

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK, COUNTY OF NEW YORK**

CIVIL ACTION NO.: 16 CV 3207 (AJN) (GWG)

CANDICE LUE, an individual,
Plaintiff

v.

JPMORGAN CHASE & CO. a Delaware Corporation; ALEX KHAVIN, an individual; FIDELIA SHILLINGFORD, an individual; JOHN VEGA, an individual; HELEN DUBOWY, an individual; PHILIPPE QUIX, an individual; THOMAS POZ, an individual; CHRIS LIASIS, an individual; MICHELLE SULLIVAN, an individual; and DOES 1 - 10, inclusive,

Defendants

EXHIBITS

A – C-1

IN OPPOSITION/RESPONSE TO DEFENDANTS'

MOTION FOR SUMMARY JUDGMENT

DOCKET #s 89-100

EXHIBIT A

(Response to EEOC Intake Questionnaire - # 6)

Why do you believe these actions were discriminatory? Please attach additional pages if needed.

It really makes my heart heavy to file this racial discrimination claim because for the majority of my life, I have had extensive rapports and experiences dealing with people of all races, especially Whites. And, I had never felt compelled to raise an issue that had anything to do with racism.

As the only Black Analyst in my current group, I am being treated as if I am the help by my skip level manager, Alex Khavin. The disparate treatment she has meted out to me is reminiscent of the 1800s plantation style living, in the era of racial discrimination when Blacks had to serve their masters and their masters' families so that life can be "easier" for them (the masters and their families).

She has humiliatingly assigned me the task of printing, collating, stapling and lugging to the group's monthly meetings, the presentation materials of the non-Black team members. This is a task that they had always done for themselves during the two years prior to me joining the team. She has taken a duty that, prior to me joining the team, she had made rotational among all the other six non-Black analysts and/or associates because she did not want to demean any of them by making it seem as if it was the task of any one of them and assigned it to me, an analyst as well, as solely my job. That is why, in consistence with other acts such as segregation and the unwillingness to promote Blacks which I have noted towards the end of this complaint, I have a good faith belief that I am being racially discriminated against by her.

As if I am the help, instead of the non-Black members of the team clicking the print button on their computers, going to the printer, picking up their printed materials, making sure that the pages are in order and binding them together with a stapler, Alex Khavin directed that the team should send their presentation materials to me and I must be the one clicking on the print button, collating their presentation material, stapling them, then on my own, lugging all of these printed materials to the monthly meetings where the non-Black team members will be waiting to be served. Just like in the plantation style living era where the slave cooks the dinner, sets the table then takes the food to the table where the White master and his family will be waiting to be served. Bearing in mind that I am an Analyst and there is a White Administrative Assistant on staff to whom these tasks are not assigned. Worst yet, these tasks do not directly or even indirectly benefit the department or J. P. Morgan as a whole. The only people who are benefiting from these tasks being assigned to me are the non-Black team members – people on my level and above. And, as someone of slave ancestry, I find this unessential assignment demeaning and degrading.

In a meeting with Alex Khavin on April 24, 2015, I tried my best to articulate to her how I feel about her treating me *"as if I am the help and as if this is 1910"* and her *"how dare you"* response to me, *"it is your job and I expect you to do it. If you need help go and ask the administrative assistant to help you"* was condescending, unapologetic and unrepentant. So, I must go and ask the White administrative assistant to help me to do a task that would fall into the administrative assistant job category? A task that obviously I cannot ask any help of the non-Black analysts in

my own job category or on my same job level? Alex had initiated this meeting because, being humiliated again in the monthly meeting the day prior, April 23, 2015, I had walked out of the meeting for twenty minutes and she wanted to know why.

During the April monthly meeting, a team member had asked about a presentation material that had absolutely nothing to do with my meeting presentation/credit reporting risk analyst tasks and instead of addressing the individuals responsible, Alex immediately asked, "Did Candice send that out last night?" Again, as if I am the team's help. Why should I be the one responsible for printing, etc. and sending out everyone else's presentation material when that task is not even shared or reciprocated by the non-Black teammates on my level?

After it was realized that the person questioning the presentation material might have had an oversight, Alex immediately directed the team that to make things EASIER for everyone, instead of everyone going through their emails searching for presentation materials sent to the team, going forward, they should all send their presentation materials to me and along with me doing all their printing, etc., I should also open each email sent, pull the attachments, put all the attachments together in one email then send this email to the team. So, it is too hard for everyone to go through their emails for the sent documents and print them for themselves but for me, along with printing everyone's documents, I must not only search through my emails for the documents, I must open each email sent, pull the attachments and put all those attachments together in one email to make it "easier" for everyone else. So what will become easier for everyone else would become three times harder for me. I am made to feel as if I share the same sentiment as a slave working on a plantation.

Am I a perk for the non-Black people in the group? Having a "perk" has definitely been a morale booster for them but how fair is that to me when I am the only Black Analyst to have joined the group since its two year inception and the six non-Black analysts and/or associates that were there prior to me were not relegated to doing these duties, not even on a rotational basis and still have that privilege. This is disparate treatment.

I joined the department on November 10, 2014 and during my interview, one of the questions that was asked of me was "*how do you feel about taking minutes at meetings?*" Since this task was not listed on my job description (as it was an ad-hoc task rotated among all the analysts and associates, not assigned to any one person), to ensure that I would be taking on an Analyst position and not an Analyst/Administrative Assistant position, I asked the interviewer if the taking of the minutes would solely be my duty. Her answer to me was "*no, the taking of the meeting minutes is rotated among all the analysts and associates in the group*". However, at this opportune time there was no mention of the printing, etc. of everyone on the team's presentation materials because that was non-existent. I was fine with the taking of the minutes arrangement because at my previous position in the same company, our department did not have an administrative assistant so for the one meeting that the taking of minutes was required, it was rotated among the analysts in the group and I was a part of that rotation.

Honestly, I was not expecting to be asked to take the minutes at my very first monthly group meeting but as customary, Alex Khavin asked, "*who wants to take the minutes this time?*" then immediately volunteered me to take it. I took the minutes and based on what I was told in the

interview two weeks prior that the taking of the minutes was rotational among all the analysts and/or associates, I thought that I wouldn't have to do it again for at least the next 3 to 6 months.

In my second monthly meeting in December, Alex did not ask as customary, "who wants to take the minutes this time?" but after making a couple of announcements, in front of everyone, looked at me and said "*that's a follow up*" as if to say, "why are you not taking the minutes?" For the two years prior to me joining the team, she was cognizant of not making any of the non-Black analysts and/or associates feel as if the taking of the minutes was the task of any one of them but for me, the only Black analyst on the team, the treatment was different – "It's your job".

