



Miami-Dade Commission on Ethics & Public Trust

Investigative Report

Investigator: Larry Lebowitz

Case: PI 13-011	Case Name: Tanaka Charles	<u>Date Open:</u>	<u>Date Closed:</u>
Complainant(s): Tanaka Charles	Subject(s): Numerous county employees named	07/03/2013	7/05/2013

Allegation(s):

1. Failure to respond to initial complaints of discrimination involving promotion of White and Hispanic female employees over African Americans females at Water and Sewer Department when complainant worked there in mid-2000s. (Complainant believes she is a Whistleblower after reporting the perceived discrimination to the county Office of Fair Employment and Unfair Labor Practices).
2. Retaliation and harassment by county Internal Services Department (ISD) employees and human resources managers at Community Action Agency/Human Services Department (CAA/HSD) when she was recalled from layoff list in late 2012 for open position at CAA/HSD:
 - 2a) The division of CAA/HSD to which complainant was assigned after layoff was destined for budget cuts, and thus, the job was going to be eliminated shortly after her re-hire;
 - 2b) Repeated confrontations with personnel representatives at ISD and CAA/HSD regarding complainant's inability/unwillingness to provide two forms of identification that matched the name under which complainant was known as part of re-application process;
 - 2c) Threats by CAA/HSD personnel representative after complainant's federal EEOC lawsuit was filed against the county shortly after complainant was re-hired in February 2013;
 - 2d) ISD and CAA/HSD refusal to acknowledge several years of prior county service by complainant, affecting complainant's scoring for purposes of ranking similarly situated employees for layoffs in May 2010, recalls in August 2012, and subsequent layoffs in June 2013.
3. Claim that CAA/HSD ignored complainant's request for Family Medical Leave Act status in late May/early June. (Complainant claims leave should have started June 3; layoff notice was

received June 10.)

4. Unspecified threat of litigation pending against the complainant's bargaining unit, AFSCME Local 199, for failing to properly defend and protect her rights in many of the abovementioned actions.

Applicable Law:

It would be difficult to assign a simple portion of the county Conflict of Interest and Code of Ethics ordinances to many of these allegations, which appear to be the subject of existing and threatened future civil litigation. (Federal EEOC complaint filed; DOJ Civil Rights attorney briefly worked on complainant's behalf during disputes mentioned in Allegation 2b above; complainant has consulted with multiple private lawyers for potential future litigation against Miami-Dade County and AFSCME Local 199.)

Investigation:

Interviews

Complainant Tanaka Charles, former county employee, via telephone, (786) 256-2226, on 3 July and in two follow up email exchanges on 4 July (email address: sofla.cluw16@yahoo.com).

COE Executive Director and others were cc'd on initial email complaints that led to creation of this Preliminary Investigative file and on all of her subsequent email correspondence/responses to this investigator. Complainant often does not have names, case numbers, timelines for chronologies or documentation. When this investigator repeats requests for these details, she refers to attorneys at the Marwan Porter law firm in Stuart (888-258-2448).

See attached notes for more details.

Natalie Tooks, Human Resources Section Supervisor, ISD, (305) 375-5759

This investigator was already working with Tooks on an unrelated COE case, and Tooks was one of many ISD employees named in the alleged harassment, mistreatment by complainant. On 3 July, we discussed Tooks' specific interactions with Charles and the general adversarial relationship between Ms. Charles and the other current and former ISD/Human Resources employees named by the complainant.

See attached notes for more details

**Jeanette Lebrecht, Administrator, AFSCME Local 199, (305) 805 -1075,
email: afscmelocal199@gmail.com**

Left repeated messages at union offices in Miami Springs after discovering that complainant has threatened suit against the union and that some unidentified person from the union pulled and copied complainant's personnel file in February 2013.

Document/Audio/Video Review:

Four emails sent by complainant: two initial emails sent to COE Executive Director Joseph Centorino (and others) detailing some of the initial vague allegations, and two subsequent, vague, largely non-responsive emails to specific questions from this investigator (which complainant also cc'd to COE Executive Director Centorino, the Porter Law Firm and others).

Pulled complainant's personnel file. Reviewed extensively on July 3 and 4. Can provide more notes/background if necessary. [Complainant was named **in 2006 OIG report** as one of many beneficiaries of overpayment due to county's failure to properly monitor tuition reimbursement program.]

Pulled local court dockets to see full extent of closed and pending litigation in Miami-Dade civil, criminal and family courts (including many cases not relevant to the complainant's allegations) file. If instructed to conduct further investigation, will need to pull **federal court lawsuit** filed by EEOC on complainant's behalf.

Ran Accurint report on complainant because accurate home address or phone number was lacking from the emailed complaint sent to COE Executive Director and wasn't clearly listed in personnel file.

Conclusion(s):

Closed with no further action at this time.

This is a lengthy labor-relations dispute that is, or has been, the subject of extensive civil litigation – and the threat of future litigation – pitting the complainant against Miami-Dade County and, possibly, AFSCME Local 199.

The complainant has been peppering myriad county agencies, public officials (Mayor's office, Commissioner Jordan's office) and investigative agencies with many similar complaints since complainant was recalled for service in August 2012, returned to work in February 2013 and subsequently laid off again in June 2013.