

Response to Home Depot Answer

PART A

This response is bifurcated to make it easier to read and follow. Part A will be in response to the charge submitted and answered. It will take up the narrative provided by Natalie beginning on page 3 of her written document under the heading Background Information. This is the point where the response becomes specific, relevant, and probative.

Part B will counter the propaganda and puffing presented on pages 1-3 before with specific examples demonstrating the failure to meet or apply these standards by Home Depot. This is not necessarily specifically relevant to the case but may serve to increase awareness and understanding by persons of interest of the truth. Natalie's statements will be presented in red.

The Home Depot hired Mr. Ford on January 28, 2019, as a part-time Cashier in store 884 located in Decatur, Alabama ("The Decatur store"). At the time Mr. Ford was hired, he was 67 years of age. Mr. Ford remains currently employed as a part-time Cashier at store 884.

The date of hire has remained a small enigma. Depending on the conversation topic, date and management person involved I have been told I was hired on the 27th, 28th and 29th. I mention this in passing. We are in substantive agreement even of there is some confusion in Home Depot. Natalie probably has the most accurate date.

A copy of the Cashier job description is enclosed as *Exhibit A*.

The job description has a bit of an interesting story. The company has declined to ever present me with a written copy despite several requests to Assistant Store Managers (hereinafter referred to as ASM) and HR Representative (Hereinafter referred to as HR Squared). It is my understanding that access is allowed inside the building to this file but no access permitted outside the building. One another additional note. Alicia Amacker works in Home Office. She specifically told me that Melanie is a representative only not a true HR person. Never have understood the distinction nor difference.

In April 2021, a part-time Head Cashier position became available in the Decatur store. Head Cashiers assist the Front-End Supervisor in overseeing operations on the Front End....

This is where the narrative begins to depart from reality and truth. There was not one Part Time Head Cashier positions **offered but two**. The first was posted much earlier. Amber applied for that position. We are friendly and I encouraged her to do so because I wanted her to receive the position. I thought then and believe now she would and has done a good job and it is great to have her installed. I reconfirmed all of this with Amber Friday August 27 at work in the Middle when I arrived and was waiting assignment from her.

After she was selected, they posted a second Part Time Head Cashier position. I did not apply for that until after a chance conversation with Emily. Emily was then a part time head cashier and needed someone to trade or take some shifts. I agreed but discovered I could not take some of the shifts or trade because I was not a Head Cashier. I also knew from April who is the Front End Supervisor (hereinafter referred to as FES), that there was a recurring problem of small shifts and closing gaps. To solve I could come in and fill in to plug the gaps without causing a bigger scheduling problem for the FES. I live fifteen minutes from the store and agreed that I would do so when or if needed. Additionally, if they had a couple of the hours during a given day needing a HC I could come in and cover that as well.

The job opening was posted in the Lockerroom over the Time Clock. It read that you had to apply on line. I went on line and did not find it. I mentioned this to Melanie Human resource representative (hereinafter referred to as HR Squared) and she said that they did not put it there as it was for internal candidates and current employees only. I asked how to apply, and she assured me I was already in the cue because I had asked ASMs and her for the opportunity.

This was right at the end of March give or take a day or two. At that time and in that place it was common knowledge Amber had **already** been selected for the other HC spot. I know because I congratulated her as did others. It was known if not officially publicized. So why would I apply for a position already filled against a person I wanted to have the job? The answer is I did not. The answer is there was a second job posting and Natalie is mistaken for

whatever reason.

Each candidate's answers were scored on a scale of 1 through 5 – with 1 being highly unfavorable and 5 being highly favorable. The scores for each question were then averaged to obtain a final, overall score. Mr. Ford received a score of 3.57 on his interview and candidate Amelia Clarke (22) received a score of 3.14. The highest scoring candidate was Amber Bowers (33) who received a score of 3.71.