The feeling of humiliation had begun to have an effect on me that in the week of January's monthly meeting, I started feeling uncomfortable and getting anxiety attacks as I kept thinking, "I hope she doesn't address me as if I am the help in the next monthly meeting. I hope she doesn't address me as if I am the help in the next monthly meeting."

For January's meeting, I lugged everyone's presentation materials that I had printed, collated and stapled to the meeting. By now, some of the non-Black team members, including the ones on my level were looking at me as if, "what a relief? We now have her to do that". Then just like in the previous month's meeting, instead of Alex Khavin asking "who wants to take the minutes this time?", she just looked at me and asked "*are you taking notes?*" (the minutes).

After this meeting, the disparate treatment became so obvious to me that I became overwhelmed with stress and anxiety which resulted in me developing nausea and exhaustion. The nausea and exhaustion became worse and were compounded with headaches and pain in my trapezius muscle that I had to take the next two days off as sick days. It was after January's meeting on 1-21-2015 that I believed in good faith that I am being racially discriminated against.

Due to protocol set by Alex Khavin whereby I am not allowed to go directly to her, on 1-26-2015 I initiated a meeting with my manager, Fidelia Shillingford, a vice president who is the only other Black member on the team and who I am her only and first report as my three non-Black predecessors did not report to her but to the White vice president, Kim Dauber on the team. In this meeting, along with the printing, etc. assigned to me, I raised the issue of me alone taking the minutes when this was a task that from inception was rotated among all the analysts and associates. (I had to subsequently raise this issue to Fidelia again on 1-30-2015 in a scheduled one on one meeting as I did not hear back from her.)

On 2-4-2015, Fidelia sent an email to Kim Dauber saying that Alex is okay with the continuation of rotating the responsibility of document collection and minutes taking for our monthly meeting and asking that she assigns two of her analysts. In Kim's response to the trail she stated, "*every analyst and/or associate on this team has been the minute taker of our extended meetings at some time during the last 2 years.... Alex would pick a different person each time during our meetings.*" Please note that Kim did not say that a particular analyst or associate was the minutes taker, confirming what I was told in my interview that the taking of the minutes was a rotational task. Also note that she made no mention of document collecting and printing, etc. because none of the other non-Black analysts and/or associates was demeaned in this manner during the two years prior to me joining the team.

As a matter of fact, three months later in a light conversation I overheard a teammate having with Alex Khavin at 8:20 am on May 28, 2015 when she went to pick up something from the printer, he asked, “*so now when we have documents to print, we send it to an analyst (laughs)?*” Alex’s response, “*(Laughs) I have to print it for myself.*” The teammate’s question and her response were such because I had expressed my opposition to the team for her assigning me the printing, collating, stapling and lugging to the meetings, everyone on the team’s presentation materials.

To further prove the point that Alex had never and would have never assigned the task of the printing, etc. of everyone on the team’s meeting presentation materials to any of the non-Black analysts or associates, for the February monthly meeting, I was away at a mandatory two week Asset Management Training Program and no other analyst or associate was asked/told to collect and print out, etc. everyone’s presentation materials for the meeting. It was as if, the help is out so you have to print, collate, staple and bring your own presentation materials to the meeting. The fact that no other analyst and/or associate was asked/told to do the printing, collating, stapling and lugging of everyone on the team’s presentation materials in my absence dictates that this task is not directly beneficial to the department or to the company as a whole. But rather, is only a benefit/perk for the non-Black team members of the team at the expense of me, the only Black analyst on the team. A benefit/perk, that like the plantation slaves, I will never get the opportunity to enjoy.

Giving me, the only Black analyst on the team a task that is only beneficial to or is only a perk for the non-Black team members of the team is shameful, insensitive and frankly racist, especially since this task is not asked of or has never been asked of any of the other non-Black analysts and/or associates or even the White administrative assistant on the team to do.

How could this be considered fair treatment? What other reason besides the fact that I am the only Black analyst on the team could be given for me to be treated this way? Having graduated Summa Cum Laude from college, like everyone else, I met the educational requirements. It’s not like I have more time on my hands than the other non-Black analysts because, because of the overwhelming amount of work between myself and my manager, for more than half of the month my average time to leave work is 8:00 pm and for the rest of the time, there is a possibility, not a guarantee, that I could get to leave between 6:00 and 6:30 pm when the average time for the whole month for the other analysts and associates to leave work is between 5:00 and 5:30 pm. It could not be that it is because I am the last one to join the team because another analyst joined the team just one week before me and two more non-Black analysts who interned in the group last year have joined the team this month and these tasks are still “my job”. So, I have to print, collate, staple, lug, etc. the presentation materials of these two interns turned employees who have just started their financial careers and who, no doubt, will need some kind of training from me, when I have a total of seven years of financial experience?

For March’s monthly meeting, per the newly reinstated rotation, one of the other assigned analysts took the minutes. However, she was not asked/told to do the printing etc, of everyone’s presentation materials so everyone printed, collated, stapled and lugged their own presentation materials to the meeting.

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Observing this obviously disparate treatment, for April's meeting when it would have been my turn to take the minutes, I stood my ground that I am not the help meaning that I did not send out an email to the team telling them to send their presentation materials, as directed by Alex Khavin, for me to print, collate, etc, so again, for April, everyone printed, collated, stapled and lugged their own presentation materials to the meeting as they had been doing for the two years prior to me joining the team and before Alex Khavin decided to use me to make things "easier" for them. It was actually in this said meeting, maybe as additional punishment for me not doing the printing, etc., that, as articulated earlier, she added the task of me searching for, opening each email with presentation materials sent, pulling the attachments, putting all attachments together in one email then sending this email to the team "to make it easier for everyone" else.

Come May, I have had it. The humiliating feeling of being treated as the help was unbearable. When the first email was sent to me to not only do the printing of all presentation materials but the new additional "punishment" as stated in the preceding paragraph, I sent an email to the team saying, *"In the interest of team spirit, can you please print, sort, organize and staple as well as send out your own presentation materials to the team? I find it unfair and demeaning that the task of printing, sorting, organizing, stapling, sending out and lugging YOUR presentation materials to the meetings is placed on me."*

Alex Khavin responded to my email in a most unapologetic, unrepentant tone saying, *"Fidelia and I have specifically asked you to take on this task, repeatedly.... My expectation has not changed and I expect there will be one package for the monthly meeting put together by you and sent out ahead of the meeting...."*

I stood my ground. I didn't do it. So, I was reported to HR as refusing to do the work assigned to me with no reason for my refusal even though for months I had been telling my direct and skip level managers that *"I feel as if Alex Khavin has been treating me as if I am the help, as if it is 1910"*. When HR contacted me via email, I took the opportunity to report to them that I feel that I am a victim of racial discrimination and at that point my complaint was escalated to the Corporate Employee Relations Department that deals with such complaints.

