:

- ☒ ***Miguel Estevill***
- ☒ ***Neil Wyatt***
- ☒ ***Daniel Douglass***

ACTION:

- ☐ ***Follow-up by*** _____
- ☒ ***Prepare Response***
- ☐ ***Review & Comment***
- ☐ ***Please see me***
- ☐ ***Other*** _____

COMMENT:

Further elaboration on your sections are needed, please provide written respond by c.o.b., Tuesday, August 23, 2005. Thanks.

MIAMI-DADE AVIATION DEPARTMENT ♦ P.O. BOX 592075 AMF ♦ MIAMI, FLORIDA 33159
PHONE: 305.876.7000
www.miami-airport.com

MIAMI-DADE

MIAMI-DADE COUNTY

EMPLOYEE PERFORMANCE EVALUATION

(INSTRUCTIONS ON BACK OF SECOND PAGE)

01/03/2005 07/03/2005

Name GRIMES ANNIE L 063-14-031 (INITIAL)
ARPT OFF SUPP SPEC 2
MERIT
Classificati PROBATIONAL
PROB PP: 26
MIAMI-DADE AVIATION DEPARTMENT
Departmen MAINTENANCE WAREHSES
TO PERSONNEL BY JUL 01 2005 DPC 06/19/2005

Period Covered
From ___/___/___ To ___/___/___
Mo Day Yr Mo Da Yr

e Ends

Social Security Number

Unit

REASON FOR REVIEW

☐ Merit Raise ☐ Status Change ☐ Annual Review ☐ Other ☐ Due Back to Personnel Section by _____

Raters: It is understood that the importance of each category will vary with job classification and department. Explain your rating in terms of performance in each category. Mark the appropriate box. Use additional sheets if necessary.

1. QUANTITY OF WORK. Includes amount of work performed.

RATING: ☐ Unsatisfactory ☐ Needs Improvement ☐ Satisfactory ☐ Above Satisfactory ☐ Outstanding
Explain Why:

2. QUALITY OF WORK: Includes accuracy, achievement of objectives; effectiveness, initiative and resourcefulness and, neatness of work product.

RATING: ☐ Unsatisfactory ☐ Needs Improvement ☐ Satisfactory ☐ Above Satisfactory ☐ Outstanding
Explain Why:

3. WORK HABITS: Includes attendance, observation of work hours, completion of work on schedule, compliance with rules, policies, and directives, safety practice and use of tools and equipment.

RATING: ☐ Unsatisfactory ☐ Needs Improvement ☐ Satisfactory ☐ Above Satisfactory ☐ Outstanding
Explain Why:

4. INTERPERSONAL SKILLS: Includes participation and teamwork; contribution to unit morale; working cooperatively with the public, peers, and subordinates; and accepting advice and counseling from superiors.

RATING: ☐ Unsatisfactory ☐ Needs Improvement ☐ Satisfactory ☐ Above Satisfactory ☐ Outstanding
Explain Why:

RATER'S OVERALL EVALUATION — Only one rating factor to be checked.

☐ **Unsatisfactory:** Performance is inadequate and must be corrected.

☐ **Needs Improvement:** Performance does not fully meet job requirements as indicated below.

☐ **Satisfactory:** Employee is performing as required and expected in a satisfactory manner.

☐ **Above Satisfactory:** Performance surpasses job requirements.

☐ **Outstanding:** Consistently conspicuous, distinguished performance. Employee displays initiative and creativity. Employee has substantially enhanced departmental efficiency and/or effectiveness.

If an employee is eligible for a merit increase, check following: ☐ Granted ☐ Deferred, reevaluate in _____ months

If an employee is eligible for permanent status, check following: ☐ Granted ☐ Denied ☐ Extended _____ months with the Employee's written permission. (Attached) (Probationary period may not be extended beyond one year.)

WAYS THE EMPLOYEE CAN OR MUST IMPROVE PERFORMANCE: (If overall rating is Needs Improvement or Unsatisfactory, a written plan of action for improvement must be included in this section. Optional if Satisfactory or better).

This report is based on my observations, knowledge of employee's performance and review of applicable information. It represents my best judgment of the employee's performance.

RATER'S SIGNATURE _____ DATE _____

Print Name _____ TITLE _____

I have reviewed this report and discussed it with the rater. It represents an accurate appraisal of the employee's performance in accordance with Administrative Order. I concur in the recommendation, if any, as to merit raise and/or permanent status.

REVIEWER'S SIGNATURE _____ DATE _____

Print Name: _____ TITLE _____

I acknowledge that I received a copy of this evaluation. I have had an opportunity to discuss it with my supervisor. In signing the evaluation, I do not necessarily agree with the conclusions. I understand that I may write my comments below or on another sheet of paper.

A permanent employee who has received an overall evaluation of "Unsatisfactory" or "Needs Improvement," must first request a review of the Performance Evaluation by the Department Director within ten (10) calendar days. If the decision of the Director is not acceptable to the employee, the employee may continue the appeal within ten (10) calendar days after receipt of the Director's decision by making a request in writing to the Personnel Division Director, of the Employee Relations Department.

I have read and understand the above appeal process.

EMPLOYEE COMMENTS:

EMPLOYEE'S SIGNATURE _____ **DATE:** _____

108.01-6A 2/92

DISTRIBUTION: White copy to employee — Green copy to Personnel — Yellow copy to departmental personnel office — Blue copy to reviewer.

MIAMI-DADE COUNTY
EMPLOYEE PERFORMANCE EVALUATION

Annie Grimes, OSSII
SS# [redacted]

Period Covered
From 01/03/2005 – 07/03/2005

QUANTITY OF WORK: **Needs Improvement** A.G

When Annie was first assigned to this section she had experience several difficulties in the areas of properly following directions and satisfactorily completing work assignments. Her tendencies were not to follow directions on how to properly close out open work orders, instead She would question other staff members repeatedly on the processes while not following basic instructions given to her by the Clerk 3 or her Supervisors. Her inability to properly follow instructions resulted in her low productivity. Annie is also reluctant to perform various other clerical duties such as data entry on spreadsheets. Annie has shown improvement in these areas however continued progress is required.

QUALITY OF WORK: **Needs Improvement** A.G.

During the first several months of this rating period Annie's accuracy was below the acceptable standards; she was experiencing difficulties in interrupting information on trouble call log sheets creating duplicate work orders while in the process of her assignment to open work orders, input pertinent data and then close the work order. This was in part entirely her fault, however she should have been more attentive towards her work. This has inhibited her ability to achieve her objective of timely and accurate close out of work orders. Annie again made improvement in this area.

WORK HABITS: **Needs Improvement** AG.

During this rating period Annie has always arrived to work well before her scheduled start time and has only one unscheduled leave occurrence. Annie is aware of her break times and generally works well within the prescribed times. Annie had difficulties in completing her assignments within a reasonable time, this was due to a large extent to her lack of keeping notes on instructions she was given to reference when she was having difficulties. Annie has also made improvement in her effectiveness in the closing out of work orders from various shops without the same difficulties she had originally experienced.

MIAMI-DADE COUNTY
EMPLOYEE PERFORMANCE EVALUATION

Annie Grimes, OSSII
SS# [redacted]

Period Covered
From 01/03/2005 – 07/03/2005

INTERPERSONAL SKILLS: **Needs Improvement** A.G.

Annie has had difficulties with interactions within the group; she tends to want to do things based on her previous experience, which may not be consistent with current practices of the unit. At times she is less than cooperative and has had difficulties working with other members of the work group. This diminishes the groups' moral.

RATER'S OVERALL EVALUATION: **Needs Improvement** A.G.

IN WHAT WAYS CAN OR MUST THE EMPLOYEE IMPROVE PERFORMANCE: A.G.

Towards the latter part of this rating period Annie has made improvements in her performance, to a large extent most of her difficulties were due to her lack of understanding of the system and inability to consistently follow instructions and procedures specifically with the processing of work orders. Currently she is capable of working independently through the process with few exceptions. Annie needs to continue to focus on the various nomenclature used by the various shops for continued improvement and work on following oral instructions. Annie should enroll in various computer courses offered by the Department to enhance her skills.

Employee: Annie Grimes
Job classification: OSS2
Subject: Probation Progress Report

Date: 2/8/05

Areas where performance is satisfactory ;

- You have perfect attendance and observe rules regarding observance of break times and lunch time to the letter.
- You are responsible with your supplies and equipment, and keep your office locked when you are away and, the keys and items you are responsible for secured.
- You have begun to develop basic work order processing skills. You are able to open and close work orders and to check open work order screens to identify work orders by trade, priority, and date. You are able to print work orders remotely and to screen print at your desk and you are able to distribute work orders by trade code to the appropriate shop supervisor.
- You have been able to make copies using the copy machine and to send and receive faxes.
- You have been able to collect, copy, and file time and attendance reports and deliver them to payroll, and you have been able to receive paychecks for our section and distribute them to the appropriate supervisors.

Areas needing improvement;

Computer skills:

- You need to develop basic Microsoft Outlook skills. You must learn to send and receive e- mail with attachments, to file mail under folders, and to cut and past work orders and photos into e-mail. You must also learn how to save documents sent to you using the save-as function rather than the cut and past function. You must also learn to use spell check. You have expressed that e-mail is new to you and that you have not had other than limited e-mail exposure in previous jobs. You have experienced difficulty in getting your account started, and in organizing your screen. You are not yet familiar with preview options, filter options and how to negotiate from one function to another. Training has been provided to you as well as access to e-training. In addition you have been shown how to use the help function, and to request help by dialing the info systems help desk at extension 5900. You need to read and comprehend e-mail instructions completely before giving information to others.
- You need to learn to open and create documents in Microsoft excel and to update information in spreadsheets provided to you in this format. You have expressed that you have very limited experience with excel in your previous jobs and have been resistant to learning these skills. Since January 7th you have been provided access to E-training in excel as well as a suite of related topics. As of this date you have not been able to complete excel documents with required proficiency. As confirmed in your meeting with Chief of Administration Kelly Flores on 1/28/05 after your complaints to MDAD personnel about work tasks given to you, it is your responsibility to learn excel and other skills particular to required duties, even though they may mot have been specifically mentioned in the initial job posting.
- You need to improve your skills in Microsoft word. Tables created and used must be transferable without corrupting and must use standard business formatting and recommended practices. You must use headers and footers when requested and align and wrap text in readable columns and rows. You must learn to use shadings, highlighting and desired fonts. You must also learn to use spell check and grammar check to replace misspelled text and to make corrections. You must develop an electronic filing system that enables you to find saved documents in a timely manner and a system for naming documents. You must learn to use the file save-as function to modify documents and preserve them in different versions and drafts. You must refrain from overuse and inappropriate use of Microsoft Draw to make tables and the unnecessary insertion of clip art and symbols instead of standard text elements.

- You need to continue to gain knowledge in work order processing including the use of the clone function, how to re-open closed work orders, how to properly close re-opened work orders. You must become familiar with special category codes, PM work orders, and the inventory and query functions.
- You must learn to use resources provided to you and to interact patiently and persistently with those whose task it is to provide you computer assistance. This includes the ability to use help functions loaded in computer programs, access technical assistance available at extension 5900, the ability to discuss and work through work order processing functions with programmers from info systems and maintenance planners, and your supervisor, and the ability to utilize the e-training function. During the 1st six weeks of the rating period you have had difficulty in understanding verbal instructions given in person, directions given over the phone from these sources, and written instructions given via e-mail. Your supervisor has had to sit at your computer and show you repeatedly how to perform basic functions such as log on, how to open a file, how to enter data, etc. In addition you have disrupted work of others by constantly calling them to come to your office and show you how to do things.