Amber did not interview for this second position. She had already been selected. I am sorry but Natalie is mistaken and possibly the file corrupted. I interviewed with Chris Sullins and April. April admitted during the interview this was her first. Further proof she never interviewed Amber (Amelia) yet Amber had already been made Head Cashier. It is my understanding Amber interviewed a month earlier or maybe even sooner.

Keep in mind April had only been promoted to FES a short time before when Christy the then FES had been moved to another department. It is my understanding that Christy may have been involved with Amber's interview or not.

Sullins is ex HR in Home Depot and now a ASM. He told me this was the greatest interview he had ever experienced. He stopped me on the floor and went on about this for almost five minutes by Customer Service. So somehow someone interviewed better than that? Really?

Amber would then have had to interview after my interview. If that were so then why would I have applied for the job and competed against her? If she interviewed before me in competition then how is it possible for Sullins to rave about my interview that way? And again why would I interview against the person I wanted to have the job unless that person had already been selected and this was a second job offering? I am sorry but this scenario painted is neither accurate nor factual. It is also interesting that Natalie denies this. I have responded to that in the Summary Section.

A review of Mr. Ford's employment history, however, revealed that he had been issued a Coaching dated February 1, 2020, after he inputted "Eat Me" into the associate name section when prompted by the register on two separate occasions.

Natalie is materially misrepresenting the facts here. Yes there was a coaching session. These sessions are nothing, but Star Chambers employed to bully, threaten and intimidate an employee. A Star Chamber is defined here as an arbitrary and unfair adjudicatory proceeding. On this occasion I had the Josh Williams (hereinafter referred to as Manager) and Roland ASM. I was given no time to prepare and was verbally accosted.

The company has a practice of see something say something. Employees know better. I found a very unsafe condition late one afternoon on an aisle that every manager and employee traverses to reach the employee locker room. No one reported it. I did to the HC immediately. A young person, she did not know how to proceed at the time. I contacted Christy then FES who was home off the clock. She forwarded the picture to the store manager and the unsafe condition was mitigated. I then was placed in a star chamber where I was asked if I wanted to work there.

It seems I was not supposed to contact Christy when she is off the clock. That is really funny because I have received texts about scheduling needs at 1 AM and as early the next day as 5AM. So I am on call but the FES is not and in reaching out to her I was indicating that I did not want to work there. Are you serious? That was manager's statement to me.

I used Eat me as the file name. I used it to record every bad SKU and barcode experienced as a cashier. I had no idea what other file names were in the system so I used one that I felt would be original. I was trying to provide management a tool to find out what was happening and why. I could only use two words to name a file. If I had three the third word would have been up or eat me up because the delays this problem caused did precisely that. Rather than use the data collected they attacked me personally and said I was unprofessional.

The third item discussed was rounding change. Each cashier has sole discretion of up to \$50 for use when they see fit. I rarely use it and almost never the full fifty dollars. For cash paying customers I had rounded up or down to save change. The store manager asked if I waited on family. At that point I became very angry and advised him I had no family in Decatur, and he better watch who he was calling a thief. This is an example of Natalie euphemistically refers to as a coaching session. I was attacked for trying to

provide useful information, for disclosing an unsafe condition and then called a thief. One last point. Natalie mentions there was two occasions. I am sorry there is but one. I immediately quit using the column objected to. There was no second occasion. What more can an employee do?

He also had two recent documented Verbal Performance Discussions – one on February 20, 2021 after he inappropriately gave a customer two separate \$150 promotions totaling \$300 when he should only have given one promotion for a total of \$150 off and another on March 27, 2021 when he left his register unattended, despite having been spoken to previously about leaving his register on multiple occasions.

Verbal Performance Discussions. What is up with this gobbledygook? I am not sure what this means. I am sure I had no such conversation. I also note the word “inappropriate”. That indicates a belief I was attempting to steal or act as a theft. Again another personal attack on my good name and character.

When I make a mistake, I always do the following. I notify management and offer to make compensation. I own the error, the loss and am always willing to pay what has been lost due to my error.