I was on vacation when June's monthly meeting took place so as usual, in my absence, no other analyst or associate was asked/told to do the printing, sending out, etc. of everyone's presentation materials. They ran reports and did other "real analyst/associate work" on my behalf but the printing, etc. will never be their job, just mine. In any event, my Black manager, a vice president, who you will read more about later, took it upon herself to do the printing, collating, stapling, sending out and lugging to the meeting everyone on the team's presentation materials. Again, none of the non-Black analysts and/or associates was demeaned by being asked/told to do this task.

On 07-22-2015, the day before July's meeting, not only did my manager reinforce that *"it is your job"* to do the printing, lugging, etc. but she also informed me that the partially reinstated rotation of the minutes taking that I mentioned earlier has been rescinded and the taking of the minutes at the monthly meetings is solely my job. This is not only a directive from Alex Khavin but it is clearly retaliation by Alex against me for raising the issue of me being racially discriminated against to HR in my email response to them on May 29, 2015. However, I am not

surprised that she retaliated against me after I raised the issue with HR because, in my opinion, HR is a farce and the HR representatives are only looking out for the best interest of the company.

I had relayed all the information I have laid out in this complaint both verbally and in writing to John Vega, the HR representative to whom my racial discrimination charge was escalated, yet, in my second meeting with him on July 23, 2015 his “advice” to me was, “*you are smart, don’t do anything to derail your own financial career.*” In other words, or, in my words moreso, turn a blind eye to the racial discrimination against you and your financial career will be just fine. How many other victims of discrimination like myself has he used this tactic on to deter them from bringing racial or other discriminatory claims against their managers? How many others, like myself, did he make judgment on their claims by telling them that he worked for the New York State Division of Human Rights so based on his experience and I paraphrase “you basically don’t have a case”?

On a “conclusion of investigation” conference call with him on July 29, 2015, he disclosed his pretext of fabricated charges against me as he “*was told by Alex Khavin and Fidelia Shillingford*”. He also told me, as was expected as he has to side with the skip level manager to protect the company, that he sees “*nothing discriminatory*”. So, with the same intensity as Alex Khavin and in reminiscence of the 1800s plantation style living where slaves were ordered by force, he vehemently ordered me saying, “*when it comes time to get everything ready for the monthly meeting, get it [the non-Blacks’ printing, etc.] ready so as not to derail your career here (J. P. Morgan)*”. Again, in my words, turn a blind eye to the racial discrimination against you and your financial career here at J. P. Morgan, will be just fine. He also warned that if I continue to go down this path [of making racial discrimination complaints], “*this will quite frankly lead you down a path that will ultimately derail your career.*” Seriously? For speaking up in 2015?

At 11:30 am on July 30, 2015, on a short notice, my manager Fidelia Shillingford came to my desk and told me that she will be doing my mid-year performance review at 12:00 pm (in half an hour). I went to the conference room as requested and sitting in there was Helen Dubowy, an employee from HR. I was given a poor performance review laced with malicious and mendacious comments along with all the pretext of fabricated charges against me, the HR representative who was doing the “investigation” had told me about the day prior. In addition to that, I was initially denied the use of the company’s Performance Management Central (PMC) portal for performance reviews where permanent work records are stored electronically and where I would have the opportunity to refute Fidelia Shillingford’s malicious and mendacious comments for anyone with such access to see. Instead, my performance review was/has been relegated to a one page PDF/“Performance Improvement Plan” for which any response I have regarding Fidelia’s prior-described comments must be sent directly to Fidelia via email where the said email response will be stored in her work/computer file versus the afore-mentioned companywide proprietary platform provided for this use. The PDF/“Performance Improvement Plan” will then be sent to be filed away in “Employee Records”. My “progress” has to be monitored on a daily and weekly basis by my manager, Fidelia Shillingford with a report to HR until September 30, 2015.

Please bear in mind that, for reasons stated towards the end of this complaint, I had requested from HR, her removal as my manager. In front of Helen Dubowy, the HR representative present, I asked Fidelia for one example of the fabrications she spoke about or one example of my “poor job performance”, just one, and she could not provide any. Throughout high school and my college matriculation, I had been a high achiever and I have proof from right there at J. P. Morgan that I am capable of producing excellent work. So, that poor performance review is nothing but retaliation against me for complaining about racial discrimination against me. What were they hiding by denying me the use of the company’s Performance Management Central (PMC) portal for performance reviews where I would have the opportunity to refute Fidelia Shillingford’s malicious and mendacious comments for anyone with such access to see? Again, I had to “speak up” which has obviously been my downfall.

Now for the information on my direct manager, Fidelia Shillingford: The sad thing is, I do consider my manager who again, is Black, to be the enabler, the facilitator and the coordinator of the second class/racist treatment that has been meted out to me by Alex Khavin. From the first day I joined the team, I did not only notice Fidelia’s “yes, yes, master-subordinate” behavior when communicating with Alex Khavin but I was perturbed by it. Shocked, I was questioning myself, “why is she behaving like that?” So, accepting a relationship like that with Alex Khavin she apparently thought that I would have accepted the same with her as my manager.

In a one on one I had with Fidelia on December 17, 2014, a little over a month of me joining the team, I had an open discussion with her whereby I told her about her condescending style of management. Referring to myself as a “millennial”, I let her know that unlike years and years ago when workers used to accept condescending treatment from their bosses without saying anything, millennials don’t just accept that, “*we speak up*”. Her response to me was, “*I don’t have time to re-word. Sometimes when Alex comes to my desk she talks to me condescendingly.*” Three weeks later on January 7, 2015, I found out exactly what she meant when I had a full dose of that said condescending medicine from Alex Khavin.

When from her office Alex calls her like how Cinderella’s step-mother calls Cinderella, Fidelia gets up and runs to her. “*Yes, Yes. Yes Alex. You got it Alex.*” I have never heard Alex call any other employee like that. Alex uses Fidelia as cover to extend her racial discrimination treatment against Blacks to me, “*Fidelia and I have specifically asked you to take on this task, repeatedly.... Fidelia and I....*” Alex Khavin’s personality is that of the appearance of a barracuda. There is nothing Fidelia will say “no” to her for.

But the question I’d like to ask Fidelia, my manager is this: Where was she during the two years prior to me joining the team to assign to my three non-Black predecessors the task of printing, collating, stapling, sending out and lugging the presentation materials to the group’s monthly meetings for all the team members? A task that is not directly beneficial to the department or to the company as a whole, has nothing to do with my regular job or the requirements for my presentation for the monthly meetings but just a perk that benefits the non-Black members of the group. Fidelia was not even given the opportunity to be any of my three non-Black predecessors’ manager much less the opportunity to dish out to them these tasks that Alex Khavin did not give to any of the non-Black analysts and/or associates to do or even made rotational as not to demean any of them by making it seem as if it was the task of any one of

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them. And, because Fidelia is Black like I am does not make this disparate treatment against me right. Frankly, I think it makes it even more wrong.

