

Theodore Haugland vs. Viracon Inc.

Introduction & Explanation

I've added more details to my answers to the original questionnaire and included an additional questionnaire. Listed below are my new findings. You will find a document for each increased method of discrimination. There is also a packet with some possible evidence and information about Viracon and Alliance Staffing I put together to prove these allegations.

Sexual Orientation Hiring Discrimination

Hostile Work Environment

Constructive Discharge

Breach of Contract

Retaliation Discrimination

I was hired on by Alliance Staffing Solutions and assigned to start a position in the IG staging department at Viracon on October 24, 2016. The purpose of the assignment was to work the required 450 hours and get hired into Viracon as a full-time employee. Due to the fact I was assigned by a staffing agency to work at Viracon so I could eventually gain employment this claim has to be classified as hiring discrimination. The end result of Viracon's discrimination was a non-hire decision.

A constructive discharge is successful when the employer forces the employee to resign, usually because of a hostile work environment. The employee in this circumstance typically does not offer the employer a two week resignation notice because the employee is not safe, and cannot get out of the hostile work environment. Removing me from Chris's hostile work environment and assurance that Chris would allow me to complete a two week resignation notice was part of an agreement I made with Phil Sayles from Viracon's Human Resource Department. As an incentive, Phil also told me if I completed a two week resignation notice, I'd be eligible for future employment at Viracon. Even though the agreement Phil and I reached made my constructive discharge official, Chris was not happy with the terms. On January 24, 2017 Chris Blouin retaliated with discrimination, breaching the contract I had with Viracon's human resource department, he wrongfully discharged me, effectively canceling his successful constructive discharge.

Sexual Orientation Discrimination Time-line

10/23/2016 to 10/29/2016 - 38.20 Hours - Training

10/29/2016 to 11/05/2016 - 38.35 Hours - Training

11/06/2016 to 11/12/2016 - 71.95 Hours - 31.95 Hours Overtime

11/13/2016 to 11/19/2016 - 60.00 Hours - 20 Hours Overtime

November 22 to 23, 2016 (overnight shift)

On or before November 22, 2017 - Chris Blouin informed me he conducted a widespread internet search, and found out more information about than he wanted to know. I did not have to ask or tell him, he simply did it out of his own free will, and then admitted it to me "I looked you up on the internet." I replied, "O yeah? what did you see?" Chris says "several videos on YouTube, modeling pictures, your linked-in. I know you were talking about your daughter before. Its just that one of your videos... were you gay and straight now or were you straight then and gay now.?" I did not expect him to ask this. I simply told him the truth "I'm bisexual. Sort of common in Houston". Chris replied "its like the opposite here. You need to be careful especially at work." I told him "I will do the best I can" and laughed. Chris definitively took what I said the wrong way. He was either really mad or embarrassed . I said "not like that, Chris. I'm here to work and that's its. So far I've been enjoying the job." Chris says "that's good. I saw on your linked in you have a college degree...?. Is that true?" I answer "Yeah, I have a degree in Finance but its kind of hard to use now that I'm no longer eligible to receive my series 7 & 66 license. I'm sure you saw the legal issues to right?" Chris replies "yeah I was surprised to read about that too." I then said, "Most of what was written in that article is untrue." I was a little irritated he dug so deep into my personal life. I had to know "Do you search all your employees?" Chris replies "yeah its kind of my thing. You know whats amazing?.." I say "what" He replies "that I was able to get to where I'm at today without even a High School Diploma. I am very proud of myself." I didn't know what to say, I decided to talk him up "impressive. You seems very intelligent. I never would have guessed." again he took what I said the wrong way. I could tell he was uncomfortable. He finally said "I've got to go. Just do yourself a favor and don't forget what I told you." Before I could reply Chris was on his way to somewhere else. Honestly, there was nothing I could have done to prevent him from finding out. I sort of have made myself public over the years. It's still none of his business. And even if he did look me up and found information he wasn't suppose, he shouldn't have the right to ask me about it.

11/20/2016 to 11/27/2016 - 47.63 Hours - 7.63 Hours Overtime

December 3 to 4, 2016 (overnight shift)

Chris started discriminating against me for my sexual orientation by blaming me for issues and problems that I had nothing to do with. I was not use to the behavior. I tried to get back on his good side by going up to his office with Rick and telling on the guy (Mike P. 4th shift working 2nd Overtime) who just ran the forks of is forklift into a load of glass and hid that evidence. I also reported Crises best friend son "Matt" for putting the ASM in manual and not even looking if there was glass on it. He sends 2 pieces off the back (est30x45) colliding into our (Mine & Ricks) computer terminal.

Glass was everywhere. Me and Rick had to stop production because the glass in our area posed a safety concern. We cleaned it. Around 3 I noticed Matt had not gone upstairs and told Chris about his incident. This made me a little upset because it halted our performance. Not only that I could have been using that terminal and would have probably been seriously injured. I decided I would let him know. I did not know that guy was like Chris's family. After I told Chris, he was so angry. He told me all I've been doing all day was staring at other guys and I needed to stop. I told Chris I'm sorry, that's what they trained us to do. He said leave now and I don't want to see you for the rest of the shift. That was not true. But there was no since to say anything. When I got, trained I was told to report anything I saw that was unsafe. I was also told that if an employee breaks glass and intentionally hides the broken glass to avoid having to take a drugs test was a major violation. Chris found any and every reason to harass me after this. One shift in December I came back at 11:23. My coworker were still returning like I wasn't late. I said look Chris and pointed to the people just walking in. He started saying to me "Don't worry about anybody else worry about yourself" Then Chris would threaten to fire me if I did it again. I got so sad, and agreed to make sure I wasn't taking longer than a minute break (All the other shifts take at least a 25 minute break twice a day. 4th shift takes a 30 minutes' break). He must have like how badly I was shook because he started Threatening me almost every day after this.

11/28/2016 to 12/03/2016 - 71.25 Hours - 31.25 Hours Overtime

December 5 to 6, 2016 (overnight shift)

At the beginning of each shift, The IG Staging team typically stands in a circle and does stretches. Since most employees are just showing up to work most of us have would have a drink with us. There are around 25 employees in our department. Chris glares at me and said "What are you doing with that our here? Your not suppose to have that go throw it away. I said "Chris everyone's got a drink out here why am I the only one that has to throw mine away?" Chris responded "don't worry about everyone else. Throw that away or I'm going to send you home for the day." I had no choice to I just said "whatever" and threw my drink away. What was upsetting was that he targeted me in front of our whole department. This type of behavior slowly became the new norm for Chris.

12/04/2016 to 12/10/2016 - 56.59 Hours - 16.59 Hours Overtime

December 12 to 13, 2016 (overnight shift)

Chris's best friend's son Matt acknowledged Chris's discrimination and starting going along with it. Matt started going to Chris and telling on me for small infractions like having food at work or coming back from break a couple minutes late. Chris wouldn't just get a little bit upset he get extremely upset. I was tired of being discriminated against. Everybody starts taking off their uniform and getting ready to go home at 5:55 a.m. I proceeded with everybody else. Chris came bolting across the isle to ask me "What the doing? Its not time to go yet. Put your gear back on." This was irritating because everybody else was going home. He wouldn't let me start getting undressed until 6:00. The next day I just continued working until about 5:59 a.m so I wouldn't have to deal with him.

12/11/2016 to 12/17/2016 - 71.38 Hours - 31.38 Hours Overtime

December 19 to 20, 2016 (overnight shift)

Despite my ability to outperform colleagues at the duties entailed for job Chris would try to discriminate with negative emotion and often express that I am not doing anything right. He would

accuse me of committing safety violations that I was not committing. In one instance, I proved to him that the glass me and my coworker had lifted was defined as a 2 man lift in the safety guidelines found in Viracons business system documents. His response was that those documents are not updated and Viracons policy had changed. I was told if I do something like this again he would terminate me. It came to the point Chris wouldn't let me lift glass in the weight restriction. This might seem like it could be normal for some people but I am in decent shape. I'd ask Chris why and he'd tell me I'm too weak. Just not at all true.

12/18/2016 to 12/24/2016 - 69.83 Hours - 19.83 Hours Overtime

December 27 to 28, 2016 (overnight shift)

After returning from break the same time many other employees were returning 10:23 Chris targets me and pulls me aside. Informs me I am late coming back from break as many other employees are returning. I tell Chris look at all these employees that are still returning and ask him why he is singling me out. He tells me what other employees are doing is not my business and I need to worry about myself. Again, he threatens to termination.

12/25/2016 to 12/31/2016 - 23.95 Hours

January 1 to 2, 2017 (overnight shift)

I was very surprised to see that the cinnamon rolls that I had in a bag were thrown away when I got back to my workstation. They were suppose to be for lunch. I wasn't as much concerned with the fact that Chris threw them away but was comfortable enough now to get into my personal things. I tried not to bring anything extra to work after this. What annoyed me the most is when Chris would watch people eat, or they eat in front of him. Just when it's me there's a problem. And every time Chris decides to come around, he's fixated on me. Literally all I wanted to do was work. I was getting good at my job. Chris should have been happy with me but instead I was treated like I did not belong. A lot of people in our department witnessed Chris discriminate against me. No one really wanted to talk to me because they were afraid if they did that might get them in trouble with Chris.

January 2 to 3, 2017 (overnight shift)

Chris calls me to his office and informs me he needs to do an evaluation. Chris fabricated the whole evaluation. Would not be honest in even 1 category. The final category "follows safety guidelines" I was ranked as below average. Due to his evaluation of the 2 former categories I was not at all surprised at this. Although I had a hard time understanding how I was below average due to the fact I had never once received a safety violation I decided not to argue. Chris concluded that although he did not want to he was going to hire me on as a Viracon employee. He talked about the evaluation as if it were some sort of contract. He said after we both signed the evaluation it would be sent to HR and to Carrie Hartle. Then a date would be set for me to set up health insurance and other benefits the company has to offer. I later found out that neither Carrie or Phil ever received an email from Chris.

01/01/2017 to 01/07/2017 - 71.77 Hours - 31.77 Overtime

January 7 to 8, 2017 (overnight shift)

I was surprised after being informed by the lead of our department that Chris assigned me to work a new position for the week, "rack changing" (Rack Changing is an advanced forklift position within

our department in which the employee is required to transfer loads of glass into and through crowded areas of people and equipment within the factory). This took me by extreme surprise because I had just received my forklift license. Immediately I objected, told Craig "I couldn't do that job, I'm still learning how to operate the forklift in an open area. Craig's response "Chris wanted me to place you here. You're going to have to learn how to do it sometime. You will be fine." I said "but Craig, I don't know how to do this job, no one trained me how to "Rack Change" or what the job entails. I don't even know my responsibilities!" Craig's response "It's Easy! All you do is change out the racks as the line call for it." I said "Craig I might be able to do this job but I will be extremely slow. I know how Chris gets when the lines are backed up. I want you both to know now that I will not sacrifice safety for speed." Craig responded "that's fine. If you need help or get backed up, we'll send the hauler to help you." He then set down a dispatch radio. I said "I guess I don't have a choice" in which he replied "not really". I picked the dispatch radio up and proceeded towards forklifts. I knew I was in big trouble when I couldn't turn the dispatch radio on.

January 9 to 10, 2017 (overnight shift)

I continued successfully performing the "rack changing" task. At 3 in the morning Chris called me and another employee who was due and approved for the promotion down to an office. On the way I confirmed with Chris that I was doing okay and that he had no complaints. The meeting was about fire, tornado and bomb drills, and a review of the safety guidelines. After the meeting, I asked Chris a question about the Viracon transfer that was supposed to be on Wednesday. He said that he was not able to get the approval sent over fast enough and that it would be pushed back for another week. The day before me and another female that was getting transferred and approved for the offer met at 3 in the morning and went over tornado, bomb, and fire drills. I asked Chris if I had been doing okay and he approved. An event that would change a supervisor's mind about a basic promotion/offer would have to be catastrophic. Not I was to slow or did not know what a desiccant bag was. As I've said several time the offer is basic. Chris rolled over employees that did not even know how to stage or so slow they do 3 to 5 a night. I manage 10 to 20 schedules a night, accurately.

January 10 to 11, 2017 (overnight shift)

I was called over the dispatch radio to perform several tasks that I did not know I was supposed to perform or how to perform them. I worked to the best of my ability and focused on safety. At around 4 in the morning on January 11th, Chris calls me into his office and says "I've decided I am going to rescind your full-time employment offer." I said "but why". He replied "I am very unhappy with your performance down there. You are slowing the lines down. I don't feel your taking this job serious." I said "I've been focused on safety Chris. I told Craig I wasn't good on the forklift and was going to be slow. Chris reply's "I'm not talking about safety. You have been getting calls over the dispatch radio all night and ignoring them." I said "Chris, you didn't train me in, or tell me what my responsibilities were for the job. No one told me I was supposed to unload the truck. When the guy called earlier he didn't call for me. He simply said truck to unload. The entire factory uses this frequency. How was I supposed to know that was for me.," Chris reply's, yeah well what about when she called for a hauler to change the desiccant bag". I replied "I am not the hauler (the other advanced forklift position), and did not even know what a desiccant bag was or where I would find it. Chris's response, "yeah well then you were informed and it took you an hour to get that and 3 hours to unload the truck." I replied "I was not trained on how to unload the truck and was having a hard time getting the racks out. I assure you I wasn't down there messing around, I was trying my hardest! Chris's reply "a fucking retard could have unloaded it in less time than that." My reply "Go ask

someone down there Chris. Even the lines, they will tell you I've been doing alright." Chris's reply "who? Check the cameras Chris, I was trying my hardest". Chris rhetorically asks "who the Mexican down there that's too stupid to follow the safety violations? Or the Somali that sits on his ass all day? I can't trust those people. I said "okay Chris well check the cameras. You will see I've been down there working hard all day." Chris gets frustrated, "No! I don't have time for that. The decision is final" Obviously beaten I decide to move on, "I've never heard of anyone's employment being rescinded. What does that even mean?" Chris reply's, "It means you're not an employee here until I decide so." I said "until you decide? Well I was sure I've should you more than enough. I don't even know what else I could do to prove how serious I am. I'm one of the better stagers down there and I work more hours than anyone else in our department. And since I can't physically meet your needs rack changing right now. Would you please switch me back to my normal position?" Chris says "I can't even find an employee down there that will work with you. They are all uncomfortable with your sexuality." I argue "that's not true Chris. I could name plenty of employees down there that like me and will work with me." Chris reply's, "So you think, they don't like you. And no, I'm not switching you." I reply, "Are you serious? So how long are you going to make me do this for Chris?" Even more frustrated, Chris reply's, "Yes, again, AND AGAIN, and AGAIN! I don't care if I have to make you do it for a month. You will do it until you get it right!". Clearly defeated at this point, I sigh and stare at the wall in his office. Finally, Chris says "I've got to go, I was up all day in a meeting and now all this with you, I am taking off early tonight." He proceeds to open his office door signaling me to leave." As I'm leaving Chris says "and Theo I don't want to see you in my office again. If I see you do anything else wrong, or get any more complaints about you, you're done." I wasn't surprised to see that Chris worked until 6a.m., the remainder of his shift.

January 11, 2017

I contemplated very hard over the next 6 hours. I knew I was not going to be able to satisfy Chris "rack changing". I simply did not have the knowledge or experience to do so. Chris was obviously setting me up so he could get a reason to terminate my assignment. There were only 2 ways I could prevent termination. Try to switch shifts OR quit with 2 weeks' notice. I was good at my job, and I liked it so I decided I would try to switch shifts. Supervisor's are required to fill out a pre-approved overtime sheet for any employee working overtime. I was putting in 24-36 hours of overtime a week with the other night-shift supervisor B.J., who always encouraged me to work overtime on his shift as possible. I knew he was at the least satisfied with my work performance. The first person I called was Carrie Hartle, the on-site alliance staffing personal. I told her everything that happened. How Chris was discriminating against me. Making me work a job that I wasn't qualified or trained for. She informed me the only way for her to make a shift change, was if both supervisors approved it. I told her that wouldn't do any good. After I concluded she would not help me I asked her for the number to HR.

I called Phil Sayles in the human resource department and informed him everything that was happening. From Chris discriminating to the most recent, Chris making me work a job I wasn't trained to do. I asked Phil "Will you please allow me to switch shifts?" Phil said "The only way I would be allowed do a shift change for you is if both supervisors agree to it. It's company policy. Can you get Chris to approve it?" I replied "Chris is looking for any reason to fire me. Hes so determined to get rid of me he's making me work a position that I'm not trained in so he can have a reason to fire me. No I don't think he'd approve me Phil." It took some beating. Finally, I got him to agree to something. If I could get B.j. to approve me he'd let me switch. He said he would send an email to him. I said okay I'm working overtime tonight so I will ask him then.

That night I talked with the department lead of that shift, Rolando. I told him a few details about what was going on with Chris. Then said "I was thinking about switching shifts? Would that be okay with you?" He said, "Yeah! We could really use someone like you right now. But it's not up to me. You would have to talk to B.J." I said "are there any positions open?" He replied "yeah actually there are! We still have not replaced the guy Kris, the one that was fired last week." I said "that would be perfect if I could switch shifts. I proceeded to ask B.J.'s office." When I got up there, I greeted B.j. and right away I could tell something was different. When I asked him if it would be okay if I switched to his shift he responded "I wish I could, we are full over here right now, I don't have any openings." I said "oh I didn't know, Rolando told me you did." He said, "Rolando doesn't really know what's going on up here he just thinks he does." I said "So you already filled the position from that guy who got fired" B.j. says "yeah we just filled it." I said "that's okay then." Thanked him and left.

January 13, 2017

I decided to come into the day shift and work overtime. I wasn't as close to this supervisor but I figured I'd at least try. I saw him on the production floor and approached him. I found out he was substituting for the regular supervisor who called in sick." I talked with him about some of the problems I was having with Chris. His advice was to go to HR. I asked "Can I do that on the clock?" He said "yes". I walked into Phil's office around noon. After about an hour, it became apparent that Phil was not going to do a shift change without Chris's approval because it would violate company policy. I realized there was nothing I could do to change his mind so I went another route. I said to Phil "I got an idea, if I put in 2 weeks' notice, and came back would I be eligible for employment again?". Phil said "I don't see why not; most employees here don't give us notice at all. 2 weeks is more than enough." I said "Do you think that might be my best option?" Phil said "might be. I could hire you anywhere if we did that. We have a lot of other positions available that you might try for to." I said "well I I really don't have any other options. Go ahead and start the paperwork. The one thing I'm concerned about is Chris honoring those 2 weeks. Is there any way I could finish on a different shift?" Phil's reply, "that would awfully hard to do. What is it that your concerned about?" I responded, "I don't think he will be ethical enough to let me fulfill the 2-week notice. Plus I don't feel comfortable rack changing. The guys got me working an advanced forklift position with no training. " Phil responded "I will send him an email and tell him to put you back in staging again." My reply "this guy is seriously targeting me. How are you going to make sure he doesn't fire me for nothing? Phil reconfirms, "I'll make sure he fulfills your 2 weeks." I said "alright Phil. Well you're not going to have to worry about me, I'll be working as hard as I ever worked." I thanked him for his help and returned to the production floor.

01/08/2017 to 01/14/2017 - 71.90 Hours - 31.90 Overtime

January 14 to 15, 2017 (overnight shift)

I was very nervous going back to work. It was a huge relief when Craig informed me I was switching positions with Dakota and I would be staging with Abyss for the week. It was good to know Phil had followed through. I began wondering how much information he shared with Chris. I dint want to get caught Riesling to him. I decided if he asked any questions I'd be honest. Chris approached me a couple hours after the shift started at my work station. He said "Hi Theo, I was kind of surprised when I got here to read an email I got from HR. Why did you put in your 2-week notice?" I replied "It was very difficult doing that job last week. You saw how slow I was moving. That was not on purpose I was seriously working hard. I didn't want to break glass or worse hurt myself or someone

else. I decided Friday on an overtime shift that maybe this job isn't for me." Chris says "Maybe not. Well at least you realized now. Do you have any idea where you're going to work after this?" I replied "A friend of mine works as the lead in one of the departments at Daikin. I'm going to try there. I also was talking to Phil Sayles about possibly getting a job in the sales department. He said since I'm putting in my 2 weeks I'd be eligible for employment." Chris asks "do you have a background in sales?" I said "yeah that's what I use to do. This is my first job in production." Chris says "well good look with that. In the email, I got said you were giving 2 week notice but did not have an exact day. I need to know for my records. When are, you planning for your last day? I said "I'll give you the 2 full weeks Chris. Mark me down for January 28, 2017. Will that be work for you?" Chris replies "yeah I'm going to go put that in the computer." I returned to my workstation

January 16 to 17, 2017 (overnight shift)

My partner Abyss informs me that on January 10-11 he saw Chris Ducking in between the lines to spy on me. Abyss said he caught Chris doing this several times throughout the shift.

01/15/2017 to 01/21/2017 - 35.85 Hours, No Overtime

January 22 to 23, 2017 (overnight shift)

After using the bathroom in a different department I notice Chris staring at me. When I finally get up near him he says, this is why I can't have you work here. Your always doing shit you should be doing and in places you shouldn't be. That's why I didn't approve your shift change. I said "what". He said "your shift change, weren't your trying to change shift? I said "well you obviously already know." And proceeded back to my workstation. *I told HR not to contact him for a specific reason. He could have made my environment more hostile had I not decided to quit.

January 23 to 24, 2017 (overnight shift)

Chris yells "Theo! Come here, now!" I walk over to Chris not really know what to expect. Chris screams, "Were you the one who touched the confirm button on the ASM portal?" I replied "no Chris I was standing right there. I would have helped them but you've already made it clear. I'm not aloud to touch the machine." Chris gets even louder, "Theo I'm going to ask you the one more time, did you hit the confirm button on the machine?" I pleaded "No Chris, I assure you I did not." Chris yells angrily "That's it your don't here for good. Come up to my office so you can sign the termination paperwork." I was tired of Chris's harassment, and deceitful manipulation and honestly wanted to save the next man from having to deal with him. I told Chris "I'm not going to let you get away with this, and I'm going upstairs to speak with his boss. As I'm walking to the office Chris is in tow threatening me "Leave now or I'm calling the police" I said "do whatever you want. I'll deal with them after I deal with you. Right now I need to talk to your boss." I proceeded into the Foreman's office with Chris pacing closely behind me. Morning shift workers had just arrived. Chris yells right when we get inside the main office "Theo my office now!" I continued to the Chris boss's office. I told Jerry that Chris found out I was bisexual in November and has been discriminating against me since. He continually blames me for mistakes and problems of other employees. Its rare a shift goes by that he doesn't harass me. He just fired me down there for something I did not do which Phil sayles from the Human Resource Department promised me wouldn't happen. Jerry Dimmel quickly responded, "lets see what we've got going on. Where was it, what time?" I reply "ASM load terminal 1, around 5:20a.m." We all 3 watched as Rick is operating the portal, he hits the blue blinking, button right confirm button, causing the machine to malfunction. Just to make sure Chris was paying attention to the video. I said aloud "you see that Chris? He said yeah, you weren't the one who hit confirm. I said "I know!" now I have daycare this week. please can I go back to work? Chris jumps up from his chair and yells "Absolutely not." I

said “Chris come on man, you saw in the video it wasn’t me, at least be ethical. I’m done after this week which is what you wanted. Let me finish please so I have the opportunity to work in a different department.” As Chris heads for the door he says “No. I’m absolutely finished with you.” Now, it’s just me and Jerry. In my head I’m thinking surely he inst going to allow that. I turned to Jerry and say, “Jerry you heard what he said, it wasn’t me. And you saw the video. Surely, you’re not going to let him get away with that, are you?” Jerry replies “I’ve always went with my supervisor’s judgment.” I say “well now is a good time to stop. Seriously all I’m trying to do it pay for daycare. Is that okay with you?” Jerry replies “I’m really sorry, I can’t do it.” I say “this isn’t going to be the last you hear from me. I made him give me his name and number. As I was exiting the office I said I reminded him “your not going to get away with this.” I returned to the floor to pack my things. I see Rick by the lockers and decide to ask him “did you get in trouble to.” Rick said “no for What?” I replied, “Chris just fired me up there for something you did. I figured if it were as big of deal as Chris was making it out to be he would at least come down here and talk to you about it. Rick said “I’m sorry dude. You knew they were against you. There's nothing you could have done. I sighed and said “yeah. I just feel like there should be something I could do. I might contact a lawyer.” I'm sure Rick was never confronted about his small mishap. I guarantee if you investigated you'd find out No one's ever gotten fired for “touching the confirm button.” That’s just another rule Chris made up for me.