Last Summer I let \$770 worth of flooring unpaid out the door to a Tennessee customer. I realized what had happened and notified my HC then Customer Service then the Store Manager. I tried to have him use my Amex Card for the flooring lost. He declined saying they had no way to do it in the system. That offer remains on the table and I will gladly pay it anytime. It is the company that declined compensation for the loss caused by me. What more can an employee do?

Also last Summer we had 1,100 or so fence paddles come up missing in inventory. The manager of the department is a good man and does a great job. I was concerned he might be in trouble. I went to the store manager and offered to pay company cost for the missing paddles. That offer too remains on the table even though I had nothing to do with it. What more can an employee do?

To Natalie’s inappropriate comment. Donna ASM was called by me roughly a month ago. A customer had a sale item that would not apparently ring up the right price. The sale was above my \$50 allowance. Donna came and applied the credit. When I hit **Total**, the credit was applied to the

merchandise **twice** once at her manual entry and once at the Total column. She said let it go and I responded by saying I would correct and give the customer the correct price. Funny this is not mentioned by Natalie. I prevented an error by the ASM for the very thing Natalie says I did in another situation.

I do not recall any such discussion about a \$150 credit entered twice. The reference is absent of time, place, and fact. Had it happened and if it did somehow happen then I would have done precisely the same as the other examples reviewed above. How I could do this in the system remains a mystery to me.

Anytime I make an error that reaches this order of magnitude I notify management, explain, and make offer of restitution for the damage. **All those offers remain on the table.** What more can an employee do?

The next misrepresentation innuendo and falsehood is leaving the cash register station. Natalie states that on multiple occasions I have abandoned the cash register and been spoken to. That is nothing but a bald face lie. Never happened and I would like correlative evidence presented as to when and what.

The job description requires monitoring of work station, and this includes housekeeping. I do bring buggies into the building and carts in PRO when needed and there is a break in the customers. No one has ever criticized me for this.

I also find it of interest that the note entered on March 27 just happens to neatly coincide with the time I applied for the position. Someone would know this would drop my score and reduce my opportunity to be awarded the position through interviewing. I categorically deny ever doing so on that date much less anyone discussing it with me. Another falsehood. It is my understanding when these kind of notes are to be entered the employee is notified and a process followed. No evidence to support any of that here. The note is pure hearsay. No mention of place, fact pattern, HC or FES discussion with me or anything else. Just a means to execute discrimination against someone based on age.

The store has Self-Checkout (hereinafter referred to as SCO). On three occasions in the last ninety days I have arrived to find no one present at SCO and no one at a nearby Middle cash register. I have picked up the house phone and called the manager to ask if they wanted to provide some coverage. On one occasion I had to help customers and tend SCO with no Apron and not being on the clock because no cashier present. What more can an employee do?

Ms. Bowers accepted the position and was promoted to Head Cashier effective May 3, 2021.

Again I am sorry, but Natalie is incorrect. Amber was advised and had accepted the position long before then.

As an initial matter, it should be noted that Mr. Ford did not raise any allegations of discriminatory treatment until after he was not selected for the Head Cashier position and, therefore, such allegations such be viewed with suspicion. Importantly, Mr. Ford was 67 years of age when he was hired approximately two years earlier.

Natalie reasoning here is quite interesting. There was no evidence of age discrimination until after the interview. Again her ad hominem attack on my good name and character and her dubious mens rhea is present when she wrote that by arguing age is why I did not get the job should be viewed with suspicion. So if I do not complain there is no suspicion but if I file a complaint it is suspicious. Help me to understand this circular reasoning.

Mr. Sullins denies making this comment and stated he simply advised Mr. Ford that he had done well on his interview, just as he advised Ms. Clarke after she performed well on her interview.

Here is another example of backfilling. I am sure Sullins was placed in a position of choosing between employment and truth. I think we can all understand his recant of fact and truth. The summary deals with specifically why this is not true.