Why when Alex Khavin directed her, Fidelia to tell me that unlike the other analysts who can just send an email to the team saying, “I am not feeling well today so I will be working from home”, I have to send her, Fidelia an email letting her know my situation and asking for permission to work from home and she, Fidelia will communicate accordingly to the team; why didn’t Fidelia tell Alex that it is unfair to treat me at a double-standard?

As I stated earlier, I am Fidelia’s only and first report as my three non-Black predecessors did not report to her but to the White vice president, Kim Dauber on the team. When my position was advertised in August 2014, the hiring manager listed was Kim Dauber and in October 2014 when I saw that the position was still open and I applied for it, Kim was still listed as the hiring manager. During my interview process when I along with other candidates was being interviewed for the position, Kim was still listed as the hiring manager. When I did my final interview with Alex Khavin on November 3, 2014 (I had to have passed the other interviews to get to meet with her), Kim Dauber was still listed as the hiring manager.

The result of my interviews was that the majority of the people who interviewed me were in favor of me being the chosen candidate. However, when I received my job confirmation email from HR on November 6, 2014, I found out that within two days, Alex had switched my manager from being Kim Dauber, the White manager who all the analysts and associates, who are all non-Black, report to, to Fidelia Shillingford, the only other Black member on the team who no one reports to.

Throughout my whole interview process, Kim spoke with me as if, like all the other analysts and associates, she expected to be my manager and never once mentioned even the possibility of Fidelia Shillingford being my manager. When I interviewed with Fidelia on October 30, 2014, she spoke with me as if I would be working with her like the three previous non-Black analysts did and in no way, shape or form as if she would be my manager. And, in my interview with Alex Khavin on November 3, 2014, she made no mention of any possible manager change because I was not yet confirmed by the team as the chosen candidate.

This does not only speak racial segregation to me in terms of the manager/employee relationship but it shows that I being Black was the only way that Alex Khavin would have given Fidelia Shillingford the opportunity to be a manager.

Credit Risk Reporting of which I am a part has recently been expanded with a White vice president heading up that section of the expansion. Like Fidelia, he needs an analyst/associate to work with him but unlike Fidelia, on the job description posted for the job, HIS name is listed as the hiring manager and not someone else’s. Also, from off the bat, that new person will be reporting to him unlike Fidelia who, my reporting to her was a switch after it was confirmed that I, the Black candidate was the chosen candidate. To be frank, if I were White or Asian, my manager would have been Kim Dauber, the vice president on the team who is White even though she is a part of Credit Risk Analysis and not Credit Risk Reporting like Fidelia is. So, my three non-Black predecessors who were, like me, a part of Credit Risk Reporting did not report to the

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vice president in Credit Risk Reporting who is Black but to the vice president in Credit Risk Analysis who is White. All three vice presidents report to Alex Khavin. Again, I being Black was the only way that Alex Khavin would have given Fidelia Shillingford the opportunity to be a manager.

I would prefer to “*derail*” my financial career which by filing this case I have, than to have my dignity insulted and be treated as a second class citizen.

EXHIBIT A-1

(Article from Former Equal Employment Opportunity Commissioner, Stuart Ishimaru)

Predictions for the EEOC's Future

Stuart Ishimaru, Acting Chairman & Commissioner, EEOC

HAVE SERVED AS A COMMISSIONER AT THE U.S. Equal Employment Opportunity Commission (EEOC) since 2003. Recently, I have had the privilege of serving at President Obama's designation as the Acting Chairman of the agency. My tenure as Acting Chairman has proven to be both inspiring and invigorating.

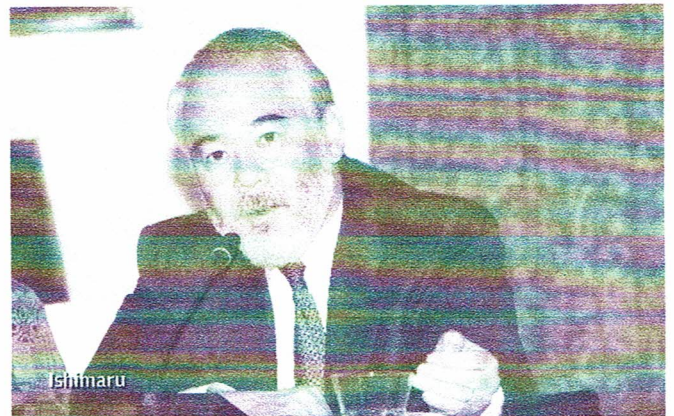
My tenure began during a time of great testing and transition for the Commission. Unfortunately, during the previous eight years, flat budgets had decimated the EEOC. The agency had lost almost 25% of its work force, severely hindering our enforcement efforts. The private sector charge docket reached all-time highs. The morale of our employees—and the public perception of the agency as a vigorous champion of civil rights—appeared to approach all-time lows.

But we've turned the corner from those darker days. I have been proud and grateful to serve in the current administration, which appreciates the pivotal role law enforcement agencies like the EEOC play in promoting civil rights and social justice. Thanks to an empathetic President and an understanding Congress, our fiscal outlook has improved significantly. We have a down payment on the funds we need to begin putting the agency back together again. The challenge now is figuring out how to use these resources most creatively and effectively—how to seize this opportunity to retool the EEOC for a new era.

What should a reinvigorated EEOC look like? To begin, EEOC appointees and employees need to recommit ourselves to upholding and embodying the highest standards of professional competence and integrity. We have to focus more on the quality as well as the quantity of our work product. We need to be smart, nimble, and forward-thinking. We also need to innovate. The agency must come up with better strategies to eliminate our charge backlog. At the same time, we also need to figure out how to transform ourselves from an organization focused primarily on achieving charge resolutions within a targeted timeframe, to one that can effectively handle a heavy charge load and simultaneously engage in large-scale, systemic enforcement actions targeting problematic companies and industries.

★ The Commission also has to become better at combating emerging and nuanced forms of workplace discrimination. We of course must continue to identify and rectify blatant bigotry in the workplace. However, there are new, more subtle types of employment discrimination, or what I call “second generation” violations, to confront. These are harder to detect and therefore harder to prove. Often, unconscious stereotypes or implicit biases are at play. Examples include zip code discrimination (discriminating against applicants who live in

allegedly “undesirable”—typically minority—neighborhoods), dialect/accents discrimination (discriminating against someone for “sounding foreign” or “sounding black”), and resume discrimination (discriminating against individuals with presumptively “black” names or who are affiliated with “ethnic” organizations). Similarly, increased employer use of credit checks, personality tests, and arrest and conviction records puts certain protected groups at greater risk of being disqualified from employment opportunities, unnecessarily and illegally.



