

00-2528

# CHARGE QUESTIONNAIRE

EEOC Use Only Name (Intake Officer-print)

This form is affected by the Privacy Act of 1974; see Privacy Act Statement on back before completing this form.

**FILED**

RECEIVED  
MIAMI DISTRICT OFFICE  
Lisbeth Bailey, Investigator

Please answer the following questions, telling us briefly why you believe you have been discriminated against in employment. An officer of the EEOC will talk with you after you complete this form.

Date of Birth: 09-07-72 Social Security Number \_\_\_\_\_

00 JUN 19 PM 12:29 97 JAN -8 AM 11:49

NAME Pamela Lynn Harris  
(First) (Middle Name or Initial) (Last)

ADDRESS 512 Middle River Drive TELEPHONE NO. (include area code) (954) 565-5454  
CITY Fort Lauderdale STATE FL ZIP 33304 COUNTY Broward

Please provide the name of an individual at a different address in your local area who would know how to reach you.  
NAME Kathleen Harris RELATIONSHIP Mother PHONE (407) 291-8231  
ADDRESS 7205 Cherry Laurel Dr. CITY Orlando STATE FL ZIP 32835

I believe I was discriminated against by: (Check those that apply)  
 EMPLOYER APPROX NO. EMPLOYED BY THIS EMPLOYER over 1000  
 UNION (Give Local No.) \_\_\_\_\_  
 EMPLOYMENT AGENCY \_\_\_\_\_  
 OTHER (Specify) \_\_\_\_\_

Company The Ale House  
Address 5573 South Kirkman Road  
CITY, STATE, ZIP Orlando, Florida 32819  
Telephone No. (407) 248-0000

Company \_\_\_\_\_  
Address \_\_\_\_\_  
CITY, STATE, ZIP \_\_\_\_\_  
Telephone No. \_\_\_\_\_

If you checked "Employer" above, are you now employed by the Employer that you believed discriminated against you?  
YES: From \_\_\_\_\_ (date) \_\_\_\_\_ (current position)  
NO: I applied for \_\_\_\_\_ (position) on \_\_\_\_\_ (Date)  
OR: I was employed as waitress (position) until 3/6/96 (date) I was fired (laid off, fired, etc.)

What action was taken against you that you believe to be discriminatory? What harm, if any, was caused to you or others in your work situation as a result of that action? (if more space is required, attach additional sheet.)  
See attached document (Exhibit A)

1997 JAN 17 PM 5 01

WHAT WAS THE MOST RECENT DATE THE HARM YOU ALLEGED TOOK PLACE? 3/6/96

Why do you believe this action was taken against you? (Attach additional sheet if necessary)

Sex / Female

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Normally, your identity as a complainant will be disclosed to the organization which allegedly discriminated against you. Do you  consent or  not consent to such disclosures?

Have you sought assistance about the action you think was discriminatory from any agency, from your union, an attorney, or from any other source?  N  Yes (If answer is yes, complete below.)

NAME OF SOURCE ASSISTANCE Michael J McWerny, Esq DATE Late 1976  
 RESULTS IF ANY: Filing this document

Have you filed a complaint about the action you think was discriminatory with any other Federal, State, or Local Government Anti-discrimination agency?  N  Yes (If answer is yes, complete below.)

NAME OF SOURCE ASSISTANCE \_\_\_\_\_ DATE \_\_\_\_\_  
 RESULTS IF ANY: \_\_\_\_\_

Have you filed an EEOC Charge in the past?  No  Yes (if answer is yes, complete below)

APPROX. DATE FILED \_\_\_\_\_ ORGANIZATION CHARGED \_\_\_\_\_ CHARGE NUMBER (IF KNOWN) \_\_\_\_\_

I declare under penalty of perjury that the foregoing is true and correct.

