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Ron DeSantis
Governor

State of Florida Florida Commission on Human Relations

An Equal Opportunity Employer • Affirmative Action Employer

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Tony Jenkins
Chair
Michelle Wilson
Executive Director

NOTICE OF RECEIPT OF WHISTLEBLOWER COMPLAINT

May 23, 2019

Jacquelyn Steele
5024 Bradfordville Road
Tallahassee, FL 32309

Re: Steele, Jacquelyn v. Florida Commission on Human Relations
FCHR No. 201919907

Dear Ms. Steele:

The Commission has received your complaint of retaliation, filed under the Whistle-blower's Act (sections 112.3187-112.31895, *Florida Statutes*), and has assigned the above referenced charge number.

Enclosed is a copy of your complaint. The Commission will also retain a copy of your complaint and provide notice of this complaint to the Office of the Chief Inspector General, as required by Section 112.31895, *Florida Statutes*.

Pursuant to statute, the Commission is to investigate whistle-blower retaliation complaints; however, since the Commission is the named respondent in this complaint, an independent fact-finder has been assigned to conduct this investigation. Please direct all communications regarding the investigation of this complaint to:

Renee Gordon
Senior Assistant Attorney General
Employment Litigation Bureau
Office of the Attorney General
The Capitol, PL-01
Tallahassee, FL 32399-1050
(850) 414-3300 Office
(850) 414-3720 Direct
(850) 488-4872 Fax
Rence.gordon@myfloridalegal.com

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Executive Office of the Governor
Office of the Chief Inspector General
Office of Investigations

Memorandum of Interview for Jacquelyn Steele

Author: Renee Dawkins

Correspondence Number: 201905020009

Jacquelyn Steele,¹ was interviewed on May 2, 2019, based on concerns regarding her recent termination from the Florida Commission on Human Relations (FCHR). The interview was conducted in the Office of the Chief Inspector General's (OCIG) conference room located in Tallahassee, Florida. The individuals present for the interview were Ms. Steele, Renee Dawkins,² and Brian Hunter.³ The following represents summarized and paraphrased statements made by Ms. Steele to the OCIG.

Ms. Steele was hired by Michelle Wilson⁴ in 2014 as a Senior Management Analyst II.⁵ Ms. Steele advised that Ms. Wilson has been her supervisor for her entire tenure with FCHR. Ms. Steele advised that as the Human Resources Director she provides human resources reports on a quarterly basis and training information to the Commissioners.

Ms. Steele advised that there have been recent changes to the Executive Director's authority, such as a legislative move of positions and the removal of the ability to spend money from the "trust fund." According to Ms. Steele, FCHR also has not met the "long-range program planning" in three years and this information Ms. Steele provided to Commissioner Jay Prichard. Ms. Steele stated this information was public record that she received from the Department of Management Services (DMS). In addition to the long-range program planning, Ms. Steele provided Commissioner Prichard information regarding FCHR employee turnover.

Ms. Steele explained her knowledge of a governance document which required all communication with the Commissioners to be routed through the Executive Director. Ms. Steele stated the governance was created under the previous administration but she believed it was amended to require the communication be routed through the Executive Director. Ms. Steele advised that Ms. Wilson signed off on changes to Florida Administrative Code 60Y⁶ without the knowledge of the Commissioners. Ms. Steele stated that while Ms. Wilson was on FMLA,⁷ Ms. Steele reviewed the revisions Ms. Wilson made; and those changes were inconsistent with Ms. Steele's interpretation of her review. Ms. Steele stated she addressed her concerns of the changes with Ms. Wilson and Cheyanne Costilla⁸ on February 7, 2019.

¹ Former Human Resources Director, Florida Commission on Human Relations (FCHR), Tallahassee, FL.

² Investigations Manager, Office of the Chief Inspector General (OCIG), Tallahassee, FL. (850) 717-9264.

³ Special Counsel, OCIG, Tallahassee, FL. (850) 717-9264.

⁴ Executive Director, FCHR, Tallahassee, FL. (850) 907-6784.

⁵ A review of People First revealed that Ms. Steele was hired at a Senior Management Analyst I on November 24, 2014 and her position was reclassified to a Director of Human Resources on August 16, 2016.

⁶ Florida Administrative Code 60Y: Commission on Human Relations
Family Medical Leave Act

⁷ Chief Legal Counsel, FCHR, Tallahassee, FL. (850) 907-6788

While Ms. Steele was on maternally leave she became aware of the HUD⁵ eLOCCS⁶ incident. Ms. Steele stated she was not in the office at the time; however, her password was on her desk. Ms. Steele explained that she and Ms. Wilson were the only two who had access to eLOCCS.

Ms. Steele explained that on April 1, 2019, Jacquelyn Dupree¹¹ held a meeting with her management team and called Ms. Steele on speaker phone. Ms. Steele explained that after she answered a few of Ms. Dupree's questions, she realized there were others in the room. After she asked Ms. Dupree if there were others present, Ms. Steele stated that she advised Ms. Dupree that it was not an appropriate time for the two of them to discuss why an individual should not be promoted. Ms. Steele stated that Ms. Dupree did not like Ms. Steele's response and submitted a documented recollection of the incident on April 4, 2019. Ms. Steele stated that it was requested of her to provide her response by April 16, 2019.

During a review of hiring documentation, Ms. Steele noted "red flags" and reported her concerns to Ms. Costilla and Ms. Dupree regarding the hiring of a certain individual (name not provided); however, the individual was hired anyway.

On April 25, 2019, Ms. Wilson advised Ms. Steele that Ms. Steele's "credentials don't match up with [her] work." Ms. Steele explained that this comment was made in the presence of Ms. Dupree and Ms. Costilla (who appeared by phone).