We at the EEOC need to devise and use tools and tactics up to the task of rooting out and ridding the workplace from these seemingly innocuous but unlawful employment practices.

We also need to have a grander vision. We should look beyond our current workload and at more than just the cases that come through our doors. We have to get out more into our communities to find out where and how discrimination is happening “on the ground.” We need to be much better at serving populations that currently are underserved (perhaps because of language barriers, fear of government, or a simple lack of knowledge about the EEOC and employee rights). Finally, we need to get out ahead of the discrimination curve. We have to ask ourselves what the “third generation” of employment discrimination will be. Will it increasingly involve genetic discrimination? “Intersectional” discrimination (e.g., discrimination because of a combination of disability and advanced age)? Methods and grounds of discrimination we have not even contemplated yet?

It won't be easy to anticipate these coming trends, much less to rebuild and reform the agency so it is ready for them. But we've already put the Commission on a much firmer footing for the future. With the continuing help of administration officials and appropriators, and with input from those we serve and our stakeholders, we can make sure the EEOC's best days and most lasting accomplishments lie ahead. ●

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The Center for Labor
and Employment Law



New York University School of Law

NYU Labor & Employment Law

NEWSLETTER

OF THE CENTER FOR LABOR AND EMPLOYMENT LAW

New York University School of Law

62nd Annual Conference: Labor and Employment Initiatives under the Obama Administration

Nora M. Strecker, Editor

ON JUNE 4-5, THE NEW YORK UNIVERSITY School of Law held its 62nd Annual Conference on Labor on the theme "Labor and Employment Law Initiatives and Proposals Under the Obama Administration"—a continuation of the Center's November 2008 program of the same title. • After Professor Samuel Estreicher's (NYU Law) welcome, Thursday morning's session on Administrative Reform, moderated by Jerome Kauff (Kauff McGuire & Margolis), began with a presentation by Professor Deborah Malamud (NYU Law) of her paper, "The NLRB in Administrative Law Exile: Problems with its Structure and Function and Suggestions for Reform." Commentators were Celeste Mattina, NLRB Regional Director in Manhattan, Laurence Gold, of counsel to Bredhoff & Kaiser and Adjunct Professor at NYU Law, and Paul Salvatore of Proskauer Rose. The second part of the administrative reform session covered

EXHIBIT B

Lue, Candice

From: Lue, Candice
Sent: Friday, April 24, 2015 11:24 AM
To: Shillingford, Fidelia X
Subject: RE: Minutes and Documents for Extended Team Meeting

Hi Fidelia,

Pursuant to our conversation yesterday, I thought the issue of me being demeaned by Alex that I spoke to you about in two meetings in January for you to raise with Alex was resolved. Bearing in mind, that again, I had to go through you to convey this matter to her as, as per protocol, I am not allowed to go directly to her.

As discussed in those meetings, I feel I am being demeaned by Alex assigning me to collect documents via email from the entire team to print, sort, organize, staple then lug to the team meetings to distribute to the entire team. These are duties that are not even assigned to the administrative assistant on staff to do and duties that were the responsibility of the entire staff to do for themselves.

Also, as I have made clear in my arguments, when I was being interviewed for this position, I was asked about taking minutes at meetings and it was only after it was confirmed by me that taking minutes at these meetings would have been rotational among all the analysts that I said that would have been okay. Otherwise, that would have been the deal breaker as I would have seen the job as an Analyst/Administrative Assistant position and would have immediately lost interest.

In my first office meeting, when it was still the procedure to rotate the minutes among all the analysts, Alex asked, "Who wants to take the minutes this time?" then she volunteered me to do it. For me that was fine as it was understood that the minutes were done on a rotational basis.

However, since then, she has relegated this duty to me and only me by instead of asking "Who wants to take the minutes this time?," in front of everyone, she's asking me if I am taking notes and if there is a follow up announcement addressing me saying "that's a follow up" as a signal that I am supposed to be taking the minutes.

In conjunction, and again in front of everyone, she announced that going forward I must print out everyone's handouts for the meetings and everyone must send their documents to me instead of to the team for me to put together in one email and send to the team. As, instead of everyone going through their emails searching for the sent documents, I should be the one doing the searching then opening each person's email, pulling their attachments and putting all the attachments together in one email so that it can be easier for everyone else to open and have the documents there. So, it is hard enough for everyone to search through their emails for the sent documents but for me, I must not only search through my emails for them, I must also open each person's email, pull their attachments and put all those attachments together in one email to make it easier for everyone else.

Alex has also been sending me emails prior to meetings asking me if I am collecting all the documents for the meetings and printing them beforehand as well as emailing all the team's attachments to the entire team the evening before the meeting. Bearing in mind, that this is the evening when I have to be working late due to the amount of work I have to do to prepare for the presentation when for the most part everyone else is good to leave work at a regular time.

As I have said to you in my meetings with you in January regarding this issue, "Am I the help? Is this 1910?"

Best regards,
Candice

Candice Lue | Asset Management | Counterparty Risk Group | J.P. Morgan | 270 Park Avenue, 9th Floor, New York, NY 10017 | ☎ (212) 648 - 0936 | ✉ Candice.Lue@jpmorgan.com

From: Dauber, Kimberly S
Sent: Wednesday, February 04, 2015 2:03 PM
To: Lue, Candice; Shillingford, Fidelia X
Subject: RE: Minutes and Documents for Extended Team Meeting

Candice -

Every analyst and/or associate on this team has been the minute taker of our Extended meetings at some time during the last 2 years. I don't think this is a function that is specifically written out in job duties because it's an ad-hoc function. However, Alex would pick a different person each time during our meetings. Most recently, it was understood that the reporting analyst would handle it. I'm fine with including additional analysts to assist you with this.

Best regards,

Kimberly Dauber | Vice President | J.P. Morgan Asset Management | 270 Park Ave, 9th Floor, New York, NY 10017 | T: 212-270-1655 | kimberly.s.dauber@jpmorgan.com

From: Lue, Candice
Sent: Wednesday, February 04, 2015 1:55 PM
To: Shillingford, Fidelia X; Dauber, Kimberly S
Subject: RE: Minutes and Documents for Extended Team Meeting

Hi Fidelia,

Just to reiterate, as previously discussed, I have never considered these tasks to be my responsibility as I had confirmed such in the interview and on the job.

Best regards,
Candice

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From: Shillingford, Fidelia X
Sent: Wednesday, February 04, 2015 1:38 PM
To: Dauber, Kimberly S
Cc: Lue, Candice
Subject: Minutes and Documents for Extended Team Meeting

Hi Kim

I have discussed with Alex and she is ok with the proposal that we continue to rotate the responsibility of document collection and minutes taking for our monthly governance meeting.