January 24, 2017

I didn't get much sleep that day. I decided to give Phil a call too see If I'd still be eligible for employment. He did not answer. I left a voice-mail but did not receive a call back.

01/22/2017 to 01/28/2017 - 24.05 Hours

Increased Methods of Discrimination in Chronological Order

January 2, 2017 to January 3, 2017

“DISCRIMINATORY EVALUATION”

January 7, 2017 through January 11, 2017

“HOSTILE WORK ENVIRONMENT”

January 11, 2017 through January 13, 2017

“CONSTRUCTIVE DISCHARGE”

January 14, 2017 through January 24, 2017

“BREACH OF CONTRACT”

January 23, 2017 to January 24, 2017

“RETALIATION DISCRIMINATION”

Discriminatory Evaluation

January 2 to 3, 2017 (overnight shift)

EVALUATION - Possible ratings

- Below Expectations (Bad)
- Slightly Below Expectation
- Meets Expectations (Okay)
- Slightly Above Expectations
- Above Expectations (Great)

Attendance/Showing up to work on time MEETS EXPECTATIONS

I was late 1 time and clocked an average of 60 hours a week. If I barely met Chris's expectations in this category it would be possible to score slightly above expectation (not late) but impossible to have a score of meets expectations. This category assessment should prove Chris was discriminating against me. After an employee works the required 450 hours they are to be evaluated and upon this evaluation supervisor is to decide whether employee is eligible to become a full time Viracon employee. Its during this time the employee is no longer assigned through Alliance Staffing Solutions but hired on through Viracon and Viracon only. Chris's assessment of me was biased and inaccurate. By looking at his score for "employee attendance", he scored me in this category barely meets expectations. Throughout my employment, I worked an average 60 hours a week. All the overtime that I did put in was pre-approved by the supervisors from other shifts. The other supervisors and leads were more than content with the quality of my work and would encourage me to continue coming in for overtime. Each day I came for overtime a required form was filled out and signed by both me and the supervisor which was sent to Chris. I worked more hours a week than anyone else on my shift. I only had 1 sick day throughout my entire employment and even that week I ended up working a total of 58 hours. *An authentic rating in the attendance category would have been slightly above or above expectations.*

Ability to Handle Job Functions, Performance SLIGHTLY BELOW EXPECTATIONS

AS far as handling job essentials. I worked very hard every day. I enjoyed it. I did not do anything I was not supposed to at Viracon. Ask either lead, Sam or Rolando on 4th shift or their supervisor "Bob" about me. Bob cannot deny that fact because he pre- approved (Document which I give to Chris so he can do payroll) me to work over 20 overtime shifts for him. For the category "ability to handle essential job duties" I was scored below expectations. Its not an assumption, I was by far exceeding the majority of the employees in this department. Every completed schedule is taken into account for in Viracon's internal program called "bridge". If those reports could be subpoenaed that would be hard evidence I was outperforming most of the employees. Other employees that would work with me were

amazed at my knowledge of the system and ability to stage the glass. As I mentioned other supervisors would encourage me to come in for overtime and I was never once denied overtime. The signed forms obtainable through Chris and possibly is more hard evidence. In fact, the leads from shift 4 felt I was competent enough to train 2 of their new employees. Chris's response when I asked him why he felt my ability to handle the job duties was below average was that I'm not that good and that at best I am able to keep up with 50% of other employees in that department. *An authentic rating in the performance category would have been slightly above or above expectations.*

**Follows Safety Guidelines
DOES NOT MEET EXPECTATIONS**

On Chris's assessment, he put that I was below expectation in the safety category even though I had 0 write-ups for safety violations. Throughout my entire employment... I never ONCE received a safety violation. Chris fabricated the whole evaluation. Would not be honest in even 1 category. The final category "follows safety guidelines" I was ranked as below average. Due to his evaluation of the 2 former categories I was not at all surprised at this. Although I had a hard time understanding how I was below average due to the fact I had never once received a safety violation I decided not to argue. Chris concluded that although he did not want to he was going to hire me on as a Viracon employee. He talked about the evaluation as if it were some sort of contract. He said after we both signed the evaluation it would be sent to HR and to Carrie Hartle. Then a date would be set for me to set up health insurance and other benefits the company has to offer. I later found out that neither Carrie or Phil ever received an email from Chris. *An authentic rating in the Safety category would have been meets expectations, slightly above or above expectations.*

Hostile Work Environment

January 7 to 8, 2017 (overnight shift)

I was surprised after being informed by the lead of our department that Chris assigned me to work a new position for the week, "rack changing" (Rack Changing is an advanced forklift position within our department in which the employee is required to transfer loads of glass into and through crowded areas of people and equipment within the factory). This took me by extreme surprise because I had just received my forklift license. Immediately I objected, told Craig "I couldn't do that job, I'm still learning how to operate the forklift in an open area. Craig's response "Chris wanted me to place you here. You're going to have to learn how to do it sometime. You will be fine." I said "but Craig, I don't know how to do this job, no one trained me how to "Rack Change" or what the job entails. I don't even know my responsibilities!" Craig's response "It's Easy! All you do is change out the racks as the line call for it." I said "Craig I might be able to do this job but I will be extremely slow. I know how Chris gets when the lines are backed up. I want you both to know now that I will not sacrifice safety for speed." Craig responded "that's fine. If you need help or get backed up, we'll send the hauler to help you." He then set down a dispatch radio. I said "I guess I don't have a choice" in which he replied "not really". I picked the dispatch radio up and proceeded towards forklifts. I knew I was in big trouble when I couldn't turn the dispatch radio on.

January 9 to 10, 2017 (overnight shift)

I continued successfully performing the "rack changing" task. At 3 in the morning Chris called me and another employee who was due and approved for the promotion down to an office. On the way I confirmed with Chris that I was doing okay and that he had no complaints. The meeting was about fire, tornado and bomb drills, and a review of the safety guidelines. After the meeting, I asked Chris a question about the Viracon transfer that was supposed to be on Wednesday. He said that he was not able to get the approval sent over fast enough and that it would be pushed back for another week. The day before me and another female that was getting transferred and approved for the offer met at 3 in the morning and went over tornado, bomb, and fire drills. I asked Chris if I had been doing okay and he approved. An event that would change a supervisor's mind about a basic promotion/offer would have to be catastrophic. Not I was too slow or did not know what a desiccant bag was. As I've said several times the offer is basic. Chris rolled over employees that did not even know how to stage or so slow they do 3 to 5 a night. I manage 10 to 20 schedules a night, accurately.

January 10 to 11, 2017 (overnight shift)

I was called over the dispatch radio to perform several tasks that I did not know I was supposed to perform or how to perform them. I worked to the best of my ability and focused on safety. At around 4 in the morning on **January 11th**, Chris calls me into his office and says "I've decided I am going to rescind your full-time employment offer." I said "but why". He replied "I am very unhappy with your performance down there. You are slowing the lines down. I don't feel your taking this job serious." I said "I've been focused on safety Chris. I told Craig I wasn't good on the forklift and was going to be slow. Chris reply's "I'm not talking about safety. You have been getting calls over the dispatch radio all night and ignoring them." I said "Chris, you didn't train me in, or tell me what my responsibilities were for the job. No one told me I was supposed to unload the truck. When the guy called earlier he didn't call for me. He simply said truck to unload. The entire factory uses this frequency. How was I supposed to know that was for me.," Chris reply's, yeah well what about when she called for a hauler to change the desiccant bag". I replied "I am not the hauler (the other advanced forklift position), and did not even know what a desiccant bag was or where I would find it. Chris's response, "yeah well then you were informed and it took you an hour to get that and 3 hours to

unload the truck.” I replied “I was not trained on how to unload the truck and was having a hard time getting the racks out. I assure you I wasn’t down there messing around, I was trying my hardest! Chris’s reply “a fucking retard could have unloaded it in less time than that.” My reply “Go ask someone down there Chris. Even the lines, they will tell you I’ve been doing alright.” Chris’s reply “who? Check the cameras Chris, I was trying my hardest”. Chris rhetorically asks “who the Mexican down there that’s too stupid to follow the safety violations? Or the Somali that sits on his ass all day? I can’t trust those people. I said “okay Chris well check the cameras. You will see I’ve been down there working hard all day.” Chris gets frustrated, “No! I don’t have time for that. The decision is final” Obviously beaten I decide to move on, “I’ve never heard of anyone’s employment being rescinded. What does that even mean?” Chris reply’s, “It means you’re not an employee here until I decide so.” I said “until you decide? Well I was sure I’ve should you more than enough. I don’t even know what else I could do to prove how serious I am. I’m one of the better stagers down there and I work more hours than anyone else in our department. And since I can’t physically meet your needs rack changing right now. Would you please switch me back to my normal position?” Chris says “I can’t even find an employee down there that will work with you. They are all uncomfortable with your sexuality.” I argue “that’s not true Chris. I could name plenty of employees down there that like me and will work with me.” Chris reply’s, “So you think, they don’t like you. And no, I’m not switching you.” I reply, “Are you serious? So how long are you going to make me do this for Chris?” Even more frustrated, Chris reply’s, “Yes, again, AND AGAIN, and AGAIN! I don’t care if I have to make you do it for a month. You will do it until you get it right!”. Clearly defeated at this point, I sigh and stare at the wall in his office. Finally, Chris says “I’ve got to go, I was up all day in a meeting and now all this with you, I am taking off early tonight.” He proceeds to open his office door signaling me to leave.” As I’m leaving Chris says “and Theo I don’t want to see you in my office again. If I see you do anything else wrong, or get any more complaints about you, you’re done.” I wasn’t surprised to see that Chris worked until 6a.m., the remainder of his shift.

Hostile work environment - Primary Witnesses

Rick(IG Staging, 2nd shift, Alliance staffing employee - Viracon employee) He got hired into Viracon sometime in November. Rick was the guy who rack changed before me. Like me, Rick was not trained on rack changing. I know because he used to come complain to me everyday about it. The difference is Rick was never punished or yelled at because he didn’t know what to do. He also had enough experience to do the job. Chris likes Rick. Rick did not have to learn how to rack change until he was fully capable operating the forklift.

Dakota Schoonover (Alliance Staffing - Resigned) -507-279-7870

Dakota was employed around the same time as me. Chris and Dakota didn’t get along very well but Chris did not discriminate against Dakota. The issue was really Dakota’s attendance. He missed to many days and had to many points to be hired into Viracon as a full-time employee. Me and Dakota were literally trained on the forklift together. The difference was Dakota injured himself and was not able to operate that forklift for 2 weeks in December. Chris made good use of the open “Rack Changing” position. He swapped me back into staging and Dakota became his new “Rack Changer.” That job is extremely stressful for a novice forklift driver because you have to maneuver x<4000lbs loads of glass around, in between and over people and we were expected to do it efficiently without training. I could tell he was having a hard time but I didn’t know how hard a time. On Sunday, January 22, 2017 Dakota drove the forklift to an area far away from the IG staging department, parked it, and walked off the job.

Craig (Viracon Employee - IG Staging LEAD)

Craig is the IG Staging lead. The problem with these witnesses that Chris favors is that they all know Chris can be an unfair bully. Craig saw every schedule I turned in. I'd like for Craig to be questioned about my staging performance. In all I don't think it would be worth committing perjury to lie about that. If he were honest he'd tell you, I was one of the best stagers on our shift.

Matt (Viracon Employee - IG Recuts)

Matt was sent to work with me at the end of November, when I first caught onto the staging process. They actually pulled Jeffery as my partner during one of our shifts and made Matt my partner. Matt had worked at Viracon for around 20 years. When he was partnered with me Matt kind of stood by and to verify that I was doing the job correctly. At the end of this shift and our time with on another Matt had no complaints. Since Matt was in a different department I'm not sure what if how much of the discrimination he witnessed. A lot of times employees from other departments would see Chris discriminate against me but would not have any prior knowledge of what took place. It's hard for these employees to conclude much of anything except that I probably made a big mistake. Matt helped me secure the levy to the truck at the loading dock when I was placed into the hostile work environment. I did not have it set in place correctly. I could have gotten seriously injured had Matt not been there to help.

Michelle R (Viracon Industrial Equipment Trainer)

She will be able to confirm that if an employee is uncomfortable completing a task on the industrial equipment the supervisor is not suppose relieve them of it. Also, I think there might be a certain amount of experience required to work the "rack changing" position. She would know more about this as well. She trained me to always think about safety first on the forklift. That is exactly what I did when I was Rack Changing Supervisors are not suppose to punish employees for that.

Constructive Discharge

January 11, 2017

I contemplated very hard over the next 6 hours. I knew I was not going to be able to satisfy Chris "rack changing". I simply did not have the knowledge or experience to do so. Chris was obviously setting me up so he could get a reason to terminate my assignment. There were only 2 ways I could prevent termination. Try to switch shifts OR quit with 2 weeks' notice. I was good at my job, and I liked it so I decided I would try to switch shifts. Supervisor's are required to fill out a pre-approved overtime sheet for any employee working overtime. I was putting in 24-36 hours of overtime a week with the other night-shift supervisor B.J., who always encouraged me to work overtime on his shift as possible. I knew he was at the least satisfied with my work performance. The first person I called was Carrie Hartle, the on-site alliance staffing personal. I told her everything that happened. How Chris was discriminating against me. Making me work a job that I wasn't qualified or trained for. She informed me the only way for her to make a shift change, was if both supervisors approved it. I told her that wouldn't do any good. After I concluded she would not help me I asked her for the number to HR.

I called Phil Sayles in the human resource department and informed him everything that was happening. From Chris discriminating to the most recent, Chris making me work a job I wasn't trained to do. I asked Phil "Will you please allow me to switch shifts?" Phil said "The only way I would be allowed do a shift change for you is if both supervisors agree to it. It's company policy. Can you get Chris to approve it?" I replied "Chris is looking for any reason to fire me. Hes so determined to get rid of me he's making me work a position that I'm not trained in so he can have a reason to fire me. No I don't think he'd approve me Phil." It took some beating. Finally, I got him to agree to something. If I could get B.j. to approve me he'd let me switch. He said he would send an email to him. I said okay I'm working overtime tonight so I will ask him then.

That night I talked with the department lead of that shift, Rolando. I told him a few details about what was going on with Chris. Then said "I was thinking about switching shifts? Would that be okay with you?" He said, "Yeah! We could really use someone like you right now. But it's not up to me. You would have to talk to B.J." I said "are there any positions open?" He replied "yeah actually there are! We still have not replaced the guy Kris, the one that was fired last week." I said "that would be perfect if I could switch shifts. I proceeded to ask B.J.'s office." When I got up there, I greeted B.j. and right away I could tell something was different. When I asked him if it would be okay if I switched to his shift he responded "I wish I could, we are full over here right now, I don't have any openings." I said "oh I didn't know, Rolando told me you did." He said, "Rolando doesn't really know what's going on up here he just thinks he does." I said "So you already filled the position from that guy who got fired" B.j. says "yeah we just filled it." I said "that's okay then." Thanked him and left.

January 13, 2017

I decided to come into the day shift and work overtime. I wasn't as close to this supervisor but I figured I'd at least try. I saw him on the production floor and approached him. I found out he was substituting for the regular supervisor who called in sick.". I talked with him about some of the problems I was having with Chris. His advice was to go to HR. I asked "Can I do that on the clock?" He said "yes". I walked into Phil's office around noon. After about an hour, it became apparent that Phil was not going to do a shift change without Chris's approval because it would violate company policy. I realized there was nothing I could do to change his mind so I went another route. I said to

Phil "I got an idea, if I put in 2 weeks' notice, and came back would I be eligible for employment again?". Phil said "I don't see why not; most employees here don't give us notice at all. 2 weeks is more than enough." I said "Do you think that might be my best option?" Phil said "might be. I could hire you anywhere if we did that. We have a lot of other positions available that you might try for to." I said "well I I really don't have any other options. Go ahead and start the paperwork. The one thing I'm concerned about is Chris honoring those 2 weeks. Is there any way I could finish on a different shift?" Phil's reply, "that would awfully hard to do. What is it that your concerned about?" I responded, "I don't think he will be ethical enough to let me fulfill the 2-week notice. Plus I don't feel comfortable rack changing. The guys got me working an advanced forklift position with no training." Phil responded "I will send him an email and tell him to put you back in staging again." My reply "this guy is seriously targeting me. How are you going to make sure he doesn't fire me for nothing?" Phil reconfirms, "I'll make sure he fulfills your 2 weeks." I said "alright Phil. Well you're not going to have to worry about me, I'll be working as hard as I ever worked." I thanked him for his help and returned to the production floor.

Constructive Discharge - Primary Witnesses

Abas Hussein (Viracon Employee - IG Staging, 2nd shift)

I was partnered with Abyss for 2 shifts 1/16/17 and 1/17/17. Abyss could not believe the amount of work I did. He told me he thought Chris treat me like that because I did not know what I was doing. He also informed me that he would catch Chris spying and paying special attention to me waiting for me to make a mistake. He said he would hide in a place I could not see him, spying on me for long periods of time. I really was not surprised. I knew Chris was waiting for me to make 1 mistake so he could terminate me. I never gave him the chance. Abyss told me he could tell Chris didn't like me but did not understand it.

Supervisor (substitute for IG staging 01/13/2017, 3rd shift)

He can simply verify that I was aggressively trying to change shifts. I can't remember his last name but I remember him telling me he is the supervisor in box shop.

Carrie Hartle (Alliance Staffing On-site Employee - Office in Viracon 300 Building)

I contacted Carrie the same day Chris rescinded my employment offer. She will probably confirm that I informed her Chris was discriminating against me. She will probably go on further to explain Alliance Staffing does not actually have anything to do with the hiring process. She will confirm that the entire purpose of the temporary position is to become a full time Viracon employee after the temp completes the required 450 hours of work. Carrie would have good insight into the requirements the temp must meet to be accepted into Viracon. She should confirm that it is a very standard transfer as long as the temp's attendance is good and the temp has not been receiving write ups. If you asked Carrie to look at my performance since I started Viracon she would most likely confirm that I was on pace to become a Viracon employee.

Phil Sayles (Viracon Human Resource Department)

I talked to Phil on the phone and in person a couple of times. I told him about the discrimination. He should at least confirm that. Phil is another person who would have good insight as to what is required of a temp to gain employment through Viracon. I'm sure if you told him to look at the information he did have about my time there as a temp he would be able to confirm that I was more than on pace to become a full-time Viracon employee.

B.j. (Viracon Employee - Production Supervisor, 4th Shift)

B.j. approved overtime for me for more on a number of occasions. He would encourage me to continue to come in for overtime on his shift. Never once did B.j. deny me overtime. I asked HR to switch to B.j.'s shift on 1/11/2017. For some reason B.j. denied me. I later found out that Chris spoke to B.j. and told him not to hire me. What makes me upset is knows I'm a good worker so why not tell Chris no? I had hoped B.j. would fight harder for me and was a little disappointed he didn't. I later realized I probably wasn't worth bumping heads with Chris, a known Viracon Bully. Maybe B.j. could give us some insight into what Chris said.. B.j. seems like he would be a good neutral witness. I know how hard I worked compared to the other employees. I know my performance was exceptional. What B.j. can see is what is inputted into the internal system and the which employee in the department gets credit for staging the order. He wouldn't have kept having me back if my number weren't performing. I'd like more insight into this information as well. How well was I performing compared to other employees etc. B.j. was straightforward and didn't seem to care about anything except employee performance.

Rolando (Viracon Employee - IG Staging Lead, 4th shift)

Rolando was always happy to see me coming into his shift for overtime. He might not say that when I did work his shift, I did more work than his scheduled employees. When I told Rolando that Chris was not treating me fairly and I needed to switch shifts the first thing he said was there is an opening on this shift. Then informed me I should go talk to B.j. about switching. My last few days working this shift, Rolando had me training his one of his new employees. The guy had worked their a while but didn't know how to do much. I gladly accepted the challenge. I'm not sure how my training technique worked out because this was one of my last times working this shift. Maybe Rolando could give us some insight. I've also list the 2 guys I trained as witnesses for their opinions. The leads work a lot closer to the individual stagers. Rolando definitely approved of my work etiquette and performance.

Korey Condon (Viracon Employee - IG Staging, 2nd shift)

Korey was a returning employee who had worked for Chris a couple years ago. Korey worked with me his first week back. Me and Korey got along alright. Korey would laugh at me outside before our shift started stating "I don't know what the hell you did he is after you". So Korey did admit to noticing the discrimination. For some reason Chris really likes Korey. The reason he is in the neutral category. I don't know what Korey would say if questioned. I'd say at the least he would admit that I did not deserve to get fired.

Breach of Contract

January 13, 2017 - Contract Formation

I went to Phil's office around 1:30 to reiterate all the issues I was having with Chris, to further try to persuade him to change my shift. Phil continually told me it was against company policy to do a shift change unless I got approval from both my supervisor (Chris) and the supervisor of the shift I was switching to. After about an hour of hearing this rebuttal I told him I was going to have to resign if he couldn't help me. Phil told me if I completed a two week resignation notice, I'd be eligible for reemployment. He explained by doing this it would allow him to hire me into a different shift, or even a different department if I wanted to try something else. I agreed to move forward with the 2 weeks resignation notice only if he would remove me from the hostile work environment, and not allow Chris to wrongfully dismiss me. I was very concerned Chris was going to retaliate against me for going to HR. After sharing those concerns with Phil, he gave assurance that I'd be removed from the hostile work environment and Chris would not wrongfully dismiss me. I finalized the agreement when I signed resignation papers with Phil.

1:30p.m. - Meeting with Phil Sayles

I walked into Phil's office around noon. After about an hour, it became apparent that Phil was not going to do a shift change without Chris's approval because it would violate company policy. I realized there was nothing I could do to change his mind so I went another route. I said to Phil "I got an idea, if I put in 2 weeks' notice, and came back would I be eligible for employment again?". Phil said "I don't see why not; most employees here don't give us notice at all. 2 weeks is more than enough." I said "Do you think that might be my best option?" Phil said "might be. I could hire you anywhere if we did that. We have a lot of other positions available that you might try for." I said "O Yeah? This is actually my first time working in production. I was eventually wanting to get a job in the sales department." Phil responded "Yeah I think an office job night suit you better, a sales position opens up about every three months. Next time you come bring your resume in!" I said "I will definitely do that. Normally I would wait until I got another job before quitting. but right now I guess I don't have any other options' will just have to count on those two weeks to get me through to the next job. I don't feel comfortable rack changing. The guys got me working an advanced forklift position with no training. " Phil responded "I will send him an email and tell him to put you back in staging again." My reply, "Wouldn't it be a lot easier to just let me finish on a different shift?" Phil's reply, "that would awfully hard to do. The same policy would apply. I'd need his approval. What else are you concerned about?" I responded, "I don't think he will be ethical enough to let me fulfill the 2-week resignation notice." Phil's response "he'll let you finish." My response "I don't think you understand the seriousness of the situation. Phil this guy is seriously targeting me. How are you going to make sure he's not going to fire me for nothing? Phil reconfirms, "I'll make sure he fulfills your 2 weeks." I said "alright Phil. Well you're not going to have to worry about me, I'll be working as hard as I ever worked." Phil chuckled and said "okay" He had me sign resignation paperwork and entered the details into the computer. I thanked him for his help, shook his hand and told him "I'll be back to see you after my two weeks so look forward to it." He said "okay, sounds good." I proceeded to exit his office and returned to the production floor to complete my overtime shift.