SIGNATURE Parola S. Harris DATE 12-02-76

PRIVACY ACT STATEMENT: This form is covered by the Privacy Act of 1974: Public Law 93-579. Authority for requesting personal data and the uses thereof are:

1. FORM NUMBER/TITLE/DATE. EEOC Form 283, Charge Questionnaire (12/93).
2. AUTHORITY. 42 U.S.C. § 2000e-5(b), 29 U.S.C. § 211, 29 U.S.C. § 626, 42 U.S.C. 12117(a)
3. PRINCIPAL PURPOSE. The purpose of this questionnaire is to solicit information in an acceptable form consistent with statutory requirements to enable the Commission to act on matters within its jurisdiction. When this form constitutes the only timely written statement of allegations of employment discrimination, the Commission will, consistent with 29 CFR 1601.12(b) and 29 CFR 1626.8(b), consider it to be a sufficient charge of discrimination under the relevant statute(s).
4. ROUTINE USES. Information provided on this form will be used by Commission employees to determine the existence of facts relevant to a decision as to whether the Commission has jurisdiction over allegations of employment discrimination and to provide such charge filing counselling as is appropriate. Information provided on this form may be disclosed to other State, local and federal agencies as may be appropriate or necessary to carrying out the Commission's functions. Information may also be disclosed to charging parties in consideration of or in connection with litigation.
5. WHETHER DISCLOSURE IS MANDATORY OR VOLUNTARY AND EFFECT ON INDIVIDUAL FOR NOT PROVIDING INFORMATION. The providing of this information is

**EEOC USE ONLY. CHECK THOSE THAT APPLY AND IF CHARGE NOT DRAFTED, EXPLAIN SELECTION(S) IN SPACE PROVIDED OR USE ADDITIONAL SHEET.**

No. Jurisdiction	Not covered	Failed to state claim	No employee/employer relationship	Not enough employees
Untimely  DOV =		Private Membership Club	Other:	

Explanation:

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HOSTILE ENVIRONMENT: DIRECTLY SAID TO ME

FILED

00 JUN 19 PM 12: 29

DIVISION OF ADMINISTRATIVE HEARINGS

First Week of my Employment: I came on for my shift and the owner of the Ale House was sitting in my station. (Jack) I said hi and asked if he needed anything. He said he was not eating and would not need anything. I said fine but if you change your mind let me know otherwise I won't bother you while you are working. About an hour and a half passed and it became busy in the restaurant. I was standing at one of my other tables taking an order when Chris Farley came up behind me, interrupted me and very abruptly told me to "Get over here". I excused myself and followed him. He said the owner wanted to order something. I proceeded to go take his order. (At this point other people had joined Jack) Chris stood right behind me the whole time and when I turned around to go place the order he came right behind me to the computer and was yelling at me to "Hurry up and put it in!" I rang it in while he was yelling this to me. I accidently rang up something incorrectly because he was making me extremely nervous and was standing so close to me. He immediately started screaming at me. At the same time, another employee walked up and called me name. I turned to look at him and Chris said "Get the hell over here. You screwed up! I am not gonna put up with your fucking bullshit tonight!" At this point I went in the bathroom and was crying. I told another employee that I couldn't continue waiting on the owner. (I think it was Gary who I told) Later on Chris came up to me and said "Why the hell are you crying?" I said "I don't like the way you were screaming at me" He then replied "Oh, you're breaking my heart", smiled, and walked away.

October 9 and 23 (I believe these are the exact dates): (Both times during Monday night football games) I wasn't working, but I went up to the Ale House to meet some friends which was allowed. Both times, when Chris saw me he looked me up and down and commented on my body. He said that our uniforms just don't do my breasts any justice at all and it's a shame we don't have tighter ones (uniforms).

December 12, 1995: Chris came up behind me at one of the busstands (#3 as it was referred to in the store). I had a tray things in my hand. He had a broom and a dustpan in his hands and was attempting to place them up against the wall. He was moving and walking very quickly because it was very busy. When he tossed the broom and pan against the wall (which he did very abruptly in a throwing motion) they fell and scraped my legs. I looked down and saw that I had a scrape and my stockings were run. I said to him "Chris easy, you ran my pantyhose." He laughed, grabbed his crotch and said "Run this."