Filing and Clerical Skills:

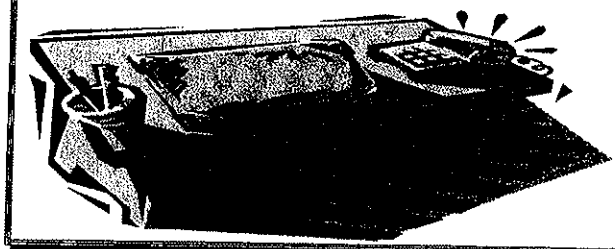
- You must develop the ability to file documents and forms using prescribed methods so that you and your supervisor can find filed items when you are not available to provide them.
- You must be able to implement and continue a system of purging old files.
- You must utilize the existing follow-up regimen on work orders, requisitions, stock item requests, and correspondence and be able to translate follow up information compiled from files into new and / or existing reports after initial instruction. You must make copies of items while they are in transit.
- You must be able to track and follow-up on documents requiring authorization at various levels such as overtime requests, requests for checks, invoices, training requests, GBR projects, etc.
- You must take notes when instructions are given to you in order to remember clearly what has been said. You have had difficulty in understanding instructions and have repeatedly asked the same questions or variations of the same question. When you have been told to write down notes you have resisted.
- You must develop basic computational skills. You have been unable to sort basic numerical data and place it in a table form manually or by using the computer.
- You must become familiar with the Department's ISO 14001 initiative and your role in complying with the procedures related to environmental responsiveness.
- You must organize your activities to avoid constant disruption and switching from task to task. For instance, items to be copied can in most cases be placed in a folder and accomplished in a single trip to the copy machine once per day. Time for compiling information for reports has been prescribed and specific hours can be designated for that activity. E-mails and phone messages can be answered within time frames agreed to by your supervisor, etc. Time can be set aside for training and review of the days work. Instead, you have shown a tendency to jump from task to task as the phone rings, the item comes to your in-box. Take notes and save questions for a designated time and avoid disrupting others every few minutes to answer questions that pop into your head.

Interpersonal skills:

- I encourage you to focus on the task at hand when performing your duties and receiving training. You have shown a tendency for your attention to wander and get off track during training sessions and discuss news items, personal beliefs, or unrelated topics. When directions are given acknowledge that you heard & understand what is expected of you.
- When you have concerns or issues that you do not care to discuss with your supervisor go through the chain of command to get resolution within the Division. You have been introduced to the Interim Chief of Facilities Maintenance and Grounds, Jose Barroso, and the Chief of Maintenace Administration and Management Services, Kelly Flores.

During the next 3 months immediate and significant improvement is required. Your supervisor and support staff are here to assist you learning to work productively and to assist you with learning where your skills are not adequate. No one can do it for you or show you how to do the same thing again and again. You must do your part to learn and operate within the shop and within the County's policies and guidelines. Any question you may have please ask me for assistance first, and then those who I have indicated to you have expertise in the areas where you are deficient and are able to provide guidance.

MIAMI INTERNATIONAL AIRPORT™



FROM THE DESK OF
Kelly Flores

"Today, I will seize each opportunity and use it to the fullest."
Louis Armstrong

DATE: 8/18/05

SUBJECT: A .Grimes Eval. (***Please see attached document(s).***

TO:

☒ ***Miguel Estevill***

☒ ***Neil Wyatt***

☒ ***Daniel Douglass***

ACTION:

☐ ***Follow-up by*** _____

☒ ***Prepare Response***

☐ ***Review & Comment***

☐ ***Please see me***

☐ ***Other*** _____

COMMENT:

Further elaboration on your sections are needed, please provide written respond by c.o.b., Tuesday, August 23, 2005. Thanks.

MIAMI-DADE AVIATION DEPARTMENT ♦ P.O. BOX 592075 AMF ♦ MIAMI, FLORIDA 33159
PHONE: 305.876.7000
www.miami-airport.com

MIAMI-DADE

01/03/2005 07/03/2005
GRIMES ANNIE L 063-14-031
ARPT OFF SUPP SPEC 2 [redacted]
MERIT
PROBATIONAL
PROB PP: 26
MIAMI-DADE AVIATION DEPARTMENT
MAINTENANCE WAREHSES
TO PERSONNEL BY JUL 01 2005 DPO 06/19/2005

01/03/2005 07/03/2005
GRIMES ANNIE L 063-14-031
ARPT OFF SUPP SPEC 2 [redacted]
MERIT
PROBATIONAL
PROB PP: 26
MIAMI-DADE AVIATION DEPARTMENT
MAINTENANCE WAREHSES
TO PERSONNEL BY JUL 01 2005 DPO 06/19/2005

01/03/2005 07/03/2005
GRIMES ANNIE L 063-14-031
ARPT OFF SUPP SPEC 2 [redacted]
MERIT
PROBATIONAL
PROB PP: 26
MIAMI-DADE AVIATION DEPARTMENT
MAINTENANCE WAREHSES
TO PERSONNEL BY JUL 01 2005 DPO 06/19/2005

01/03/2005 07/03/2005
GRIMES ANNIE L 063-14-031
ARPT OFF SUPP SPEC 2 [redacted]
MERIT
PROBATIONAL
PROB PP: 26
MIAMI-DADE AVIATION DEPARTMENT
MAINTENANCE WAREHSES
TO PERSONNEL BY JUL 01 2005 DPO 06/19/2005

EVALUATION
(SECOND PAGE)

(INITIAL) | Period Covered From ___/___/___ To ___/___/___ (Mo Day Yr)

te Ends | Social Security Number

Unit

☐ Due Back to Personnel Section by _____

ssification and department. Explain your rating in terms
onal sheets if necessary.

Name

Classific

Departm

REASOI

Raters:

1. QU

RATING
Explain

☐ Above Satisfactory ☐ Outstanding

2. QU
of

veness, initiative and resourcefulness and, neatness

RATING
Explain

☐ Above Satisfactory ☐ Outstanding

3. **WORK HABITS:** Includes attendance, observation of work hours, completion of work on schedule, compliance with rules, policies, and directives, safety practice and use of tools and equipment.

RATING: ☐ Unsatisfactory ☐ Needs Improvement ☐ Satisfactory ☐ Above Satisfactory ☐ Outstanding
Explain Why:

4. **INTERPERSONAL SKILLS:** Includes participation and teamwork; contribution to unit morale; working cooperatively with the public, peers, and subordinates; and accepting advice and counseling from superiors.

RATING: ☐ Unsatisfactory ☐ Needs Improvement ☐ Satisfactory ☐ Above Satisfactory ☐ Outstanding
Explain Why:

Employee: Annie Grimes
Job classification: OSS2
Subject: Probation Progress Report

Date: 2/8/05

Areas where performance is satisfactory ;

- You have perfect attendance and observe rules regarding observance of break times and lunch time to the letter.
- You are responsible with your supplies and equipment, and keep your office locked when you are away and, the keys and items you are responsible for secured.
- You have begun to develop basic work order processing skills. You are able to open and close work orders and to check open work order screens to identify work orders by trade, priority, and date. You are able to print work orders remotely and to screen print at your desk and you are able to distribute work orders by trade code to the appropriate shop supervisor.
- You have been able to make copies using the copy machine and to send and receive faxes.
- You have been able to collect, copy, and file time and attendance reports and deliver them to payroll, and you have been able to receive paychecks for our section and distribute them to the appropriate supervisors.

Areas needing improvement;

Computer skills:

- You need to develop basic Microsoft Outlook skills. You must learn to send and receive e- mail with attachments, to file mail under folders, and to cut and past work orders and photos into e-mail. You must also learn how to save documents sent to you using the save-as function rather than the cut and past function. You must also learn to use spell check. You have expressed that e-mail is new to you and that you have not had other than limited e-mail exposure in previous jobs. You have experienced difficulty in getting your account started, and in organizing your screen. You are not yet familiar with preview options, filter options and how to negotiate from one function to another. Training has been provided to you as well as access to e-training. In addition you have been shown how to use the help function, and to request help by dialing the info systems help desk at extension 5900. You need to read and comprehend e-mail instructions completely before giving information to others.
- You need to learn to open and create documents in Microsoft excel and to update information in spreadsheets provided to you in this format. You have expressed that you have very limited experience with excel in your previous jobs and have been resistant to learning these skills. Since January 7th you have been provided access to E-training in excel as well as a suite of related topics. As of this date you have not been able to complete excel documents with required proficiency. As confirmed in your meeting with Chief of Administration Kelly Flores on 1/28/05 after your complaints to MDAD personnel about work tasks given to you, it is your responsibility to learn excel and other skills particular to required duties, even though they may mot have been specifically mentioned in the initial job posting.
- You need to improve your skills in Microsoft word. Tables created and used must be transferable without corrupting and must use standard business formatting and recommended practices. You must use headers and footers when requested and align and wrap text in readable columns and rows. You must learn to use shadings, highlighting and desired fonts. You must also learn to use spell check and grammar check to replace misspelled text and to make corrections. You must develop an electronic filing system that enables you to find saved documents in a timely manner and a system for naming documents. You must learn to use the file save-as function to modify documents and preserve them in different versions and drafts. You must refrain from overuse and inappropriate use of Microsoft Draw to make tables and the unnecessary insertion of clip art and symbols instead of standard text elements.

- You need to continue to gain knowledge in work order processing including the use of the clone function, how to re-open closed work orders, how to properly close re-opened work orders. You must become familiar with special category codes, PM work orders, and the inventory and query functions.
- You must learn to use resources provided to you and to interact patiently and persistently with those whose task it is to provide you computer assistance. This includes the ability to use help functions loaded in computer programs, access technical assistance available at extension 5900, the ability to discuss and work through work order processing functions with programmers from info systems and maintenance planners, and your supervisor, and the ability to utilize the e-training function. During the 1st six weeks of the rating period you have had difficulty in understanding verbal instructions given in person, directions given over the phone from these sources, and written instructions given via e-mail. Your supervisor has had to sit at your computer and show you repeatedly how to perform basic functions such as log on, how to open a file, how to enter data, etc. In addition you have disrupted work of others by constantly calling them to come to your office and show you how to do things.

Filing and Clerical Skills:

- You must develop the ability to file documents and forms using prescribed methods so that you and your supervisor can find filed items when you are not available to provide them.
- You must be able to implement and continue a system of purging old files.
- You must utilize the existing follow-up regimen on work orders, requisitions, stock item requests, and correspondence and be able to translate follow-up information compiled from files into new and / or existing reports after initial instruction. You must make copies of items while they are in transit.
- You must be able to track and follow-up on documents requiring authorization at various levels such as overtime requests, requests for checks, invoices, training requests, GBR projects, etc.
- You must take notes when instructions are given to you in order to remember clearly what has been said. You have had difficulty in understanding instructions and have repeatedly asked the same questions or variations of the same question. When you have been told to write down notes you have resisted.
- You must develop basic computational skills. You have been unable to sort basic numerical data and place it in a table form manually or by using the computer.
- You must become familiar with the Department's ISO 14001 initiative and your role in complying with the procedures related to environmental responsiveness.
- You must organize your activities to avoid constant disruption and switching from task to task. For instance, items to be copied can in most cases be placed in a folder and accomplished in a single trip to the copy machine once per day. Time for compiling information for reports has been prescribed and specific hours can be designated for that activity. E-mails and phone messages can be answered within time frames agreed to by your supervisor, etc. Time can be set aside for training and review of the days work. Instead, you have shown a tendency to jump from task to task as the phone rings, the item comes to your in-box. Take notes and save questions for a designated time and avoid disrupting others every few minutes to answer questions that pop into your head.

Interpersonal skills:

- I encourage you to focus on the task at hand when performing your duties and receiving training. You have shown a tendency for your attention to wander and get off track during training sessions and discuss news items, personal beliefs, or unrelated topics. When directions are given acknowledge that you heard & understand what is expected of you.
- When you have concerns or issues that you do not care to discuss with your supervisor go through the chain of command to get resolution within the Division. You have been introduced to the Interim Chief of Facilities Maintenance and Grounds, Jose Barroso, and the Chief of Maintenace Administration and Management Services, Kelly Flores.

During the next 3 months immediate and significant improvement is required. Your supervisor and support staff are here to assist you learning to work productively and to assist you with learning where your skills are not adequate. No one can do it for you or show you how to do the same thing again and again. You must do your part to learn and operate within the shop and within the County's policies and guidelines. Any question you may have please ask me for assistance first, and then those who I have indicated to you have expertise in the areas where you are deficient and are able to provide guidance.

