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**STATE OF FLORIDA
FLORIDA COMMISSION ON HUMAN RELATIONS
PETITION FOR RELIEF**

ELIAS MAKERE, FSA

)

Petitioner,

)

vs.

)

FCHR Case No: 2019-19238

ALLSTATE INSURANCE COMPANY,

)

Respondent

)

Petitioner files this Petition for Relief from a (check the applicable one):

- ☒ Discriminatory Employment Practice
☐ Discriminatory Housing Practice
☐ Discriminatory Public Accommodation Practice

1. PETITIONER'S CONTACT INFORMATION:

Name: Elias Makere, FSA

Street or PO Box:

City: State: Zip Code:

Telephone Number: Fax Number:

E-mail address:

2. RESPONDENT'S CONTACT INFORMATION:

Name: Allstate Insurance Company

Street or PO Box: 1776 American Heritage Life Dr

City: Jacksonville State: FL Zip Code: 32224

Telephone Number: 800.521.3535 Fax Number: 866.424.8482

E-mail address: cnea@allstate.com

3. RESPONDENT'S REPRESENTATIVE (if any and if known):

Name: Heather A. Johnson, Esquire (Littler Mendelson, PC)

Street or PO Box: 2301 McGee Street, 8th Floor

City: Kansas City State: MO Zip Code: 64108

Telephone Number: 415.276.2613 Fax Number: 612.465.6379

E-mail address: hajohnson@littler.com

4. WHEN AND HOW DID PETITIONER RECEIVE NOTICE OF THE COMMISSION'S DETERMINATION:

n/a

The Commission did not complete its investigation within the 180-day window afforded by §760.11(3) FS.

Therefore, pursuant to §760.11(8) FS, Petitioner proceeded as though a reasonable cause determination was found.

Thereby filing his Election of Rights form (attached; dated May 29, 2020)

5. THE FOLLOWING IS A CONCISE STATEMENT OF THE ULTIMATE FACTS ALLEGED, INCLUDING SPECIFIC FACTS PETITIONER CONTENDS WARRANT REVERSAL OR MODIFICATION OF THE COMMISSION'S DETERMINATION:

Pursuant to §760.11(8), the commission found reasonable cause to believe that an unlawful employment practice occurred. Simply put, the ultimate facts that affirm the commission's determination are as follows:

Respondent only fired the black man who failed a professional exam. It never fired any of his similarly-situated comparators who had also failed exams.

3 years of workplace harassment, discrimination, and retaliation culminated in an unlawful termination. Highlights include (but are not limited to):

A Hostile Work Environment punctuated by (i) unwanted date requests; (ii) obscene sexual attention; (iii) racist characterizations; (iv) racist dolls; (v) targeted vulgarity; (vi) sabotaged work; and more

After termination, Respondent engaged in an array of retaliation. Highlights include:

(a) Death threats; (b) Financial retaliation; (c) Lethal retaliation; (d) Falsified records; and more

6. RESPONDENT HAS VIOLATED THE FOLLOWING FLORIDA STATUTE (Check One):

☒ Florida Civil Rights Act of 1992, as Amended, or

☐ Florida Fair Housing Act, as Amended

THE FOLLOWING IS AN EXPLANATION OF HOW THE ALLEGED FACTS RELATE TO THE SPECIFIC FLORIDA STATUTE

The facts presented herein establish that Respondent discriminated against Petitioner with respect to compensation, terms, conditions, and privileges on the basis of Petitioner's race and gender.

(1) §760.11 FS | Compensation

a. Disparate pay (indisputable)

- i. Upon achieving his ASA, Respondent paid Petitioner less than his similarly-situated comparators (who had also received their ASAs)

(2) §760.11 FS | Terms & Conditions

a. Disparate treatment (indisputable)

- i. Respondent forced Petitioner to pay for an exam registration fee (\$1,025), but never did the same for his similarly-situated comparators. No excuse exists for this act.

(3) §760.11 FS | Privileges

a. Disparate treatment (indisputable)

- i. Respondent denied Petitioner the work-from-home privilege, but granted it for his similarly-situated comparators.

Respondent's Fiction

Asked to answer for these indisputable facts, Respondent tendered the following irrelevant diversion: '*Petitioner failed to get rehired by Respondent*'. This is fantasy. Petitioner never re-applied.

In short, Respondent's excuse for terminating Petitioner "solely" because he failed a professional exam (see Exhibit A) is a work of fiction; a pretext. It terminated him on the basis of race and gender. Violating §760.11 FS.

7. PETITIONER SEEKS THE FOLLOWING RELIEF:

A fair trial in a court of competent jurisdiction.

*Note that 4 (provide #) additional pages have been attached.

WHEREFORE, Petitioner respectfully requests that the Florida Commission on Human Relations enter an Order prohibiting the discriminatory practice and granting affirmative relief, damages, attorneys' fees and other relief as may be just and equitable in this cause.

A solid black rectangular box used to redact the signature of the petitioner.

Petitioner's Signature

7/3/2020

Date

EXHIBIT A

Position Statement

From: Respondent

To: Agency

[marked]



Complainant was terminated solely because he failed to pass his ASA exam and as a result, he became ineligible to maintain his status in the Allstate Financial Actuarial Career Program (ACP).



Lastly, Complainant's allegation that more African-American actuarial employees were involuntarily terminated is without merit. Complainant was the only employee that Respondent terminated in his department between 2014 and 2016.

CONCLUSION

Complainant's charge of discrimination based upon race without merit. Accordingly, Respondent requests that this Charge be dismissed in its entirety. Should you have any additional questions, please do not hesitate to contact me at (847) 402-7367.

Sincerely,



Charmaine Neal
Human Resources Lead Consultant

Attachments

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EXHIBIT B

Photo

Petitioner Receiving his FSA (final actuarial credential)



'A Picture Says a 1,000 Words'. This one says the following:

Allstate fired the black guy for slipping in front of his destination- which he later got to - but rewarded his non-black peers for not even coming close.

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