January 14, 2017 - First Agreement in Contract Fulfilled - Removal From Hostile Work Environment

January 14-15, 2017 (overnight shift)

It was a huge relief when Craig informed me I was switching positions with Dakota and I would be staging with Abyss for the week. It was good to know Phil had followed through. I began wondering how much information he shared with Chris. I didn't want to get caught lying to him. I decided if he asked any questions I'd be honest. Chris approached me a couple hours after the shift started at

my work station. He said "Hi Theo, I was kind of surprised when I got here to read an email I got from HR. Why did you put in your 2-week notice?" I replied "It was very difficult doing that job last week. You saw how slow I was moving. That was not on purpose I was seriously working hard. I didn't want to break glass or worse hurt myself or someone else. I decided Friday on an overtime shift that maybe this job isn't for me." Chris says "Maybe not. Well at least you realized now. Do you have any idea where you're going to work after this?" I replied "A friend of mine works as the lead in one of the departments at Daikin. I'm going to try there. I also was talking to Phil Sayles about possibly getting a job in the sales department. He said since I'm putting in my 2 weeks I'd be eligible for employment." Chris asks "do you have a background in sales?" I said "yeah that's what I use to do. This is my first job in production." Chris says "well good look with that. In the email, I got said you were giving 2 week notice but did not have an exact day. I need to know for my records. When are, you planning for your last day? I said "I'll give you the 2 full weeks Chris. Personally, I need the overtime. Mark me down for January 28, 2017. If that works for you?" Chris replies "yeah I'm going to go put that in the computer." He walked off and I returned to my workstation.

January 23 to 24, 2017 (overnight shift)

Chris yells "Theo! Come here, now!" I walk over to Chris not really know what to expect. Chris screams, "Were you the one who touched the confirm button on the ASM portal?" I replied "no Chris I was standing right there. I would have helped them but you've already made it clear. I'm not aloud to touch the machine." Chris gets even louder, "Theo I'm going to ask you the one more time, did you hit the confirm button on the machine?" I pleaded "No Chris, I assure you I did not." Chris yells angrily "That's it your don't here for good. Come up to my office so you can sign the termination paperwork." I was tired of Chris's harassment, and deceitful manipulation and honestly wanted to save the next man from having to deal with him. I told Chris "I'm not going to let you get away with this, and I'm going upstairs to speak with his boss. As I'm walking to the office Chris is in tow threatening me "Leave now or I'm calling the police" I said "do whatever you want. I'll deal with them after I deal with you. Right now I need to talk to your boss." I proceeded into the Foreman's office with Chris pacing closely behind me. Morning shift workers had just arrived. Chris yells right when we get inside the main office "Theo my office now!" I continued to the Chris boss's office. I told Jerry that Chris found out I was bisexual in November and has been discriminating against me since. He continually blames me for mistakes and problems of other employees. Its rare a shift goes by that he doesn't harass me. He just fired me down there for something I did not do which Phil Sayles from the Human Resource Department promised me wouldn't happen. Jerry Dimmel quickly responded, "lets see what we've got going on. Where was it, what time?" I reply "ASM load terminal 1, around 5:20a.m." We all 3 watched as Rick is operating the portal, he hits the blue blinking, button right confirm button, causing the machine to malfunction. Just to make sure Chris was paying attention to the video. I said aloud "you see that Chris? He said yeah, you weren't the one who hit confirm. I said "I know!" now I have daycare this week. please can I go back to work? Chris jumps up from his chair and yells "Absolutely not." I said "Chris come on man, you saw in the video it wasn't me, at least be ethical. I'm done after this week which is what you wanted. Let me finish please so I have the opportunity to work in a different department." As Chris heads for the door he says "No. I'm absolutely finished with you." Now, it's just me and Jerry. In my head I'm thinking surely he isn't going to allow that. I turned to Jerry and say, "Jerry you heard what he said, it wasn't me. And you saw the video. Surely, you're not going to let him get away with that, are you?" Jerry replies "I've always went with my supervisor's judgment." I say "well now is a good time to stop. Seriously all I'm trying to do it pay for daycare. Is that okay with you?" Jerry replies "I'm really sorry, I can't do it." I say "this isn't going to be the last you hear from me. I made him give me his name and number. As I was exiting the office I said I reminded him "your not going to get away with this." I returned to the floor to pack my things. I see Rick by the lockers and decide to ask him "did you get in trouble to." Rick said "no for What?" I replied, "Chris just fired me up there for something you did. I figured if it were as big of deal as Chris was making it out to be he would at least come down here and talk to you about it. Rick said "I'm sorry dude. You knew they were

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against you. There's nothing you could have done. I sighed and said "yeah. I just feel like there should be something I could do. I might contact a lawyer." I'm sure Rick was never confronted about his small mishap. I guarantee if you investigated you'd find out No one's ever gotten fired for "touching the confirm button." That was just another rule Chris made up solely for me.

January 24, 2017 - Breach of Contract

Breach of contract occurred when Chris used retaliation discrimination to wrongfully dismiss me. I knew Chris was out of control and had serious doubts moving forward with the two week resignation notice. The only reason I did was because of Phil's assurance. Clearly, Phil did not use enough governance to ensure Chris wouldn't be able to wrongfully terminate me. That became evident after I further tried to prevent the breach of contract from occurring by going to Jerry Dimmel's (Foreman) office. I was very surprised when he allowed the discrimination to occur, he should have been one of the first people Phil contacted. I gave Phil a call the next morning to inform him Chris broke our contract but he did not answer.

Breach of Contract - Primary Witnesses

Michael Podany II(Alliance Staffing Employee - IG Staging)

I helped train Mike on an overtime shift (3rd) with Jerrod sometime at the beginning of January. I was partnered with Mike my last week of employment. During that week Mike couldn't help but notice the unfair treatment I got from Chris. On Sunday 1/22/2017 Mike informed me he heard Chris saying cruel things about me to his assistant lead Anissa. I informed Mike that Chris does that all the time, and that if he knew what's best for him he would stay out of it. Even though I wanted to find out what Chris said I did not want us to be overheard and Mike put into the same category as me. Mike did not take my advice. Later on in the shift Mike made a statement aloud to Chris and Anissa that its not nice to talk about someone behind there back. Mike was not accustom to this type of treatment - working hard, and being scrutinized for it. Mike was a direct witness when Chris fired me on 1/24/2017 at around 5:25a.m. when Chris accused of hitting the confirm button on the ASM Control panel. An accusation I later proved to be false. Mike was hired through alliance staffing and would confirm that the entire purpose of the position is to gain employment through Viracon.

Rick (Hired as Viracon employee in December from Alliance Staffing - IG Staging)

Rick was assigned to learn the ASM operations on the week of 1/21/2017. On 1/24/17 Rick was the one that hit the confirm button on the ASM which caused the machine to malfunction. Even though he saw Chris blame me for it and fire me, Rick did not come forward and admit it was actually him. After taking the matter Chris's boss, Jerry Dimmyl, Me, Chris and Jerry all confirmed Rick was the one that made the machine malfunction (estimated time of Viracon video 5:20 - 5:25a.m. 1/24/2017 - ASM load camera). Watching the video proved to be a waste of time since I was still fired. You would think that once Chris found out Rick was the one that made the machine malfunction Rick would have received some sort of punishment but he did not. The reality is the error was not a detrimental one. Chris simply blew it up and accused me so he could fire me. As soon as he came to the knowledge that it wasn't me who caused the error it was not as much a big deal to him anymore. This is more proof Chris was discriminating against me. If Rick tried to lie or bend the truth there is a good chance you would be able to catch him because he was closely involved with this final retaliation discrimination that took place. Everything stated here is the truth. With the right questioning strategy I believe Rick would have no other choice but to tell the truth.

Jerry Dimmel (2nd Night Shift - Chris Blouin's Supervisor - Foreman)

Jerry Dimmel is Chris's boss. I told Jerry that Chris is discriminating against me because I'm bisexual for nearly 2 months now. He continually blames me for mistakes and problems that other employees cause he knows he does it. He just fired me down there for something I did not do. Jerry's responded, Theodore Haugand Vs. Viracon Inc.

Well let's see what we've got here and proceeds to pull up the video on his computer. Me, Jerry and Chris all watched the video on the computer in the office (January 24, 2017 5:15 a.m. and 5:30a.m. ASM load, portal 1, rick hitting the blue button that's flashing). I asked Chris in front of Jerry, Chris did you see that? Chris replied yea you did not hit the confirm button. Jerry also watched Chris still fire me. If that wasn't bad enough, Jerry aloud it. because of Jerry this wrongful termination can now be proven.

Phil Sayles (Viracon Human Resource)

I talked to Phil on the phone and in person a couple of times. I told him about the discrimination. He should at least confirm that. Phil is another person who would have good insight as to what is required of a temp to gain employment through Viracon. I'm sure if you told him to look at the information he did have about my time there as a temp he would be able to confirm that I was more than on pace to become a Viracon employee.

Retaliation Discrimination

January 14 to 15, 2017 (overnight shift)

I was very nervous going back to work. It was a huge relief when Craig informed me I was switching positions with Dakota and I would be staging with Abyss for the week. It was good to know Phil had followed through. I began wondering how much information he shared with Chris. I didn't want to get caught talking to him. I decided if he asked any questions I'd be honest. Chris approached me a couple hours after the shift started at my work station. He said "Hi Theo, I was kind of surprised when I got here to read an email I got from HR. Why did you put in your 2-week notice?" I replied "It was very difficult doing that job last week. You saw how slow I was moving. That was not on purpose I was seriously working hard. I didn't want to break glass or worse hurt myself or someone else. I decided Friday on an overtime shift that maybe this job isn't for me." Chris says "Maybe not. Well at least you realized now. Do you have any idea where you're going to work after this?" I replied "A friend of mine works as the lead in one of the departments at Daikin. I'm going to try there. I also was talking to Phil Sayles about possibly getting a job in the sales department. He said since I'm putting in my 2 weeks I'd be eligible for employment." Chris asks "do you have a background in sales?" I said "yeah that's what I use to do. This is my first job in production." Chris says "well good look with that. In the email, I got said you were giving 2 week notice but did not have an exact day. I need to know for my records. When are, you planning for your last day? I said "I'll give you the 2 full weeks Chris. Mark me down for January 28, 2017. Will that be work for you?" Chris replies "yeah I'm going to go put that in the computer." I returned to my workstation

January 16 to 17, 2017 (overnight shift)

My partner Abyss informs me that on January 10-11 he saw Chris Ducking in between the lines to spy on me. Abyss said he caught Chris doing this several times throughout the shift.

January 22 to 23, 2017 (overnight shift)

After using the bathroom in a different department I notice Chris staring at me. When I finally get up near him he says, this is why I can't have you work here. You always doing shit you should be doing and in places you shouldn't be. That's why I didn't approve your shift change. I said "what". He said "your shift change, weren't you trying to change shift? I said "well you obviously already know." And proceeded back to my workstation. *I told HR not to contact him for a specific reason. He could have made my environment more hostile had I not decided to quit.

January 23 to 24, 2017 (overnight shift)

Chris yells "Theo! Come here, now!" I walk over to Chris not really know what to expect. Chris screams, "Were you the one who touched the confirm button on the ASM portal?" I replied "no Chris I was standing right there. I would have helped them but you've already made it clear. I'm not aloud to touch the machine." Chris gets even louder, "Theo I'm going to ask you the one more time, did you hit the confirm button on the machine?" I pleaded "No Chris, I assure you I did not." Chris yells angrily "That's it your don't here for good. Come up to my office so you can sign the termination paperwork." I was tired of Chris's harassment, and deceitful manipulation and honestly wanted to save the next man from having to deal with him. I told Chris "I'm not going to let you get away with this, and I'm going upstairs to speak with his boss. As I'm walking to the office Chris is in tow threatening me "Leave now or I'm calling the police" I said "do whatever you want. I'll deal with them after I deal with you. Right now I need to talk to your boss." I proceeded into the Foreman's office with Chris pacing closely behind me. Morning shift workers had just arrived. Chris yells right when we get inside the main office "Theo my office now!" I continued to the Chris boss's office. I told Jerry that Chris found out I was

bisexual in November and has been discriminating against me since. He continually blames me for mistakes and problems of other employees. Its rare a shift goes by that he doesn't harass me. He just fired me down there for something I did not do which Phil Sayles from the Human Resource Department promised me wouldn't happen. Jerry Dimmel quickly responded, "lets see what we've got going on. Where was it, what time?" I reply "ASM load terminal 1, around 5:20a.m." We all 3 watched as Rick is operating the portal, he hits the blue blinking, button right confirm button, causing the machine to malfunction. Just to make sure Chris was paying attention to the video. I said aloud "you see that Chris? He said yeah, you weren't the one who hit confirm. I said "I know!" now I have daycare this week. please can I go back to work? Chris jumps up from his chair and yells "Absolutely not." I said "Chris come on man, you saw in the video it wasn't me, at least be ethical. I'm done after this week which is what you wanted. Let me finish please so I have the opportunity to work in a different department." As Chris heads for the door he says "No. I'm absolutely finished with you." Now, it's just me and Jerry. In my head I'm thinking surely he inst going to allow that. I turned to Jerry and say, "Jerry you heard what he said, it wasn't me. And you saw the video. Surely, you're not going to let him get away with that, are you?" Jerry replies "I've always went with my supervisor's judgment." I say "well now is a good time to stop. Seriously all I'm trying to do it pay for daycare. Is that okay with you?" Jerry replies "I'm really sorry, I can't do it." I say "this isn't going to be the last you hear from me. I made him give me his name and number. As I was exiting the office I said I reminded him "your not going to get away with this." I returned to the floor to pack my things. I see Rick by the lockers and decide to ask him "did you get in trouble to." Rick said "no for What?" I replied, "Chris just fired me up there for something you did. I figured if it were as big of deal as Chris was making it out to be he would at least come down here and talk to you about it. Rick said "I'm sorry dude. You knew they were against you. There's nothing you could have done. I sighed and said "yeah. I just feel like there should be something I could do. I might contact a lawyer." I'm sure Rick was never confronted about his small mishap. I guarantee if you investigated you'd find out No one's ever gotten fired for "touching the confirm button." That's just another rule Chris made up for me.

I didn't get much sleep that day. I decided to give Phil a call too see If I'd still be eligible for employment. He did not answer. I left a voice-mail but never heard back from him.

Retaliation Discrimination - Primary Witnesses

Michael Podany II(Alliance Staffing Employee - IG Staging)

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Theodore Haugland Vs. Viracon

Discrimination Explanation

Theodore Haugland vs. Viracon Inc.

Introduction & Explanation

I've added more details to my answers to the original questionnaire and included an additional questionnaire. Listed below are my new findings. You will find a document for each increased method of discrimination. There is also a packet with some possible evidence and information about Viracon and Alliance Staffing I put together to prove these allegations.

Sexual Orientation Hiring Discrimination

Hostile Work Environment

Constructive Discharge

Breach of Contract

Retaliation Discrimination

I was hired on by Alliance Staffing Solutions and assigned to start a position in the IG staging department at Viracon on October 24, 2016. The purpose of the assignment was to work the required 450 hours and get hired into Viracon as a full-time employee. Due to the fact I was assigned by a staffing agency to work at Viracon so I could eventually gain employment this claim has to be classified as hiring discrimination. The end result of Viracon's discrimination was a non-hire decision.

A constructive discharge is successful when the employer forces the employee to resign, usually because of a hostile work environment. The employee in this circumstance typically does not offer the employer a two week resignation notice because the employee is not safe, and cannot get out of the hostile work environment. Removing me from Chris's hostile work environment and assurance that Chris would allow me to complete a two week resignation notice was part of an agreement I made with Phil Sayles from Viracon's Human Resource Department. As an incentive, Phil also told me if I completed a two week resignation notice, I'd be eligible for future employment at Viracon. Even though the agreement Phil and I reached made my constructive discharge official, Chris was not happy with the terms. On January 24, 2017 Chris Blouin retaliated with discrimination, breaching the contract I had with Viracon's human resource department, he wrongfully discharged me, effectively canceling his successful constructive discharge.

Sexual Orientation Discrimination Time-line

10/23/2016 to 10/29/2016 - 38.20 Hours - Training

10/29/2016 to 11/05/2016 - 38.35 Hours - Training

11/06/2016 to 11/12/2016 - 71.95 Hours - 31.95 Hours Overtime

11/13/2016 to 11/19/2016 - 60.00 Hours - 20 Hours Overtime

November 22 to 23, 2016 (overnight shift)

On or before November 22, 2017 - Chris Blouin informed me he conducted a widespread internet search, and found out more information about than he wanted to know. I did not have to ask or tell him, he simply did it out of his own free will, and then admitted it to me "I looked you up on the internet." I replied, "O yeah? what did you see?" Chris says "several videos on YouTube, modeling pictures, your linked-in. I know you were talking about your daughter before. Its just that one of your videos... were you gay and straight now or were you straight then and gay now.?" I did not expect him to ask this. I simply told him the truth "I'm bisexual. Sort of common in Houston". Chris replied "its like the opposite here. You need to be careful especially at work." I told him "I will do the best I can" and laughed. Chris definitively took what I said the wrong way. He was either really mad or embarrassed . I said "not like that, Chris. I'm here to work and that's its. So far I've been enjoying the job." Chris says "that's good. I saw on your linked in you have a college degree...?. Is that true?" I answer "Yeah, I have a degree in Finance but its kind of hard to use now that I'm no longer eligible to receive my series 7 & 66 license. I'm sure you saw the legal issues to right?" Chris replies "yeah I was surprised to read about that too." I then said, "Most of what was written in that article is untrue." I was a little irritated he dug so deep into my personal life. I had to know "Do you search all your employees?" Chris replies "yeah its kind of my thing. You know whats amazing?.." I say "what" He replies "that I was able to get to where I'm at today without even a High School Diploma. I am very proud of myself." I didn't know what to say, I decided to talk him up "impressive. You seems very intelligent. I never would have guessed." again he took what I said the wrong way. I could tell he was uncomfortable. He finally said "I've got to go. Just do yourself a favor and don't forget what I told you." Before I could reply Chris was on his way to somewhere else. Honestly, there was nothing I could have done to prevent him from finding out. I sort of have made myself public over the years. It's still none of his business. And even if he did look me up and found information he wasn't suppose, he shouldn't have the right to ask me about it.

11/20/2016 to 11/27/2016 - 47.63 Hours - 7.63 Hours Overtime

December 3 to 4, 2016 (overnight shift)

Chris started discriminating against me for my sexual orientation by blaming me for issues and problems that I had nothing to do with. I was not use to the behavior. I tried to get back on his good side by going up to his office with Rick and telling on the guy (Mike P. 4th shift working 2nd Overtime) who just ran the forks of is forklift into a load of glass and hid that evidence. I also reported Crises best friend son "Matt" for putting the ASM in manual and not even looking if there was glass on it. He sends 2 pieces off the back (est30x45) colliding into our (Mine & Ricks) computer terminal.

Glass was everywhere. Me and Rick had to stop production because the glass in our area posed a safety concern. We cleaned it. Around 3 I noticed Matt had not gone upstairs and told Chris about his incident. This made me a little upset because it halted our performance. Not only that I could have been using that terminal and would have probably been seriously injured. I decided I would let him know. I did not know that guy was like Chris's family. After I told Chris, he was so angry. He told me all I've been doing all day was staring at other guys and I needed to stop. I told Chris I'm sorry, that's what they trained us to do. He said leave now and I don't want to see you for the rest of the shift. That was not true. But there was no since to say anything. When I got, trained I was told to report anything I saw that was unsafe. I was also told that if an employee breaks glass and intentionally hides the broken glass to avoid having to take a drugs test was a major violation. Chris found any and every reason to harass me after this. One shift in December I came back at 11:23. My coworker were still returning like I wasn't late. I said look Chris and pointed to the people just walking in. He started saying to me "Don't worry about anybody else worry about yourself" Then Chris would threaten to fire me if I did it again. I got so sad, and agreed to make sure I wasn't taking longer than a minute break (All the other shifts take at least a 25 minute break twice a day. 4th shift takes a 30 minutes' break). He must have like how badly I was shook because he started Threatening me almost every day after this.

11/28/2016 to 12/03/2016 - 71.25 Hours - 31.25 Hours Overtime

December 5 to 6, 2016 (overnight shift)

At the beginning of each shift, The IG Staging team typically stands in a circle and does stretches. Since most employees are just showing up to work most of us have would have a drink with us. There are around 25 employees in our department. Chris glares at me and said "What are you doing with that our here? Your not suppose to have that go throw it away. I said "Chris everyone's got a drink out here why am I the only one that has to throw mine away?" Chris responded "don't worry about everyone else. Throw that away or I'm going to send you home for the day." I had no choice to I just said "whatever" and threw my drink away. What was upsetting was that he targeted me in front of our whole department. This type of behavior slowly became the new norm for Chris.

12/04/2016 to 12/10/2016 - 56.59 Hours - 16.59 Hours Overtime

December 12 to 13, 2016 (overnight shift)

Chris's best friend's son Matt acknowledged Chris's discrimination and starting going along with it. Matt started going to Chris and telling on me for small infractions like having food at work or coming back from break a couple minutes late. Chris wouldn't just get a little bit upset he get extremely upset. I was tired of being discriminated against. Everybody starts taking off their uniform and getting ready to go home at 5:55 a.m. I proceeded with everybody else. Chris came bolting across the isle to ask me "What the doing? Its not time to go yet. Put your gear back on." This was irritating because everybody else was going home. He wouldn't let me start getting undressed until 6:00. The next day I just continued working until about 5:59 a.m so I wouldn't have to deal with him.

12/11/2016 to 12/17/2016 - 71.38 Hours - 31.38 Hours Overtime

December 19 to 20, 2016 (overnight shift)

Despite my ability to outperform colleagues at the duties entailed for job Chris would try to discriminate with negative emotion and often express that I am not doing anything right. He would

accuse me of committing safety violations that I was not committing. In one instance, I proved to him that the glass me and my coworker had lifted was defined as a 2 man lift in the safety guidelines found in Viracons business system documents. His response was that those documents are not updated and Viracons policy had changed. I was told if I do something like this again he would terminate me. It came to the point Chris wouldn't let me lift glass in the weight restriction. This might seem like it could be normal for some people but I am in decent shape. I'd ask Chris why and he'd tell me I'm too weak. Just not at all true.

12/18/2016 to 12/24/2016 - 69.83 Hours - 19.83 Hours Overtime

December 27 to 28, 2016 (overnight shift)

After returning from break the same time many other employees were returning 10:23 Chris targets me and pulls me aside. Informs me I am late coming back from break as many other employees are returning. I tell Chris look at all these employees that are still returning and ask him why he is singling me out. He tells me what other employees are doing is not my business and I need to worry about myself. Again, he threatens to termination.

12/25/2016 to 12/31/2016 - 23.95 Hours

January 1 to 2, 2017 (overnight shift)

I was very surprised to see that the cinnamon rolls that I had in a bag were thrown away when I got back to my workstation. They were suppose to be for lunch. I wasn't as much concerned with the fact that Chris threw them away but was comfortable enough now to get into my personal things. I tried not to bring anything extra to work after this. What annoyed me the most is when Chris would watch people eat, or they eat in from of him. Just when its me there's a problem. And every time Chris decides to come around, hes fixated on me. Literally all I wanted to do was work. I was getting good at my job. Chris should have been happy with me but instead I was treated like I did not belong. A lot of people in our department witnessed Chris discriminate against me. No one really wanted to talk to me because they were afraid if they did that might get them in trouble with Chris.

