



# Disciplinary Report Form

<b>Employee name:</b> Kimberly Johnson	<b>Hire Date:</b> 10/15/13	<b>Job title:</b> Production worker
<b>Department:</b> Orics 6 line	<b>Shift:</b> 1st	<b>Supervisor:</b> Brittany Labor / Isabel Garcia

**Offense track:**  Performance issue  Work rule violation, **Work rule violated, if any:**

**Type of offense:**  
**Using vulgar language**  **Racist Remarks & Name Calling**   
**Disrespect to Coworkers**

**Incident description:** (Describe actions, behavior, or incident; date(s); time(s); place(s); witness(es) and his/her observations; impact(s) of actions, behavior, or incident; employee's responses immediately after the incident and other significant conversations; employee's previous related training or counseling; and other relevant facts.)

On 8/5/2014 EEs came forward and complained of Kim J. swearing and name calling numerous times throughout the past months. EEs stated that at different times KJ repeatedly called Somalian EEs "Fuckin' monkeys", stupid animals, black animals that belonged in zoos and repeatedly said "Fuck you" to her coworkers when she was unhappy about her position changes that were made on the production line.

ML also stated that KJ hit her hand and threw an apple at her when she was upset while out on the production line. The apple hit My below the eye. When My approached KJ to ask why she hit her hand and threw the apple, KJ told her to get away from her very rudely. My also stated that she witnessed KJ throw apples at MJ.

This behavior has been confirmed by a number of witnesses stating that KJ did some of these things to MJ and FA.

Others have confirmed that they witnessed this rude, demeaning and disrespectful behavior directed towards her coworkers many times.

Coworkers also stated that they were afraid of KJ because of her rude and disrespectful nature toward most all coworkers but specifically the Somalia coworkers and that was the reason no one had reported it earlier.

KJ had been warned about her swearing in the past by Kelsey Sikkink. KJ was very much aware that this behavior is unacceptable and could have been cause for termination.

See attachment for more information \*\*

<b>Completed by:</b> Hugh F. Fendry II Corp. HR Manager	<b>Date:</b> 8/6/2014
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(Shaded area to be completed by Human Resources only.)

<b>Progressive step:</b> <input type="checkbox"/> Oral warning* <input type="checkbox"/> Suspension (unpaid) <input type="checkbox"/> Release <input type="checkbox"/> Suspension (paid) *File apart from personnel files and copies thereof	<b>Previous warnings:</b> Type: Offense: Date: Type: Offense: Date: July 28, 2014 Using vulgar language in the workplace
<input checked="" type="checkbox"/> <b>Termination Effective 8/6/14</b>	

<b>Human Resources Signature(s):</b> 	<b>Date:</b> 8/6/2014
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**Employee statement:**  I agree with the incident description above.  I disagree with the incident description above.  
**Date report presented to employee:**

**Employee comments:** (Attach sheets if necessary.)

**Employee acknowledgement:** My signature acknowledges that I have received this report and that it has been discussed with me. I understand that my signature is not an admission of the incident or offense. I understand that I may appeal this report by filing a Discipline Complaint Form.

**Employee signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Witness signature (if any):** \_\_\_\_\_ **Date:** \_\_\_\_\_

## Documentation regarding Kim Johnson making racial remarks

On Aug 5<sup>th</sup>, 2014, I received an email from Kim Johnson's supervisor stating the following-

"When Kim returned to work today she asked me in an annoyed voice, "So, what am I going to be doing today?" I take from this statement that she is not very happy to be here at all. Then, before the Orics started, one of the Orics 6 employees came up to Isabel and said that she was scared of Kim and Isabel asked her why. The lady said that that is the lady that is always saying," Those stupid f\*\*in Somalian." all the time. I believe we've met our quota on this one. With the excessive absences, verbal warnings, written warnings, final warnings and now employees reporting being threatened and racist comments it's time to cut ties. How does everyone else feel about this?"

I confirmed with the supervisor's that the lady that informed them about the accusations against Kim was Suad Abdalla. I set up a meeting with Suad.

Meeting with Suad and Kelsey on Aug 5<sup>th</sup>, 2014.

Suad stated that she tries to be the voice for some of the other Somalian employees at RF. She said that Muna Jaras and Faysal Ali came to her a few times and told them that since Kim Johnson was moved from filling trays on Orics 6 to another area, she has been saying very rude things to them. They said that Kim was upset because Ahmed took her spot. Kim started telling Muna and Faysal that Somalian is animal black and stupid. Suad also said that Muna told her that Kim says Somalian is stupid all the time. I asked why the employees are not telling this to their supervisor's and Suad said that they think if they tell on a white person they will get fired. Suad also stated that she was notified of this situation a couple of times and became really busy and that is why she did not tell the supervisors right away. I told Suad that if she is going to take the responsibility of being a being the person that other employees are going to talk to, that she would need to make sure that she is notifying her supervisors immediately.

I then called Muna Jaras to the conference room to meet. Suad stayed to help interpret.

Meeting with Suad, Muna, Kristi, and Kelsey on Aug 5<sup>th</sup>, 2014.