Again I was **not** competing against Amber. She already had her position. This was a second job offering.

One last comment on this that is related. When Christy left the Front-End

April and another head cashier named Ashley put in for the job. April was offered the job and accepted before Ashley was interviewed. When Ashley arrived for her interview, she was told there was no reason for this to be done as they had already chosen April. Ashley came at the scheduled time on a day off on her personal time.

They did that with this position. They would have done it to me with Amber being selected prior to my interview. They did not do that to me because Amber had filled the other position, and this was a new opening. There was another job opening pending on the table.

A Head Cashier is a leader in the store who is expected to demonstrate responsible and honest behavior in all Home Depot roles, tasks and responsibilities and is expected to set an example when it comes to following rules and regulations.

Again not competing with Amber. My work history at the store includes two Homer Awards, Cashier of the Month, Numerous Bravo citations, and attendance unequalled by anyone in the store over the last two and half years since inception of employment.

Prior to retiring and arriving at Home Depot I was a successful risk manager and executive. Also had an extensive sales and marketing background. Submitted by resume when I applied for employment in 2019.

Recently in the store we had a difficult customer in PRO. I took over for another cashier and a ten-minute discussion followed witnessed by Sullins, Kimme in Customer Service and April the FES. By the end of the conversation I had the customer exchanging email addresses and giving me a high five. When started it appeared physical blows might happen. I told them just give me the tough ones. It is what I do. Three days later they still could not believe what they had witnessed. That same customer now uses me exclusively when he comes to the store and asks for me when I am not present.

Customers look for me when in the store. They choose to come to my register because I show them unequalled respect and effective service. When I arrive at the store a customer will greet me by name before I have the apron on. Not quite the picture painted by Natalie or the personnel file.

To summarize consider the following

1. I did not compete with Amber. This was a second job.
2. Chris Sullins has retracted his story. That is another problem for the EEOC to consider.
3. Home Depot appears to be doing a lot of backfilling to obfuscate their age discrimination against me.
4. It is my understanding they have violated their own processes, policies and procedures in some of the hearsay documentation included in the Personal File. Sickening.
5. Natalie keeps inferring I am 67. I am 69- and one-half years old.
6. When I have made a cashier mistake, I notify management and offer to offset error with payment. That offer remains on the table for any occurrence.
7. I was instructed by HR Squared that the person hired would be announced shortly. Still has not happened. It can not be Amber because she had already accepted the first position. Interestingly that person still has not been announced despite repeated requests to HR Squared. There was a second job offering and this is being denied by the company.
8. The personnel file reflects the company precisely. Nothing good included but everything they can find even hearsay contained. For use to bully and mistreat an employee. Fair and balanced apparently does not exist. Truth need not apply.

9. Below is a reprint of a letter read to management on May 3rd. Included is the statement and reference about Chris Sullins and what he said, No one questioned nor denied those were his words then. Now they have changed.

Here is the piece of the narrative read to them referencing that.

“Melanie congratulated me on interviewing well, but another had done better, and they had selected them. **According to Sullins I was the best he had ever seen or experienced. Melanie was not present at my interview. So this statement did not make any sense. I then asked who got the job and was told it would be announced later.** I stood up to return to work and knew PRO might be a mess, so I wanted to return there....”

Home Depot denied the most qualified person the second position because they did not want a 69-year-old doing it. They have backfilled the file, hidden the truth and attacked the employee for simply daring to complain. They possibly inserted hearsay into his file to lower his score to justify their age discrimination. They disregarded their own policies and procedures in so doing. They declined to name and fill the second position because of this pending action. They then have attempted to combine the two positions into one and have you believe that I wanted to compete with the person I wanted in the position for the position.

They have brought pressure on Sullins to change his story even though they agreed with all of what I have stated in the meeting of May 3rd. that document is presented in its entirety below. They did not question then but deny now.

Must they try the patience of an honest employee much less the Federal Government and the EEOC with such falsehoods?