January 2 to 3, 2017 (overnight shift)

Chris calls me to his office and informs me he needs to do an evaluation. Chris fabricated the whole evaluation. Would not be honest in even 1 category. The final category "follows safety guidelines" I was ranked as below average. Due to his evaluation of the 2 former categories I was not at all surprised at this. Although I had a hard time understanding how I was below average due to the fact I had never once received a safety violation I decided not to argue. Chris concluded that although he did not want to he was going to hire me on as a Viracon employee. He talked about the evaluation as if it were some sort of contract. He said after we both signed the evaluation it would be sent to HR and to Carrie Hartle. Then a date would be set for me to set up health insurance and other benefits the company has to offer. I later found out that neither Carrie or Phil ever received an email from Chris.

01/01/2017 to 01/07/2017 - 71.77 Hours - 31.77 Overtime

January 7 to 8, 2017 (overnight shift)

I was surprised after being informed by the lead of our department that Chris assigned me to work a new position for the week, "rack changing" (Rack Changing is an advanced forklift position within

our department in which the employee is required to transfer loads of glass into and through crowded areas of people and equipment within the factory). This took me by extreme surprise because I had just received my forklift license. Immediately I objected, told Craig "I couldn't do that job, I'm still learning how to operate the forklift in an open area. Craig's response "Chris wanted me to place you here. You're going to have to learn how to do it sometime. You will be fine." I said "but Craig, I don't know how to do this job, no one trained me how to "Rack Change" or what the job entails. I don't even know my responsibilities!" Craig's response "It's Easy! All you do is change out the racks as the line call for it." I said "Craig I might be able to do this job but I will be extremely slow. I know how Chris gets when the lines are backed up. I want you both to know now that I will not sacrifice safety for speed." Craig responded "that's fine. If you need help or get backed up, we'll send the hauler to help you." He then set down a dispatch radio. I said "I guess I don't have a choice" in which he replied "not really". I picked the dispatch radio up and proceeded towards forklifts. I knew I was in big trouble when I couldn't turn the dispatch radio on.

January 9 to 10, 2017 (overnight shift)

I continued successfully performing the "rack changing" task. At 3 in the morning Chris called me and another employee who was due and approved for the promotion down to an office. On the way I confirmed with Chris that I was doing okay and that he had no complaints. The meeting was about fire, tornado and bomb drills, and a review of the safety guidelines. After the meeting, I asked Chris a question about the Viracon transfer that was supposed to be on Wednesday. He said that he was not able to get the approval sent over fast enough and that it would be pushed back for another week. The day before me and another female that was getting transferred and approved for the offer met at 3 in the morning and went over tornado, bomb, and fire drills. I asked Chris if I had been doing okay and he approved. An event that would change a supervisor's mind about a basic promotion/offer would have to be catastrophic. Not I was to slow or did not know what a desiccant bag was. As I've said several time the offer is basic. Chris rolled over employees that did not even know how to stage or so slow they do 3 to 5 a night. I manage 10 to 20 schedules a night, accurately.

January 10 to 11, 2017 (overnight shift)

I was called over the dispatch radio to perform several tasks that I did not know I was supposed to perform or how to perform them. I worked to the best of my ability and focused on safety. At around 4 in the morning on January 11th, Chris calls me into his office and says "I've decided I am going to rescind your full-time employment offer." I said "but why". He replied "I am very unhappy with your performance down there. You are slowing the lines down. I don't feel your taking this job serious." I said "I've been focused on safety Chris. I told Craig I wasn't good on the forklift and was going to be slow. Chris reply's "I'm not talking about safety. You have been getting calls over the dispatch radio all night and ignoring them." I said "Chris, you didn't train me in, or tell me what my responsibilities were for the job. No one told me I was supposed to unload the truck. When the guy called earlier he didn't call for me. He simply said truck to unload. The entire factory uses this frequency. How was I supposed to know that was for me.," Chris reply's, yeah well what about when she called for a hauler to change the desiccant bag". I replied "I am not the hauler (the other advanced forklift position), and did not even know what a desiccant bag was or where I would find it. Chris's response, "yeah well then you were informed and it took you an hour to get that and 3 hours to unload the truck." I replied "I was not trained on how to unload the truck and was having a hard time getting the racks out. I assure you I wasn't down there messing around, I was trying my hardest! Chris's reply "a fucking retard could have unloaded it in less time than that." My reply "Go ask

someone down there Chris. Even the lines, they will tell you I've been doing alright." Chris's reply "who? Check the cameras Chris, I was trying my hardest". Chris rhetorically asks "who the Mexican down there that's too stupid to follow the safety violations? Or the Somali that sits on his ass all day? I can't trust those people. I said "okay Chris well check the cameras. You will see I've been down there working hard all day." Chris gets frustrated, "No! I don't have time for that. The decision is final" Obviously beaten I decide to move on, "I've never heard of anyone's employment being rescinded. What does that even mean?" Chris reply's, "It means you're not an employee here until I decide so." I said "until you decide? Well I was sure I've should you more than enough. I don't even know what else I could do to prove how serious I am. I'm one of the better stagers down there and I work more hours than anyone else in our department. And since I can't physically meet your needs rack changing right now. Would you please switch me back to my normal position?" Chris says "I can't even find an employee down there that will work with you. They are all uncomfortable with your sexuality." I argue "that's not true Chris. I could name plenty of employees down there that like me and will work with me." Chris reply's, "So you think, they don't like you. And no, I'm not switching you." I reply, "Are you serious? So how long are you going to make me do this for Chris?" Even more frustrated, Chris reply's, "Yes, again, AND AGAIN, and AGAIN! I don't care if I have to make you do it for a month. You will do it until you get it right!". Clearly defeated at this point, I sigh and stare at the wall in his office. Finally, Chris says "I've got to go, I was up all day in a meeting and now all this with you, I am taking off early tonight." He proceeds to open his office door signaling me to leave." As I'm leaving Chris says "and Theo I don't want to see you in my office again. If I see you do anything else wrong, or get any more complaints about you, you're done." I wasn't surprised to see that Chris worked until 6a.m., the remainder of his shift.

January 11, 2017

I contemplated very hard over the next 6 hours. I knew I was not going to be able to satisfy Chris "rack changing". I simply did not have the knowledge or experience to do so. Chris was obviously setting me up so he could get a reason to terminate my assignment. There were only 2 ways I could prevent termination. Try to switch shifts OR quit with 2 weeks' notice. I was good at my job, and I liked it so I decided I would try to switch shifts. Supervisor's are required to fill out a pre-approved overtime sheet for any employee working overtime. I was putting in 24-36 hours of overtime a week with the other night-shift supervisor B.J., who always encouraged me to work overtime on his shift as possible. I knew he was at the least satisfied with my work performance. The first person I called was Carrie Hartle, the on-site alliance staffing personal. I told her everything that happened. How Chris was discriminating against me. Making me work a job that I wasn't qualified or trained for. She informed me the only way for her to make a shift change, was if both supervisors approved it. I told her that wouldn't do any good. After I concluded she would not help me I asked her for the number to HR.

I called Phil Sayles in the human resource department and informed him everything that was happening. From Chris discriminating to the most recent, Chris making me work a job I wasn't trained to do. I asked Phil "Will you please allow me to switch shifts?" Phil said "The only way I would be allowed do a shift change for you is if both supervisors agree to it. It's company policy. Can you get Chris to approve it?" I replied "Chris is looking for any reason to fire me. Hes so determined to get rid of me he's making me work a position that I'm not trained in so he can have a reason to fire me. No I don't think he'd approve me Phil." It took some beating. Finally, I got him to agree to something. If I could get B.j. to approve me he'd let me switch. He said he would send an email to him. I said okay I'm working overtime tonight so I will ask him then.

That night I talked with the department lead of that shift, Rolando. I told him a few details about what was going on with Chris. Then said "I was thinking about switching shifts? Would that be okay with you?" He said, "Yeah! We could really use someone like you right now. But it's not up to me. You would have to talk to B.J." I said "are there any positions open?" He replied "yeah actually there are! We still have not replaced the guy Kris, the one that was fired last week." I said "that would be perfect if I could switch shifts. I proceeded to ask B.J.'s office." When I got up there, I greeted B.j. and right away I could tell something was different. When I asked him if it would be okay if I switched to his shift he responded "I wish I could, we are full over here right now, I don't have any openings." I said "oh I didn't know, Rolando told me you did." He said, "Rolando doesn't really know what's going on up here he just thinks he does." I said "So you already filled the position from that guy who got fired" B.j. says "yeah we just filled it." I said "that's okay then." Thanked him and left.

January 13, 2017

I decided to come into the day shift and work overtime. I wasn't as close to this supervisor but I figured I'd at least try. I saw him on the production floor and approached him. I found out he was substituting for the regular supervisor who called in sick." I talked with him about some of the problems I was having with Chris. His advice was to go to HR. I asked "Can I do that on the clock?" He said "yes". I walked into Phil's office around noon. After about an hour, it became apparent that Phil was not going to do a shift change without Chris's approval because it would violate company policy. I realized there was nothing I could do to change his mind so I went another route. I said to Phil "I got an idea, if I put in 2 weeks' notice, and came back would I be eligible for employment again?". Phil said "I don't see why not; most employees here don't give us notice at all. 2 weeks is more than enough." I said "Do you think that might be my best option?" Phil said "might be. I could hire you anywhere if we did that. We have a lot of other positions available that you might try for to." I said "well I I really don't have any other options. Go ahead and start the paperwork. The one thing I'm concerned about is Chris honoring those 2 weeks. Is there any way I could finish on a different shift?" Phil's reply, "that would awfully hard to do. What is it that your concerned about?" I responded, "I don't think he will be ethical enough to let me fulfill the 2-week notice. Plus I don't feel comfortable rack changing. The guys got me working an advanced forklift position with no training. " Phil responded "I will send him an email and tell him to put you back in staging again." My reply "this guy is seriously targeting me. How are you going to make sure he doesn't fire me for nothing? Phil reconfirms, "I'll make sure he fulfills your 2 weeks." I said "alright Phil. Well you're not going to have to worry about me, I'll be working as hard as I ever worked." I thanked him for his help and returned to the production floor.

01/08/2017 to 01/14/2017 - 71.90 Hours - 31.90 Overtime

January 14 to 15, 2017 (overnight shift)

I was very nervous going back to work. It was a huge relief when Craig informed me I was switching positions with Dakota and I would be staging with Abyss for the week. It was good to know Phil had followed through. I began wondering how much information he shared with Chris. I dint want to get caught Riesling to him. I decided if he asked any questions I'd be honest. Chris approached me a couple hours after the shift started at my work station. He said "Hi Theo, I was kind of surprised when I got here to read an email I got from HR. Why did you put in your 2-week notice?" I replied "It was very difficult doing that job last week. You saw how slow I was moving. That was not on purpose I was seriously working hard. I didn't want to break glass or worse hurt myself or someone

else. I decided Friday on an overtime shift that maybe this job isn't for me." Chris says "Maybe not. Well at least you realized now. Do you have any idea where you're going to work after this?" I replied "A friend of mine works as the lead in one of the departments at Daikin. I'm going to try there. I also was talking to Phil Sayles about possibly getting a job in the sales department. He said since I'm putting in my 2 weeks I'd be eligible for employment." Chris asks "do you have a background in sales?" I said "yeah that's what I use to do. This is my first job in production." Chris says "well good look with that. In the email, I got said you were giving 2 week notice but did not have an exact day. I need to know for my records. When are, you planning for your last day? I said "I'll give you the 2 full weeks Chris. Mark me down for January 28, 2017. Will that be work for you?" Chris replies "yeah I'm going to go put that in the computer." I returned to my workstation

January 16 to 17, 2017 (overnight shift)

My partner Abyss informs me that on January 10-11 he saw Chris Ducking in between the lines to spy on me. Abyss said he caught Chris doing this several times throughout the shift.

01/15/2017 to 01/21/2017 - 35.85 Hours, No Overtime

January 22 to 23, 2017 (overnight shift)

After using the bathroom in a different department I notice Chris staring at me. When I finally get up near him he says, this is why I can't have you work here. Your always doing shit you should be doing and in places you shouldn't be. That's why I didn't approve your shift change. I said "what". He said "your shift change, weren't your trying to change shift? I said "well you obviously already know." And proceeded back to my workstation. *I told HR not to contact him for a specific reason. He could have made my environment more hostile had I not decided to quit.

January 23 to 24, 2017 (overnight shift)

Chris yells "Theo! Come here, now!" I walk over to Chris not really know what to expect. Chris screams, "Were you the one who touched the confirm button on the ASM portal?" I replied "no Chris I was standing right there. I would have helped them but you've already made it clear. I'm not aloud to touch the machine." Chris gets even louder, "Theo I'm going to ask you the one more time, did you hit the confirm button on the machine?" I pleaded "No Chris, I assure you I did not." Chris yells angrily "That's it your don't here for good. Come up to my office so you can sign the termination paperwork." I was tired of Chris's harassment, and deceitful manipulation and honestly wanted to save the next man from having to deal with him. I told Chris "I'm not going to let you get away with this, and I'm going upstairs to speak with his boss. As I'm walking to the office Chris is in tow threatening me "Leave now or I'm calling the police" I said "do whatever you want. I'll deal with them after I deal with you. Right now I need to talk to your boss." I proceeded into the Foreman's office with Chris pacing closely behind me. Morning shift workers had just arrived. Chris yells right when we get inside the main office "Theo my office now!" I continued to the Chris boss's office. I told Jerry that Chris found out I was bisexual in November and has been discriminating against me since. He continually blames me for mistakes and problems of other employees. Its rare a shift goes by that he doesn't harass me. He just fired me down there for something I did not do which Phil sayles from the Human Resource Department promised me wouldn't happen. Jerry Dimmel quickly responded, "lets see what we've got going on. Where was it, what time?" I reply "ASM load terminal 1, around 5:20a.m." We all 3 watched as Rick is operating the portal, he hits the blue blinking, button right confirm button, causing the machine to malfunction. Just to make sure Chris was paying attention to the video. I said aloud "you see that Chris? He said yeah, you weren't the one who hit confirm. I said "I know!" now I have daycare this week. please can I go back to work? Chris jumps up from his chair and yells "Absolutely not." I

said "Chris come on man, you saw in the video it wasn't me, at least be ethical. I'm done after this week which is what you wanted. Let me finish please so I have the opportunity to work in a different department." As Chris heads for the door he says "No. I'm absolutely finished with you." Now, it's just me and Jerry. In my head I'm thinking surely he inst going to allow that. I turned to Jerry and say, "Jerry you heard what he said, it wasn't me. And you saw the video. Surely, you're not going to let him get away with that, are you?" Jerry replies "I've always went with my supervisor's judgment." I say "well now is a good time to stop. Seriously all I'm trying to do it pay for daycare. Is that okay with you?" Jerry replies "I'm really sorry, I can't do it." I say "this isn't going to be the last you hear from me. I made him give me his name and number. As I was exiting the office I said I reminded him "your not going to get away with this." I returned to the floor to pack my things. I see Rick by the lockers and decide to ask him "did you get in trouble to." Rick said "no for What?" I replied, "Chris just fired me up there for something you did. I figured if it were as big of deal as Chris was making it out to be he would at least come down here and talk to you about it. Rick said "I'm sorry dude. You knew they were against you. There's nothing you could have done. I sighed and said "yeah. I just feel like there should be something I could do. I might contact a lawyer." I'm sure Rick was never confronted about his small mishap. I guarantee if you investigated you'd find out No one's ever gotten fired for "touching the confirm button." That's just another rule Chris made up for me.

January 24, 2017

I didn't get much sleep that day. I decided to give Phil a call too see If I'd still be eligible for employment. He did not answer. I left a voice-mail but did not receive a call back.

01/22/2017 to 01/28/2017 - 24.05 Hours

Increased Methods of Discrimination in Chronological Order

January 2, 2017 to January 3, 2017

"DISCRIMINATORY EVALUATION"

January 7, 2017 through January 11, 2017

"HOSTILE WORK ENVIRONMENT"

January 11, 2017 through January 13, 2017

"CONSTRUCTIVE DISCHARGE"

January 14, 2017 through January 24, 2017

"BREACH OF CONTRACT"

January 23, 2017 to January 24, 2017

"RETALIATION DISCRIMINATION"

Discriminatory Evaluation

January 2 to 3, 2017 (overnight shift)

EVALUATION - Possible ratings

- Below Expectations (Bad)
- Slightly Below Expectation
- Meets Expectations (Okay)
- Slightly Above Expectations
- Above Expectations (Great)

Attendance/Showing up to work on time MEETS EXPECTATIONS

I was late 1 time and clocked an average of 60 hours a week. If I barely met Chris's expectations in this category it would be possible to score slightly above expectation (not late) but impossible to have a score of meets expectations. This category assessment should prove Chris was discriminating against me. After an employee works the required 450 hours they are to be evaluated and upon this evaluation supervisor is to decide whether employee is eligible to become a full time Viracon employee. Its during this time the employee is no longer assigned through Alliance Staffing Solutions but hired on through Viracon and Viracon only. Chris's assessment of me was biased and inaccurate. By looking at his score for "employee attendance", he scored me in this category barely meets expectations. Throughout my employment, I worked an average 60 hours a week. All the overtime that I did put in was pre-approved by the supervisors from other shifts. The other supervisors and leads were more than content with the quality of my work and would encourage me to continue coming in for overtime. Each day I came for overtime a required form was filled out and signed by both me and the supervisor which was sent to Chris. I worked more hours a week than anyone else on my shift. I only had 1 sick day throughout my entire employment and even that week I ended up working a total of 58 hours. *An authentic rating in the attendance category would have been slightly above or above expectations.*

Ability to Handle Job Functions, Performance SLIGHTLY BELOW EXPECTATIONS

AS far as handling job essentials. I worked very hard every day. I enjoyed it. I did not do anything I was not supposed to at Viracon. Ask either lead, Sam or Rolando on 4th shift or their supervisor "Bob" about me. Bob cannot deny that fact because he pre- approved (Document which I give to Chris so he can do payroll) me to work over 20 overtime shifts for him. For the category "ability to handle essential job duties" I was scored below expectations. Its not an assumption, I was by far exceeding the majority of the employees in this department. Every completed schedule is taken into account for in Viracon's internal program called "bridge". If those reports could be subpoenaed that would be hard evidence I was outperforming most of the employees. Other employees that would work with me were

amazed at my knowledge of the system and ability to stage the glass. As I mentioned other supervisors would encourage me to come in for overtime and I was never once denied overtime. The signed forms obtainable through Chris and possibly is more hard evidence. In fact, the leads from shift 4 felt I was competent enough to train 2 of their new employees. Chris's response when I asked him why he felt my ability to handle the job duties was below average was that I'm not that good and that at best I am able to keep up with 50% of other employees in that department. *An authentic rating in the performance category would have been slightly above or above expectations.*

**Follows Safety Guidelines
DOES NOT MEET EXPECTATIONS**

On Chris's assessment, he put that I was below expectation in the safety category even though I had 0 write-ups for safety violations. Throughout my entire employment... I never ONCE received a safety violation. Chris fabricated the whole evaluation. Would not be honest in even 1 category. The final category "follows safety guidelines" I was ranked as below average. Due to his evaluation of the 2 former categories I was not at all surprised at this. Although I had a hard time understanding how I was below average due to the fact I had never once received a safety violation I decided not to argue. Chris concluded that although he did not want to he was going to hire me on as a Viracon employee. He talked about the evaluation as if it were some sort of contract. He said after we both signed the evaluation it would be sent to HR and to Carrie Hartle. Then a date would be set for me to set up health insurance and other benefits the company has to offer. I later found out that neither Carrie or Phil ever received an email from Chris. *An authentic rating in the Safety category would have been meets expectations, slightly above or above expectations.*

Hostile Work Environment

January 7 to 8, 2017 (overnight shift)

I was surprised after being informed by the lead of our department that Chris assigned me to work a new position for the week, "rack changing" (Rack Changing is an advanced forklift position within our department in which the employee is required to transfer loads of glass into and through crowded areas of people and equipment within the factory). This took me by extreme surprise because I had just received my forklift license. Immediately I objected, told Craig "I couldn't do that job, I'm still learning how to operate the forklift in an open area. Craig's response "Chris wanted me to place you here. You're going to have to learn how to do it sometime. You will be fine." I said "but Craig, I don't know how to do this job, no one trained me how to "Rack Change" or what the job entails. I don't even know my responsibilities!" Craig's response "It's Easy! All you do is change out the racks as the line call for it." I said "Craig I might be able to do this job but I will be extremely slow. I know how Chris gets when the lines are backed up. I want you both to know now that I will not sacrifice safety for speed." Craig responded "that's fine. If you need help or get backed up, we'll send the hauler to help you." He then set down a dispatch radio. I said "I guess I don't have a choice" in which he replied "not really". I picked the dispatch radio up and proceeded towards forklifts. I knew I was in big trouble when I couldn't turn the dispatch radio on.

January 9 to 10, 2017 (overnight shift)

I continued successfully performing the "rack changing" task. At 3 in the morning Chris called me and another employee who was due and approved for the promotion down to an office. On the way I confirmed with Chris that I was doing okay and that he had no complaints. The meeting was about fire, tornado and bomb drills, and a review of the safety guidelines. After the meeting, I asked Chris a question about the Viracon transfer that was supposed to be on Wednesday. He said that he was not able to get the approval sent over fast enough and that it would be pushed back for another week. The day before me and another female that was getting transferred and approved for the offer met at 3 in the morning and went over tornado, bomb, and fire drills. I asked Chris if I had been doing okay and he approved. An event that would change a supervisor's mind about a basic promotion/offer would have to be catastrophic. Not I was too slow or did not know what a desiccant bag was. As I've said several times the offer is basic. Chris rolled over employees that did not even know how to stage or so slow they do 3 to 5 a night. I manage 10 to 20 schedules a night, accurately.

January 10 to 11, 2017 (overnight shift)

I was called over the dispatch radio to perform several tasks that I did not know I was supposed to perform or how to perform them. I worked to the best of my ability and focused on safety. At around 4 in the morning on **January 11th**, Chris calls me into his office and says "I've decided I am going to rescind your full-time employment offer." I said "but why". He replied "I am very unhappy with your performance down there. You are slowing the lines down. I don't feel your taking this job serious." I said "I've been focused on safety Chris. I told Craig I wasn't good on the forklift and was going to be slow. Chris reply's "I'm not talking about safety. You have been getting calls over the dispatch radio all night and ignoring them." I said "Chris, you didn't train me in, or tell me what my responsibilities were for the job. No one told me I was supposed to unload the truck. When the guy called earlier he didn't call for me. He simply said truck to unload. The entire factory uses this frequency. How was I supposed to know that was for me.," Chris reply's, yeah well what about when she called for a hauler to change the desiccant bag". I replied "I am not the hauler (the other advanced forklift position), and did not even know what a desiccant bag was or where I would find it. Chris's response, "yeah well then you were informed and it took you an hour to get that and 3 hours to

unload the truck.” I replied “I was not trained on how to unload the truck and was having a hard time getting the racks out. I assure you I wasn’t down there messing around, I was trying my hardest! Chris’s reply “a fucking retard could have unloaded it in less time than that.” My reply “Go ask someone down there Chris. Even the lines, they will tell you I’ve been doing alright.” Chris’s reply “who? Check the cameras Chris, I was trying my hardest”. Chris rhetorically asks “who the Mexican down there that’s too stupid to follow the safety violations? Or the Somali that sits on his ass all day? I can’t trust those people. I said “okay Chris well check the cameras. You will see I’ve been down there working hard all day.” Chris gets frustrated, “No! I don’t have time for that. The decision is final” Obviously beaten I decide to move on, “I’ve never heard of anyone’s employment being rescinded. What does that even mean?” Chris reply’s, “It means you’re not an employee here until I decide so.” I said “until you decide? Well I was sure I’ve should you more than enough. I don’t even know what else I could do to prove how serious I am. I’m one of the better stagers down there and I work more hours than anyone else in our department. And since I can’t physically meet your needs rack changing right now. Would you please switch me back to my normal position?” Chris says “I can’t even find an employee down there that will work with you. They are all uncomfortable with your sexuality.” I argue “that’s not true Chris. I could name plenty of employees down there that like me and will work with me.” Chris reply’s, “So you think, they don’t like you. And no, I’m not switching you.” I reply, “Are you serious? So how long are you going to make me do this for Chris?” Even more frustrated, Chris reply’s, “Yes, again, AND AGAIN, and AGAIN! I don’t care if I have to make you do it for a month. You will do it until you get it right!”. Clearly defeated at this point, I sigh and stare at the wall in his office. Finally, Chris says “I’ve got to go, I was up all day in a meeting and now all this with you, I am taking off early tonight.” He proceeds to open his office door signaling me to leave.” As I’m leaving Chris says “and Theo I don’t want to see you in my office again. If I see you do anything else wrong, or get any more complaints about you, you’re done.” I wasn’t surprised to see that Chris worked until 6a.m., the remainder of his shift.