On April 8, 2019, Ms. Steele expressed concerns with a specific hiring irregularity at FCHR. Ms. Steele stated that a former FCHR investigator applied for a vacancy; however, was not offered an interview. Ms. Steele explained that the selected applicant did not have investigative experience. Ms. Steele stated that when she questioned the selection, management advised her that the former FCHR investigator was not a "fit". On April 1, 2019, according to Ms. Steele, FCHR received a public records request regarding the position, and has received multiple requests from the same electronic mail (e-mail) address. Ms. Steele stated the latest request was made on April 24, 2019. Ms. Steele advised of her concerns with FCHR management's use of the word "fit" when referring to an applicant working with FCHR. Ms. Steele stated that she expressed her concerns and advised that FCHR should establish a definition of "fit" and should use FCHR's mission and values when establishing that definition. Ms. Steele advised that a definition has not been established as of this date.

Ms. Steele explained another incident involved a recent hiring where the applicant was selected to be hired at the minimum of the pay grade; however, the applicant contacted Ms. Steele requesting a 10% increase. Ms. Steele stated that she requested guidance from Ms. Wilson and the hiring manager, but did not receive a response. Ms. Steele advised that while she was waiting for a response she continued with background checks and moving the applicant through the standard hiring process. Ms. Steele advised that she sent the offer letter to the applicant, which indicated the salary would be at the minimum. Ms. Steele stated that Ms.

⁵ U.S. Department of Housing and Urban Development (HUD)

⁶ Line of Credit Control System (LOCCS) is a U.S. HUD primary grant distribution system, handling disbursements for the majority of HUD programs. eLOCCS is the internet version of LOCCS.

¹¹ Chief of Investigations, FCHR, Tallahassee, FL, (850) 907-6849

Wilson commented that Ms. Steele should not "make salary decisions" in the future. Ms. Steele never received a response regarding the hiring salary.

According to Ms. Steele, comments have been made over the past few months that have made her feel as though they are directed towards her. Ms. Steele provided the example that Ms. Steele has previously been terminated and Ms. Wilson commented that Ms. Wilson did not want to hire anyone who had been previously terminated.

Ms. Steele explained that Commissioner Prichard requested a 360 survey be conducted of Ms. Wilson's performance. Ms. Steele advised that the first response in Fiscal Year 2016/2017 resulted in an 85%, the second response in fiscal year 2017/2018 resulted in a 71%, and the final response (approximately two to three weeks later) for 2018 resulted in a 61%. Ms. Steele stated that current and former employees have expressed their concerns to her; however, they are afraid of documenting their concerns in writing. Ms. Steele advised that Ms. Wilson told her that employees should address their concerns through their managers; however, Ms. Steele felt that was the role of human resources.

Beginning in December of 2018, Ms. Steele provided documentation regarding the HUD concerns to Commissioner Latanya Peterson and Commissioner Prichard. Ms. Steele responded to requests of information from Commissioners Peterson and Prichard. Ms. Steele further explained that documentation provided to the Commissioners included HUD reports and staffing reports. Ms. Steele stated she did not feel she did anything wrong by providing the documentation, as the documents she provided were public record and not confidential in nature. Additionally, Ms. Steele advised that she viewed Commissioner Peterson and Commissioner Prichard as heads of her agency; therefore, she complied with their requests. Ms. Steele stated that because the Commissioners were the heads of the agency in her opinion, she did not treat their requests as public records requests.

Ms. Steele advised that the information she provided to the Commissioners was sent from her personal e-mail. When asked why she used her personal e-mail account to transmit the requested information to the Commissioners, Ms. Steele advised that she was aware of Ms. Wilson having access to employees' FCHR e-mail accounts on Ms. Wilson's computer and Ms. Steele did not want Ms. Wilson to see the e-mails. Ms. Steele also stated that she is aware of a negative relationship between Ms. Wilson and Commissioners Peterson and Prichard.

Ms. Steele advised that FCHR has been placed on a performance improvement plan by the HUD. Ms. Steele advised that Ms. Wilson portrays that "all is well"; however, the Federal government does not agree. Ms. Steele alleged that Ms. Wilson withheld information from the Commissioners when it was requested of her. Ms. Steele stated that on April 19, 2019, the Commissioners created a panel¹² to review the concerns regarding HUD. On April 30, 2019, according to Ms. Steele, the panel held their first meeting. Ms. Steele attended this meeting at the request of the Commissioners. According to Ms. Steele, in attendance at the April 30, 2019 meeting was herself, Commissioners Peterson and Prichard, Ms. Wilson, Ms. Dupree, Casey Snipes,¹³

¹² The panel created to review the HUD concerns consisted of Commissioners Latanya Peterson, Jay Prichard, and Al McCambry.

¹³ Casey Snipes, Executive Assistant I, FCHR, Tallahassee, FL, (850) 907-6785.

and Regina Owens.¹⁴ Ms. Steele stated that the remaining commissioners appeared by phone.

Ms. Steele was unable to advise of reasonable grounds for her termination. Ms. Steele advised that she has not had any performance concerns until her last evaluation in June of 2018 when she was awarded an overall rating of only a four. Ms. Steele advised that Ms. Wilson is aware of her current pregnancy. Ms. Steele advised to her knowledge, Ms. Wilson did not indicate there were any concerns regarding Ms. Steele's pregnancy. Ms. Steele admitted her termination was not related to her pregnancy. Ms. Steele alleged that she was improperly terminated. Ms. Steele stated her complaint should be reviewed for Whistle-blower protection given the knowledge Ms. Steele has of the on-going HUD review.

Investigations Manager Signature: 

Date: 5/9/19

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ADMISSION OF
HUMAN RELATIONS

¹⁴ Investigator Supervisor, FCIIR, Tallahassee, FL. (850) 907-6798.

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