I suggest that we have a schedule so that each analyst is aware of who is responsible for which month. Can you please select at least two analysts who could assist Candice with this responsibility? Once confirmed, I will fill in the appropriate names for Analyst 1 and 2 and circulate.

Thank you.

Analyst	Month
Feb	Candice
Mar	Analyst 1
Apr	Analyst 2
May	Candice
Jun	Analyst 1
Jul	Analyst 2
Aug	Candice

Lue, Candice

From: Lue, Candice
Sent: Wednesday, May 27, 2015 8:39 AM
To: AM Counterparty Risk Group
Subject: RE: Monthly CRG Governance Meeting

Hi All,

In the interest of team spirit, can you please print, sort, organize and staple as well as send your own presentation materials to the team? I find it unfair and demeaning that the task of printing, sorting, organizing, stapling, sending out and lugging YOUR presentation materials to the meetings is placed on me.

Best regards,
Candice

Candice Lue | Asset Management | Counterparty Risk Group | **J.P. Morgan** | 270 Park Avenue, 9th Floor, New York, NY 10017 | ☎ (212) 648 - 0936 | ✉ Candice.Lue@jpmorgan.com

From: Cheung, Timothy KF
Sent: Wednesday, May 27, 2015 12:24 AM
To: Lue, Candice
Cc: Leung, Joyce L
Subject: Monthly CRG Governance Meeting

Hi Candice,

Please see the below materials for the meeting tomorrow. Thank you.

- I. Trading with non-approved counterparty:
N/A
- II. Counterparties with outstanding trades exceed soft limits:
N/A
- III. ISDA trigger monitoring

REDACTED

From: Lue, Candice
To: AM Counterparty Risk Group
Cc: Quix, Philippe
Subject: RE: Monthly CRG Governance Meeting

Hi All,

In the interest of team spirit, can you please print, sort, organize and staple as well as send your own presentation materials to the team? I find it unfair and demeaning that the task of printing, sorting, organizing, stapling, sending out and lugging YOUR presentation materials to the meetings is placed on me.

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To: Lue, Candice
Cc: Leung, Joyce L
Subject: Monthly CRG Governance Meeting

Hi Candice,

Please see the below materials for the meeting tomorrow. Thank you.

- I. Trading with non-approved counterparty:
N/A
- II. Counterparties with outstanding trades exceed soft limits:
N/A
- III. ISDA trigger monitoring

REDACTED

Lue, Candice

From: Lue, Candice
Sent: Wednesday, May 27, 2015 9:32 AM
To: Khavin, Alex G
Cc: Shillingford, Fidelia X; Quix, Philippe
Subject: RE: Monthly CRG Governance Meeting
Attachments: RE: Minutes and Documents for Extended Team Meeting

Hi Alex,

As discussed in our meeting on April 24, I find it unfair and demeaning that you have placed the task of printing, sorting, organizing, stapling, sending out and lugging everyone's presentation materials to the meetings on me.

As I rhetorically asked in the said meeting, "Am I the help? Is this 1910?"

Please also see email trail attached.

Best regards,
Candice

Candice Lue | Asset Management | Counterparty Risk Group | **J.P. Morgan** | 270 Park Avenue, 9th Floor, New York, NY 10017 | ☎ (212) 648 - 0936 | ✉ Candice.Lue@jpmorgan.com

From: Khavin, Alex G
Sent: Wednesday, May 27, 2015 9:15 AM
To: Lue, Candice
Cc: Shillingford, Fidelia X
Subject: RE: Monthly CRG Governance Meeting

Candice-

Fidelia and I have specifically asked you to take on this task, repeatedly.

My expectation has not changed, and I expect that there will be one package for the monthly meeting which will be put together by you, and sent out ahead of the meeting.

Again, if you need help printing, you can give Eileen the prepared package and Eileen can make the copies, however, you should be putting the full presentation together, and storing the PDF in our shared folder for the month.

Also, please remember to have the follow ups from the previous meeting included

Thank you.

This should be done today ahead of our meeting, as our colleagues in other regions need to print for themselves as well.

-----Original Message-----

From: Lue, Candice

Lue, Candice

From: Khavin, Alex G
Sent: Wednesday, May 27, 2015 9:15 AM
To: Lue, Candice
Cc: Shillingford, Fidelia X
Subject: RE: Monthly CRG Governance Meeting

[white administrative assistant
not copied]
CL

Candice-

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Thank you.

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-----Original Message-----

From: Lue, Candice
Sent: Wednesday, May 27, 2015 08:38 AM Eastern Standard Time
To: AM Counterparty Risk Group
Subject: RE: Monthly CRG Governance Meeting

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In the interest of team spirit, can you please print, sort, organize and staple as well as send your own presentation materials to the team? I find it unfair and demeaning that the task of printing, sorting, organizing, stapling, sending out and lugging YOUR presentation materials to the meetings is placed on me.

Best regards,

Candice

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From: Cheung, Timothy KF
Sent: Wednesday, May 27, 2015 12:24 AM

Lue, Candice

From: Dauber, Kimberly S
Sent: Wednesday, February 04, 2015 2:03 PM
To: Lue, Candice; Shillingford, Fidelia X
Subject: RE: Minutes and Documents for Extended Team Meeting

Candice -

Every analyst and/or associate on this team has been the minute taker of our Extended meetings at some time during the last 2 years. I don't think this is a function that is specifically written out in job duties because it's an ad-hoc function. However, Alex would pick a different person each time during our meetings. Most recently, it was understood that the reporting analyst would handle it. I'm fine with including additional analysts to assist you with this.

Best regards,

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From: Lue, Candice
Sent: Wednesday, February 04, 2015 1:55 PM
To: Shillingford, Fidelia X; Dauber, Kimberly S
Subject: RE: Minutes and Documents for Extended Team Meeting

Hi Fidelia,

Just to reiterate, as previously discussed, I have never considered these tasks to be my responsibility as I had confirmed such in the interview and on the job.

Best regards,
Candice

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From: Shillingford, Fidelia X
Sent: Wednesday, February 04, 2015 1:38 PM
To: Dauber, Kimberly S
Cc: Lue, Candice
Subject: Minutes and Documents for Extended Team Meeting

Hi Kim

I have discussed with Alex and she is ok with the proposal that we continue to rotate the responsibility of document collection and minutes taking for our monthly governance meeting.

I suggest that we have a schedule so that each analyst is aware of who is responsible for which month. Can you please select at least two analysts who could assist Candice with this responsibility? Once confirmed, I will fill in the appropriate names for Analyst 1 and 2 and circulate.

Thank you.

