

02-3797

FLORIDA COMMISSION ON HUMAN RELATIONS  
325 John Knox Road, Suite 240, Building F  
Tallahassee, Florida 32303-4149

<b>CHARGE OF DISCRIMINATION</b>		<b>FCHR No.</b>	
Name (Indicate Mr., Ms., or Mrs.) Mrs. Gloria Perez		Social Security Number 151-52-3523	Date of Birth 3-5-56
Street Address 7635 S.W. 73 <sup>rd</sup> Place		Home Telephone Number (area code) (305) 740-3098	
City, State, and Zip Code Miami, Florida 33143		Work (if possible to call you there) (305) 671-4706	
List the employer, labor organization, employment agency, apprenticeship committee, government agency, or other person who discriminated against you.			
Name AvMed Health Plan	No. of Employees 400+ S.F.L.	Telephone No. (area code) (305) 671-5437	
Street Address 9400 S. Dadeland Blvd.	City, State, and Zip Code Miami, FL 33156	County Miami-Dade	
CASE OF DISCRIMINATION BASED ON (Check appropriate box(es)) <input checked="" type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> DISABILITY <input checked="" type="checkbox"/> NATIONAL ORIGIN <input type="checkbox"/> AGE <input type="checkbox"/> MARITAL STATUS <input checked="" type="checkbox"/> RETALIATION		DATE MOST RECENT OR CONTINUING DISCRIMINATION TOOK PLACE (month, day, year) Continuing since 8/7/00	
THE PARTICULARS ARE: (If additional space is needed, attach extra sheet(s):			
<p><b>I. Personal Harm:</b> My salary as an exempt M-13 employee has been frozen, since my position was reclassified to a non-exempt 9 grade. The reclassification is a demotion. After 14 years with this company, I can no longer advance in my career. My salary as a DP M-13 was greater than the top salary for the non-exempt 9 classification. There was room for my salary to rise as an M-13 by almost \$4,000. Since I met the requirements of the job before, I should have been grandfathered in to the M-13 position just as the LPNs were. If the new requirement for an RN resulted in my demotion, then it should have resulted in the LPNs being demoted as well.</p>			
<p><b>II. Respondent's Reasons for Personal Harm:</b> My Discharge Planner M-13 position was reclassified to a non-exempt 9 allegedly due to a "review of wage and hour requirements" by management. However, that argument is specious, because there is no rational basis for differentiating between nurse and non-nurse Discharge Planners, as the position never requires patient care. When I questioned this, I was informed that I should not complain, because as a newly non-exempt employee, I could earn overtime. However, that not only misses the point, but is also meaningless because I rarely if ever worked over 37.5 hours a week anyway.</p>			
<p><b>III. Discrimination Statement:</b> I was the only Discharge Planner M-13 of Cuban descent in all of Miami-Dade and Broward counties, employed by AvMed. I believe the reclassification and demotion was an effort to discriminate against me because I am Cuban. Since I questioned and complained about this treatment to management, my work environment has become hostile, and I expect that it will become worse after I file this charge. Only one other DP, who had no degree at all and, therefore, never met the requirements for the position, was reclassified and demoted. When I started in that position in 1997, I met all the requirements. Management is changing the rules in the middle of the game. They say future hires will require an RN degree; yet they have grandfathered in the LPN Discharge Planners. The job required an RHIT degree, which I had, or and LPN, or an RN, until July of 2000. No audit was done of my job before it was reclassified, resulting in my demotion. In fact, the demotion was effectuated when I was on vacation, so I did not even learn about it until I returned on August 7, 2000, when my supervisor tossed it on my desk. I have over 20 years of clinical experience, yet management changed me to a "non-clinical" position. Even so, the DP position has never required and does not now require any clinical, patient care. The distinction between the M-13 and non-exempt 9 positions was contrived.</p>			
I REQUEST TO BE AFFORDED FULL RELIEF TO WHICH I AM ENTITLED UNDER THE LAW(S).			
I will advise the Agency if I change my address or telephone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.			
Under penalties of perjury, I declare that I have read the foregoing charge of discrimination and that the facts stated in it are true.			
SIGNATURE OF COMPLAINANT		DATE	
Gloria Perez		7-22-01	

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