I explained to Muna that we were told that there is an employee on Orics 6 that is making very rude statements to other employees. I asked Muna if she knew who this person was and she said that it was Kim Johnson. Muna stated that since Kim was moved from the tray spot and was replaced by Ahmed, Kim has been making statements that all Somalian are stupid, Somalian are animal people, and saying the fuck you a lot. Muna also stated that one time; Kim threw an apple at Muna's face and said fuck you. I asked Muna why she has not told her supervisor and Muna said because she is afraid of Kim and didn't want to get fired. She said that Kim is white and Muna is dark so she thought she would lose her job for telling on Kim. I told Muna that we are a team and it does not matter what color anyone is, no one should ever have to be spoken to or have apples thrown at them the way she accused Kim of doing. I also told Muna that she wouldn't get fired for telling her supervisor that her coworker is being rude and we want to make sure that the work environment is safe and enjoyable. Muna and Suad went back to work.

I called Faysal Ali in next.

Meeting with Suad, Faysal, Kristi and Kelsey on Aug 5<sup>th</sup>, 2014.

I asked Faysal if he was aware of anyone on the Orics 6 making rude comments or throwing apples. He said he wasn't aware of that but he does know a mean women and her name is Kim. He said that he hasn't heard her say anything about other people but she likes to say the work fuck. He said that when he is dumping apples and if there is missing trays, Kim will yell at Faysal and say fuck you, there are missing trays. Faysal said he just ignores her. He does not like that language so he doesn't say anything to her but ignores her and does his job. He stated he respects everyone on his line but Kim is bad. Faysal went back to work.

I then asked Kristi who else worked next to Kim on the Orics 6 line. She said that My Lam, Mariam Doumbouya, and Sandra Graves. They have left for the day so I will be meeting with them on Aug 6<sup>th</sup>, 2014.

I was supposed to meet with Kim on 8/5/14 after her shift but the supervisor's did not notify her to stop at CMG office.

Her shift is done at 2pm. I emailed Lisa to see if she had punched out yet at 2:39pm and Lisa confirmed that she had punched out. I waited until 3pm before I called Kim to see if she would still show up. She did not so I called her and she said that she was not notified by any supervisor's. I asked if she could come back so I could talk with her and she said she couldn't because she didn't have any transportation and she lives across town. I told her that I would speak to her tomorrow. She then stated that she was treated very rudely today and wanted to walk out and call a work comp lawyer. She said that is sick of feeling like an ass after her work comp injury. She said that there is a rumor going around in the plant that she pulled out her own chair and hurt herself. I told her that we have the video and it clearly shows that it was an accident that another employee pulled the chair away from her spot. She told me that I should show the whole plant the video so everyone will stop the rumor. I told her that I would meet with her tomorrow to discuss her accusations and show her the video. I will also continue my investigation regarding the racial comments towards other employees and she will also receive a final warning for the attendance policy for calling in unexcused on Monday Aug 4<sup>th</sup> if she it was not work comp related.

Meeting with Kelsey and Mariam D on 8/6/14.

I met with Mariam D on 8/6/14 morning regarding some accusations about Kim making rude comments to employees and throwing apples in the Orics 6 room. I asked Mariam if she was aware of anyone in her room saying rude comments or throwing apples at other employees and she said no. She has not heard or seen anything. Mariam then went back to work.

Meeting with Kelsey and My Lam on 8/6/14.

I met with My Lam on 8/6/14 morning regarding some accusations about Kim making rude comments to employees and throwing apples in the Orics 6 room. My said that there is a person that says fuck you, fuck you a lot. I asked her who that was and she said Kim. My said that she and Muna are very scared of Kim. My recalls about two weeks ago when Kim threw an apple at her and the apple hit My on the face below her eye. My said that she was taking out a bad apple and Kim hit her hand. Then Kim picked up the apple and threw it at My. My also recalls, but couldn't remember when, she saw Kim throw an apple at Muna. My said that she hears Kim say fuck you, fuck you to Muna and Faysal a lot. My also said that Kim is a very angry person and says fuck you, fuck you a lot. I asked My if she heard anything else being said by Kim and My said no. My then returned to work.

Meeting with Kelsey and Sandra G on 8/6/14.

I met with Sandra G on 8/6/14 morning regarding some accusations about Kim making rude comments to employees and throwing apples in the Orics 6 room. I asked Sandra if she had heard anyone saying mean things to other employees in the Orics 6 room and Sandy said Kim Johnson. I asked her what she had heard. Sandy said that she heard Kim make comments like-they can't do their jobs right because they are Somalian, I can do a better job with my eyes closed, they are zoo animals-pink ones, black ones, fat ones, skinny ones, they are monkeys, they all belong in a zoo. Sandy said that she had told Kim to knock it off and it doesn't matter where you go, there will always be different nationalities. Sandy stated that she thinks Kim is a very spiteful person. I asked her when this started and she said it started when Isabel moved Kim from doing trays to on the line. Her position was replaced by Ahmed. I asked Sandy if someone is provoking her and Sandy said no, Kim just gets mad if other employees are doing the job the way she wants them to and gets upset and Kim goes off. Sandy also witnessed Kim throw an apple at My Lam. My didn't say anything back but later when My asked Kim what was going on, Kim told My (in a very mean way) to get away from her. I asked Sandy if there was anything else she could remember and she said no. Sandy went back to work.