November ??, 1995: (Dave's roommate) One of the busser's and I were talking and he made a comment about his chest and not being able to lift something heavy because he had such a "bird chest". Chris walked up on this conversation and heard what was said. He then said to me "Well Pam you certainly have them (busser's that were standing there) beat in the chest area. I keep telling her these uniforms just don't do her enough justice." He was clearly staring at my chest and standing extremely close to me. I was right next to the door that leads to the kitchen and I just slipped through it and walked toward the back.

EXHIBIT A

February 17, 1996: In the morning, Chris came up to me and asked me what was wrong. I told him I was sick. I was coughing and sneezing. He then proceeded to send another waiter named Mike home because it was his birthday. He did this during our shift meeting right before the store opens. At the same meeting someone asked about a waiter named Jeff and where he was because he was scheduled to work and was not there. Chris said "Oh don't worry about Jeff. He went to Mardi Gras." So at this point we were two people short. Later on, I was standing by the expo window and Chris again asked me what was wrong. I again replied that I was sick and had a cold. He said "I know Pam. You've been bitching about it all day!" I told him not to speak to me that way and if he didn't want me to answer his questions, then he should keep his mouth shut. I was clearly upset and angry. He then very curtly said "Calm down for Christ's sake"

The same day Chris and I were both standing in the same place in the expo window. I was right next to him waiting to run food to tables which is what we are supposed to do when it is not busy. He starting talking to the kitchen staff and asked one of the guys named York how his girlfriend was. He commented on her "huge tits" and was asking York how he "handled her". As he said this he was gesturing with his hands as if he were touching a woman's breasts and he was looking at me and laughing. I told him to stop being disgusting while I was standing there because I didn't want to listen to that talk. He then looked at the kitchen guys and very sarcastically said "OK guys. That's not appropriate talk around here". They were laughing and he was smiling right in my face.

Not sure on the exact date: One night, Chris walked up behind me as I was getting a drink and wiped his hands on my buttocks. I've seen him do this to other girls. We wear towels draped through the back string of our aprons. He grabs these towels and wipes his hands off. When he did it to me, his hands were unmistakably rubbing against my body as he was "wiping" them off. My hands were full and it startled me. I quickly turned around and he continued walking and ignored me yelling at him.

HOSTILE ENVIRONMENT: SAID IN MY PRESENCE

FILED

00 JUN 19 PM 12: 29

August 1995: I was standing by the busstand (#1) putting away dishes. Chris came up and was standing behind me. Another waitress named Kathy approached that area. As she did she dropped a napkin on the floor right in front of Chris. She bent down to pick it up and he looked at her and was smiling. He then said to her "Hey Kathy, while you're down there" and he had his head over her head at his midriff right in line with his penis.

DIVISION OF ADMINISTRATIVE SERVICES

Shift Meeting: (Not sure on the date): One girl named Allison came in and sat down. She looked very tired. Several people commented that she must be tired and Chris asked her if she was up all night having wild sex.

Once at our evening shift meeting, everyone was out back where we usually have it and one of the hostesses was walking into work from the parking lot that we were all facing. Chris stopped in mid sentence, stared at her, and commented on her body to all of us. She was wearing a maroon velvet dress that was short at the time. He said something to the effect of he wished he wear a piece of that material located in just the right place. She didn't see what was going on.

Right before New Years - the week before: I needed to talk to Chris about something during my shift. I saw him talking to a waiter named David at the hostess stand and I approached him. I said "Chris can I talk to you?" (I needed him to either talk to one of my tables or do a comp) He said "No I'm busy." I clearly saw that he wasn't busy, so I stood behind him for a minute and I said "Well I'll wait." He continued speaking to Dave and was staring at a lady who was walking away from the two of them. He was saying to Dave "Look at that tight ass." Then he just looked at me and smiled and walked away without addressing my problem.

A few nights later: I was working and it was busy. I was trying to get by Chris and some others. They were standing in the aisle facing tables 71 - 74 (One row of tables near the kitchen) I said excuse me. He just looked over, ignored me and continued talking. He said something to the effect to me that he was busy looking at this girl with a see-through skirt and g-string panties on and that she wanted him and he couldn't move right now. I turned around and went the other way.