MIAMI-DADE COUNTY
EMPLOYEE PERFORMANCE EVALUATION

Annie Grimes, OSSII
SS# [redacted]

Period Covered
From 01/03/2005 – 07/03/2005

QUANTITY OF WORK: **Needs Improvement**

When Annie was first assigned to this section she had experience several difficulties in the areas of properly following directions and satisfactorily completing work assignments. Her tendencies were not to follow directions on how to properly close out open work orders, instead She would question other staff members repeatedly on the processes while not following basic instructions given to her by the Clerk 3 or her Supervisors. Her inability to properly follow instructions resulted in her low productivity. Annie is also reluctant to perform various other clerical duties such as data entry on spreadsheets. Annie has shown improvement in these areas however continued progress is required.

QUALITY OF WORK: **Needs Improvement**

During the first several months of this rating period Annie's accuracy was below the acceptable standards; she was experiencing difficulties in interrupting information on trouble call log sheets creating duplicate work orders while in the process of her assignment to open work orders, input pertinent data and then close the work order. This was in part entirely her fault, however she should have been more attentive towards her work. This has inhibited her ability to achieve her objective of timely and accurate close out of work orders. Annie again made improvement in this area.

WORK HABITS: **Needs Improvement**

During this rating period Annie has always arrived to work well before her scheduled start time and has only one unscheduled leave occurrence. Annie is aware of her break times and generally works well within the prescribed times. Annie had difficulties in completing her assignments within a reasonable time, this was due to a large extent to her lack of keeping notes on instructions she was given to reference when she was having difficulties. Annie has also made improvement in her effectiveness in the closing out of work orders from various shops without the same difficulties she had originally experienced.

MIAMI-DADE COUNTY
EMPLOYEE PERFORMANCE EVALUATION

Annie Grimes, OSSII
SS# X[redacted]

Period Covered
From 01/03/2005 – 07/03/2005

INTERPERSONAL SKILLS: **Needs Improvement**

Annie has had difficulties with interactions within the group; she tends to want to do things based on her previous experience, which may not be consistent with current practices of the unit. At times she is less than cooperative and has had difficulties working with other members of the work group. This diminishes the groups' moral.

RATER'S OVERALL EVALUATION: **Needs Improvement**

IN WHAT WAYS CAN OR MUST THE EMPLOYEE IMPROVE PERFORMANCE:

Towards the latter part of this rating period Annie has made improvements in her performance, to a large extent most of her difficulties were due to her lack of understanding of the system and inability to consistently follow instructions and procedures specifically with the processing of work orders. Currently she is capable of working independently through the process with few exceptions. Annie needs to continue to focus on the various nomenclature used by the various shops for continued improvement and work on following oral instructions. Annie should enroll in various computer courses offered by the Department to enhance her skills.

METROPOLITAN DADE COUNTY
PERSONAL RECORD SUMMARY

Employee Name: Annie Grimes

Date: 03/01/2005

Classification: OSS 2

Date of Hire:

063 14 32

Employee Status:
Probation

INCIDENT or ACTION:
Ms. Grimes requested a meeting with Neil Wyatt concerning a conflict she was experiencing within the work group.

RESULT or ACTION of EMPLOYER:
Mr. Wyatt and Mr. Estevill responded and met with Ms. Grimes. Later met with Ms. Flores, Mrs. Garay, Ms. Wachope, and Mr. Ayhens independently to gather the facts and further investigate. Following are the findings:

Ms. Grimes
Ms. Grimes thinks the office staff is playing games with her.
Ms. Grimes stated that she felt Ms. Flores was being disrespectful towards her. She stated Ms. Flores was using the words "Common Sense" which gave her the impression it's meaning was that she was being called ignorant.
Ms. Grimes feels that Ms. Flores has a personal problem with her.
Ms. Grimes stated that in the morning Ms. Flores was yelling at her because of a question she had asked concerning a request for leave slip form.
Ms. Grimes also stated that Ms. Wachope was rude to her on occasion.
Ms. Grimes called Mr. Kelly Flores and stated that she was looking for direction as to where she should address her concerns.
Ms. Grimes stated that she has a shoulder injury from previous.
Ms. Grimes mentioned that she had spoken to Ms. Phillips and advised her that they needed to talk. that things were not going well.
Ms. Grimes stated that she chose not to ever go into supervision and she had been doing office/clerical work almost her entire career and that she could outperform any one in clerical work with her skills.
Ms. Grimes stated that in the morning she was unpacking items as per Ms. Flores instructions, later she went on to process work orders not having asked for further instructions from Ms. Flores.

Ms. Flores
Ms. Flores stated that she was giving instructions and explaining to Ms. Grimes the procedure of filling out a leave slip in the morning. Ms. Grimes had not filled out the leave slip properly. Ms. Flores stated that Ms. Grimes continuously interrupted her and was not listening to the instructions. Ms. Flores stated that Ms. Grimes started arguing with her in disagreement.

Ms. Flores stated that during the office move Ms. Grimes was not productive and always concerned with taking break rather than completing the assignment. Ms. Flores stated that Ms. Grimes on occasion takes break early and returns to work late from break. Ms. Flores stated that during the move Ms. Grimes was taking an additional break during the afternoon at approximately 2:00 p.m.
Ms. Flores stated that Ms. Grimes had stated that no one in the office had "Common Sense" because the received date stamp was packaged away during the move and was not available at the time. Ms. Grimes was given instructions to unpack and store binders packaged in boxes from the move and open them in order to place them where they belonged and Ms. Grimes replied that she would not open the binders. Ms. Flores responded that the binders should go on the bookshelf and that is when she mentioned the statement about "Common Sense".
Ms. Flores stated that Mr. Ayhens was a witness to incident.
Ms. Flores stated that no one in the office had been rude to Ms. Grimes in any manner.
Ms. Flores stated that she had noticed Ms. Grimes contacting the work order center for instruction and direction on processing the work order assignments given to her instead of communicating with our office staff as directed previously.
Ms. Flores stated that Ms. Grimes has made comments to her that Ms. Flores is too young to tell her what to do.

Mrs. Garay
Ms. Garay stated she heard Ms. Grimes and Ms. Flores having a discussion concerning the proper procedure for filling out a leave slip. Ms. Garay stated that Ms. Flores was explaining to Ms. Grimes how to fill out the form.
Ms. Garay stated that Ms. Grimes is argumentative about assigned tasks.
Ms. Garay recalls that Ms. Flores had used the words common sense.
Ms. Garay stated that Ms. Grimes had closed work orders with no mistakes noted, but continuously asks the same questions regarding work processes.

Ms. Wachope
Ms. Wachope stated that Ms. Grimes won't listen to instructions or directions and continues to ask different people until she gets the answer she expects.
Ms. Wachope stated Ms. Flores was trying to explain to Ms. Grimes this morning how to fill a leave slip and Ms. Grimes was arguing about the procedures we used to fill out the form.
Ms. Wachope stated that Ms. Flores has displayed a negative attitude when speaking to Ms. Grimes in the past and Ms. Grimes has displayed same attitude towards Ms. Flores.
Ms. Wachope stated that Ms. Grimes has not offered assistance during the office move and has had a negative attitude towards Ms. Wachope.
Ms. Wachope stated that Ms. Grimes was eating soup at approximately 2:30 p.m. on 2/28/05 while office staff was unpacking and organizing office move packages.
Ms. Wash-up stated that she asked Ms. Grimes when she was finished eating if she would assist her to move boxes. Ms. Grimes responded that she doesn't ever ask her to do things when she is not busy, but she would help her when she was finished eating. Ms. Wash-up replied that's what she had said.
Ms. Wachope stated that she had not heard Ms. Flores use the phrase use common sense.

Mr. Ayhens
Mr. Ayhens stated he observed that Ms. Grimes does not like to be told what to do by a 19 year old (Ms. Flores).
Mr. Ayhens stated that Ms. Flores was giving Ms. Grime's instructions this morning.
Mr. Ayhens stated that he noticed Ms. Flores was somewhat talking down to Ms. Grimes.
Mr. Ayhens stated that Ms. Grimes continues to use Ms. Wachope's computer without asking.
Mr. Ayhens stated that Ms. Grimes is set in her ways and does not like to be told what to do.

COMMENTS:
Mr. Wyatt and Mr. Estevill both concluded the following:
Ms. Grimes has difficulty following instructions. She has on numerous occasions gone about asking several members of staff the same questions. It is not clear whether it is due to a lack of understanding or she is searching for an answer that will satisfy her. The difficulty is evident when Ms. Flores explained the proper procedure in filling out a request for leave form and Ms. Grimes proceeded to ask Ms. Garay.
During our interview with her, she had difficulty in correctly using our names.
Ms. Grimes continuously asks different staff about using jeans in the office, when Mr. Wyatt and other staff have on several occasions advised her that it is not permitted by aviation department policy. She also had received a copy of the written departmental policies and procedures by Mr. Daniel Douglas on 2/01/05.
On February 25, 2005 Mr. Wyatt held a staff meeting with the clerical staff Ms. Flores, Ms. Wachope and Ms. Grimes. He outlined areas of responsibilities and specifically that the OSS 2 positions should address any concerns or questions through the chain of command which is Clerk 3, Superintendent, Chief of Facilities. Ms. Grimes has failed to follow the instruction of her Superintendent Neil Wyatt.
Additionally there appears to be a personality conflict between Ms. Grimes and Ms. Flores.

Supplemental of 3/3/05
According to Ms. Flores despite her attempts over the past few days to put the incident behind them, Ms. Grimes does not respond to Ms. Flores when she greets Ms. Grimes at the beginning of the day and on several occasions Ms. Grimes has sought instructions from Ms. Garay as opposed to Ms. Flores

Mr. Wyatt and Mr. Estevill met with Ms. Grimes on 03/03/05 to discuss our conclusions and concerns. Ms. Grimes stated that she was confuscd sometimes. Ms. Grimes additionally stated that Ms. Wachope and Ms. Flores never greeted her before and did not display common courtesy. She stated that she only spoke to Ms. Phillips as she was passing by our office. Mr. Wyatt and Mr. Estevill both met with staff after the meeting to discuss office policies and the need for professional courtesy and behavior.

METROPOLITAN DADE COUNTY
PERSONAL RECORD SUMMARY

Employee Name: Annie Grimes

Date: 03/01/2005

Classification: OSS 2

Date of Hire:

063 14 32

Employee Status:
Probation

INCIDENT or ACTION:
Ms. Grimes requested a meeting with Neil Wyatt concerning a conflict she was experiencing within the work group.

RESULT or ACTION of EMPLOYER:
Mr. Wyatt and Mr. Estevill responded and met with Ms. Grimes. Later met with Ms. Flores, Mrs. Garay, Ms. Wachope, and Mr. Ayhens independently to gather the facts and further investigate. Following are the findings:

Ms. Grimes
Ms. Grimes thinks the office staff is playing games with her.
Ms. Grimes stated that she felt Ms. Flores was being disrespectful towards her. She stated Ms. Flores was using the words "Common Sense" which gave her the impression it's meaning was that she was being called ignorant.
Ms. Grimes feels that Ms. Flores has a personal problem with her.
Ms. Grimes stated that in the morning Ms. Flores was yelling at her because of a question she had asked concerning a request for leave slip form.
Ms. Grimes also stated that Ms. Wachope was rude to her on occasion.
Ms. Grimes called Mr. Kelly Flores and stated that she was looking for direction as to where she should address her concerns.
Ms. Grimes stated that she has a shoulder injury from previous.
Ms. Grimes mentioned that she had spoken to Ms. Phillips and advised her that they needed to talk. that things were not going well.
Ms. Grimes stated that she chose not to ever go into supervision and she had been doing office/clerical work almost her entire career and that she could outperform any one in clerical work with her skills.
Ms. Grimes stated that in the morning she was unpacking items as per Ms. Flores instructions, later she went on to process work orders not having asked for further instructions from Ms. Flores.