Analyst	Month
Feb	Candice

EXHIBIT C

(Retaliatory and pretextual “performance improvement plan”)

JPMORGAN CHASE & CO.

PERFORMANCE IMPROVEMENT PLAN

The goal of this Performance Improvement Plan is to assist the manager and the employee in defining which, and how specific performance areas or behaviors need to be improved.

Employee Name	Position Title	Employee ID	Manager Name	Department
Candice Lue	Analyst	R089235	Fidelia Shillingford	Counterparty Risk Group
Last Formal Performance Evaluation (Mid-Year)			Date: July 30th, 20115	Rating: M-
Section 1. Describe problem - What specifically has warranted the need for a Performance Improvement Plan? <p>Candice joined the Counterparty Risk Group as a reporting analyst on November 10th, 2015. Her main responsibilities include:</p> <ol style="list-style-type: none"> 1) Help monitor, report and manage counterparty exposures 2) Help maintain credit administration systems and records 3) Updating and distributing daily Counterparty reports 4) Assist other team members with assignments, cover for associates as needed <p>Although Candice has been with the team for over 8 months, she has not taken on all tasks assigned to her and she is unable to deliver in the anticipated timeframe without errors. This is putting additional stress on the team as other team members are performing duties assigned to her. Additionally, from my observation and per feedback from team members, Candice is inflexible and not open to feedback.</p>				
Section 2. Describe a) the previously communicated work expectations (goals, objectives) as they relate to this problem <p><u>Areas of Improvement</u></p> <p>Job Responsibilities: Candice needs to perform job responsibilities asked; she has demonstrated refusal to perform assigned tasks.</p> <p>Time/Project Management: (i) Routine Tasks: Candice requires much longer time and assistance to perform routine assignments. This is evidenced by the fact that previous analysts who performed the job were able to solely perform the tasks within the time period at a point when it was much less streamlined (very manual). She needs to learn to efficiently manage her work in order to deliver on the exposure report and monthly reconciliation in the anticipated timeframe and without errors and (ii) Ad-hoc: Candice is unwilling or unable to take on additional workload or assignments that need quick turnaround. There are data demands that require quick turnaround (typical of a developing credit event) where we have had to leverage other personnel, despite being the point person for data.</p> <p>Attitude/Professionalism: Feedback from the team is consistent in terms of inappropriate tone of emails and verbal communication which comes across as hostile and not business appropriate. Candice needs to improve her communication specifically in regards to tone and professionalism.</p>				
Section 3. Define <u>specifically</u> which skills, competencies, or behaviors must be improved, and the outcomes expected.				
Skill, competency, or behavior to be improved		Outcomes expected and how they will be measured		
a. Job Responsibilities		1. Perform assigned projects and tasks Manager will monitor on a weekly basis		
b. Time/Project Management		1. Complete reconciliation and exposure report on time without errors 2. Be able to process ad-hoc data demands as requested 3. Take full ownership of reporting responsibilities Manager will monitor on a monthly basis		
c. Attitude/Professionalism		1. Improve her communication style specifically in regards to tone and professionalism Manager will monitor on a daily basis		
d.				
Section 4. Describe the type of assistance and support available to the employee. <p>Earlier in the year, Candice participated in the AM Off cycle Training 2015. The Training was aimed at providing an overview of the AM business and also providing excel and professional skills training. In addition, there are several recommended courses available in AM University focused on improving her excel skills, time management and product training.</p>				
Section 5. Set specific date for a final review to assess the achievement of expected level of performance. <p>Ensure that employee is aware that if performance does not meet expectations by final review, Corrective Action will follow. Failure to demonstrate immediate and sustained improvement and to not meet performance expectations may result in additional corrective action, up to and including termination, at any time prior or after the expiration of this review period.</p>				Final Review on: September 30th, 2015

JPMORGAN CHASE & CO.

PERFORMANCE IMPROVEMENT PLAN

The goal of this Performance Improvement Plan is to assist the manager and the employee in defining which, and how specific performance areas or behaviors need to be improved.

Employee Name	Position Title	Employee ID	Manager Name	Department
Candice Lue	Analyst	R089235	Fidelia Shillingford	Counterparty Risk Group

.....Fidelia Shillingford.....
Manager Signature

...7/30/15....
Date

.....
Employee Signature Date

Give employee a copy of the completed form. Send copy to Employee Records: DE3-2280 REV.8/11/11

Lue, Candice

From: Lue, Candice
Sent: Monday, August 03, 2015 8:53 AM
To: Shillingford, Fidelia X
Cc: Dubowy, Helen; Khavin, Alex G; Vega, John R.; Vernon, Terri; Donnelly, John L
Subject: RE: Mid-Year Review - PIP
Attachments: C Lue PIP July 2015.pdf

Fidelia:

Since I was raised in a household where TRUTH matters, I will not compromise my dignity to fully respond to or to sign off on the malicious and mendacious comments you have made about me and my work in your PDF attachment. These are fabricated comments made about me in retaliation for me speaking up and complaining about racial discrimination against me to HR.

With that said, I am a bit perturbed as to why I am denied the use of the company's Performance Management Central (PMC) portal for my mid-year performance review where my permanent work record would be electronically stored and where I would have the opportunity to tell the TRUTH instead of me "responding via email with any comments to you" where the said email response will be stored in your work/computer file versus this companywide proprietary platform provided for this use.

Which other team members are doing duties assigned to me? Would that be the "half a person" designated to help out due to the recognized fact that there is a lack of human resources on the Reporting side? Wasn't this the said reason for two of my predecessors leaving the job? So, I am being blamed for the lack of human resources now? The "half a person" is stressed because he wants to move on from doing reporting work and may I respectfully say, working with you. His new position is now or should be that of a credit risk analyst on the Credit Analysis side. I would have been stressed too if I were him. In how many meetings and one on ones have I raised the obvious issue of the need for additional human resources to you? In how many of these meetings did you agree with what I had to say (whether or not you were being disingenuous) until you were told that you will not be provided with any additional resource and then you ultimately got "half a person"?

Would the previous analysts you talked about being more favorable than I am in terms of executing their work on time, etc, include the one who is the team's running joke? The said one you imitated on Tuesday, July 28, 2015 where you put your hands in the air and said as he complained, yes complained, "I can only do one thing at a time"? Or, would it be the one who resigned after two months on the job due to being overwhelmed with work and not having a work/life balance? You, yourself are well over your head with work. To that, I will just say that when I go home, I want to feel as if I am at home, not at work.