Hostile work environment - Primary Witnesses

Rick(IG Staging, 2nd shift, Alliance staffing employee - Viracon employee) He got hired into Viracon sometime in November. Rick was the guy who rack changed before me. Like me, Rick was not trained on rack changing. I know because he used to come complain to me everyday about it. The difference is Rick was never punished or yelled at because he didn’t know what to do. He also had enough experience to do the job. Chris likes Rick. Rick did not have to learn how to rack change until he was fully capable operating the forklift.

Dakota Schoonover (Alliance Staffing - Resigned) -507-279-7870

Dakota was employed around the same time as me. Chris and Dakota didn’t get along very well but Chris did not discriminate against Dakota. The issue was really Dakota’s attendance. He missed to many days and had to many points to be hired into Viracon as a full-time employee. Me and Dakota were literally trained on the forklift together. The difference was Dakota injured himself and was not able to operate that forklift for 2 weeks in December. Chris made good use of the open “Rack Changing” position. He swapped me back into staging and Dakota became his new “Rack Changer.” That job is extremely stressful for a novice forklift driver because you have to maneuver x<4000lbs loads of glass around, in between and over people and we were expected to do it efficiently without training. I could tell he was having a hard time but I didn’t know how hard a time. On Sunday, January 22, 2017 Dakota drove the forklift to an area far away from the IG staging department, parked it, and walked off the job.

Craig (Viracon Employee - IG Staging LEAD)

Craig is the IG Staging lead. The problem with these witnesses that Chris favors is that they all know Chris can be an unfair bully. Craig saw every schedule I turned in. I'd like for Craig to be questioned about my staging performance. In all I don't think it would be worth committing perjury to lie about that. If he were honest he'd tell you, I was one of the best stagers on our shift.

Matt (Viracon Employee - IG Recuts)

Matt was sent to work with me at the end of November, when I first caught onto the staging process. They actually pulled Jeffery as my partner during one of our shifts and made Matt my partner. Matt had worked at Viracon for around 20 years. When he was partnered with me Matt kind of stood by and to verify that I was doing the job correctly. At the end of this shift and our time with on another Matt had no complaints. Since Matt was in a different department I'm not sure what if how much of the discrimination he witnessed. A lot of times employees from other departments would see Chris discriminate against me but would not have any prior knowledge of what took place. It's hard for these employees to conclude much of anything except that I probably made a big mistake. Matt helped me secure the levy to the truck at the loading dock when I was placed into the hostile work environment. I did not have it set in place correctly. I could have gotten seriously injured had Matt not been there to help.

Michelle R (Viracon Industrial Equipment Trainer)

She will be able to confirm that if an employee is uncomfortable completing a task on the industrial equipment the supervisor is not suppose relieve them of it. Also, I think there might be a certain amount of experience required to work the "rack changing" position. She would know more about this as well. She trained me to always think about safety first on the forklift. That is exactly what I did when I was Rack Changing Supervisors are not suppose to punish employees for that.

Constructive Discharge

January 11, 2017

I contemplated very hard over the next 6 hours. I knew I was not going to be able to satisfy Chris "rack changing". I simply did not have the knowledge or experience to do so. Chris was obviously setting me up so he could get a reason to terminate my assignment. There were only 2 ways I could prevent termination. Try to switch shifts OR quit with 2 weeks' notice. I was good at my job, and I liked it so I decided I would try to switch shifts. Supervisor's are required to fill out a pre-approved overtime sheet for any employee working overtime. I was putting in 24-36 hours of overtime a week with the other night-shift supervisor B.J., who always encouraged me to work overtime on his shift as possible. I knew he was at the least satisfied with my work performance. The first person I called was Carrie Hartle, the on-site alliance staffing personal. I told her everything that happened. How Chris was discriminating against me. Making me work a job that I wasn't qualified or trained for. She informed me the only way for her to make a shift change, was if both supervisors approved it. I told her that wouldn't do any good. After I concluded she would not help me I asked her for the number to HR.

I called Phil Sayles in the human resource department and informed him everything that was happening. From Chris discriminating to the most recent, Chris making me work a job I wasn't trained to do. I asked Phil "Will you please allow me to switch shifts?" Phil said "The only way I would be allowed do a shift change for you is if both supervisors agree to it. It's company policy. Can you get Chris to approve it?" I replied "Chris is looking for any reason to fire me. Hes so determined to get rid of me he's making me work a position that I'm not trained in so he can have a reason to fire me. No I don't think he'd approve me Phil." It took some beating. Finally, I got him to agree to something. If I could get B.j. to approve me he'd let me switch. He said he would send an email to him. I said okay I'm working overtime tonight so I will ask him then.

That night I talked with the department lead of that shift, Rolando. I told him a few details about what was going on with Chris. Then said "I was thinking about switching shifts? Would that be okay with you?" He said, "Yeah! We could really use someone like you right now. But it's not up to me. You would have to talk to B.J." I said "are there any positions open?" He replied "yeah actually there are! We still have not replaced the guy Kris, the one that was fired last week." I said "that would be perfect if I could switch shifts. I proceeded to ask B.J.'s office." When I got up there, I greeted B.j. and right away I could tell something was different. When I asked him if it would be okay if I switched to his shift he responded "I wish I could, we are full over here right now, I don't have any openings." I said "oh I didn't know, Rolando told me you did." He said, "Rolando doesn't really know what's going on up here he just thinks he does." I said "So you already filled the position from that guy who got fired" B.j. says "yeah we just filled it." I said "that's okay then." Thanked him and left.

January 13, 2017

I decided to come into the day shift and work overtime. I wasn't as close to this supervisor but I figured I'd at least try. I saw him on the production floor and approached him. I found out he was substituting for the regular supervisor who called in sick.". I talked with him about some of the problems I was having with Chris. His advice was to go to HR. I asked "Can I do that on the clock?" He said "yes". I walked into Phil's office around noon. After about an hour, it became apparent that Phil was not going to do a shift change without Chris's approval because it would violate company policy. I realized there was nothing I could do to change his mind so I went another route. I said to

Phil "I got an idea, if I put in 2 weeks' notice, and came back would I be eligible for employment again?". Phil said "I don't see why not; most employees here don't give us notice at all. 2 weeks is more than enough." I said "Do you think that might be my best option?" Phil said "might be. I could hire you anywhere if we did that. We have a lot of other positions available that you might try for to." I said "well I I really don't have any other options. Go ahead and start the paperwork. The one thing I'm concerned about is Chris honoring those 2 weeks. Is there any way I could finish on a different shift?" Phil's reply, "that would awfully hard to do. What is it that your concerned about?" I responded, "I don't think he will be ethical enough to let me fulfill the 2-week notice. Plus I don't feel comfortable rack changing. The guys got me working an advanced forklift position with no training." Phil responded "I will send him an email and tell him to put you back in staging again." My reply "this guy is seriously targeting me. How are you going to make sure he doesn't fire me for nothing?" Phil reconfirms, "I'll make sure he fulfills your 2 weeks." I said "alright Phil. Well you're not going to have to worry about me, I'll be working as hard as I ever worked." I thanked him for his help and returned to the production floor.

Constructive Discharge - Primary Witnesses

Abas Hussein (Viracon Employee - IG Staging, 2nd shift)

I was partnered with Abyss for 2 shifts 1/16/17 and 1/17/17. Abyss could not believe the amount of work I did. He told me he thought Chris treat me like that because I did not know what I was doing. He also informed me that he would catch Chris spying and paying special attention to me waiting for me to make a mistake. He said he would hide in a place I could not see him, spying on me for long periods of time. I really was not surprised. I knew Chris was waiting for me to make 1 mistake so he could terminate me. I never gave him the chance. Abyss told me he could tell Chris didn't like me but did not understand it.

Supervisor (substitute for IG staging 01/13/2017, 3rd shift)

He can simply verify that I was aggressively trying to change shifts. I can't remember his last name but I remember him telling me he is the supervisor in box shop.

Carrie Hartle (Alliance Staffing On-site Employee - Office in Viracon 300 Building)

I contacted Carrie the same day Chris rescinded my employment offer. She will probably confirm that I informed her Chris was discriminating against me. She will probably go on further to explain Alliance Staffing does not actually have anything to do with the hiring process. She will confirm that the entire purpose of the temporary position is to become a full time Viracon employee after the temp completes the required 450 hours of work. Carrie would have good insight into the requirements the temp must meet to be accepted into Viracon. She should confirm that it is a very standard transfer as long as the temp's attendance is good and the temp has not been receiving write ups. If you asked Carrie to look at my performance since I started Viracon she would most likely confirm that I was on pace to become a Viracon employee.

Phil Sayles (Viracon Human Resource Department)

I talked to Phil on the phone and in person a couple of times. I told him about the discrimination. He should at least confirm that. Phil is another person who would have good insight as to what is required of a temp to gain employment through Viracon. I'm sure if you told him to look at the information he did have about my time there as a temp he would be able to confirm that I was more than on pace to become a full-time Viracon employee.

B.j. (Viracon Employee - Production Supervisor, 4th Shift)

B.j. approved overtime for me for more on a number of occasions. He would encourage me to continue to come in for overtime on his shift. Never once did B.j. deny me overtime. I asked HR to switch to B.j.'s shift on 1/11/2017. For some reason B.j. denied me. I later found out that Chris spoke to B.j. and told him not to hire me. What makes me upset is knows I'm a good worker so why not tell Chris no? I had hoped B.j. would fight harder for me and was a little disappointed he didn't. I later realized I probably wasn't worth bumping heads with Chris, a known Viracon Bully. Maybe B.j. could give us some insight into what Chris said.. B.j. seems like he would be a good neutral witness. I know how hard I worked compared to the other employees. I know my performance was exceptional. What B.j. can see is what is inputted into the internal system and the which employee in the department gets credit for staging the order. He wouldn't have kept having me back if my number weren't performing. I'd like more insight into this information as well. How well was I performing compared to other employees etc. B.j. was straightforward and didn't seem to care about anything except employee performance.

Rolando (Viracon Employee - IG Staging Lead, 4th shift)

Rolando was always happy to see me coming into his shift for overtime. He might not say that when I did work his shift, I did more work than his scheduled employees. When I told Rolando that Chris was not treating me fairly and I needed to switch shifts the first thing he said was there is an opening on this shift. Then informed me I should go talk to B.j. about switching. My last few days working this shift, Rolando had me training his one of his new employees. The guy had worked their a while but didn't know how to do much. I gladly accepted the challenge. I'm not sure how my training technique worked out because this was one of my last times working this shift. Maybe Rolando could give us some insight. I've also list the 2 guys I trained as witnesses for their opinions. The leads work a lot closer to the individual stagers. Rolando definitely approved of my work etiquette and performance.

Korey Condon (Viracon Employee - IG Staging, 2nd shift)

Korey was a returning employee who had worked for Chris a couple years ago. Korey worked with me his first week back. Me and Korey got along alright. Korey would laugh at me outside before our shift started stating "I don't know what the hell you did he is after you". So Korey did admit to noticing the discrimination. For some reason Chris really likes Korey. The reason he is in the neutral category. I don't know what Korey would say if questioned. I'd say at the least he would admit that I did not deserve to get fired.

Breach of Contract

January 13, 2017 - Contract Formation

I went to Phil's office around 1:30 to reiterate all the issues I was having with Chris, to further try to persuade him to change my shift. Phil continually told me it was against company policy to do a shift change unless I got approval from both my supervisor (Chris) and the supervisor of the shift I was switching to. After about an hour of hearing this rebuttal I told him I was going to have to resign if he couldn't help me. Phil told me if I completed a two week resignation notice, I'd be eligible for reemployment. He explained by doing this it would allow him to hire me into a different shift, or even a different department if I wanted to try something else. I agreed to move forward with the 2 weeks resignation notice only if he would remove me from the hostile work environment, and not allow Chris to wrongfully dismiss me. I was very concerned Chris was going to retaliate against me for going to HR. After sharing those concerns with Phil, he gave assurance that I'd be removed from the hostile work environment and Chris would not wrongfully dismiss me. I finalized the agreement when I signed resignation papers with Phil.

1:30p.m. - Meeting with Phil Sayles

I walked into Phil's office around noon. After about an hour, it became apparent that Phil was not going to do a shift change without Chris's approval because it would violate company policy. I realized there was nothing I could do to change his mind so I went another route. I said to Phil "I got an idea, if I put in 2 weeks' notice, and came back would I be eligible for employment again?". Phil said "I don't see why not; most employees here don't give us notice at all. 2 weeks is more than enough." I said "Do you think that might be my best option?" Phil said "might be. I could hire you anywhere if we did that. We have a lot of other positions available that you might try for." I said "O Yeah? This is actually my first time working in production. I was eventually wanting to get a job in the sales department." Phil responded "Yeah I think an office job night suit you better, a sales position opens up about every three months. Next time you come bring your resume in!" I said "I will definitely do that. Normally I would wait until I got another job before quitting. but right now I guess I don't have any other options' will just have to count on those two weeks to get me through to the next job. I don't feel comfortable rack changing. The guys got me working an advanced forklift position with no training. " Phil responded "I will send him an email and tell him to put you back in staging again." My reply, "Wouldn't it be a lot easier to just let me finish on a different shift?" Phil's reply, "that would awfully hard to do. The same policy would apply. I'd need his approval. What else are you concerned about?" I responded, "I don't think he will be ethical enough to let me fulfill the 2-week resignation notice." Phil's response "he'll let you finish." My response "I don't think you understand the seriousness of the situation. Phil this guy is seriously targeting me. How are you going to make sure he's not going to fire me for nothing? Phil reconfirms, "I'll make sure he fulfills your 2 weeks." I said "alright Phil. Well you're not going to have to worry about me, I'll be working as hard as I ever worked." Phil chuckled and said "okay" He had me sign resignation paperwork and entered the details into the computer. I thanked him for his help, shook his hand and told him "I'll be back to see you after my two weeks so look forward to it." He said "okay, sounds good." I proceeded to exit his office and returned to the production floor to complete my overtime shift.

January 14, 2017 - First Agreement in Contract Fulfilled - Removal From Hostile Work Environment

January 14-15, 2017 (overnight shift)

It was a huge relief when Craig informed me I was switching positions with Dakota and I would be staging with Abyss for the week. It was good to know Phil had followed through. I began wondering how much information he shared with Chris. I didn't want to get caught lying to him. I decided if he asked any questions I'd be honest. Chris approached me a couple hours after the shift started at

my work station. He said "Hi Theo, I was kind of surprised when I got here to read an email I got from HR. Why did you put in your 2-week notice?" I replied "It was very difficult doing that job last week. You saw how slow I was moving. That was not on purpose I was seriously working hard. I didn't want to break glass or worse hurt myself or someone else. I decided Friday on an overtime shift that maybe this job isn't for me." Chris says "Maybe not. Well at least you realized now. Do you have any idea where you're going to work after this?" I replied "A friend of mine works as the lead in one of the departments at Daikin. I'm going to try there. I also was talking to Phil Sayles about possibly getting a job in the sales department. He said since I'm putting in my 2 weeks I'd be eligible for employment." Chris asks "do you have a background in sales?" I said "yeah that's what I use to do. This is my first job in production." Chris says "well good look with that. In the email, I got said you were giving 2 week notice but did not have an exact day. I need to know for my records. When are, you planning for your last day? I said "I'll give you the 2 full weeks Chris. Personally, I need the overtime. Mark me down for January 28, 2017. If that works for you?" Chris replies "yeah I'm going to go put that in the computer." He walked off and I returned to my workstation.

January 23 to 24, 2017 (overnight shift)

Chris yells "Theo! Come here, now!" I walk over to Chris not really know what to expect. Chris screams, "Were you the one who touched the confirm button on the ASM portal?" I replied "no Chris I was standing right there. I would have helped them but you've already made it clear. I'm not aloud to touch the machine." Chris gets even louder, "Theo I'm going to ask you the one more time, did you hit the confirm button on the machine?" I pleaded "No Chris, I assure you I did not." Chris yells angrily "That's it your don't here for good. Come up to my office so you can sign the termination paperwork." I was tired of Chris's harassment, and deceitful manipulation and honestly wanted to save the next man from having to deal with him. I told Chris "I'm not going to let you get away with this, and I'm going upstairs to speak with his boss. As I'm walking to the office Chris is in tow threatening me "Leave now or I'm calling the police" I said "do whatever you want. I'll deal with them after I deal with you. Right now I need to talk to your boss." I proceeded into the Foreman's office with Chris pacing closely behind me. Morning shift workers had just arrived. Chris yells right when we get inside the main office "Theo my office now!" I continued to the Chris boss's office. I told Jerry that Chris found out I was bisexual in November and has been discriminating against me since. He continually blames me for mistakes and problems of other employees. Its rare a shift goes by that he doesn't harass me. He just fired me down there for something I did not do which Phil Sayles from the Human Resource Department promised me wouldn't happen. Jerry Dimmel quickly responded, "lets see what we've got going on. Where was it, what time?" I reply "ASM load terminal 1, around 5:20a.m." We all 3 watched as Rick is operating the portal, he hits the blue blinking, button right confirm button, causing the machine to malfunction. Just to make sure Chris was paying attention to the video. I said aloud "you see that Chris? He said yeah, you weren't the one who hit confirm. I said "I know!" now I have daycare this week. please can I go back to work? Chris jumps up from his chair and yells "Absolutely not." I said "Chris come on man, you saw in the video it wasn't me, at least be ethical. I'm done after this week which is what you wanted. Let me finish please so I have the opportunity to work in a different department." As Chris heads for the door he says "No. I'm absolutely finished with you." Now, it's just me and Jerry. In my head I'm thinking surely he isn't going to allow that. I turned to Jerry and say, "Jerry you heard what he said, it wasn't me. And you saw the video. Surely, you're not going to let him get away with that, are you?" Jerry replies "I've always went with my supervisor's judgment." I say "well now is a good time to stop. Seriously all I'm trying to do it pay for daycare. Is that okay with you?" Jerry replies "I'm really sorry, I can't do it." I say "this isn't going to be the last you hear from me. I made him give me his name and number. As I was exiting the office I said I reminded him "your not going to get away with this." I returned to the floor to pack my things. I see Rick by the lockers and decide to ask him "did you get in trouble to." Rick said "no for What?" I replied, "Chris just fired me up there for something you did. I figured if it were as big of deal as Chris was making it out to be he would at least come down here and talk to you about it. Rick said "I'm sorry dude. You knew they were

Theodore Haugand Vs. Viracon Inc.

against you. There's nothing you could have done. I sighed and said "yeah. I just feel like there should be something I could do. I might contact a lawyer." I'm sure Rick was never confronted about his small mishap. I guarantee if you investigated you'd find out No one's ever gotten fired for "touching the confirm button." That was just another rule Chris made up solely for me.

January 24, 2017 - Breach of Contract

Breach of contract occurred when Chris used retaliation discrimination to wrongfully dismiss me. I knew Chris was out of control and had serious doubts moving forward with the two week resignation notice. The only reason I did was because of Phil's assurance. Clearly, Phil did not use enough governance to ensure Chris wouldn't be able to wrongfully terminate me. That became evident after I further tried to prevent the breach of contract from occurring by going to Jerry Dimmel's (Foreman) office. I was very surprised when he allowed the discrimination to occur, he should have been one of the first people Phil contacted. I gave Phil a call the next morning to inform him Chris broke our contract but he did not answer.

Breach of Contract - Primary Witnesses

Michael Podany II(Alliance Staffing Employee - IG Staging)

I helped train Mike on an overtime shift (3rd) with Jerrod sometime at the beginning of January. I was partnered with Mike my last week of employment. During that week Mike couldn't help but notice the unfair treatment I got from Chris. On Sunday 1/22/2017 Mike informed me he heard Chris saying cruel things about me to his assistant lead Anissa. I informed Mike that Chris does that all the time, and that if he knew what's best for him he would stay out of it. Even though I wanted to find out what Chris said I did not want us to be overheard and Mike put into the same category as me. Mike did not take my advice. Later on in the shift Mike made a statement aloud to Chris and Anissa that its not nice to talk about someone behind there back. Mike was not accustom to this type of treatment - working hard, and being scrutinized for it. Mike was a direct witness when Chris fired me on 1/24/2017 at around 5:25a.m. when Chris accused of hitting the confirm button on the ASM Control panel. An accusation I later proved to be false. Mike was hired through alliance staffing and would confirm that the entire purpose of the position is to gain employment through Viracon.

Rick (Hired as Viracon employee in December from Alliance Staffing - IG Staging)

Rick was assigned to learn the ASM operations on the week of 1/21/2017. On 1/24/17 Rick was the one that hit the confirm button on the ASM which caused the machine to malfunction. Even though he saw Chris blame me for it and fire me, Rick did not come forward and admit it was actually him. After taking the matter Chris's boss, Jerry Dimmyl, Me, Chris and Jerry all confirmed Rick was the one that made the machine malfunction (estimated time of Viracon video 5:20 - 5:25a.m. 1/24/2017 - ASM load camera). Watching the video proved to be a waste of time since I was still fired. You would think that once Chris found out Rick was the one that made the machine malfunction Rick would have received some sort of punishment but he did not. The reality is the error was not a detrimental one. Chris simply blew it up and accused me so he could fire me. As soon as he came to the knowledge that it wasn't me who caused the error it was not as much a big deal to him anymore. This is more proof Chris was discriminating against me. If Rick tried to lie or bend the truth there is a good chance you would be able to catch him because he was closely involved with this final retaliation discrimination that took place. Everything stated here is the truth. With the right questioning strategy I believe Rick would have no other choice but to tell the truth.

Jerry Dimmel (2nd Night Shift - Chris Blouin's Supervisor - Foreman)

Jerry Dimmel is Chris's boss. I told Jerry that Chris is discriminating against me because I'm bisexual for nearly 2 months now. He continually blames me for mistakes and problems that other employees cause he knows he does it. He just fired me down there for something I did not do. Jerry's responded, Theodore Haugand Vs. Viracon Inc.

Well let's see what we've got here and proceeds to pull up the video on his computer. Me, Jerry and Chris all watched the video on the computer in the office (January 24, 2017 5:15 a.m. and 5:30a.m. ASM load, portal 1, rick hitting the blue button that's flashing). I asked Chris in front of Jerry, Chris did you see that? Chris replied yea you did not hit the confirm button. Jerry also watched Chris still fire me. If that wasn't bad enough, Jerry aloud it. because of Jerry this wrongful termination can now be proven.

Phil Sayles (Viracon Human Resource)

I talked to Phil on the phone and in person a couple of times. I told him about the discrimination. He should at least confirm that. Phil is another person who would have good insight as to what is required of a temp to gain employment through Viracon. I'm sure if you told him to look at the information he did have about my time there as a temp he would be able to confirm that I was more than on pace to become a Viracon employee.