Ms. Flores
Ms. Flores stated that she was giving instructions and explaining to Ms. Grimes the procedure of filling out a leave slip in the morning. Ms. Grimes had not filled out the leave slip properly. Ms. Flores stated that Ms. Grimes continuously interrupted her and was not listening to the instructions. Ms. Flores stated that Ms. Grimes started arguing with her in disagreement.

Ms. Flores stated that during the office move Ms. Grimes was not productive and always concerned with taking break rather than completing the assignment. Ms. Flores stated that Ms. Grimes on occasion takes break early and returns to work late from break. Ms. Flores stated that during the move Ms. Grimes was taking an additional break during the afternoon at approximately 2:00 p.m.
Ms. Flores stated that Ms. Grimes had stated that no one in the office had "Common Sense" because the received date stamp was packaged away during the move and was not available at the time. Ms. Grimes was given instructions to unpack and store binders packaged in boxes from the move and open them in order to place them where they belonged and Ms. Grimes replied that she would not open the binders. Ms. Flores responded that the binders should go on the bookshelf and that is when she mentioned the statement about "Common Sense".
Ms. Flores stated that Mr. Ayhens was a witness to incident.
Ms. Flores stated that no one in the office had been rude to Ms. Grimes in any manner.
Ms. Flores stated that she had noticed Ms. Grimes contacting the work order center for instruction and direction on processing the work order assignments given to her instead of communicating with our office staff as directed previously.
Ms. Flores stated that Ms. Grimes has made comments to her that Ms. Flores is too young to tell her what to do.

Mrs. Garay
Ms. Garay stated she heard Ms. Grimes and Ms. Flores having a discussion concerning the proper procedure for filling out a leave slip. Ms. Garay stated that Ms. Flores was explaining to Ms. Grimes how to fill out the form.
Ms. Garay stated that Ms. Grimes is argumentative about assigned tasks.
Ms. Garay recalls that Ms. Flores had used the words common sense.
Ms. Garay stated that Ms. Grimes had closed work orders with no mistakes noted, but continuously asks the same questions regarding work processes.

Ms. Wachope
Ms. Wachope stated that Ms. Grimes won't listen to instructions or directions and continues to ask different people until she gets the answer she expects.
Ms. Wachope stated Ms. Flores was trying to explain to Ms. Grimes this morning how to fill a leave slip and Ms. Grimes was arguing about the procedures we used to fill out the form.
Ms. Wachope stated that Ms. Flores has displayed a negative attitude when speaking to Ms. Grimes in the past and Ms. Grimes has displayed same attitude towards Ms. Flores.
Ms. Wachope stated that Ms. Grimes has not offered assistance during the office move and has had a negative attitude towards Ms. Wachope.
Ms. Wachope stated that Ms. Grimes was eating soup at approximately 2:30 p.m. on 2/28/05 while office staff was unpacking and organizing office move packages.
Ms. Wash-up stated that she asked Ms. Grimes when she was finished eating if she would assist her to move boxes. Ms. Grimes responded that she doesn't ever ask her to do things when she is not busy, but she would help her when she was finished eating. Ms. Wash-up replied that's what she had said.
Ms. Wachope stated that she had not heard Ms. Flores use the phrase use common sense.

Mr. Ayhens
Mr. Ayhens stated he observed that Ms. Grimes does not like to be told what to do by a 19 year old (Ms. Flores).
Mr. Ayhens stated that Ms. Flores was giving Ms. Grime's instructions this morning.
Mr. Ayhens stated that he noticed Ms. Flores was somewhat talking down to Ms. Grimes.
Mr. Ayhens stated that Ms. Grimes continues to use Ms. Wachope's computer without asking.
Mr. Ayhens stated that Ms. Grimes is set in her ways and does not like to be told what to do.

COMMENTS:
Mr. Wyatt and Mr. Estevill both concluded the following:
Ms. Grimes has difficulty following instructions. She has on numerous occasions gone about asking several members of staff the same questions. It is not clear whether it is due to a lack of understanding or she is searching for an answer that will satisfy her. The difficulty is evident when Ms. Flores explained the proper procedure in filling out a request for leave form and Ms. Grimes proceeded to ask Ms. Garay.
During our interview with her, she had difficulty in correctly using our names.
Ms. Grimes continuously asks different staff about using jeans in the office, when Mr. Wyatt and other staff have on several occasions advised her that it is not permitted by aviation department policy. She also had received a copy of the written departmental policies and procedures by Mr. Daniel Douglas on 2/01/05.
On February 25, 2005 Mr. Wyatt held a staff meeting with the clerical staff Ms. Flores, Ms. Wachope and Ms. Grimes. He outlined areas of responsibilities and specifically that the OSS 2 positions should address any concerns or questions through the chain of command which is Clerk 3, Superintendent, Chief of Facilities. Ms. Grimes has failed to follow the instruction of her Superintendent Neil Wyatt.
Additionally there appears to be a personality conflict between Ms. Grimes and Ms. Flores.

Supplemental of 3/3/05
According to Ms. Flores despite her attempts over the past few days to put the incident behind them, Ms. Grimes does not respond to Ms. Flores when she greets Ms. Grimes at the beginning of the day and on several occasions Ms. Grimes has sought instructions from Ms. Garay as opposed to Ms. Flores

Mr. Wyatt and Mr. Estevill met with Ms. Grimes on 03/03/05 to discuss our conclusions and concerns. Ms. Grimes stated that she was confused sometimes. Ms. Grimes additionally stated that Ms. Wachope and Ms. Flores never greeted her before and did not display common courtesy. She stated that she only spoke to Ms. Phillips as she was passing by our office. Mr. Wyatt and Mr. Estevill both met with staff after the meeting to discuss office policies and the need for professional courtesy and behavior.

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Miami District Office

One Biscayne Tower
2 South Biscayne Blvd, Suite 2700
Miami, FL 33131
(305) 536-4491
TTY (305) 536-5721
FAX (305) 536-4011

RECEIVED
AUG 14 2004

NEGOTIATED SETTLEMENT AGREEMENT

1. The following agreement refers to Charge No: 150-2003-03910 on file with the Equal Employment Opportunity Commission (EEOC) under Title VII of the Civil Rights Act of 1964, as amended.

2. In exchange for satisfactory fulfillment by Respondent of the promises contained in paragraph (3) of this Agreement, the Charging Party agrees not to institute a lawsuit with respect to the above referenced charge.

3. In exchange for the promises of Annie Grimes (Charging Party) contained in paragraph (2) of this Agreement, Miami Dade Housing Agency (Respondent) agrees to:

   A) Expunge all off the negative references from the personnel records of the Charging Party. This also refers to entries contained within the Respondent's computer data base.

   B) Assist and Guide the Charging Party in applying for other positions. The Respondent will make available a contact person to assist the Charging Party. Ms. Lilian Fernandez, a Representative of the Miami-Dade County Employee Relations Department, or successors, will assist the Charging Party.

4. It is understood that this Agreement does not constitute an admission by the Respondent of any violation of Title VII of the Civil Rights Act of 1964.

5. The Respondent agrees to provide written notice to the Director of the Miami District Office within 10 days of satisfying each obligation specified at paragraph (3) of this Agreement.

6. The parties agree that this Agreement may be specifically enforced in court and may be used as evidence in a subsequent proceeding in which any of the parties allege a breach of this Agreement.

Respondent — Date: Aug. 23, 04

Charging Party — Date: 08/17/2004

7. In reliance on the promises made in paragraphs (2) and (3), (5) and (6) EEOC agrees to terminate the investigation which it has begun and not to use the above referenced charge as the jurisdictional basis for a civil action under Title VII of the Civil Rights Act. EEOC does not waive or in any manner limit its right to process or seek relief in any other charge or investigation including but not limited to, a charge filed by a member of the Commission against the Respondent.

On behalf of the Commission:

Date

For Federico Costales
District Director

Grimes, Annie (Aviation)

From: Weekes, Sharon (Aviation)
Sent: Tuesday, March 02, 2010 12:54 PM
To: Grimes, Annie (Aviation)
Cc: Flores, Kelly (Aviation); Payne, Melvin (Aviation)
Subject: RE: Medical status clarification

I spoke with Melvin and you can submitted the forms to me by 4/16/2010. Thanks.

Sharon Weekes
Personnel Specialist 3
Miami Dade Aviation Department
P.O. Box #025504
Miami, Florida 33102-5504
Phone: 305-876-7821
Fax: 305-876-0514

sweekes@miami-airport.com

"Delivering Excellence Every Day"
Medical information is confidential and exempt from public disclosure under Chapter 119 of the Florida Statutes.

IMPORTANT NOTICE

The Miami-Dade County Aviation Department is a public agency subject to Chapter 119 of the Florida Statues concerning public records. E-mail messages are covered under such laws and thus subject to disclosure. All e-mail sent and received is captured by our server and kept as a public record.

From: Weekes, Sharon (Aviation)
Sent: Tuesday, March 02, 2010 9:03 AM
To: Grimes, Annie (Aviation)
Subject: Medical status clarification

Sharon Weekes
Personnel Specialist 3
Miami Dade Aviation Department
P.O. Box #025504
Miami, Florida 33102-5504
Phone: 305-876-7821
Fax: 305-876-0514

sweekes@miami-airport.com

"Delivering Excellence Every Day"
Medical information is confidential and exempt from public disclosure under Chapter 119 of the Florida Statutes.

IMPORTANT NOTICE

The Miami-Dade County Aviation Department is a public agency subject to Chapter 119 of the Florida Statues concerning public records. E-mail messages are covered under such laws and thus subject to disclosure. All e-mail sent and received is captured by our server and kept as a public record.

From: HRScanner@miami-airport.com [mailto:HRScanner@miami-airport.com]
Sent: Monday, March 01, 2010 8:19 PM
To: Weekes, Sharon (Aviation)
Subject: Attached Image

AFSCME LOCAL 1542

★ ★ ★ ★ AFL-CIO ★ ★ ★ ★

UNION HALL: 305-885-3909 ★ FAX: 305-885-7031
4349 N.W. 36th Street ★ Miami, Florida 33166
Web: AFSCME1542.com

March 24, 2010

Dear Brothers & Sisters:

On Thursday, March 18th, 2010 AFSCME Local 1542 held nominations for all our elected positions at our monthly meeting in our Local Union Hall. The results are as follows:

President (Vote for 1):
Antonio Eiroa
Jack Thomas

Vice President:
Barbara Carlo - No Other Candidates – Acclimated
Treasurer:
Efrain Montano – No Other Candidates –Acclimated
Recording Secretary:
Marie Wagnack- Rics – No Other Candidates – Acclimated

Executive Board Officers (Vote for 3 Officer positions) :
Johnny Johnekins
John Ficcochi
Pam Coney
Terri Poulos

Trustees:
Dorel Price – No Other Candidates - Acclimated
Steve Kovacs – No Other Candidates - Acclimated
Sid Miller – No Other Candidates - Acclimated

Therefore a vote in the area of President and Executive Board Officer will be held on Thursday, April 15th, 2010 at Miami International Airport at the Bus Loop across from lower con. E. The polls will be open at 7:00am sharp and close at 5:00pm sharp. You must bring your Airport I.D. for verification or a Drivers License.

The count will take place immediately after the closing of the polls and the results and swearing in of our elected positions will take place immediately afterwards at our monthly Union Meeting at 6:30pm in our hall located at: 4349 NW 36th Street - *Parking available in the back of the building. Please be on time your participation is essential and greatly appreciated.

In Solidarity,

Efrain Montano
Election Committee Chair

METROPOLITAN DADE COUNTY
PERSONAL RECORD SUMMARY

Employee Name: Annie Grimes/Melissa Flores

Date: 05/03/05

Classification: OSS2/Clerk3

Date of Hire:

063 14 00

Employee Status:
Probation

INCIDENT or ACTION:
Ms. Grimes approached Ms. Flores desk in the morning of 5/3/05 and started to go through her papers on the desk. Ms. Flores advised her not to touch the papers on her desk if she needed anything she would get it for her. Ms. Grimes responded "Yes Mommy". Ms. Flores told Ms. Grimes not to call her Mommy, as this was disrespectful. Later in the morning Ms. Flores approached Ms. Grimes and Ms. Wachope to ask if they had any of the work log faxes that had come in the morning. Ms. Grimes once again used the phrase "No Mommy" and that she did not touch the fax because she was being treated like a child and with disrespect. Ms. Flores advised Ms. Grimes that she did not appreciate her using the word Mommy. They started a discussion at which point I Miguel Estevill interrupted and stated that I wanted to see them in my Office.