I heard Chris talking to another waiter who was having a problem with some ladies at his table. They were mad about something and Chris went to talk to them. When he came back to the computer (at station 4) he told the waiter that they were fine now because he "took care of all of them and gave them what they wanted".

2/18/96: I was standing next to a bartender named Julie. She was not wearing her uniform yet. She had on shorts and a white T-shirt. Chris walked up to us as we were talking and said to her that she shouldn't even put her uniform shirt on because if she kept that tight T-shirt on she would sure make a lot more money tonight.

## TOLD TO ME BY OTHER EMPLOYEES:

Anna Mae told me that Chris had to talk to her one day shift. He walked her out to the back dock. When they got out there he put his arm around her and said "This is where I bring all of my bitches". I don't know what she said to him, if anything.

Allison told me on 3/4/96 that Chris had once asked her "Why haven't I seen your tits? I hear you like to show them off." It was when he was alone with her somewhere (in the back office where we had to check out alone every shift with a manager)

The following conversation took place over the phone on March 6, 1996 at 5:25 p.m. I will use the letter "P" to indicate when I was speaking to Chris and the letter "C" to indicate his responses.

I initially phoned the store and asked for Chris. I needed to ask him what was going on with my shifts. I was on hold and then he came on the line:

C: I hear you've been questioning your employment here:

P: What do you mean? I've been trying to talk to you because you said I couldn't work until we had a talk.

C: Well I hear you've been asking about it. There have been some problems uh....

P: Are you saying I'm fired?

C: Well yeah.

P: I'd like to know why you're firing me-based on what?

C: Your availability is just not working out and we feel you don't have a commitment to us. Weekends aren't enough. You act like it's a chore to be here and an inconvenience.

P: I was told that I could work weekends by Scott and I remember when exactly. It was December 18th, 2 days before they wanted me to start. They meaning my internship. I went to Scott and said, "Is it going to be a problem if my availability goes down to just weekends now?" I told Scott my situation. Scott said "No, it's no problem".

C: Well I never okayed that.

P: Well I don't understand why if my boss Scott, the Assistant General Manager, okayed it that it wouldn't be valid. Plus, I've never heard anything from you before that you didn't approve of it.

\*\*The other manager, Craig Patton, told me in a subsequent conversation that I could only work weekends after I argued this same point with him. He said it was okay because 2 other people there were doing the same thing - Gary and Angela. This conversation took place on 2/3/96 or 2/4/96. (Gary and Angela were also both students at UCF and were in the same position as I was)

C: Well you should take that up with Scott (Scott consequently had left to go to another store at this point in time) That's not the only thing. You having an attitude with Kara is not a good thing.

P: When I last talked to you (2/28/96 @2:30) you said that and I told you that you should hear my side of it before making any judgments. Do you care about hearing my side?

C: Yes

P: I think Kara told Craig that I called in 15 minutes before my shift because he said something about that. I called in 1 hour and 15 minutes before. I told Kara "I know there are no managers

there right now, but I am very sick - I've been sick, and I can't come in to work." She then abruptly said "No, I don't think so. You're not allowed to call in sick. You need to cover it." I said "No, I'm asking you to give them a message. If they need to talk to me, they can call me. I've been to the doctor, I have medication, I will tell the that when the manager calls me. Not you!" She said "Whatever!" I was not yelling at her, however I was being abrupt because I was annoyed with how she spoke to me. She's not a manager and she doesn't have that authority over me.

C: Yeah, well I still haven't seen a doctor's note.

P: I haven't talked to you or seen you since then!! How would you have seen a doctors note?!

C: Well I'm here 6 days a week it's not like you can't talk to me.

P: I have tried to talk to you. We talked Tuesday the 28th and since then I haven't been able to see you. I work and go to school. I know you're busy too. But I've been trying. Monday after work (6:00) I came home. Then I called around 8:00. The hostess said it was busy. I waited until 10:00 and I came up there to talk to you.