Retaliation Discrimination

January 14 to 15, 2017 (overnight shift)

I was very nervous going back to work. It was a huge relief when Craig informed me I was switching positions with Dakota and I would be staging with Abyss for the week. It was good to know Phil had followed through. I began wondering how much information he shared with Chris. I didn't want to get caught talking to him. I decided if he asked any questions I'd be honest. Chris approached me a couple hours after the shift started at my work station. He said "Hi Theo, I was kind of surprised when I got here to read an email I got from HR. Why did you put in your 2-week notice?" I replied "It was very difficult doing that job last week. You saw how slow I was moving. That was not on purpose I was seriously working hard. I didn't want to break glass or worse hurt myself or someone else. I decided Friday on an overtime shift that maybe this job isn't for me." Chris says "Maybe not. Well at least you realized now. Do you have any idea where you're going to work after this?" I replied "A friend of mine works as the lead in one of the departments at Daikin. I'm going to try there. I also was talking to Phil Sayles about possibly getting a job in the sales department. He said since I'm putting in my 2 weeks I'd be eligible for employment." Chris asks "do you have a background in sales?" I said "yeah that's what I use to do. This is my first job in production." Chris says "well good look with that. In the email, I got said you were giving 2 week notice but did not have an exact day. I need to know for my records. When are, you planning for your last day? I said "I'll give you the 2 full weeks Chris. Mark me down for January 28, 2017. Will that be work for you?" Chris replies "yeah I'm going to go put that in the computer." I returned to my workstation

January 16 to 17, 2017 (overnight shift)

My partner Abyss informs me that on January 10-11 he saw Chris Ducking in between the lines to spy on me. Abyss said he caught Chris doing this several times throughout the shift.

January 22 to 23, 2017 (overnight shift)

After using the bathroom in a different department I notice Chris staring at me. When I finally get up near him he says, this is why I can't have you work here. You always doing shit you should be doing and in places you shouldn't be. That's why I didn't approve your shift change. I said "what". He said "your shift change, weren't you trying to change shift? I said "well you obviously already know." And proceeded back to my workstation. *I told HR not to contact him for a specific reason. He could have made my environment more hostile had I not decided to quit.

January 23 to 24, 2017 (overnight shift)

Chris yells "Theo! Come here, now!" I walk over to Chris not really know what to expect. Chris screams, "Were you the one who touched the confirm button on the ASM portal?" I replied "no Chris I was standing right there. I would have helped them but you've already made it clear. I'm not aloud to touch the machine." Chris gets even louder, "Theo I'm going to ask you the one more time, did you hit the confirm button on the machine?" I pleaded "No Chris, I assure you I did not." Chris yells angrily "That's it your don't here for good. Come up to my office so you can sign the termination paperwork." I was tired of Chris's harassment, and deceitful manipulation and honestly wanted to save the next man from having to deal with him. I told Chris "I'm not going to let you get away with this, and I'm going upstairs to speak with his boss. As I'm walking to the office Chris is in tow threatening me "Leave now or I'm calling the police" I said "do whatever you want. I'll deal with them after I deal with you. Right now I need to talk to your boss." I proceeded into the Foreman's office with Chris pacing closely behind me. Morning shift workers had just arrived. Chris yells right when we get inside the main office "Theo my office now!" I continued to the Chris boss's office. I told Jerry that Chris found out I was

bisexual in November and has been discriminating against me since. He continually blames me for mistakes and problems of other employees. Its rare a shift goes by that he doesn't harass me. He just fired me down there for something I did not do which Phil Sayles from the Human Resource Department promised me wouldn't happen. Jerry Dimmel quickly responded, "lets see what we've got going on. Where was it, what time?" I reply "ASM load terminal 1, around 5:20a.m." We all 3 watched as Rick is operating the portal, he hits the blue blinking, button right confirm button, causing the machine to malfunction. Just to make sure Chris was paying attention to the video. I said aloud "you see that Chris? He said yeah, you weren't the one who hit confirm. I said "I know!" now I have daycare this week. please can I go back to work? Chris jumps up from his chair and yells "Absolutely not." I said "Chris come on man, you saw in the video it wasn't me, at least be ethical. I'm done after this week which is what you wanted. Let me finish please so I have the opportunity to work in a different department." As Chris heads for the door he says "No. I'm absolutely finished with you." Now, it's just me and Jerry. In my head I'm thinking surely he inst going to allow that. I turned to Jerry and say, "Jerry you heard what he said, it wasn't me. And you saw the video. Surely, you're not going to let him get away with that, are you?" Jerry replies "I've always went with my supervisor's judgment." I say "well now is a good time to stop. Seriously all I'm trying to do it pay for daycare. Is that okay with you?" Jerry replies "I'm really sorry, I can't do it." I say "this isn't going to be the last you hear from me. I made him give me his name and number. As I was exiting the office I said I reminded him "your not going to get away with this." I returned to the floor to pack my things. I see Rick by the lockers and decide to ask him "did you get in trouble to." Rick said "no for What?" I replied, "Chris just fired me up there for something you did. I figured if it were as big of deal as Chris was making it out to be he would at least come down here and talk to you about it. Rick said "I'm sorry dude. You knew they were against you. There's nothing you could have done. I sighed and said "yeah. I just feel like there should be something I could do. I might contact a lawyer." I'm sure Rick was never confronted about his small mishap. I guarantee if you investigated you'd find out No one's ever gotten fired for "touching the confirm button." That's just another rule Chris made up for me.

I didn't get much sleep that day. I decided to give Phil a call too see If I'd still be eligible for employment. He did not answer. I left a voice-mail but never heard back from him.

Retaliation Discrimination - Primary Witnesses

Michael Podany II(Alliance Staffing Employee - IG Staging)

I helped train Mike on an overtime shift (3rd) with Jerod sometime at the beginning of January. I was partnered with Mike my last week of employment. During that week Mike couldn't help but notice the unfair treatment I got from Chris. On Sunday 1/22/2017 Mike informed me he heard Chris saying cruel things about me to his assistant lead Anissa. I informed Mike that Chris does that all the time, and that if he knew what's best for him he would stay out of it. Even though I wanted to find out what Chris said I did not want us to be overheard and Mike put into the same category as me. Mike did not take my advice. Later on in the shift Mike made a statement aloud to Chris and Anissa that its not nice to talk about someone behind there back. Mike was not accustom to this type of treatment - working hard, and being scrutinized for it. Mike was a direct witness when Chris fired me on 1/24/2017 at around 5:25a.m. when Chris accused of hitting the confirm button on the ASM Control panel. An accusation I later proved to be false. Mike was hired through alliance staffing and would confirm that the entire purpose of the position is to gain employment through Viracon.

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Theodore Haugland vs. Viracon Inc.

Introduction & Explanation

I've added more details to my answers to the original questionnaire and included an additional questionnaire. Listed below are my new findings. You will find a document for each increased method of discrimination. There is also a packet with some possible evidence and information about Viracon and Alliance Staffing I put together to prove these allegations.

Sexual Orientation Hiring Discrimination

Hostile Work Environment

Constructive Discharge

Breach of Contract

Retaliation Discrimination

I was hired on by Alliance Staffing Solutions and assigned to start a position in the IG staging department at Viracon on October 24, 2016. The purpose of the assignment was to work the required 450 hours and get hired into Viracon as a full-time employee. Due to the fact I was assigned by a staffing agency to work at Viracon so I could eventually gain employment this claim has to be classified as hiring discrimination. The end result of Viracon's discrimination was a non-hire decision.

A constructive discharge is successful when the employer forces the employee to resign, usually because of a hostile work environment. The employee in this circumstance typically does not offer the employer a two week resignation notice because the employee is not safe, and cannot get out of the hostile work environment. Removing me from Chris's hostile work environment and assurance that Chris would allow me to complete a two week resignation notice was part of an agreement I made with Phil Sayles from Viracon's Human Resource Department. As an incentive, Phil also told me if I completed a two week resignation notice, I'd be eligible for future employment at Viracon. Even though the agreement Phil and I reached made my constructive discharge official, Chris was not happy with the terms. On January 24, 2017 Chris Blouin retaliated with discrimination, breaching the contract I had with Viracon's human resource department, he wrongfully discharged me, effectively canceling his successful constructive discharge.

Sexual Orientation Discrimination Time-line

10/23/2016 to 10/29/2016 - 38.20 Hours - Training

10/29/2016 to 11/05/2016 - 38.35 Hours - Training

11/06/2016 to 11/12/2016 - 71.95 Hours - 31.95 Hours Overtime

11/13/2016 to 11/19/2016 - 60.00 Hours - 20 Hours Overtime

November 22 to 23, 2016 (overnight shift)

On or before November 22, 2017 - Chris Blouin informed me he conducted a widespread internet search, and found out more information about than he wanted to know. I did not have to ask or tell him, he simply did it out of his own free will, and then admitted it to me "I looked you up on the internet." I replied, "O yeah? what did you see?" Chris says "several videos on YouTube, modeling pictures, your linked-in. I know you were talking about your daughter before. Its just that one of your videos... were you gay and straight now or were you straight then and gay now.?" I did not expect him to ask this. I simply told him the truth "I'm bisexual. Sort of common in Houston". Chris replied "its like the opposite here. You need to be careful especially at work." I told him "I will do the best I can" and laughed. Chris definitively took what I said the wrong way. He was either really mad or embarrassed . I said "not like that, Chris. I'm here to work and that's its. So far I've been enjoying the job." Chris says "that's good. I saw on your linked in you have a college degree...?. Is that true?" I answer "Yeah, I have a degree in Finance but its kind of hard to use now that I'm no longer eligible to receive my series 7 & 66 license. I'm sure you saw the legal issues to right?" Chris replies "yeah I was surprised to read about that too." I then said, "Most of what was written in that article is untrue." I was a little irritated he dug so deep into my personal life. I had to know "Do you search all your employees?" Chris replies "yeah its kind of my thing. You know whats amazing?.." I say "what" He replies "that I was able to get to where I'm at today without even a High School Diploma. I am very proud of myself." I didn't know what to say, I decided to talk him up "impressive. You seems very intelligent. I never would have guessed." again he took what I said the wrong way. I could tell he was uncomfortable. He finally said "I've got to go. Just do yourself a favor and don't forget what I told you." Before I could reply Chris was on his way to somewhere else. Honestly, there was nothing I could have done to prevent him from finding out. I sort of have made myself public over the years. It's still none of his business. And even if he did look me up and found information he wasn't suppose, he shouldn't have the right to ask me about it.

11/20/2016 to 11/27/2016 - 47.63 Hours - 7.63 Hours Overtime

December 3 to 4, 2016 (overnight shift)

Chris started discriminating against me for my sexual orientation by blaming me for issues and problems that I had nothing to do with. I was not use to the behavior. I tried to get back on his good side by going up to his office with Rick and telling on the guy (Mike P. 4th shift working 2nd Overtime) who just ran the forks of is forklift into a load of glass and hid that evidence. I also reported Crises best friend son "Matt" for putting the ASM in manual and not even looking if there was glass on it. He sends 2 pieces off the back (est30x45) colliding into our (Mine & Ricks) computer terminal.

Glass was everywhere. Me and Rick had to stop production because the glass in our area posed a safety concern. We cleaned it. Around 3 I noticed Matt had not gone upstairs and told Chris about his incident. This made me a little upset because it halted our performance. Not only that I could have been using that terminal and would have probably been seriously injured. I decided I would let him know. I did not know that guy was like Chris's family. After I told Chris, he was so angry. He told me all I've been doing all day was staring at other guys and I needed to stop. I told Chris I'm sorry, that's what they trained us to do. He said leave now and I don't want to see you for the rest of the shift. That was not true. But there was no since to say anything. When I got, trained I was told to report anything I saw that was unsafe. I was also told that if an employee breaks glass and intentionally hides the broken glass to avoid having to take a drugs test was a major violation. Chris found any and every reason to harass me after this. One shift in December I came back at 11:23. My coworker were still returning like I wasn't late. I said look Chris and pointed to the people just walking in. He started saying to me "Don't worry about anybody else worry about yourself" Then Chris would threaten to fire me if I did it again. I got so sad, and agreed to make sure I wasn't taking longer than a minute break (All the other shifts take at least a 25 minute break twice a day. 4th shift takes a 30 minutes' break). He must have like how badly I was shook because he started Threatening me almost every day after this.

11/28/2016 to 12/03/2016 - 71.25 Hours - 31.25 Hours Overtime

December 5 to 6, 2016 (overnight shift)

At the beginning of each shift, The IG Staging team typically stands in a circle and does stretches. Since most employees are just showing up to work most of us have would have a drink with us. There are around 25 employees in our department. Chris glares at me and said "What are you doing with that our here? Your not suppose to have that go throw it away. I said "Chris everyone's got a drink out here why am I the only one that has to throw mine away?" Chris responded "don't worry about everyone else. Throw that away or I'm going to send you home for the day." I had no choice to I just said "whatever" and threw my drink away. What was upsetting was that he targeted me in front of our whole department. This type of behavior slowly became the new norm for Chris.

12/04/2016 to 12/10/2016 - 56.59 Hours - 16.59 Hours Overtime

December 12 to 13, 2016 (overnight shift)

Chris's best friend's son Matt acknowledged Chris's discrimination and starting going along with it. Matt started going to Chris and telling on me for small infractions like having food at work or coming back from break a couple minutes late. Chris wouldn't just get a little bit upset he get extremely upset. I was tired of being discriminated against. Everybody starts taking off their uniform and getting ready to go home at 5:55 a.m. I proceeded with everybody else. Chris came bolting across the isle to ask me "What the doing? Its not time to go yet. Put your gear back on." This was irritating because everybody else was going home. He wouldn't let me start getting undressed until 6:00. The next day I just continued working until about 5:59 a.m so I wouldn't have to deal with him.

12/11/2016 to 12/17/2016 - 71.38 Hours - 31.38 Hours Overtime

December 19 to 20, 2016 (overnight shift)

Despite my ability to outperform colleagues at the duties entailed for job Chris would try to discriminate with negative emotion and often express that I am not doing anything right. He would

accuse me of committing safety violations that I was not committing. In one instance, I proved to him that the glass me and my coworker had lifted was defined as a 2 man lift in the safety guidelines found in Viracons business system documents. His response was that those documents are not updated and Viracons policy had changed. I was told if I do something like this again he would terminate me. It came to the point Chris wouldn't let me lift glass in the weight restriction. This might seem like it could be normal for some people but I am in decent shape. I'd ask Chris why and he'd tell me I'm too weak. Just not at all true.

12/18/2016 to 12/24/2016 - 69.83 Hours - 19.83 Hours Overtime

December 27 to 28, 2016 (overnight shift)

After returning from break the same time many other employees were returning 10:23 Chris targets me and pulls me aside. Informs me I am late coming back from break as many other employees are returning. I tell Chris look at all these employees that are still returning and ask him why he is singling me out. He tells me what other employees are doing is not my business and I need to worry about myself. Again, he threatens to termination.

12/25/2016 to 12/31/2016 - 23.95 Hours

January 1 to 2, 2017 (overnight shift)

I was very surprised to see that the cinnamon rolls that I had in a bag were thrown away when I got back to my workstation. They were suppose to be for lunch. I wasn't as much concerned with the fact that Chris threw them away but was comfortable enough now to get into my personal things. I tried not to bring anything extra to work after this. What annoyed me the most is when Chris would watch people eat, or they eat in from of him. Just when its me there's a problem. And every time Chris decides to come around, hes fixated on me. Literally all I wanted to do was work. I was getting good at my job. Chris should have been happy with me but instead I was treated like I did not belong. A lot of people in our department witnessed Chris discriminate against me. No one really wanted to talk to me because they were afraid if they did that might get them in trouble with Chris.

January 2 to 3, 2017 (overnight shift)

Chris calls me to his office and informs me he needs to do an evaluation. Chris fabricated the whole evaluation. Would not be honest in even 1 category. The final category "follows safety guidelines" I was ranked as below average. Due to his evaluation of the 2 former categories I was not at all surprised at this. Although I had a hard time understanding how I was below average due to the fact I had never once received a safety violation I decided not to argue. Chris concluded that although he did not want to he was going to hire me on as a Viracon employee. He talked about the evaluation as if it were some sort of contract. He said after we both signed the evaluation it would be sent to HR and to Carrie Hartle. Then a date would be set for me to set up health insurance and other benefits the company has to offer. I later found out that neither Carrie or Phil ever received an email from Chris.

01/01/2017 to 01/07/2017 - 71.77 Hours - 31.77 Overtime

January 7 to 8, 2017 (overnight shift)

I was surprised after being informed by the lead of our department that Chris assigned me to work a new position for the week, "rack changing" (Rack Changing is an advanced forklift position within

our department in which the employee is required to transfer loads of glass into and through crowded areas of people and equipment within the factory). This took me by extreme surprise because I had just received my forklift license. Immediately I objected, told Craig "I couldn't do that job, I'm still learning how to operate the forklift in an open area. Craig's response "Chris wanted me to place you here. You're going to have to learn how to do it sometime. You will be fine." I said "but Craig, I don't know how to do this job, no one trained me how to "Rack Change" or what the job entails. I don't even know my responsibilities!" Craig's response "It's Easy! All you do is change out the racks as the line call for it." I said "Craig I might be able to do this job but I will be extremely slow. I know how Chris gets when the lines are backed up. I want you both to know now that I will not sacrifice safety for speed." Craig responded "that's fine. If you need help or get backed up, we'll send the hauler to help you." He then set down a dispatch radio. I said "I guess I don't have a choice" in which he replied "not really". I picked the dispatch radio up and proceeded towards forklifts. I knew I was in big trouble when I couldn't turn the dispatch radio on.

January 9 to 10, 2017 (overnight shift)

I continued successfully performing the "rack changing" task. At 3 in the morning Chris called me and another employee who was due and approved for the promotion down to an office. On the way I confirmed with Chris that I was doing okay and that he had no complaints. The meeting was about fire, tornado and bomb drills, and a review of the safety guidelines. After the meeting, I asked Chris a question about the Viracon transfer that was supposed to be on Wednesday. He said that he was not able to get the approval sent over fast enough and that it would be pushed back for another week. The day before me and another female that was getting transferred and approved for the offer met at 3 in the morning and went over tornado, bomb, and fire drills. I asked Chris if I had been doing okay and he approved. An event that would change a supervisor's mind about a basic promotion/offer would have to be catastrophic. Not I was to slow or did not know what a desiccant bag was. As I've said several time the offer is basic. Chris rolled over employees that did not even know how to stage or so slow they do 3 to 5 a night. I manage 10 to 20 schedules a night, accurately.

January 10 to 11, 2017 (overnight shift)

I was called over the dispatch radio to perform several tasks that I did not know I was supposed to perform or how to perform them. I worked to the best of my ability and focused on safety. At around 4 in the morning on January 11th, Chris calls me into his office and says "I've decided I am going to rescind your full-time employment offer." I said "but why". He replied "I am very unhappy with your performance down there. You are slowing the lines down. I don't feel your taking this job serious." I said "I've been focused on safety Chris. I told Craig I wasn't good on the forklift and was going to be slow. Chris reply's "I'm not talking about safety. You have been getting calls over the dispatch radio all night and ignoring them." I said "Chris, you didn't train me in, or tell me what my responsibilities were for the job. No one told me I was supposed to unload the truck. When the guy called earlier he didn't call for me. He simply said truck to unload. The entire factory uses this frequency. How was I supposed to know that was for me.," Chris reply's, yeah well what about when she called for a hauler to change the desiccant bag". I replied "I am not the hauler (the other advanced forklift position), and did not even know what a desiccant bag was or where I would find it. Chris's response, "yeah well then you were informed and it took you an hour to get that and 3 hours to unload the truck." I replied "I was not trained on how to unload the truck and was having a hard time getting the racks out. I assure you I wasn't down there messing around, I was trying my hardest! Chris's reply "a fucking retard could have unloaded it in less time than that." My reply "Go ask

someone down there Chris. Even the lines, they will tell you I've been doing alright." Chris's reply "who? Check the cameras Chris, I was trying my hardest". Chris rhetorically asks "who the Mexican down there that's too stupid to follow the safety violations? Or the Somali that sits on his ass all day? I can't trust those people. I said "okay Chris well check the cameras. You will see I've been down there working hard all day." Chris gets frustrated, "No! I don't have time for that. The decision is final" Obviously beaten I decide to move on, "I've never heard of anyone's employment being rescinded. What does that even mean?" Chris reply's, "It means you're not an employee here until I decide so." I said "until you decide? Well I was sure I've should you more than enough. I don't even know what else I could do to prove how serious I am. I'm one of the better stagers down there and I work more hours than anyone else in our department. And since I can't physically meet your needs rack changing right now. Would you please switch me back to my normal position?" Chris says "I can't even find an employee down there that will work with you. They are all uncomfortable with your sexuality." I argue "that's not true Chris. I could name plenty of employees down there that like me and will work with me." Chris reply's, "So you think, they don't like you. And no, I'm not switching you." I reply, "Are you serious? So how long are you going to make me do this for Chris?" Even more frustrated, Chris reply's, "Yes, again, AND AGAIN, and AGAIN! I don't care if I have to make you do it for a month. You will do it until you get it right!". Clearly defeated at this point, I sigh and stare at the wall in his office. Finally, Chris says "I've got to go, I was up all day in a meeting and now all this with you, I am taking off early tonight." He proceeds to open his office door signaling me to leave." As I'm leaving Chris says "and Theo I don't want to see you in my office again. If I see you do anything else wrong, or get any more complaints about you, you're done." I wasn't surprised to see that Chris worked until 6a.m., the remainder of his shift.

January 11, 2017

I contemplated very hard over the next 6 hours. I knew I was not going to be able to satisfy Chris "rack changing". I simply did not have the knowledge or experience to do so. Chris was obviously setting me up so he could get a reason to terminate my assignment. There were only 2 ways I could prevent termination. Try to switch shifts OR quit with 2 weeks' notice. I was good at my job, and I liked it so I decided I would try to switch shifts. Supervisor's are required to fill out a pre-approved overtime sheet for any employee working overtime. I was putting in 24-36 hours of overtime a week with the other night-shift supervisor B.J., who always encouraged me to work overtime on his shift as possible. I knew he was at the least satisfied with my work performance. The first person I called was Carrie Hartle, the on-site alliance staffing personal. I told her everything that happened. How Chris was discriminating against me. Making me work a job that I wasn't qualified or trained for. She informed me the only way for her to make a shift change, was if both supervisors approved it. I told her that wouldn't do any good. After I concluded she would not help me I asked her for the number to HR.

I called Phil Sayles in the human resource department and informed him everything that was happening. From Chris discriminating to the most recent, Chris making me work a job I wasn't trained to do. I asked Phil "Will you please allow me to switch shifts?" Phil said "The only way I would be allowed do a shift change for you is if both supervisors agree to it. It's company policy. Can you get Chris to approve it?" I replied "Chris is looking for any reason to fire me. Hes so determined to get rid of me he's making me work a position that I'm not trained in so he can have a reason to fire me. No I don't think he'd approve me Phil." It took some beating. Finally, I got him to agree to something. If I could get B.j. to approve me he'd let me switch. He said he would send an email to him. I said okay I'm working overtime tonight so I will ask him then.

That night I talked with the department lead of that shift, Rolando. I told him a few details about what was going on with Chris. Then said "I was thinking about switching shifts? Would that be okay with you?" He said, "Yeah! We could really use someone like you right now. But it's not up to me. You would have to talk to B.J." I said "are there any positions open?" He replied "yeah actually there are! We still have not replaced the guy Kris, the one that was fired last week." I said "that would be perfect if I could switch shifts. I proceeded to ask B.J.'s office." When I got up there, I greeted B.j. and right away I could tell something was different. When I asked him if it would be okay if I switched to his shift he responded "I wish I could, we are full over here right now, I don't have any openings." I said "oh I didn't know, Rolando told me you did." He said, "Rolando doesn't really know what's going on up here he just thinks he does." I said "So you already filled the position from that guy who got fired" B.j. says "yeah we just filled it." I said "that's okay then." Thanked him and left.