I met with both Ms. Grimes and Ms. Flores to address them both about the communications that had transpired between them both. Ms. Grimes stated that she thought Melissa was tainted with Prejudice and Hate. She thought Melissa was too young and didn't have enough experience. She further stated Melissa has an attitude and she doesn't want Annie here because of her prejudice and the fact that Annie is Black. Annie stated that Melissa has told her she is not doing a good job.

Melissa responded that Annie interrupts her while she tries to give instructions and she does not take notes. Melissa further stated that Annie continuously makes comments about her age stating she is too young and lacks experience. Melissa denied Annie's allegations about prejudice, she added that her parent is Black and she holds no prejudice against any race or religion. She stated God has made us all and there is no difference in color.

Mr. Estevill advised Annie that a charge of Prejudice is very serious and is not taken lightly. That Management was going to be advised and if she would like to meet with Mr. Barroso or file a formal charge it would be scheduled.

Annie stated that she did not want to do this at this time and that she felt more comfortable after our discussion of the matter. Mr. Estevill stated to Annie and Ms. Flores that it was not acceptable to speak to any one in a manner such as that used earlier with comments such as Mommy. Further Annie was advised that the work assignments that were given to her by Ms. Flores for distribution are directly given or ordered by the Superintendents.

RESULT or ACTION of EMPLOYER:

Mr. Barroso later met with all clerical staff (Ms. Wachope, Ms. Grimes and Ms. Flores in the presence of Mr. Estevill the Superintendent to discuss all issues and encourage Team Work participation by all office staff. He advised them that clerical staff must work out any differences between them in the office and improve communication or he would take whatever administrative action was required.

COMMENTS:

This was the second recorded incident concerning office clerical staff since Annie Grimes was transferred to this office. Mr. Wyatt was not available during this incident.

Grimes, Annie (Aviation)

From: Weekes, Sharon (Aviation)
Sent: Tuesday, March 02, 2010 12:54 PM
To: Grimes, Annie (Aviation)
Cc: Flores, Kelly (Aviation); Payne, Melvin (Aviation)
Subject: RE: Medical status clarification

I spoke with Melvin and you can submitted the forms to me by 4/16/2010. Thanks.

Sharon Weekes
Personnel Specialist 3
Miami Dade Aviation Department
P.O. Box #025504
Miami, Florida 33102-5504
Phone: 305-876-7821
Fax: 305-876-0514

sweekes@miami-airport.com

"Delivering Excellence Every Day"
Medical information is confidential and exempt from public disclosure under Chapter 119 of the Florida Statutes.

IMPORTANT NOTICE

The Miami-Dade County Aviation Department is a public agency subject to Chapter 119 of the Florida Statues concerning public records. E-mail messages are covered under such laws and thus subject to disclosure. All e-mail sent and received is captured by our server and kept as a public record.

From: Weekes, Sharon (Aviation)
Sent: Tuesday, March 02, 2010 9:03 AM
To: Grimes, Annie (Aviation)
Subject: Medical status clarification

Sharon Weekes
Personnel Specialist 3
Miami Dade Aviation Department
P.O. Box #025504
Miami, Florida 33102-5504
Phone: 305-876-7821
Fax: 305-876-0514

sweekes@miami-airport.com

"Delivering Excellence Every Day"
Medical information is confidential and exempt from public disclosure under Chapter 119 of the Florida Statutes.

IMPORTANT NOTICE

The Miami-Dade County Aviation Department is a public agency subject to Chapter 119 of the Florida Statues concerning public records. E-mail messages are covered under such laws and thus subject to disclosure. All e-mail sent and received is captured by our server and kept as a public record.

From: HRScanner@miami-airport.com [mailto:HRScanner@miami-airport.com]
Sent: Monday, March 01, 2010 8:19 PM
To: Weekes, Sharon (Aviation)
Subject: Attached Image

Daniel Douglass

From: Daniel Douglass
Sent: Wednesday, September 07, 2005 3:37 PM
To: Miguel Estevill
Cc: Neil Wyatt
Subject: Annie Grimes- revised draft evaluation

See attached revised draft. My recommendation is to acknowledge that despite our combined best efforts to help Ms. Grimes, her performance has been a net negative for the Maintenance Division and she should fail probation. I have Annie's file and the original evaluation form. Please advise of any changes and I will type them in and deliver the entire package to whomever you direct. Thanks.

Annie Grimes
Performance Evalu..

MIAMI-DADE COUNTY
EMPLOYEE PERFORMANCE EVALUATION

Annie Grimes, OSSII
SS# XXX-XX-XXXX

Period Covered
From XX/XX/XXXX – XX/XX/XXXX

QUANTITY OF WORK: **Needs Improvement**

When Annie was first assigned to this section she had difficulty properly following directions and satisfactorily completing work assignments. Incidents of resistance to training are recorded by Superintendent Douglass in her file as early as the second week of her employment and continue throughout the rating period. On January 11 she was advised of weaknesses in her ability to use Microsoft Excel. By January 19th, rather than accepting instruction, she challenged her supervisor as to what the job requirements for her position were and refused to perform or even try to learn to perform required tasks. Later similar learning resistance was displayed and documented regarding the use of the MDAD work order system, e-mail, and Microsoft word. During the rating period, Annie was transferred (at her request) and continued to have problems. Examples are incidents that were brought to her attention regarding failure to follow instructions from the Clerk 3 on March 1, which resulted in an investigation and fact finding meeting where it was concluded by Superintendents Estevill and Wyattt that "Ms. Grimes has difficulty following directions." Instead She would question other staff members repeatedly on the processes while not following basic instructions given to her.

Also documented in this rating period are repeated instances of inability to get along with coworkers. In addition to causing a loss of time and effort in tasks assigned specifically to Annie, the friction between coworkers resulted in lower output for others in the group. Instances of this inability to be a cooperative team member were as varied as Annie's solicitation of opinions from staff in conflict with management direction on dress code issues, to the inability to share the use of a copy machine, to the disrespectful statements made by Annie to others about Supervisors and coworkers.

The inability to properly follow instructions from superiors and / or work as part of a team with coworkers required repeated prolonged training sessions, and Superintendent and Chief level interventions to mediate disputes, which detracted from the productivity of those working in the section as a whole. Incidents of this nature are documented in her file on January 20th and May 3rd.

Finally, in this category, Annie began to show some proficiency in work order processing. However she continued to be reluctant to perform various other clerical duties such as data entry on spreadsheets. While she has shown some improvement in these areas, continued progress is required.

MIAMI-DADE COUNTY
EMPLOYEE PERFORMANCE EVALUATION

Annie Grimes, OSSII
SS# XXX-XX-XXXX

Period Covered
From XX/XX/XXXX – XX/XX/XXXX

QUALITY OF WORK: **Needs Improvement**

During the first several months of this rating period Annie's accuracy was below the acceptable standards. She experienced difficulties in interpreting information on spreadsheets and was unable to perform some tasks requiring Microsoft Excel in a timely manner. She insisted on using tables in word documents using the draw function rather than using standard forms and formats required. She refused to take written notes on instructions given and insisted on using the work place to develop memory skills. Her memory skills were not adequate to the task. In work order processing she had initial difficulty reading and interpreting trouble call log sheets, which resulted in the creation of duplicate work orders while in the process of her assignment to open work orders, input pertinent data and then close the work order. While this was not entirely her fault, she should have been more attentive towards her work. This has inhibited her ability to achieve her o bjective o f t imely and ac curate c lose o ut o f w ork o rders. Annie made some improvement in this area toward the end of the rating period.

WORK HABITS: **Needs Improvement**

During this rating period Annie always arrived to work well before her scheduled start time and had only one unscheduled leave occurrence. Annie is aware of her break times and generally works well within the prescribed times. Annie had difficulties in completing her assignments within a reasonable time, this was due to a large extent to her lack of keeping notes on instructions she was given to reference when she was having difficulties. Annie improved during the rating period in her effectiveness in the closing out of work orders from various shops without the same difficulties she had originally experienced.

INTERPERSONAL SKILLS: **Needs Improvement**

Annie had difficulties with interactions within the group; in both assignment locations covered during this rating period. She tended to want to do things based on her previous experience, which was not always consistent with current practices of the unit. At times she was less than cooperative and has had difficulties working with other members of the work group. This diminished the groups' moral.
Specific instances and discussion of how this lack of cooperativeness and trust in management decisions impacted work flow are detailed in the "Quantity of Work" section of this evaluation.

MIAMI-DADE COUNTY
EMPLOYEE PERFORMANCE EVALUATION

Annie Grimes, OSSII
SS# XXX-XX-XXXX

Period Covered
From XX/XX/XXXX – XX/XX/XXXX

RATER'S OVERALL EVALUATION: **Needs Improvement**

Re-evaluate in 3 months.

IN WHAT WAYS CAN OR MUST THE EMPLOYEE IMPROVE PERFORMANCE:

Towards the latter part of this rating period Annie became more secure with the work order system and experienced in its use. Her duties were narrowed to this specific task and consequently her level of proficiency improved. To a large extent most of her difficulties were due to her lack of understanding of the system and inability to consistently follow instructions and procedures specifically with the processing of work orders and her reluctance to take written notes. Currently she is capable of working independently through the process with few exceptions. Annie needs to continue to focus on the various nomenclature used by the various shops for continued improvement.

In other clerical skills, Annie must become more technically proficient. Annie should enroll in various computer courses offered by the Department and study on her own to enhance her skills in Word, and Excel.

Of equal importance, the Office Support Specialist 2 position requires a continuing ability to adapt to new situations, follow directions, accept instruction and constructive criticism from superiors, and even supervise entry level clerks. During this rating period Annie has displayed severe deficiencies in these areas. In order to become successful in the short time remaining in her probation, she must modify her behavior to become less defensive personally, and critical of management direction and intentions generally. She must develop professional and respectful communication skills coupled with appropriate demeanor, wear appropriate office attire, and develop a friendly customer service attitude. Annie must learn to listen with an open mind and take notes of what is told to her. She could benefit from customer service training and other classes such as "conflict resolution" offered by the Department.

Issues, Payroll

On 1/19 Annie expressed concern that the problem she was experiencing with her time card was deliberate and that "they were messing with her time." I assured her that time card errors are common and not deliberate. I showed her that I had signed her in so her check would be correct.

Daniel Douglass

From: Daniel Douglass
Sent: Thursday, January 20, 2005 7:49 AM
To: Annie Grimes
Subject: FW: complete T&A Report

FYI,-. they are taking care of the problem and it is not your fault.

-----Original Message-----
From: Jordan Garber
Sent: Thursday, January 20, 2005 7:48 AM
To: Ladean Bryant; Laura Miret; Daniel Douglass; Betty White
Cc: Kelly Flores
Subject: FW: complete T&A Report

Danny, I have forwarded this to Payroll so they can investigate. I can tell you that we are having some Time and Attendance problems which is affecting our ability to download and apply swipes. Be assured that this is not limited to a single individual and the problem is currently being worked on.

-----Original Message-----
From: Daniel Douglass
Sent: Wednesday, January 19, 2005 3:58 PM
To: Jordan Garber
Cc: Annie Grimes
Subject: complete T&A Report

Can you verify Annie's time card is reporting properly when she swipes? As a new hire I want to be sure it is recorded that she worked before and after the holiday and that her paycheck is correct. Please see below. thanks.

-----Original Message-----
From: Daniel Douglass
Sent: Wednesday, January 19, 2005 11:01 AM
To: Ladean Bryant
Cc: Annie Grimes
Subject: RE: Complete T&A Report

For some reason the clock did not record Annie's time on Friday 1/14/05. She was here and did swipe in and out, and I have signed on the t and a report affirming same. All other days are recorded accurately. I have asked her to verify with you that her card is functioning properly when she turns in the T and A this afternoon. Thanks for your help.