C: Yeah I saw you. You had a beer in your hand.

P: If you'll let me finish without interrupting me! Yes Chris I did have a beer - after I waited 40 minutes at the front door for you to come talk to me at your request!! Craig came over to me and told me that you refused to come talk to me because Ray was there for a surprise audit. Then I had a beer. But my point is I made the effort. He (Craig) told me at that time that you would be there tomorrow (3/5/96) until 10:00pm and to call. Craig said he would tell you that I would call. I called and you were off.

C: Well anyway you've had a bad attitude and it's a performance problem.

P: When have I had any performance problems? You, or anyone else, has never talked to me about any such problems or incidents, or about any guest complaints or attitude problems at any time, and if there has been a problem, no-one has informed me of it!

C: Well I don't know what you want me to say, it's just not working our.

P: I want you to give me a reason for me being fired. I don't think it's fair for you to tell me I'm fired and not give me a reason.

C: Well, I'm telling you...

P: No, you haven't given me any answers.

C: I don't like the way you're talking to me.

P: I am not talking disrespectfully to you. And besides you know that I've put up with the way you speak to me for a long time now and you know what I mean by that.

C: Me and other managers have had problems with you>

P: Well I'd like you to tell me when and what problems. I'm being respectful to you and trying to have a civilized conversation with you. I just have never heard any of this before today, so I'd like to know what you're referring to, specifically.

C: Look, I didn't know I would have to have a 5 page document in front of me.

P: Well I'll hold on as long as you'd like and you can go fetch whatever "document" you need, put it in front and you and read it to me!

C: Yeah - Hold on for minute.

Holding...

C: Well, I've said everything. I've got Ray (District Manager) waiting for me.

P: Good! Maybe I should talk to Ray.

C: That's fine!! You go right over my head and I don't fucking care!!

P: Oh believe me Chris I will.

C: Bye (Hangs up)

INDIVIDUAL COMPLAINT LOG

**FILED**

Intake Counselor: AD

Date Rec'd 01 17 97

Contact Type: 4

00 JUN 19 PM 12:29

Date Assnd 01 22 97

COMPLAINANT  
Ms. Pamela L. Harris  
512 Middle River Drive  
Fort Lauderdale, Fl 33304

DIVISION OF  
ADMINISTRATIVE  
HEARINGS

Date Filed 1/5/97

FCHR No.: 970893 ✓  
EEOC No.:

Hm954-565-5454 Wk

SS#

CP REPRESENTATIVE  
None

Basis: Gender  
2nd Basis:  
Basis Code: GF

RESPONDENT  
The Ale House

Issue: discharge

5573 South Kirkman Road  
Orlando Fl 32819 Ph# 407-248-0000

Issue Code: D2 ^ S4 ^

DOB: 09/07/72

RSP REPRESENTATIVE  
Ms. Cris Farley  
General Manager  
5573 South Kirkman Road  
Orlando, Fl 32819 Ph# 407-248-0000

County: Broward  
SMSA: 2680

Viol.Date: 03 06 96

SUSPENSE

Intake Exits:

To Docketing 02/09/97 Ref'l by Mail [EEOC/HUD]

Inability to Contact \_\_\_\_\_ WD \_\_\_\_\_ FTR \_\_\_\_\_

No Juris. \_\_\_\_\_ No HRA Viol. \_\_\_\_\_ Tech.Assist. \_\_\_\_\_

Intake Checklist:

\_\_\_\_\_ # of Employees \_\_\_\_\_ *308 days* Timeliness \_\_\_\_\_ S/A info.

\_\_\_\_\_ TVII \_\_\_\_\_ N-TVII \_\_\_\_\_ ADEA \_\_\_\_\_ Housing

\_\_\_\_\_ CP was counseled \_\_\_\_\_ FCHR Process Discussed

Has this complaint been filed with another agency? \_\_\_\_\_ yes \_\_\_\_\_ no

If so, Which agency? \_\_\_\_\_

NOTES: Attempts/Contact with Complainant

*2/17/97 by name of doctor (M)*