January 13, 2017

I decided to come into the day shift and work overtime. I wasn't as close to this supervisor but I figured I'd at least try. I saw him on the production floor and approached him. I found out he was substituting for the regular supervisor who called in sick." I talked with him about some of the problems I was having with Chris. His advice was to go to HR. I asked "Can I do that on the clock?" He said "yes". I walked into Phil's office around noon. After about an hour, it became apparent that Phil was not going to do a shift change without Chris's approval because it would violate company policy. I realized there was nothing I could do to change his mind so I went another route. I said to Phil "I got an idea, if I put in 2 weeks' notice, and came back would I be eligible for employment again?". Phil said "I don't see why not; most employees here don't give us notice at all. 2 weeks is more than enough." I said "Do you think that might be my best option?" Phil said "might be. I could hire you anywhere if we did that. We have a lot of other positions available that you might try for to." I said "well I I really don't have any other options. Go ahead and start the paperwork. The one thing I'm concerned about is Chris honoring those 2 weeks. Is there any way I could finish on a different shift?" Phil's reply, "that would awfully hard to do. What is it that your concerned about?" I responded, "I don't think he will be ethical enough to let me fulfill the 2-week notice. Plus I don't feel comfortable rack changing. The guys got me working an advanced forklift position with no training. " Phil responded "I will send him an email and tell him to put you back in staging again." My reply "this guy is seriously targeting me. How are you going to make sure he doesn't fire me for nothing? Phil reconfirms, "I'll make sure he fulfills your 2 weeks." I said "alright Phil. Well you're not going to have to worry about me, I'll be working as hard as I ever worked." I thanked him for his help and returned to the production floor.

01/08/2017 to 01/14/2017 - 71.90 Hours - 31.90 Overtime

January 14 to 15, 2017 (overnight shift)

I was very nervous going back to work. It was a huge relief when Craig informed me I was switching positions with Dakota and I would be staging with Abyss for the week. It was good to know Phil had followed through. I began wondering how much information he shared with Chris. I dint want to get caught Riesling to him. I decided if he asked any questions I'd be honest. Chris approached me a couple hours after the shift started at my work station. He said "Hi Theo, I was kind of surprised when I got here to read an email I got from HR. Why did you put in your 2-week notice?" I replied "It was very difficult doing that job last week. You saw how slow I was moving. That was not on purpose I was seriously working hard. I didn't want to break glass or worse hurt myself or someone

else. I decided Friday on an overtime shift that maybe this job isn't for me." Chris says "Maybe not. Well at least you realized now. Do you have any idea where you're going to work after this?" I replied "A friend of mine works as the lead in one of the departments at Daikin. I'm going to try there. I also was talking to Phil Sayles about possibly getting a job in the sales department. He said since I'm putting in my 2 weeks I'd be eligible for employment." Chris asks "do you have a background in sales?" I said "yeah that's what I use to do. This is my first job in production." Chris says "well good look with that. In the email, I got said you were giving 2 week notice but did not have an exact day. I need to know for my records. When are, you planning for your last day? I said "I'll give you the 2 full weeks Chris. Mark me down for January 28, 2017. Will that be work for you?" Chris replies "yeah I'm going to go put that in the computer." I returned to my workstation

January 16 to 17, 2017 (overnight shift)

My partner Abyss informs me that on January 10-11 he saw Chris Ducking in between the lines to spy on me. Abyss said he caught Chris doing this several times throughout the shift.

01/15/2017 to 01/21/2017 - 35.85 Hours, No Overtime

January 22 to 23, 2017 (overnight shift)

After using the bathroom in a different department I notice Chris staring at me. When I finally get up near him he says, this is why I can't have you work here. Your always doing shit you should be doing and in places you shouldn't be. That's why I didn't approve your shift change. I said "what". He said "your shift change, weren't your trying to change shift? I said "well you obviously already know." And proceeded back to my workstation. *I told HR not to contact him for a specific reason. He could have made my environment more hostile had I not decided to quit.

January 23 to 24, 2017 (overnight shift)

Chris yells "Theo! Come here, now!" I walk over to Chris not really know what to expect. Chris screams, "Were you the one who touched the confirm button on the ASM portal?" I replied "no Chris I was standing right there. I would have helped them but you've already made it clear. I'm not aloud to touch the machine." Chris gets even louder, "Theo I'm going to ask you the one more time, did you hit the confirm button on the machine?" I pleaded "No Chris, I assure you I did not." Chris yells angrily "That's it your don't here for good. Come up to my office so you can sign the termination paperwork." I was tired of Chris's harassment, and deceitful manipulation and honestly wanted to save the next man from having to deal with him. I told Chris "I'm not going to let you get away with this, and I'm going upstairs to speak with his boss. As I'm walking to the office Chris is in tow threatening me "Leave now or I'm calling the police" I said "do whatever you want. I'll deal with them after I deal with you. Right now I need to talk to your boss." I proceeded into the Foreman's office with Chris pacing closely behind me. Morning shift workers had just arrived. Chris yells right when we get inside the main office "Theo my office now!" I continued to the Chris boss's office. I told Jerry that Chris found out I was bisexual in November and has been discriminating against me since. He continually blames me for mistakes and problems of other employees. Its rare a shift goes by that he doesn't harass me. He just fired me down there for something I did not do which Phil sayles from the Human Resource Department promised me wouldn't happen. Jerry Dimmel quickly responded, "lets see what we've got going on. Where was it, what time?" I reply "ASM load terminal 1, around 5:20a.m." We all 3 watched as Rick is operating the portal, he hits the blue blinking, button right confirm button, causing the machine to malfunction. Just to make sure Chris was paying attention to the video. I said aloud "you see that Chris? He said yeah, you weren't the one who hit confirm. I said "I know!" now I have daycare this week. please can I go back to work? Chris jumps up from his chair and yells "Absolutely not." I

said "Chris come on man, you saw in the video it wasn't me, at least be ethical. I'm done after this week which is what you wanted. Let me finish please so I have the opportunity to work in a different department." As Chris heads for the door he says "No. I'm absolutely finished with you." Now, it's just me and Jerry. In my head I'm thinking surely he inst going to allow that. I turned to Jerry and say, "Jerry you heard what he said, it wasn't me. And you saw the video. Surely, you're not going to let him get away with that, are you?" Jerry replies "I've always went with my supervisor's judgment." I say "well now is a good time to stop. Seriously all I'm trying to do it pay for daycare. Is that okay with you?" Jerry replies "I'm really sorry, I can't do it." I say "this isn't going to be the last you hear from me. I made him give me his name and number. As I was exiting the office I said I reminded him "your not going to get away with this." I returned to the floor to pack my things. I see Rick by the lockers and decide to ask him "did you get in trouble to." Rick said "no for What?" I replied, "Chris just fired me up there for something you did. I figured if it were as big of deal as Chris was making it out to be he would at least come down here and talk to you about it. Rick said "I'm sorry dude. You knew they were against you. There's nothing you could have done. I sighed and said "yeah. I just feel like there should be something I could do. I might contact a lawyer." I'm sure Rick was never confronted about his small mishap. I guarantee if you investigated you'd find out No one's ever gotten fired for "touching the confirm button." That's just another rule Chris made up for me.

January 24, 2017

I didn't get much sleep that day. I decided to give Phil a call too see If I'd still be eligible for employment. He did not answer. I left a voice-mail but did not receive a call back.

01/22/2017 to 01/28/2017 - 24.05 Hours

Increased Methods of Discrimination in Chronological Order

January 2, 2017 to January 3, 2017

"DISCRIMINATORY EVALUATION"

January 7, 2017 through January 11, 2017

"HOSTILE WORK ENVIRONMENT"

January 11, 2017 through January 13, 2017

"CONSTRUCTIVE DISCHARGE"

January 14, 2017 through January 24, 2017

"BREACH OF CONTRACT"

January 23, 2017 to January 24, 2017

"RETALIATION DISCRIMINATION"

Discriminatory Evaluation

January 2 to 3, 2017 (overnight shift)

EVALUATION - Possible ratings

- Below Expectations (Bad)
- Slightly Below Expectation
- Meets Expectations (Okay)
- Slightly Above Expectations
- Above Expectations (Great)

Attendance/Showing up to work on time MEETS EXPECTATIONS

I was late 1 time and clocked an average of 60 hours a week. If I barely met Chris's expectations in this category it would be possible to score slightly above expectation (not late) but impossible to have a score of meets expectations. This category assessment should prove Chris was discriminating against me. After an employee works the required 450 hours they are to be evaluated and upon this evaluation supervisor is to decide whether employee is eligible to become a full time Viracon employee. Its during this time the employee is no longer assigned through Alliance Staffing Solutions but hired on through Viracon and Viracon only. Chris's assessment of me was biased and inaccurate. By looking at his score for "employee attendance", he scored me in this category barely meets expectations. Throughout my employment, I worked an average 60 hours a week. All the overtime that I did put in was pre-approved by the supervisors from other shifts. The other supervisors and leads were more than content with the quality of my work and would encourage me to continue coming in for overtime. Each day I came for overtime a required form was filled out and signed by both me and the supervisor which was sent to Chris. I worked more hours a week than anyone else on my shift. I only had 1 sick day throughout my entire employment and even that week I ended up working a total of 58 hours. *An authentic rating in the attendance category would have been slightly above or above expectations.*

Ability to Handle Job Functions, Performance SLIGHTLY BELOW EXPECTATIONS

AS far as handling job essentials. I worked very hard every day. I enjoyed it. I did not do anything I was not supposed to at Viracon. Ask either lead, Sam or Rolando on 4th shift or their supervisor "Bob" about me. Bob cannot deny that fact because he pre- approved (Document which I give to Chris so he can do payroll) me to work over 20 overtime shifts for him. For the category "ability to handle essential job duties" I was scored below expectations. Its not an assumption, I was by far exceeding the majority of the employees in this department. Every completed schedule is taken into account for in Viracon's internal program called "bridge". If those reports could be subpoenaed that would be hard evidence I was outperforming most of the employees. Other employees that would work with me were

amazed at my knowledge of the system and ability to stage the glass. As I mentioned other supervisors would encourage me to come in for overtime and I was never once denied overtime. The signed forms obtainable through Chris and possibly is more hard evidence. In fact, the leads from shift 4 felt I was competent enough to train 2 of their new employees. Chris's response when I asked him why he felt my ability to handle the job duties was below average was that I'm not that good and that at best I am able to keep up with 50% of other employees in that department. *An authentic rating in the performance category would have been slightly above or above expectations.*

**Follows Safety Guidelines
DOES NOT MEET EXPECTATIONS**

On Chris's assessment, he put that I was below expectation in the safety category even though I had 0 write-ups for safety violations. Throughout my entire employment... I never ONCE received a safety violation. Chris fabricated the whole evaluation. Would not be honest in even 1 category. The final category "follows safety guidelines" I was ranked as below average. Due to his evaluation of the 2 former categories I was not at all surprised at this. Although I had a hard time understanding how I was below average due to the fact I had never once received a safety violation I decided not to argue. Chris concluded that although he did not want to he was going to hire me on as a Viracon employee. He talked about the evaluation as if it were some sort of contract. He said after we both signed the evaluation it would be sent to HR and to Carrie Hartle. Then a date would be set for me to set up health insurance and other benefits the company has to offer. I later found out that neither Carrie or Phil ever received an email from Chris. *An authentic rating in the Safety category would have been meets expectations, slightly above or above expectations.*

Hostile Work Environment

January 7 to 8, 2017 (overnight shift)

I was surprised after being informed by the lead of our department that Chris assigned me to work a new position for the week, "rack changing" (Rack Changing is an advanced forklift position within our department in which the employee is required to transfer loads of glass into and through crowded areas of people and equipment within the factory). This took me by extreme surprise because I had just received my forklift license. Immediately I objected, told Craig "I couldn't do that job, I'm still learning how to operate the forklift in an open area. Craig's response "Chris wanted me to place you here. You're going to have to learn how to do it sometime. You will be fine." I said "but Craig, I don't know how to do this job, no one trained me how to "Rack Change" or what the job entails. I don't even know my responsibilities!" Craig's response "It's Easy! All you do is change out the racks as the line call for it." I said "Craig I might be able to do this job but I will be extremely slow. I know how Chris gets when the lines are backed up. I want you both to know now that I will not sacrifice safety for speed." Craig responded "that's fine. If you need help or get backed up, we'll send the hauler to help you." He then set down a dispatch radio. I said "I guess I don't have a choice" in which he replied "not really". I picked the dispatch radio up and proceeded towards forklifts. I knew I was in big trouble when I couldn't turn the dispatch radio on.

January 9 to 10, 2017 (overnight shift)

I continued successfully performing the "rack changing" task. At 3 in the morning Chris called me and another employee who was due and approved for the promotion down to an office. On the way I confirmed with Chris that I was doing okay and that he had no complaints. The meeting was about fire, tornado and bomb drills, and a review of the safety guidelines. After the meeting, I asked Chris a question about the Viracon transfer that was supposed to be on Wednesday. He said that he was not able to get the approval sent over fast enough and that it would be pushed back for another week. The day before me and another female that was getting transferred and approved for the offer met at 3 in the morning and went over tornado, bomb, and fire drills. I asked Chris if I had been doing okay and he approved. An event that would change a supervisor's mind about a basic promotion/offer would have to be catastrophic. Not I was too slow or did not know what a desiccant bag was. As I've said several times the offer is basic. Chris rolled over employees that did not even know how to stage or so slow they do 3 to 5 a night. I manage 10 to 20 schedules a night, accurately.

January 10 to 11, 2017 (overnight shift)

I was called over the dispatch radio to perform several tasks that I did not know I was supposed to perform or how to perform them. I worked to the best of my ability and focused on safety. At around 4 in the morning on **January 11th**, Chris calls me into his office and says "I've decided I am going to rescind your full-time employment offer." I said "but why". He replied "I am very unhappy with your performance down there. You are slowing the lines down. I don't feel your taking this job serious." I said "I've been focused on safety Chris. I told Craig I wasn't good on the forklift and was going to be slow. Chris reply's "I'm not talking about safety. You have been getting calls over the dispatch radio all night and ignoring them." I said "Chris, you didn't train me in, or tell me what my responsibilities were for the job. No one told me I was supposed to unload the truck. When the guy called earlier he didn't call for me. He simply said truck to unload. The entire factory uses this frequency. How was I supposed to know that was for me.," Chris reply's, yeah well what about when she called for a hauler to change the desiccant bag". I replied "I am not the hauler (the other advanced forklift position), and did not even know what a desiccant bag was or where I would find it. Chris's response, "yeah well then you were informed and it took you an hour to get that and 3 hours to

unload the truck.” I replied “I was not trained on how to unload the truck and was having a hard time getting the racks out. I assure you I wasn’t down there messing around, I was trying my hardest! Chris’s reply “a fucking retard could have unloaded it in less time than that.” My reply “Go ask someone down there Chris. Even the lines, they will tell you I’ve been doing alright.” Chris’s reply “who? Check the cameras Chris, I was trying my hardest”. Chris rhetorically asks “who the Mexican down there that’s too stupid to follow the safety violations? Or the Somali that sits on his ass all day? I can’t trust those people. I said “okay Chris well check the cameras. You will see I’ve been down there working hard all day.” Chris gets frustrated, “No! I don’t have time for that. The decision is final” Obviously beaten I decide to move on, “I’ve never heard of anyone’s employment being rescinded. What does that even mean?” Chris reply’s, “It means you’re not an employee here until I decide so.” I said “until you decide? Well I was sure I’ve should you more than enough. I don’t even know what else I could do to prove how serious I am. I’m one of the better stagers down there and I work more hours than anyone else in our department. And since I can’t physically meet your needs rack changing right now. Would you please switch me back to my normal position?” Chris says “I can’t even find an employee down there that will work with you. They are all uncomfortable with your sexuality.” I argue “that’s not true Chris. I could name plenty of employees down there that like me and will work with me.” Chris reply’s, “So you think, they don’t like you. And no, I’m not switching you.” I reply, “Are you serious? So how long are you going to make me do this for Chris?” Even more frustrated, Chris reply’s, “Yes, again, AND AGAIN, and AGAIN! I don’t care if I have to make you do it for a month. You will do it until you get it right!”. Clearly defeated at this point, I sigh and stare at the wall in his office. Finally, Chris says “I’ve got to go, I was up all day in a meeting and now all this with you, I am taking off early tonight.” He proceeds to open his office door signaling me to leave.” As I’m leaving Chris says “and Theo I don’t want to see you in my office again. If I see you do anything else wrong, or get any more complaints about you, you’re done.” I wasn’t surprised to see that Chris worked until 6a.m., the remainder of his shift.

Hostile work environment - Primary Witnesses

Rick(IG Staging, 2nd shift, Alliance staffing employee - Viracon employee) He got hired into Viracon sometime in November. Rick was the guy who rack changed before me. Like me, Rick was not trained on rack changing. I know because he used to come complain to me everyday about it. The difference is Rick was never punished or yelled at because he didn’t know what to do. He also had enough experience to do the job. Chris likes Rick. Rick did not have to learn how to rack change until he was fully capable operating the forklift.

Dakota Schoonover (Alliance Staffing - Resigned) -507-279-7870

Dakota was employed around the same time as me. Chris and Dakota didn’t get along very well but Chris did not discriminate against Dakota. The issue was really Dakota’s attendance. He missed to many days and had to many points to be hired into Viracon as a full-time employee. Me and Dakota were literally trained on the forklift together. The difference was Dakota injured himself and was not able to operate that forklift for 2 weeks in December. Chris made good use of the open “Rack Changing” position. He swapped me back into staging and Dakota became his new “Rack Changer.” That job is extremely stressful for a novice forklift driver because you have to maneuver x<4000lbs loads of glass around, in between and over people and we were expected to do it efficiently without training. I could tell he was having a hard time but I didn’t know how hard a time. On Sunday, January 22, 2017 Dakota drove the forklift to an area far away from the IG staging department, parked it, and walked off the job.

Craig (Viracon Employee - IG Staging LEAD)

Craig is the IG Staging lead. The problem with these witnesses that Chris favors is that they all know Chris can be an unfair bully. Craig saw every schedule I turned in. I'd like for Craig to be questioned about my staging performance. In all I don't think it would be worth committing perjury to lie about that. If he were honest he'd tell you, I was one of the best stagers on our shift.

Matt (Viracon Employee - IG Recuts)

Matt was sent to work with me at the end of November, when I first caught onto the staging process. They actually pulled Jeffery as my partner during one of our shifts and made Matt my partner. Matt had worked at Viracon for around 20 years. When he was partnered with me Matt kind of stood by and to verify that I was doing the job correctly. At the end of this shift and our time with on another Matt had no complaints. Since Matt was in a different department I'm not sure what if how much of the discrimination he witnessed. A lot of times employees from other departments would see Chris discriminate against me but would not have any prior knowledge of what took place. It's hard for these employees to conclude much of anything except that I probably made a big mistake. Matt helped me secure the levy to the truck at the loading dock when I was placed into the hostile work environment. I did not have it set in place correctly. I could have gotten seriously injured had Matt not been there to help.

Michelle R (Viracon Industrial Equipment Trainer)

She will be able to confirm that if an employee is uncomfortable completing a task on the industrial equipment the supervisor is not suppose relieve them of it. Also, I think there might be a certain amount of experience required to work the "rack changing" position. She would know more about this as well. She trained me to always think about safety first on the forklift. That is exactly what I did when I was Rack Changing Supervisors are not suppose to punish employees for that.

Constructive Discharge

January 11, 2017

I contemplated very hard over the next 6 hours. I knew I was not going to be able to satisfy Chris "rack changing". I simply did not have the knowledge or experience to do so. Chris was obviously setting me up so he could get a reason to terminate my assignment. There were only 2 ways I could prevent termination. Try to switch shifts OR quit with 2 weeks' notice. I was good at my job, and I liked it so I decided I would try to switch shifts. Supervisor's are required to fill out a pre-approved overtime sheet for any employee working overtime. I was putting in 24-36 hours of overtime a week with the other night-shift supervisor B.J., who always encouraged me to work overtime on his shift as possible. I knew he was at the least satisfied with my work performance. The first person I called was Carrie Hartle, the on-site alliance staffing personal. I told her everything that happened. How Chris was discriminating against me. Making me work a job that I wasn't qualified or trained for. She informed me the only way for her to make a shift change, was if both supervisors approved it. I told her that wouldn't do any good. After I concluded she would not help me I asked her for the number to HR.

I called Phil Sayles in the human resource department and informed him everything that was happening. From Chris discriminating to the most recent, Chris making me work a job I wasn't trained to do. I asked Phil "Will you please allow me to switch shifts?" Phil said "The only way I would be allowed do a shift change for you is if both supervisors agree to it. It's company policy. Can you get Chris to approve it?" I replied "Chris is looking for any reason to fire me. Hes so determined to get rid of me he's making me work a position that I'm not trained in so he can have a reason to fire me. No I don't think he'd approve me Phil." It took some beating. Finally, I got him to agree to something. If I could get B.j. to approve me he'd let me switch. He said he would send an email to him. I said okay I'm working overtime tonight so I will ask him then.

That night I talked with the department lead of that shift, Rolando. I told him a few details about what was going on with Chris. Then said "I was thinking about switching shifts? Would that be okay with you?" He said, "Yeah! We could really use someone like you right now. But it's not up to me. You would have to talk to B.J." I said "are there any positions open?" He replied "yeah actually there are! We still have not replaced the guy Kris, the one that was fired last week." I said "that would be perfect if I could switch shifts. I proceeded to ask B.J.'s office." When I got up there, I greeted B.j. and right away I could tell something was different. When I asked him if it would be okay if I switched to his shift he responded "I wish I could, we are full over here right now, I don't have any openings." I said "oh I didn't know, Rolando told me you did." He said, "Rolando doesn't really know what's going on up here he just thinks he does." I said "So you already filled the position from that guy who got fired" B.j. says "yeah we just filled it." I said "that's okay then." Thanked him and left.

January 13, 2017

I decided to come into the day shift and work overtime. I wasn't as close to this supervisor but I figured I'd at least try. I saw him on the production floor and approached him. I found out he was substituting for the regular supervisor who called in sick.". I talked with him about some of the problems I was having with Chris. His advice was to go to HR. I asked "Can I do that on the clock?" He said "yes". I walked into Phil's office around noon. After about an hour, it became apparent that Phil was not going to do a shift change without Chris's approval because it would violate company policy. I realized there was nothing I could do to change his mind so I went another route. I said to

Phil "I got an idea, if I put in 2 weeks' notice, and came back would I be eligible for employment again?". Phil said "I don't see why not; most employees here don't give us notice at all. 2 weeks is more than enough." I said "Do you think that might be my best option?" Phil said "might be. I could hire you anywhere if we did that. We have a lot of other positions available that you might try for to." I said "well I I really don't have any other options. Go ahead and start the paperwork. The one thing I'm concerned about is Chris honoring those 2 weeks. Is there any way I could finish on a different shift?" Phil's reply, "that would awfully hard to do. What is it that your concerned about?" I responded, "I don't think he will be ethical enough to let me fulfill the 2-week notice. Plus I don't feel comfortable rack changing. The guys got me working an advanced forklift position with no training." Phil responded "I will send him an email and tell him to put you back in staging again." My reply "this guy is seriously targeting me. How are you going to make sure he doesn't fire me for nothing?" Phil reconfirms, "I'll make sure he fulfills your 2 weeks." I said "alright Phil. Well you're not going to have to worry about me, I'll be working as hard as I ever worked." I thanked him for his help and returned to the production floor.

Constructive Discharge - Primary Witnesses

Abas Hussein (Viracon Employee - IG Staging, 2nd shift)

I was partnered with Abyss for 2 shifts 1/16/17 and 1/17/17. Abyss could not believe the amount of work I did. He told me he thought Chris treat me like that because I did not know what I was doing. He also informed me that he would catch Chris spying and paying special attention to me waiting for me to make a mistake. He said he would hide in a place I could not see him, spying on me for long periods of time. I really was not surprised. I knew Chris was waiting for me to make 1 mistake so he could terminate me. I never gave him the chance. Abyss told me he could tell Chris didn't like me but did not understand it.