-----Original Message-----
From: Ladean Bryant
Sent: Wednesday, January 19, 2005 10:30 AM
To: Alan McEvoy; Alina Garay; Andre Schweikert; Angela L. Fleitas; Annie Grimes; Aydee Serrano; Bill Seaman; Carlos Tellez; Charles T. Voltz; Chaynea Shaw; Chris Pallidine; Daniel Douglass; Daniel Palivoda; David Shannon; Debra Charles; Diosdado J. Fernandez; Donald Young; Elizabeth Ogden; Eric M. Gibb; Francisco Chavez; Garfield McCormack; Ivan Valdes; Ivon Gomez; John Liotti; Jonathon Spicer; Jorge Saniego; Jose A. Diaz; Joseph St. Victor; Karen Proctor; Kenneth Hurtak; Kenneth Reposkey; Kent J. Wallace; Laura Miret; Mario Marrero; Mark Anthony Sepulveda; Michael Prince; Milton Lazier; Neil Wyatt; Orlando Borrajo; Phil Gangi; Rene Vallieres; Robert Birdwell; Ruth Swaine; Sal Sepulveda; Stanley Vaz; Ted Davis; Ysnard Garcia
Cc: Betty White; Brenda Ellis; Kelly Flores; Ladean Bryant
Subject: Complete T&A Report

The Complete Time ane Attendance Report is ready for pick up. All reports are due back **TODAY**, Wednesday, 1/19/, **by 4:30 p.m.**

Ladean Bryant
Payroll, 3030
8572

Issuer

Daniel Douglass

From: Daniel Douglass
Sent: Thursday, January 20, 2005 7:53 AM
To: Annie Grimes
Subject: FW: copy machine

Importance: High

FYI- I will let you know when it becomes official and we can make copies next door.

-----Original Message-----
From: Jose Barroso
Sent: Wednesday, January 19, 2005 4:47 PM
To: Daniel Douglass; David Shannon
Subject: FW: copy machine
Importance: High

fyi, Kelly agreed to this.

-----Original Message-----
From: Michael Garcia
Sent: Wednesday, January 19, 2005 4:16 PM
To: Kelly Flores; Jose Barroso
Cc: Diosdado J. Fernandez; Frank R. Eggler
Subject: RE: copy machine
Importance: High

Kelly, per our discussion regarding the copy machine, please advise when it will be available for staff.

Thanks for your cooperation and assistance.

-----Original Message-----
From: Diosdado J. Fernandez
Sent: Wednesday, January 19, 2005 1:36 PM
To: Michael Garcia
Subject: RE: copy machine

Yes it is.

-----Original Message-----
From: Michael Garcia
Sent: Wednesday, January 19, 2005 1:29 PM
To: Diosdado J. Fernandez
Subject: FW: copy machine

Joe, does this apply to your shop as well?

-----Original Message-----
From: Frank R. Eggler
Sent: Wednesday, January 19, 2005 1:14 PM
To: Michael Garcia
Cc: Angel Hidalgo; Suhaili Blanco; Sal Sepulveda
Subject: copy machine

In blgd.3040 at this time we do not have access to a copying machine. The old machine is gone from purchasing and the other copier is locked in Mary Taylor's office. Our shop and others need access to a copier for daily business.

Annie got into dispute with Mary Taylor regarding use of "her" copy machine. Mary came & spoke to me advising that Annie was welcome to use machine while she was there but that Annie was rude & walked away from her while she was talking. I told Annie to keep a field w/ copier & to make 1 trip a day to 3030 if needed in meantime. I told Annie to be polite to fellow workers & stick to work issues. There have been several complaints. Annie demanded to know who complained & said she was ready to "fight" for her job. I told her to avoid confrontation and I would handle.

EXHIBIT K

OTHER DOCUMENT'S WHICH I FEEL SUPPORT MY CASE

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Miami District Office

One Biscayne Tower
2 South Biscayne Blvd., Suite 2700
Miami, FL 33131
PH: (305) 536-4476
TDD: (305) 536-5721
FAX: (305) 530-6121

AGREEMENT TO MEDIATE

CHARGE NUMBER: 150-2003-03910

Charging Party: Annie Grimes Respondent: Miami Dade Housing Agency

This is an agreement by the parties to participate in a mediation involving Annie Grimes and Miami Dade Housing Agency in the above referenced charge. The parties understand that mediation is a voluntary process, which may be terminated at any time.

The parties and, if they desire, their representatives and/or attorneys, are invited to attend a mediation session. No one else may attend without the permission of the parties and the consent of the mediator(s).

The mediator(s) will not function as the representative of either party. However, the mediator(s) may assist the parties in understanding their rights and the terms of any proposed settlement agreement. Each party acknowledges being advised to seek independent legal review prior to signing any settlement agreement.

The Parties acknowledge that they have received a copy of the Mediation Fact Sheet.

The parties acknowledge that the mediator(s) possesses the discretion to terminate the mediation at any time if an impasse occurs or either party or the mediator deems the case inappropriate for mediation.

The parties recognize that mediation is a confidential process and agree to abide by terms of the attached Confidentiality Agreement.

The parties acknowledge that if a settlement is reached as a result of the mediation, the assigned mediator(s) is required to report to EEOC any benefits received. This information is reported only for purposes of providing aggregate data to the EEOC for Mediation program evaluation purposes, and the individual terms of the agreement will not be disclosed to the public.

12/02/2003

Charging Party Date Respondent Date

Charging Party's Representative Date Respondent's Representative Date

MNF

Wedderburn & Jacobs, P.A.
Attorneys at Law
Suite 244
16300 Northeast 19th Avenue
North Miami Beach, Florida 33162

Norman E. Wedderburn
Bruce R. Jacobs

Dade: (305) 919-9222
Broward: (954) 484-3100
Fax: (305) 919-9880

September 19, 2003

Via U.S. Mail and Facsimile (305) 530-6121

Equal Employment Opportunity Commission
Miami District Office
Attn: Marvin Fraiser
One Biscayne Tower
2 South Biscayne Boulevard
Suite 2700
Miami, Florida 33131

Re: Charging Party: Annie Grimes
Charge No.: 150-2003-03910

Dear Mr. Fraiser:

Please be advised undersigned counsel represents Ms. Grimes for the limited purpose of mediation in the above referenced matter. Kindly contact the undersigned to schedule a mutually convenient time to mediate this matter.

I look forward to speaking with you soon.

Very truly yours,

Norman E. Wedderburn

NEW/mdvb
cc: Annie Grimes

wjlabor/grimes/eeoc.ltr

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Miami District Office

One Biscayne Tower
2 South Biscayne Blvd., Suite 2700
Miami, FL 33131
PH: (305) 536-4476
TDD: (305) 536-5721
FAX: (305) 530-6121

AGREEMENT TO MEDIATE

CHARGE NUMBER: 150-2003-03910

Charging Party: Annie Grimes Respondent: Miami Dade Housing Agency

This is an agreement by the parties to participate in a mediation involving Annie Grimes and Miami Dade Housing Agency in the above referenced charge. The parties understand that mediation is a voluntary process, which may be terminated at any time.

The parties and, if they desire, their representatives and/or attorneys, are invited to attend a mediation session. No one else may attend without the permission of the parties and the consent of the mediator(s).

The mediator(s) will not function as the representative of either party. However, the mediator(s) may assist the parties in understanding their rights and the terms of any proposed settlement agreement. Each party acknowledges being advised to seek independent legal review prior to signing any settlement agreement.

The Parties acknowledge that they have received a copy of the Mediation Fact Sheet.

The parties acknowledge that the mediator(s) possesses the discretion to terminate the mediation at any time if an impasse occurs or either party or the mediator deems the case inappropriate for mediation.

The parties recognize that mediation is a confidential process and agree to abide by terms of the attached Confidentiality Agreement.

The parties acknowledge that if a settlement is reached as a result of the mediation, the assigned mediator(s) is required to report to EEOC any benefits received. This information is reported only for purposes of providing aggregate data to the EEOC for Mediation program evaluation purposes, and the individual terms of the agreement will not be disclosed to the public.

12/22/2003

Charging Party Date Respondent Date

Charging Party's Representative Date Respondent's Representative Date

MNF

DBD
DEPARTMENT OF
BUSINESS DEVELOPMENT

June 25, 2003

Annie Grimes
12200 NE 6 Ave #209
North Miami, FL 33161

Dear Annie,

We wish to thank you for your interest in the position of Administrative Secretary.

Selection for this position was difficult due to the excellent backgrounds and qualifications of the candidates. Although you were not selected for an interview, this should not discourage you from pursuing other employment opportunities.

If you are interested in any other positions with Miami-Dade County or with our Department in particular, open competitive positions are advertised in the Classified Section of Sunday's edition of *The Miami Herald.* Additionally, all available positions are announced weekly in the County's Career Employment Opportunity Bulletin posted at the Center for Employment Application, 140 West Flagler Street, Suite 105, Miami, Florida 33130. The latest information on all available positions can also be obtained by visiting Miami-Dade County's web site at www.co.miami-dade.fl.us/jobs/ or by calling Miami-Dade County's Job Information Hotline at (305) 375-1871.

Please contact me at (305) 349-5977 should you have any questions regarding the above position.

Sincerely,

Lorna Martin Spencer
Departmental Personnel Representative

MIAMI-DADE
Department of Business Development Court House Center Building 175 NW First Avenue 28th Floor Miami, FL 33128
Phone (305) 349-5960 Fax (305) 349-5915

MIAMI-DADE COUNTY

Employee Relations Department
Testing and Validation Section

15 07/2/04

CLASSIFICATION: Arpt OUS 2
NAME: Annie L. Grimes
SOCIAL SEC #: [redacted]

PLEASE REPORT FOR YOUR TYPING OR DATA ENTRY TEST AT
111 NW 1 STREET, 20TH FLOOR, ANY TIME BETWEEN THE HOURS OF

1:30 PM to 4:00 PM
Friday, July 02, 2004

THERE MAY BE SOME DELAY DEPENDING ON THE AMOUNT OF APPLICANTS WAITING.
BE SURE TO BRING THIS DOCUMENT AND A PHOTO ID. THANK YOU AND GOOD LUCK.

Remember, if you qualify, you will need to return to 140 W. Flagler to complete your application process. You will also need to keep this result for your files. This result will be valid for one year from the date you took this test. If you did not qualify, please wait two weeks, practice and if a typing position is open, reapply.

RESULTS: 45 **Net WPM** **VALID UNTIL:** JUL 02 2005 **AUTHORIZED BY:** K Harvey

TESTING AND VALIDATION SECTION

Annie Grimes

From: Kenneth Hurtak
Sent: Wednesday, December 07, 2005 12:47 PM
To: Annie Grimes
Subject: FW: Annie Grimes Evaluation

-----Original Message-----
From: Kelly Flores
Sent: Thursday, December 01, 2005 3:13 PM
To: Diosdado J. Fernandez
Cc: Kenneth Hurtak; Michael Garcia
Subject: RE: Annie Grimes Evaluation

I just had a meeting at 5A and indicated that we have not received the evaluation. They indicated that they will research the reason it has not sent and they will immediately send it out to us.

When I get it, I will get it to you. Thanks.

Kelly Flores
Chief, Facilities Maintenance Administration
& Management Services
Miami-Dade Aviation Department
Tel: 305-876-7045

-----Original Message-----
From: Diosdado J. Fernandez
Sent: Thursday, December 01, 2005 1:22 PM
To: Kelly Flores
Cc: Kenneth Hurtak; Michael Garcia
Subject: Annie Grimes Evaluation

Kelly, I have yet to receive Annie Grimes 1-year evaluation. I understand that a 6-month evaluation has been issued and will be presented to Annie in the near future. I will have Ken Hurtak provide you with a partial Evaluation covering the time periods under which Annie has been employed at the Air conditioning shop.

(By copy to Ken) Please complete a performance evaluation for Annie Grimes for the time period she has been employed under you supervision. Thank you.