"Improve my communication style specifically in regards to tone and professionalism." - If you are referencing the emails in which I complained about being treated as the help (and I bet you are), I think my standing up has been misconstrued. In those emails I do write rhetorical questions such as "Am I the help? Is this 1910?" because of the demeaning treatment being meted out to me. Putting what you don't want to see in an email, the TRUTH, does not make the email unprofessional. Even though I've been discouraged by you time and again not to put things in email, it is the means I use to protect myself from these vicious mendacities. Sadly, not even this means is teflon enough to do so. As long as what I write in these emails can be said under penalty of perjury, they should not be deemed unprofessional.

"She has not taken on all tasks assigned to her." The ONLY tasks I have refused to take on are the tasks I noted when I reported racial discrimination against me to HR.

The foregoing speaks volume as to why I am denied the use of the companywide Performance Management Central (PMC) portal. Your comments are disingenuous and can be easily refuted. But, so no one will see the TRUTH, my performance review has been relegated to a one page PDF to be filed away in "Employee Records" and any comments I have must be sent to you, not to be inputted in an electronic format where I have the opportunity to respond for everyone to see. Now it has become clearer to me why on the afternoon of Tuesday, January 13, 2015 you unsuccessfully ordered me to remove my comments from PMC refuting the malicious and mendacious comments (a trait which I now realize is the trend) my previous manager made on my 2014 year-end review.

With you using these said comments as an albatross around my neck, I being treated as the help and for the most part working under duress, it's amazing that with fairness respected it would show that under the circumstances, I have done a pretty good job.

Having a manager who will fabricate things to make me seem incompetent (and I had sent you a three page email on this prior of which HR is aware) is a blight on any career success I could or would have had at JP Morgan. I had made a request to HR to have you removed as my manager as I have a lack of trust and confidence in you. I consider you to be the enabler, the facilitator and the coordinator of the second class treatment from Alex Khavin that has been meted out to me.

I had so much hope for this position. It's amazing how bad managers can turn good employees into bad employees. (Shake my head).

A PRINTED COPY OF THIS EMAIL AND THE ATTACHMENT HAVE BEEN SENT TO EMPLOYEE RECORDS – MAILBOX DE3-2280 FOR THEIR RECORDS

Best regards,
Candice

Candice Lue | Asset Management | Counterparty Risk Group | **J.P. Morgan** | 270 Park Avenue, 9th Floor, New York, NY 10017 | ☎ (212) 648 - 0936 | ✉ Candice.Lue@jpmorgan.com

From: Shillingford, Fidelia X
Sent: Thursday, July 30, 2015 4:43 PM
To: Lue, Candice
Cc: Dubowy, Helen; Shillingford, Fidelia X
Subject: Mid-Year Review - PIP

Candice

Attached is the Performance Improvement Plan we discussed. We will meet on a regular basis to discuss your progress on these areas.

Additionally, can I ask that you please confirm in PMC that we had the mid-year discussion.

Regards
Fidelia

EXHIBIT C-1

(JPMorgan Chase's High Level Executive's and Senior Level Manager's Failure to Take Steps to Prevent Discrimination, Retaliation and Harassment)

From:
To: Brown, Heather
Sent:
Subject: RE: Mid-Year Review - PIP

I am getting the notes in tonight and tomorrow. It will be done by EOD tomorrow, promise.

-----Original Message-----

From: Corporate ER Mailbox
Sent: Thursday, August 06, 2015 4:23 PM
To: Vega, John R.
Cc: Corporate ER Mailbox
Subject: FW: Mid-Year Review - PIP

Hi John,

This is the matter I mentioned to you re needing notes. When the original case came in Terri Vernon opened it under Mgr Fidelia Shillingford - AK#6224386-0

-----Original Message-----

From: Ramos-Cafarelli, Clarissa
Sent: Monday, August 03, 2015 11:38 PM
To: Corporate ER Mailbox
Subject: Fw: Mid-Year Review - PIP

Pls assign according to protocol. Thanks

----- Original Message -----

From: Donnelly, John L
Sent: Monday, August 03, 2015 09:21 AM
To: Ramos-Cafarelli, Clarissa
Subject: FW: Mid-Year Review - PIP

Please follow up

Sent with Good (www.good.com)

-----Original Message-----

From: Lue, Candice
Sent: Monday, August 03, 2015 08:52 AM Eastern Standard Time
To: Shillingford, Fidelia X
Cc: Dubowy, Helen; Khavin, Alex G; Vega, John R.; Vernon, Terri; Donnelly, John L
Subject: RE: Mid-Year Review - PIP

Fidelia:

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The foregoing speaks volume as to why I am denied the use of the companywide Performance Management Central (PMC) portal. Your comments are disingenuous and can be easily refuted. But, so no one will see the TRUTH, my performance review has been relegated to a one page PDF to be filed away in "Employee Records" and any comments I have must be sent to you, not to be inputted in an electronic format where I have the opportunity to respond for everyone to see. Now it has become clearer to me why on the afternoon of Tuesday, January 13, 2015 you unsuccessfully orrmments from PMC refuting the malicious and mendacious comments (a trait which I now realize is the trend) my previous manager made on my 2014 year-end review.

With you using these said comments as an albatross around my neck, I being treated as the help and for the most part working under duress, it's amazing that with fairness respected it would show that under the circumstances, I have done a pretty good job.

Having a manager who will fabricate things to make me seem incompetent (and I had sent you a three page email on this prior of which HR is aware) is a blight on any career success I could or would have had at JP Morgan. I had made a request to HR to have you removed as my manager as I have a lack of trust and confidence in you. I consider you to be the enabler, the facilitator and the coordinator of the second class treatment from Alex Khavin that has been meted out to me.

I had so much hope for this position. It's amazing how bad managers can turn good employees into bad employees. (Shake my head).

A PRINTED COPY OF THIS EMAIL AND THE ATTACHMENT HAVE BEEN SENT TO EMPLOYEE RECORDS - MAILBOX DE3-2280 FOR THEIR RECORDS

Best regards,

Candice

Candice Lue | Asset Management | Counterparty Risk Group | J.P. Morgan | 270 Park Avenue, 9th Floor, New York, NY 10017 | ((212) 648 - 0936 | + Candice.Lue@jpmorgan.com

From: Shillingford, Fidelia X
Sent: Thursday, July 30, 2015 4:43 PM
To: Lue, Candice
Cc: Dubowy, Helen; Shillingford, Fidelia X
Subject: Mid-Year Review - PIP

Candice

Attached is the Performance Improvement Plan we discussed. We will meet on a regular basis to discuss your progress on these areas.

Additionally, can I ask that you please confirm in PMC that we had the mid-year discussion.

Regards

Fidelia

From: Vernon, Terri
To: Vega, John R.
Sent: 7/21/2015 3:12:29 PM
Subject: Call me when you can!

Candice Lue issue this morning. She is refusing to do work when a MD asked her to prepare copies of a report for a meeting tomorrow.
Philippe Quix (the MD) called me directly.

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Terri Vernon
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