Supervisor (substitute for IG staging 01/13/2017, 3rd shift)

He can simply verify that I was aggressively trying to change shifts. I can't remember his last name but I remember him telling me he is the supervisor in box shop.

Carrie Hartle (Alliance Staffing On-site Employee - Office in Viracon 300 Building)

I contacted Carrie the same day Chris rescinded my employment offer. She will probably confirm that I informed her Chris was discriminating against me. She will probably go on further to explain Alliance Staffing does not actually have anything to do with the hiring process. She will confirm that the entire purpose of the temporary position is to become a full time Viracon employee after the temp completes the required 450 hours of work. Carrie would have good insight into the requirements the temp must meet to be accepted into Viracon. She should confirm that it is a very standard transfer as long as the temp's attendance is good and the temp has not been receiving write ups. If you asked Carrie to look at my performance since I started Viracon she would most likely confirm that I was on pace to become a Viracon employee.

Phil Sayles (Viracon Human Resource Department)

I talked to Phil on the phone and in person a couple of times. I told him about the discrimination. He should at least confirm that. Phil is another person who would have good insight as to what is required of a temp to gain employment through Viracon. I'm sure if you told him to look at the information he did have about my time there as a temp he would be able to confirm that I was more than on pace to become a full-time Viracon employee.

B.j. (Viracon Employee - Production Supervisor, 4th Shift)

B.j. approved overtime for me for more on a number of occasions. He would encourage me to continue to come in for overtime on his shift. Never once did B.j. deny me overtime. I asked HR to switch to B.j.'s shift on 1/11/2017. For some reason B.j. denied me. I later found out that Chris spoke to B.j. and told him not to hire me. What makes me upset is knows I'm a good worker so why not tell Chris no? I had hoped B.j. would fight harder for me and was a little disappointed he didn't. I later realized I probably wasn't worth bumping heads with Chris, a known Viracon Bully. Maybe B.j. could give us some insight into what Chris said.. B.j. seems like he would be a good neutral witness. I know how hard I worked compared to the other employees. I know my performance was exceptional. What B.j. can see is what is inputted into the internal system and the which employee in the department gets credit for staging the order. He wouldn't have kept having me back if my number weren't performing. I'd like more insight into this information as well. How well was I performing compared to other employees etc. B.j. was straightforward and didn't seem to care about anything except employee performance.

Rolando (Viracon Employee - IG Staging Lead, 4th shift)

Rolando was always happy to see me coming into his shift for overtime. He might not say that when I did work his shift, I did more work than his scheduled employees. When I told Rolando that Chris was not treating me fairly and I needed to switch shifts the first thing he said was there is an opening on this shift. Then informed me I should go talk to B.j. about switching. My last few days working this shift, Rolando had me training his one of his new employees. The guy had worked their a while but didn't know how to do much. I gladly accepted the challenge. I'm not sure how my training technique worked out because this was one of my last times working this shift. Maybe Rolando could give us some insight. I've also list the 2 guys I trained as witnesses for their opinions. The leads work a lot closer to the individual stagers. Rolando definitely approved of my work etiquette and performance.

Korey Condon (Viracon Employee - IG Staging, 2nd shift)

Korey was a returning employee who had worked for Chris a couple years ago. Korey worked with me his first week back. Me and Korey got along alright. Korey would laugh at me outside before our shift started stating "I don't know what the hell you did he is after you". So Korey did admit to noticing the discrimination. For some reason Chris really likes Korey. The reason he is in the neutral category. I don't know what Korey would say if questioned. I'd say at the least he would admit that I did not deserve to get fired.

Breach of Contract

January 13, 2017 - Contract Formation

I went to Phil's office around 1:30 to reiterate all the issues I was having with Chris, to further try to persuade him to change my shift. Phil continually told me it was against company policy to do a shift change unless I got approval from both my supervisor (Chris) and the supervisor of the shift I was switching to. After about an hour of hearing this rebuttal I told him I was going to have to resign if he couldn't help me. Phil told me if I completed a two week resignation notice, I'd be eligible for reemployment. He explained by doing this it would allow him to hire me into a different shift, or even a different department if I wanted to try something else. I agreed to move forward with the 2 weeks resignation notice only if he would remove me from the hostile work environment, and not allow Chris to wrongfully dismiss me. I was very concerned Chris was going to retaliate against me for going to HR. After sharing those concerns with Phil, he gave assurance that I'd be removed from the hostile work environment and Chris would not wrongfully dismiss me. I finalized the agreement when I signed resignation papers with Phil.

1:30p.m. - Meeting with Phil Sayles

I walked into Phil's office around noon. After about an hour, it became apparent that Phil was not going to do a shift change without Chris's approval because it would violate company policy. I realized there was nothing I could do to change his mind so I went another route. I said to Phil "I got an idea, if I put in 2 weeks' notice, and came back would I be eligible for employment again?". Phil said "I don't see why not; most employees here don't give us notice at all. 2 weeks is more than enough." I said "Do you think that might be my best option?" Phil said "might be. I could hire you anywhere if we did that. We have a lot of other positions available that you might try for." I said "O Yeah? This is actually my first time working in production. I was eventually wanting to get a job in the sales department." Phil responded "Yeah I think an office job night suit you better, a sales position opens up about every three months. Next time you come bring your resume in!" I said "I will definitely do that. Normally I would wait until I got another job before quitting. but right now I guess I don't have any other options' will just have to count on those two weeks to get me through to the next job. I don't feel comfortable rack changing. The guys got me working an advanced forklift position with no training. " Phil responded "I will send him an email and tell him to put you back in staging again." My reply, "Wouldn't it be a lot easier to just let me finish on a different shift?" Phil's reply, "that would awfully hard to do. The same policy would apply. I'd need his approval. What else are you concerned about?" I responded, "I don't think he will be ethical enough to let me fulfill the 2-week resignation notice." Phil's response "he'll let you finish." My response "I don't think you understand the seriousness of the situation. Phil this guy is seriously targeting me. How are you going to make sure he's not going to fire me for nothing? Phil reconfirms, "I'll make sure he fulfills your 2 weeks." I said "alright Phil. Well you're not going to have to worry about me, I'll be working as hard as I ever worked." Phil chuckled and said "okay" He had me sign resignation paperwork and entered the details into the computer. I thanked him for his help, shook his hand and told him "I'll be back to see you after my two weeks so look forward to it." He said "okay, sounds good." I proceeded to exit his office and returned to the production floor to complete my overtime shift.

January 14, 2017 - First Agreement in Contract Fulfilled - Removal From Hostile Work Environment

January 14-15, 2017 (overnight shift)

It was a huge relief when Craig informed me I was switching positions with Dakota and I would be staging with Abyss for the week. It was good to know Phil had followed through. I began wondering how much information he shared with Chris. I didn't want to get caught lying to him. I decided if he asked any questions I'd be honest. Chris approached me a couple hours after the shift started at

my work station. He said "Hi Theo, I was kind of surprised when I got here to read an email I got from HR. Why did you put in your 2-week notice?" I replied "It was very difficult doing that job last week. You saw how slow I was moving. That was not on purpose I was seriously working hard. I didn't want to break glass or worse hurt myself or someone else. I decided Friday on an overtime shift that maybe this job isn't for me." Chris says "Maybe not. Well at least you realized now. Do you have any idea where you're going to work after this?" I replied "A friend of mine works as the lead in one of the departments at Daikin. I'm going to try there. I also was talking to Phil Sayles about possibly getting a job in the sales department. He said since I'm putting in my 2 weeks I'd be eligible for employment." Chris asks "do you have a background in sales?" I said "yeah that's what I use to do. This is my first job in production." Chris says "well good look with that. In the email, I got said you were giving 2 week notice but did not have an exact day. I need to know for my records. When are, you planning for your last day? I said "I'll give you the 2 full weeks Chris. Personally, I need the overtime. Mark me down for January 28, 2017. If that works for you?" Chris replies "yeah I'm going to go put that in the computer." He walked off and I returned to my workstation.

January 23 to 24, 2017 (overnight shift)

Chris yells "Theo! Come here, now!" I walk over to Chris not really know what to expect. Chris screams, "Were you the one who touched the confirm button on the ASM portal?" I replied "no Chris I was standing right there. I would have helped them but you've already made it clear. I'm not aloud to touch the machine." Chris gets even louder, "Theo I'm going to ask you the one more time, did you hit the confirm button on the machine?" I pleaded "No Chris, I assure you I did not." Chris yells angrily "That's it your don't here for good. Come up to my office so you can sign the termination paperwork." I was tired of Chris's harassment, and deceitful manipulation and honestly wanted to save the next man from having to deal with him. I told Chris "I'm not going to let you get away with this, and I'm going upstairs to speak with his boss. As I'm walking to the office Chris is in tow threatening me "Leave now or I'm calling the police" I said "do whatever you want. I'll deal with them after I deal with you. Right now I need to talk to your boss." I proceeded into the Foreman's office with Chris pacing closely behind me. Morning shift workers had just arrived. Chris yells right when we get inside the main office "Theo my office now!" I continued to the Chris boss's office. I told Jerry that Chris found out I was bisexual in November and has been discriminating against me since. He continually blames me for mistakes and problems of other employees. Its rare a shift goes by that he doesn't harass me. He just fired me down there for something I did not do which Phil Sayles from the Human Resource Department promised me wouldn't happen. Jerry Dimmel quickly responded, "lets see what we've got going on. Where was it, what time?" I reply "ASM load terminal 1, around 5:20a.m." We all 3 watched as Rick is operating the portal, he hits the blue blinking, button right confirm button, causing the machine to malfunction. Just to make sure Chris was paying attention to the video. I said aloud "you see that Chris? He said yeah, you weren't the one who hit confirm. I said "I know!" now I have daycare this week. please can I go back to work? Chris jumps up from his chair and yells "Absolutely not." I said "Chris come on man, you saw in the video it wasn't me, at least be ethical. I'm done after this week which is what you wanted. Let me finish please so I have the opportunity to work in a different department." As Chris heads for the door he says "No. I'm absolutely finished with you." Now, it's just me and Jerry. In my head I'm thinking surely he isn't going to allow that. I turned to Jerry and say, "Jerry you heard what he said, it wasn't me. And you saw the video. Surely, you're not going to let him get away with that, are you?" Jerry replies "I've always went with my supervisor's judgment." I say "well now is a good time to stop. Seriously all I'm trying to do it pay for daycare. Is that okay with you?" Jerry replies "I'm really sorry, I can't do it." I say "this isn't going to be the last you hear from me. I made him give me his name and number. As I was exiting the office I said I reminded him "your not going to get away with this." I returned to the floor to pack my things. I see Rick by the lockers and decide to ask him "did you get in trouble to." Rick said "no for What?" I replied, "Chris just fired me up there for something you did. I figured if it were as big of deal as Chris was making it out to be he would at least come down here and talk to you about it. Rick said "I'm sorry dude. You knew they were

Theodore Haugand Vs. Viracon Inc.

against you. There's nothing you could have done. I sighed and said "yeah. I just feel like there should be something I could do. I might contact a lawyer." I'm sure Rick was never confronted about his small mishap. I guarantee if you investigated you'd find out No one's ever gotten fired for "touching the confirm button." That was just another rule Chris made up solely for me.

January 24, 2017 - Breach of Contract

Breach of contract occurred when Chris used retaliation discrimination to wrongfully dismiss me. I knew Chris was out of control and had serious doubts moving forward with the two week resignation notice. The only reason I did was because of Phil's assurance. Clearly, Phil did not use enough governance to ensure Chris wouldn't be able to wrongfully terminate me. That became evident after I further tried to prevent the breach of contract from occurring by going to Jerry Dimmel's (Foreman) office. I was very surprised when he allowed the discrimination to occur, he should have been one of the first people Phil contacted. I gave Phil a call the next morning to inform him Chris broke our contract but he did not answer.

Breach of Contract - Primary Witnesses

Michael Podany II(Alliance Staffing Employee - IG Staging)

I helped train Mike on an overtime shift (3rd) with Jerrod sometime at the beginning of January. I was partnered with Mike my last week of employment. During that week Mike couldn't help but notice the unfair treatment I got from Chris. On Sunday 1/22/2017 Mike informed me he heard Chris saying cruel things about me to his assistant lead Anissa. I informed Mike that Chris does that all the time, and that if he knew what's best for him he would stay out of it. Even though I wanted to find out what Chris said I did not want us to be overheard and Mike put into the same category as me. Mike did not take my advice. Later on in the shift Mike made a statement aloud to Chris and Anissa that its not nice to talk about someone behind there back. Mike was not accustom to this type of treatment - working hard, and being scrutinized for it. Mike was a direct witness when Chris fired me on 1/24/2017 at around 5:25a.m. when Chris accused of hitting the confirm button on the ASM Control panel. An accusation I later proved to be false. Mike was hired through alliance staffing and would confirm that the entire purpose of the position is to gain employment through Viracon.

Rick (Hired as Viracon employee in December from Alliance Staffing - IG Staging)

Rick was assigned to learn the ASM operations on the week of 1/21/2017. On 1/24/17 Rick was the one that hit the confirm button on the ASM which caused the machine to malfunction. Even though he saw Chris blame me for it and fire me, Rick did not come forward and admit it was actually him. After taking the matter Chris's boss, Jerry Dimmyl, Me, Chris and Jerry all confirmed Rick was the one that made the machine malfunction (estimated time of Viracon video 5:20 - 5:25a.m. 1/24/2017 - ASM load camera). Watching the video proved to be a waste of time since I was still fired. You would think that once Chris found out Rick was the one that made the machine malfunction Rick would have received some sort of punishment but he did not. The reality is the error was not a detrimental one. Chris simply blew it up and accused me so he could fire me. As soon as he came to the knowledge that it wasn't me who caused the error it was not as much a big deal to him anymore. This is more proof Chris was discriminating against me. If Rick tried to lie or bend the truth there is a good chance you would be able to catch him because he was closely involved with this final retaliation discrimination that took place. Everything stated here is the truth. With the right questioning strategy I believe Rick would have no other choice but to tell the truth.

Jerry Dimmel (2nd Night Shift - Chris Blouin's Supervisor - Foreman)

Jerry Dimmel is Chris's boss. I told Jerry that Chris is discriminating against me because I'm bisexual for nearly 2 months now. He continually blames me for mistakes and problems that other employees cause he knows he does it. He just fired me down there for something I did not do. Jerry's responded, Theodore Haugand Vs. Viracon Inc.

Well let's see what we've got here and proceeds to pull up the video on his computer. Me, Jerry and Chris all watched the video on the computer in the office (January 24, 2017 5:15 a.m. and 5:30a.m. ASM load, portal 1, rick hitting the blue button that's flashing). I asked Chris in front of Jerry, Chris did you see that? Chris replied yea you did not hit the confirm button. Jerry also watched Chris still fire me. If that wasn't bad enough, Jerry aloud it. because of Jerry this wrongful termination can now be proven.

Phil Sayles (Viracon Human Resource)

I talked to Phil on the phone and in person a couple of times. I told him about the discrimination. He should at least confirm that. Phil is another person who would have good insight as to what is required of a temp to gain employment through Viracon. I'm sure if you told him to look at the information he did have about my time there as a temp he would be able to confirm that I was more than on pace to become a Viracon employee.

Retaliation Discrimination

January 14 to 15, 2017 (overnight shift)

I was very nervous going back to work. It was a huge relief when Craig informed me I was switching positions with Dakota and I would be staging with Abyss for the week. It was good to know Phil had followed through. I began wondering how much information he shared with Chris. I didn't want to get caught talking to him. I decided if he asked any questions I'd be honest. Chris approached me a couple hours after the shift started at my work station. He said "Hi Theo, I was kind of surprised when I got here to read an email I got from HR. Why did you put in your 2-week notice?" I replied "It was very difficult doing that job last week. You saw how slow I was moving. That was not on purpose I was seriously working hard. I didn't want to break glass or worse hurt myself or someone else. I decided Friday on an overtime shift that maybe this job isn't for me." Chris says "Maybe not. Well at least you realized now. Do you have any idea where you're going to work after this?" I replied "A friend of mine works as the lead in one of the departments at Daikin. I'm going to try there. I also was talking to Phil Sayles about possibly getting a job in the sales department. He said since I'm putting in my 2 weeks I'd be eligible for employment." Chris asks "do you have a background in sales?" I said "yeah that's what I use to do. This is my first job in production." Chris says "well good look with that. In the email, I got said you were giving 2 week notice but did not have an exact day. I need to know for my records. When are, you planning for your last day? I said "I'll give you the 2 full weeks Chris. Mark me down for January 28, 2017. Will that be work for you?" Chris replies "yeah I'm going to go put that in the computer." I returned to my workstation

January 16 to 17, 2017 (overnight shift)

My partner Abyss informs me that on January 10-11 he saw Chris Ducking in between the lines to spy on me. Abyss said he caught Chris doing this several times throughout the shift.

January 22 to 23, 2017 (overnight shift)

After using the bathroom in a different department I notice Chris staring at me. When I finally get up near him he says, this is why I can't have you work here. You always doing shit you should be doing and in places you shouldn't be. That's why I didn't approve your shift change. I said "what". He said "your shift change, weren't you trying to change shift? I said "well you obviously already know." And proceeded back to my workstation. *I told HR not to contact him for a specific reason. He could have made my environment more hostile had I not decided to quit.

January 23 to 24, 2017 (overnight shift)

Chris yells "Theo! Come here, now!" I walk over to Chris not really know what to expect. Chris screams, "Were you the one who touched the confirm button on the ASM portal?" I replied "no Chris I was standing right there. I would have helped them but you've already made it clear. I'm not aloud to touch the machine." Chris gets even louder, "Theo I'm going to ask you the one more time, did you hit the confirm button on the machine?" I pleaded "No Chris, I assure you I did not." Chris yells angrily "That's it your don't here for good. Come up to my office so you can sign the termination paperwork." I was tired of Chris's harassment, and deceitful manipulation and honestly wanted to save the next man from having to deal with him. I told Chris "I'm not going to let you get away with this, and I'm going upstairs to speak with his boss. As I'm walking to the office Chris is in tow threatening me "Leave now or I'm calling the police" I said "do whatever you want. I'll deal with them after I deal with you. Right now I need to talk to your boss." I proceeded into the Foreman's office with Chris pacing closely behind me. Morning shift workers had just arrived. Chris yells right when we get inside the main office "Theo my office now!" I continued to the Chris boss's office. I told Jerry that Chris found out I was

bisexual in November and has been discriminating against me since. He continually blames me for mistakes and problems of other employees. Its rare a shift goes by that he doesn't harass me. He just fired me down there for something I did not do which Phil Sayles from the Human Resource Department promised me wouldn't happen. Jerry Dimmel quickly responded, "lets see what we've got going on. Where was it, what time?" I reply "ASM load terminal 1, around 5:20a.m." We all 3 watched as Rick is operating the portal, he hits the blue blinking, button right confirm button, causing the machine to malfunction. Just to make sure Chris was paying attention to the video. I said aloud "you see that Chris? He said yeah, you weren't the one who hit confirm. I said "I know!" now I have daycare this week. please can I go back to work? Chris jumps up from his chair and yells "Absolutely not." I said "Chris come on man, you saw in the video it wasn't me, at least be ethical. I'm done after this week which is what you wanted. Let me finish please so I have the opportunity to work in a different department." As Chris heads for the door he says "No. I'm absolutely finished with you." Now, it's just me and Jerry. In my head I'm thinking surely he inst going to allow that. I turned to Jerry and say, "Jerry you heard what he said, it wasn't me. And you saw the video. Surely, you're not going to let him get away with that, are you?" Jerry replies "I've always went with my supervisor's judgment." I say "well now is a good time to stop. Seriously all I'm trying to do it pay for daycare. Is that okay with you?" Jerry replies "I'm really sorry, I can't do it." I say "this isn't going to be the last you hear from me. I made him give me his name and number. As I was exiting the office I said I reminded him "your not going to get away with this." I returned to the floor to pack my things. I see Rick by the lockers and decide to ask him "did you get in trouble to." Rick said "no for What?" I replied, "Chris just fired me up there for something you did. I figured if it were as big of deal as Chris was making it out to be he would at least come down here and talk to you about it. Rick said "I'm sorry dude. You knew they were against you. There's nothing you could have done. I sighed and said "yeah. I just feel like there should be something I could do. I might contact a lawyer." I'm sure Rick was never confronted about his small mishap. I guarantee if you investigated you'd find out No one's ever gotten fired for "touching the confirm button." That's just another rule Chris made up for me.

I didn't get much sleep that day. I decided to give Phil a call too see If I'd still be eligible for employment. He did not answer. I left a voice-mail but never heard back from him.

Retaliation Discrimination - Primary Witnesses

Michael Podany II(Alliance Staffing Employee - IG Staging)

I helped train Mike on an overtime shift (3rd) with Jerod sometime at the beginning of January. I was partnered with Mike my last week of employment. During that week Mike couldn't help but notice the unfair treatment I got from Chris. On Sunday 1/22/2017 Mike informed me he heard Chris saying cruel things about me to his assistant lead Anissa. I informed Mike that Chris does that all the time, and that if he knew what's best for him he would stay out of it. Even though I wanted to find out what Chris said I did not want us to be overheard and Mike put into the same category as me. Mike did not take my advice. Later on in the shift Mike made a statement aloud to Chris and Anissa that its not nice to talk about someone behind there back. Mike was not accustom to this type of treatment - working hard, and being scrutinized for it. Mike was a direct witness when Chris fired me on 1/24/2017 at around 5:25a.m. when Chris accused of hitting the confirm button on the ASM Control panel. An accusation I later proved to be false. Mike was hired through alliance staffing and would confirm that the entire purpose of the position is to gain employment through Viracon.

Rick (Hired as Viracon employee in December from Alliance Staffing - IG Staging)

Rick was assigned to learn the ASM operations on the week of 1/21/2017. On 1/24/17 Rick was the one that hit the confirm button on the ASM which caused the machine to malfunction. Even though he saw Chris blame me for it and fire me, Rick did not come forward and admit it was actually him. After taking the matter Chris's boss, Jerry Dimmyl, Me, Chris and Jerry all confirmed Rick was the one that made the machine malfunction (estimated time of Viracon video 5:20 - 5:25a.m. 1/24/2017 - ASM load camera). Watching the video proved to be a waste of time since I was still fired. You would think that once Chris found out Rick was the one that made the machine malfunction Rick would have received some sort of punishment but he did not. The reality is the error was not a detrimental one. Chris simply blew it up and accused me so he could fire me. As soon as he came to the knowledge that it wasn't me who caused the error it was not as much a big deal to him anymore. This is more proof Chris was discriminating against me. If Rick tried to lie or bend the truth there is a good chance you would be able to catch him because he was closely involved with this final retaliation discrimination that took place. Everything stated here is the truth. With the right questioning strategy I believe Rick would have no other choice but to tell the truth.

Jerry Dimmel (2nd Night Shift - Chris Blouin's Supervisor - Foreman)

Jerry Dimmel is Chris's boss. I told Jerry that Chris is discriminating against me because I'm bisexual for nearly 2 months now. He continually blames me for mistakes and problems that other employees because he knows he does it. He just fired me down there for something I did not do. Jerry's responded, Well let's see what we've got here and proceeds to pull up the video on his computer. Me, Jerry and Chris all watched the video on the computer in the office (January 24, 2017 5:15 a.m. and 5:30a.m. ASM load, portal 1, rick hitting the blue button that's flashing). I asked Chris in front of Jerry, Chris did you see that? Chris replied yea you did not hit the confirm button. Jerry also watched Chris still fire me. If that wasn't bad enough, Jerry aloud it. because of Jerry this wrongful termination can now be proven.