Annie Grimes

Subject:	Annie Grimes Evaluation
Location:	K. Flores's Office, Bldg. 3030, 1st Floor
Start:	Thu 12/1/2005 10:00 AM
End:	Thu 12/1/2005 10:30 AM
Show Time As:	Tentative
Recurrence:	(none)
Meeting Status:	Not yet responded
Required Attendees:	Kelly Flores; Diosdado J. Fernandez; Annie Grimes
Importance:	High

Meeting requested by Joe Fernandez (x3779) on 11/30/05.

Miami-Dade County
Fire Rescue Department
9300 N.W. 41 Street
Miami, Florida 33178-2414
(786) 331-5000

March 21, 2003

Annie Grimes
12200 N. E. 6 Ave. #209
North Miami, Fla. 33161

Dear Ms. Grimes,

Thank you for applying for the position of Fire Rescue Dispatcher, enclosed is an application, which you must bring, **completed** to the orientation and test appointment.

Thursday, April 17, 2003 promptly @ 9:00 AM
Miami-Dade Fire Rescue Headquarters
9300 N. W. 41 Street
For directions call the Communications Training Bureau
(305) 596-8569
Or Fire Headquarters at 787-331-5000

An overview of the Fire-Rescue Dispatcher job and a brief description of the interview process are also included for your review.

Please contact the Communications Training Bureau at (305) 596-8569 and leave a message to confirm receipt of this letter and that you are interested in the position. We look forward to meeting you.

Respectfully,

Natalie Duran

Natalie Duran
Fire Communications Officer

Enclosed:
Application
Job Duties Overview
Interview Process Overview

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 10-23996-CIV-COOKE

ANNIE L. GRIMES,

Plaintiff,

vs.

MIAMI-DADE COUNTY,

Defendant.
_____/

DEFENDANT'S MEMORANDUM IN REPLY TO
PLAINTIFF'S OPPOSITION TO
DEFENDANT'S MOTION FOR SUMMARY JUDGMENT

Respectfully submitted,

R. A. CUEVAS, JR.
Miami-Dade County Attorney

By: **s/ Eric A. Rodriguez**

Eric A. Rodriguez (FBN. 970875)
Assistant County Attorney
Attorney E-mail address:
ear2@miamidade.gov
Miami-Dade County Attorney's Office
111 N.W. 1st Street, Suite 2810
Miami, Florida 33128
Telephone: (305) 375-5151
Facsimile: (305) 375-5634

Summary judgment on Plaintiff's demotion retaliation claim is warranted because Plaintiff's Response [DE 80] fails to comply with Local Rule 7.5 because the Response does not provide a numbered response to Defendant's Rule 7.5 statement of undisputed facts with specific citations to relevant admissible evidence in the record. Under Local Rule 7.5(D), Defendant's Rule 7.5 statement is deemed admitted where Plaintiff fails to controvert Defendant's statement with specific citations to evidence in the record. Thus, because Plaintiff failed to comply with Rule 7.5, Defendant's Rule 7.5 statement should be deemed admitted.

Plaintiff's Response also fails to indentify any relevant admissible evidence to establish that (1) Plaintiff suffered an adverse employment action at the hands of the Aviation Department in 2008 as alleged in the operative EEOC Charge and (2) that such action was retaliation for the 2002 EEOC Charge that Plaintiff filed with the Housing Agency six (6) years earlier. Accordingly, summary judgment should be granted.

1. Plaintiff's Failure To Comply With Local Rule 7.5

Under Local Rule 7.5, Plaintiff was required to respond to Defendant's Rule 7.5 Undisputed Fact Statement with a Rule 7.5 Statement that has numbered paragraphs specifically responding to Defendant's statement and where Plaintiff asserts a dispute, to cite to relevant admissible evidence in the record. Plaintiff failed to comply because she submitted an unnumbered rambling narrative that does nothing to specifically controvert the undisputed factual assertions in the Defendant's Rule 7.5 Statement. Plaintiff's Response is therefore inadequate to meet the requirements of Rule 7.5 and should be disregarded. Additionally, Plaintiff's failure to comply with Rule 7.5 results in Defendant's well-supported Rule 7.5 being admitted. *See e.g., Sanchez v. Miami-Dade Dept. of Corrections &* Rehabilitation, 2008 WL 1995007 (S.D. Fla. 2008)(granting summary judgment for County Corrections department where defendant's 7.5 statement was deemed admitted because plaintiff failed to controvert defendant's statement with specific references to evidence on file with the Court); *Shannon v. Potter*, 2008 WL 4753732 (S.D. Fla. 2008)(granting summary judgment for employer in retaliation case and finding plaintiff's response which consisted of an <u>unnumbered narrative</u> to be incompatible with the Local Rule 7.5). Accordingly, Defendant's Rule 7.5 Statement of Undisputed Facts should be deemed admitted.

Plaintiff also failed to provide numbered paragraphs indicating the material facts which she contends are genuinely in dispute with specific citations to admissible evidence and therefore again failed to comply with Rule 7.5. Plaintiff's Response also fails to comply with Rule 7.5 because Plaintiff failed to submit a memorandum of law. Therefore, Plaintiff's Response should be disregarded because it totally fails to comply with Local Rule 7.5.

2. Plaintiff's Failure to Cite To Specific Relevaut Admissible Evidence

Plaintiff's Response should be disregarded for failing to comply with even the basic requirements of Local Rule 7.5. Plaintiff's Response should also be disregarded because it contains no citation to specific material admissible evidence in the record and is nothing more than a rambling narrative of subjective beliefs and irrelevant, immaterial, inadmissible and incompetent assertions. Thus, in addition to failing to comply with Rule 7.5, Plaintiff's Response should be disregarded for failing to meet the minimum evidentiary and materiality standards to avoid summary judgment.

The Eleventh Circuit has held that "mere conclusions and unsupported factual allegations are legally insufficient to defeat a summary judgment motion." *Ellis v. England*, 432 F.3d 1321, 1326 (11th Cir. 2005); *see also Hilburn v. Murata Elec. North America*, 181 F.3d 1220, 1228 (11th Cir. 1999)("[C]onclusory allegations without specific supporting facts have no probative value."). Therefore, Appellant's summary of the "facts" should be disregarded as containing unsupported, inadmissible and incompetent assertions which are not competent evidence to avoid summary judgment.

Plaintiff's Response attaches Exhibits A through J, most of which are unauthenticated and therefore inadmissible and incompetent evidence for summary judgment purposes. *See Shannon v. Potter*, 2008 WL 4753732 (S.D. Fla. 2008). Specifically, Exhibits E, F, H, and J are unauthenticated documents and therefore incompetent summary judgment evidence.

The exhibits attached to Plaintiff's Response suffer from another fundamental problem. These exhibits contain nothing relevant and material to the summary judgment analysis in this case. Plaintiff's claim asserted in the operative EEOC filed in October 2008 that is attached as Exhibit A [DE 80, p. 12], asserts that Plaintiff was demoted by the Aviation Department in 2008 by removing work duties with the computer and assigned clerical duties in retaliation for Plaintiff's filing and settling an EEOC Charge against the Housing Agency. That is the protected conduct

identified in the Third Amended Complaint and the claim that Judge Jordan allowed to go forward in denying Defendant's motion to dismiss.

None of the Exhibits attached to Plaintiff's Response have anything to do with her alleged demotion in the Aviation Department in 2008. Accordingly, Exhibits B through J are immaterial and provide no basis to avoid summary judgment. These exhibits also fail to provide any factual basis to controvert the Defendant's Rule 7.5 Statement and none of these exhibits provide any admissible evidence demonstrating that Plaintiff suffered a demotion in 2008 at the hands of the Aviation Department in retaliation for filing and settling an EEOC Charge in 2002 or 2003.

Exhibit B which inexplicably is combined with Exhibit I is just an apparent witness list prepared by Plaintiff with names under subject areas that provide no admissible specific facts in the record that controvert the Defendant's Undisputed Rule 7.5 Fact Statement. These are conclusory allegations that have no probative value for summary judgment purposes. *Hilburn v. Murata Elec. North America*, 181 F.3d 1220, 1228 (11th Cir. 1999)("[C]onclusory allegations without specific supporting facts have no probative value.").

Exhibit C is a 2002 settlement agreement of a 2002 EEOC Charge that Plaintiff filed against the Housing Agency which appears to have been followed by the 2004 settlement agreement of Plaintiff's 2003 EEOC Charge against the Housing Agency that the County filed. *See* DE 65. Either the 2002 EEOC Charge against the Housing Agency and settlement submitted with Plaintiff's Response or the 2003 EEOC Charge against the Housing Agency and settlement could be the "protected conduct" that Plaintiff was referring to in the operative 2008 EEOC Charge where Plaintiff said she signed a settlement agreement. Regardless, the fact that Plaintiff's 2008 EEOC Charge identifies an EEOC Charge that resulted in a settlement agreement means that the protected conduct upon which Plaintiff's 2008 retaliation claim is based is limited to either the 2002 or 2003 EEOC Charges against the Housing Agency because those are the only settlement agreements of EEOC Charges in the record. Additionally, any attempt by Plaintiff at this juncture to assert other protected conduct as the basis for her 2008 retaliation claim is barred because it is outside the scope of the operative 2008 EEOC Charge. The Eleventh Circuit has made it clear that actions that occurred prior to the date of the EEOC charge that were not included in the charge were not exhausted and could not be considered by

the district court. *Thomas v. Public Health Trust*, Unpublished Opinion, 2010 WL 759607 (11th Cir. Mar. 8, 2010). Therefore, any attempt by Plaintiff to identify some other protected conduct that was not included within the operative EEOC Charge is barred and should not be considered. Having established that the protected conduct that is the first prong of Plaintiff's prima facie claim of retaliation is either the 2002 or 2003 EEOC Charge that resulted in a settlement agreement, it is clear that Exhibit C provides no basis to conclude that retaliation occurred at the Aviation Department in 2008 in retaliation for either the 2002 or 2003 EEOC Charges against the Housing Agency.

Exhibit D is a letter regarding a 2005 interview for a clerk 4 position which is not mentioned in the 2008 EEOC Charge and is therefore outside the scope of the charge and may not be considered. *Thomas v. Public Health Trust*, Unpublished Opinion, 2010 WL 759607 (11th Cir. Mar. 8, 2010). Additionally, even if such an allegation had been in the 2008 EEOC Charge, it would be time-barred because any action in 2005 could not be asserted in a 2008 EEOC Charge because it is a discrete action and it is well-beyond the 300-day time limitation for Title VII claims. In a deferral state like Florida, a plaintiff is required to file an EEOC Charge within 300 days of the act of discrimination or retaliation. *See Nat'l R.R. Passenger Corp. v. Morgan,* 536 U.S. 101, 114, 122 S.Ct. 2061, 153 L.Ed.2d 106 (2002) (noting that a failure to promote qualified as a "discrete act[ ]" constituting a separate unlawful discriminatory practice and that plaintiff "can only file a charge to cover discrete acts that 'occurred' within the appropriate time period."); *Smithers v. Wynne,* 319 Fed.Appx. 755, 756-757, 2008 WL 53245, 1 (11th Cir. 2008) (holding that "[t]he clock for the charging period starts when the discrete unlawful practice takes place" and that "claims of being passed over for promotion are allegations of discrete acts"). *Robinson v. Adventist Health Care,* 2007 WL 4374408 *2-3 (11th Cir. 2007)(noting 300-day limit).

Exhibits E, F, and H are immaterial to the alleged Aviation Department job issues in 2008 as they involve personnel documents from 2002 and 2004 which are irrelevant to the 2008 issues and relate to matters that are time-barred and outside the scope of the operative 2008 EEOC Charge. *See Nat'l R.R. Passenger Corp. v. Morgan,* 536 U.S. 101, 114, 122 S.Ct. 2061, 153 L.Ed.2d 106 (2002) (noting that a failure to promote qualified as a "discrete act[ ]" constituting a separate unlawful discriminatory practice and that plaintiff "can only file a charge

to cover discrete acts that 'occurred' within the appropriate time period."); *Robinson v. Adventist Health Care,* 2007 WL 4374408 *2-3 (11th Cir. 2007)(noting 300-day limit).

Exhibit J purports to be copies of Plaintiff's evaluations from 2005. As with the prior exhibits discussed above, these evaluations have no bearing and provide no probative evidence remotely related to the 2008 retaliation claim. And as with the above, any attempt at this time to claim anything related to these 2005 evaluations would be time-barred and outside the scope of the operative 2008 EEOC Charge. The 2005 evaluations of the Plaintiff's performance submitted as Exhibit J do interestingly enough confirm one thing that is relevant – Plaintiff had significant difficulties handling computer work and following directions. Far from controverting Defendant's Rule 7.5 fact statement , these 2005 evaluations actually lend credence to the Aviation Department's adjustment of Plaintiff's 2008 computer duties on the ERP requisition system in 2008 because it demonstrates that Plaintiff had difficulty with computers and with following directions. And that is it for Plaintiff's documentary evidence, even if it had been authenticated. None of it provides any basis to avoid summary judgment in this case. Plaintiff's Response is a narrative argument with no relevant material supporting documentation that purports to be an affidavit based on personal knowledge. In addition to the reasons cited above for disregarding the Response, it contains inadmissible hearsay and conclusory and immaterial allegations. Virtually every sentence on every page of Plaintiff's Response are assertions that are inadmissible hearsay, not based on personal knowledge, unsupported and immaterial.

The statements in Plaintiff's Response are inadmissible hearsay and should not be considered competent summary judgment evidence. See Macuba v. Deboer, 193 F.3d 1316, 1322-25 (11th Cir. 1999). For example, Plaintiff's assertion about what she was allegedly told at an Orientation session in 2004 is hearsay and immaterial. And Plaintiff's Response goes on in this same manner for several pages citing no relevant, admissible, competent evidence. Plaintiff's mention of her probation and other alleged statements at unknown times are inadmissible hearsay, do not even cite a year, and are outside the scope of Plaintiff's EEOC Charge. Plaintiff's assertions regarding conversations with William Candela, Bobbie Jones-Wilfork, Melvin Payne are inadmissible hearsay, have no specific year cited as to when they were allegedly stated and in any event are immaterial to the 2008 demotion issue and are outside

the scope of the 2008 EEOC Charge. Similarly, Plaintiff's reference to interview scores and working for a temporary agency are immaterial and outside the scope of the 2008 EEOC Charge.

Plaintiff's Response is not based on personal knowledge and Plaintiff's Response is replete with subjective unsupported assertions. Such unsupported assertions and generalities are incompetent summary judgment evidence and are not probative for summary judgment purposes. As the Eleventh Circuit has observed, "mere conclusions and unsupported factual allegations are legally insufficient to defeat a summary judgment motion." *Ellis v. England*, 432 F.3d 1321, 1326 (11th Cir. 2005).

3. Plaintiff's Failure To Establish a Prima Facie Retaliation Claim Within The Scope of the Operative EEOC Charge

If a complaint raises allegations which are not reasonably related to the underlying charge raised before the EEOC, then the plaintiff is precluded from asserting those allegations in a civil action. *Griffin v. Carlin*, 755 F.2d 1516, 1522 (11th Cir. 1985); *see also Thomas v. Miami Dade Public Health Trust*, 2010 WL 759607, 3 (11th Cir. 2010). References in Plaintiff's Response to interviews in 2004 and 2005 and failing probation in 2005 and work with temporary agency are all outside the scope of the operative 2008 EEOC Charge. The operative 2008 EEOC Charge that was the basis for the Third Amended Complaint was limited to the alleged demotion in 2008. With that limitation in mind, it is clear that Plaintiff cannot establish a prima facie claim of retaliation.

A. No Competent Admissible Evidence Of Adverse Employment Action

The Assistant Director for the Aviation Department over the human resources function for over the last 15 years, Bobbie Jones-Wilfork, certified that Grimes was not demoted in 2008. Jones-Wilfork also certified that any action to demote Grimes at that time would have required a Disciplinary Action Report or other official action that would have required Jones-Wilfork's review and that did not occur. Grimes was not demoted at any time from the time she was hired by the Aviation Department in December 2004 through 2009. At all times in 2007, 2008 and 2009, Grimes was always in the same classification of Aviation Office Support Specialist 2 with the same occupational code of 5306. There was no reduction in Grimes' salary, pay or benefits during 2008. Indeed, during 2008 and 2009, Plaintiff received **increases** in pay. *See* DE 66 ¶¶

15-17, 19-21. Plaintiff submitted no competent summary judgment evidence to controvert Jones-Wilfork's testimony. Thus, it is undisputed that Plaintiff was not demoted. And if Plaintiff was not demoted, she did not suffer an adverse employment action sufficient to establish a prima facie claim of retaliation.

Plaintiff has also failed to establish with specific admissible facts that being relieved from handling requisitions on the ERP system was somehow a materially adverse action. *See White v. Hall*, 389 Fed. Appx. 956 (11th Cir. 2011)(more difficult assignments and less favorable evaluations not adverse); *Davis v. Town of Lake Park, Fla.* 245 F.3d 1232 (11th Cir. 2001*); Joseph v. Florida Quality Truss Industries, Inc.*, 2006 WL 3519095 *13 (S.D. Fla. 2006)(Cooke, J.)(citing *Davis v. Town of Lake Park* and noting that "changes to the employee's work assignments did not constitute adverse employment actions").

Plaintiff was still handling the other type of clerical duties within her job classification. Plaintiff's bald assertion in her Response that she had no job duties is incompetent because it contradicts Plaintiff's own sworn EEOC Charge in Exhibit A where it states that Plaintiff was assigned to work as a clerk. It is axiomatic that Plaintiff's cannot contradict her prior sworn statement with a later filed statement in a last ditch effort to create an issue of fact to avoid summary judgment. In addition, the statement that Plaintiff had no duties whatsoever is so implausible that it is not a competent assertion of fact sufficient to create a jury question. It is the kind of subjective bald conclusory allegation that is insufficient to avoid summary judgment. *See Hilburn v. Murata Elec. North America*, 181 F.3d 1220, 1228 (11th Cir. 1999)("[C]onclusory allegations without specific supporting facts have no probative value."). Given that Plaintiff received two raises during 2008 and that her job classification did not change, Plaintiff cannot establish that she suffered an adverse employment action in 2008 as alleged in her 2008 EEOC Charge.

B. No Competent Admissible Evidence of Causation

Plaintiff also fails to establish a prima facie claim of retaliation because Plaintiff fails to cite any specific probative admissible evidence that she was not going to be performing ERP requisition input work on the computer in April 2008 because she had filed an settled either her 2002 or 2003 EEOC Charge with the Housing Agency. First and foremost, any inference of retaliation for the 2002/2003 EEOC Charges with the Housing Agency is completed refuted by

the undisputed fact that the Aviation Department hired Plaintiff in December 2004 ***AFTER*** she had filed and settled both of the EEOC Charges against the Housing Agency. If the Aviation Department were going to retaliate against Plaintiff for filing and settling the 2002/2003 EEOC Charges with the Housing Agency, it would have done so in 2004 when it was considering her employment application. But the Aviation Department did not retaliate against Plaintiff for filing the 2002/2003 EEOC Charges because it hired her in December 2004. That decision alone breaks any chain of causation. Further refuting any inference of causation is the fact that in 2006, the Aviation Department granted Plaintiff permanent status in the classified service and then granted her raises in 2005, 2006, 2007, 2008 and 2009. These facts totally refute any claim of retaliation and obliterate any inference of causation for the protected conduct of the 2002/2003 EEOC Charges.

Additionally, Plaintiff failed to introduce any competent, admissible evidence that Melvin Payne knew about Plaintiff's 2002/2003 Housing Agency EEOC Charges at the time in April 2008 when he reassigned the ERP requisition work. To establish the causation element, Plaintiff must establish that the decisionmaker for the adverse employment action had actual knowledge of Plaintiff's protected activity. *Brungart v. BellSouth Telecomms, Inc.*, 231 F.3d 791, 799 (11th Cir. 2000) ("A decisionmaker cannot have been motivated to retaliate by something unknown to him").

Finally, the temporal gap of almost five (5) years between the protected conduct in 2002/2003 and the 2008 ERP requisition assignment change further refutes any inference on causation. *See Wascura v. City of South Miami*, 257 F.3d 1238, 1244-45 (11th Cir. 2001)(stating that a three and one half month gap between the protected activity and the alleged adverse action, standing alone, is insufficient to establish causation element of prima facie claim of retaliation). Accordingly, Plaintiff also fails to establish a prima facie claim of retaliation on the basis of causation.

3. Plaintiff's Failure To Provide Sufficient Evidence of Pretext

The record evidence demonstrated that Division Director Melvin Payne made the decision to remove the ERP requisition assignment from Plaintiff's responsibilities because he had received numerous complaints from Aviation Department employees that Annie Grimes was improperly creating requisitions, which created a backlog in procuring parts and hindered the

operations of the Utilities section. [DE 67, ¶8]. Plaintiff has submitted no competent admissible evidence to demonstrate that this was a false reason for the change in the ERP requisition assignment and that the real reason was to retaliate against her for the 2002/2003 EEOC Charge against the Housing Agency. This is what Plaintiff was required to do to survive summary judgment. *See Earley v. Champion Int'l Corp.*, 907 F.2d 1077, 1081 (11th Cir. 1990)("To survive summary judgment, the plaintiff must then present concrete evidence in the form of specific facts which show that the defendant's proffered reason is mere pretext. Mere conclusory allegations and assertions will not suffice.").

The Aviation Department has proferred a legitimate non-retaliatory reason for the change in ERP requisition assignments. As a result, Plaintiff must meet that reason "head on" and rebut it with specific factual evidence in the record that demonstrates pretext. To defeat a summary judgment motion once a legitimate reason has been proferred, a Title VII plaintiff must "present concrete evidence in the form of specific facts which show that the defendant's proferred reason is mere pretext." Early, 907 F.2d at 1081. Mere conclusory allegations and assertions will not suffice. And an employee "cannot succeed by merely quarreling with the wisdom of the [employer's reason]." *Chapman v. AI Transport*, 229 F.3d 1012, 1030. A Plaintiff's subjective belief that they have been retaliated against is insufficient. *See Early*, 907 F.2d 1083; *Sabatier v. Suntrust Bank*, 2008 WL 108796 * 10-11 (S.D. Fla. 2008)(finding insufficient evidence of pretext to avoid summary judgment). In this case, Plaintiff's rambling Response merely offers Plaintiff's subjective belief that she could handle the ERP requisition work and that she did well on typing tests. This is insufficient to meet Melvin Payne's reasons head on and Plaintiff also failed to demonstrate any evidence that the real reason was to retaliate against her for the 2002/2003 Housing Agency EEOC Charges.

CONCLUSION

For all the foregoing reasons, Defendant respectfully requests that summary judgment for Defendant be granted and that judgment be entered for Defendant and against Plaintiff on the Third Amended Complaint.

Respectfully submitted,

R. A. CUEVAS, JR.
Miami-Dade County Attorney
Stephen P. Clark Center
111 N.W. 1st Street, Suite 2810
Miami, Florida 33128

By: *s/ Eric A. Rodriguez*
Eric A. Rodriguez
Assistant County Attorney
Florida Bar No. 970875
Telephone: (305) 375-1321
Facsimile: (305) 375-5634
E-mail: ear2@miamidade.gov
Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on May 7, 2012, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record or pro se parties identified on the attached Service List in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

s/ Eric A. Rodriguez
Eric A. Rodriguez

SERVICE LIST

Annie L. Grimes
12200 N.E. 6th Avenue, Suite 209
N. Miami, FL 33161
Plaintiff
Served via Regular U.S. Mail

Eric Rodriguez
Assistant County Attorney
E-Mail: ear2@miami-dade.gov
Miami-Dade County Attorney's Office
Stephen P. Clark Center
111 N.W. 1st Street, Suite 2810
Miami, Florida 33128
Tel: (305) 375-5151
Fax: (305) 375-5634
Attorney for Defendant
No Service Made