Here are some items to note

On May 9, 2020 I received an award from Christy FES. It was a badge and note. The note said “Excellent customer service you rock!”

April FES provided me a Bravo Award on 09 18 2020 that said “Thank you for making the morning a happy and fun day. You are awesome. Thanks for helping out whenever I need you.”

On my first anniversary and within a day or two of my Star Chamber Meeting the store manager wrote the following “Congrats on your first anniversary with Home Depot. Appreciate all you do for the store.”

Last Christmas I made 1,200 cookies for the employees. Received a thank you note signed by managers that said “Thank you for the goodies. They were delicious.”

Not quite the employee presented in the personnel file. Indeed.

Home Depot has a very simple manner for employee treatment. Disparage, Deny and Dismiss. Here is a classic example of that 3 D process.

Charles Ford

August 31, 2021

Meeting 05 03 2021 9AM CDT

Josh, April, Melanie, Charles

A. Pro Logue Charles and History

1. Joined store in late January of 2019. Hired as a cashier.
2. Has missed two shifts since that time
 - A. 12/ 2020 Delivering Christmas cookies around town
 - B. 02 / 01 / 2021 Missed due to what happened on 4 / 30 / 2021.
Note: this was the fifth scheduled day, and the definition of part time is a maximum of four days.
3. Have worked extended shifts whenever asked
4. Voluntarily left early to save company money and reduce hourly allocations in the front end. Did so as lately as early last week.
5. Whenever requested have responded to call ins. Total number probably exceed 150 since employment inception. Declined Sunday due to the pendency of this meeting today.
6. Past cashier of the month and Homer Award recipient.
7. Past Motto: I have your back.

B. Meeting Introduction

1. Came to bury Caesar and not praise him. I am Caesar's body.
2. Timeline
 - A. Emily approached me several weeks ago to swap shifts to help her vacation plans.
 - B. Unable to swap one shift because I was not an HC.
 - C. Determined that I could do more to help HCs and FES if I had that credential and capability. Why I applied.
 - D. Interviewed with April and Chris Sullins. Lasted about twenty minutes.
 - E. Chris came to me afterwards on the floor next to Customer Service. Told me it was the greatest interview he had ever conducted. Spent three minutes thanking me.
 - F. Last week on three consecutive shifts the head cashier on duty told me I was awesome. Three days in a row with different people.

C. Friday April 30th and Aftermath

1. April indicates she was upset with me for not going through her to speak to Josh about potential serious liability hazards present in Garden. I followed that meeting up immediately with a text to her. I agreed and apologized. Now I wish to amend slightly. When people are at risk you must act, and I did so. For anything else she is right, and I am in perfect accord and have always done so with her and everyone else in the building.
2. At PRO at 5 PM Savannah asks me to go to Melanie's office and meet her. PRO was a zoo and I had just finally tamed all the lions when she arrived. Dubious at leaving this post at that moment I still followed the request. Melanie was not in her office and the door to Training Room closed with sign that said Interview in Progress do not disturb. After ten minutes I went to lunchroom. April was eating dinner and when I realized Melanie was not in the training room, she suggested I look for her in Receiving.

- 3. I found her there with John and the meeting commenced. Neither Melanie nor John had been at my interview. I thought John being there was odd and still do and even more odd that neither April nor Sullins were present. Melanie congratulated me on interviewing well, but another had done better, and they had selected them. According to Sullins I was the best he had ever seen or experienced. Melanie was not present at my interview. So this statement did not make any sense. I then asked who got the job and was told it would be announced later. I stood up to return to work and knew PRO might be a mess, so I wanted to return there. On the way out Melanie said I could always reapply. That did it for me. I whirled around and told her why in the Hell would I ever apply for another position in this store.**
4. Review my credentials above and add to that my life work outline plus the comment made by Chris to me about my interview and I knew this had all been Kabuki Theater. I was simply dragged through the mud and apparently lied to. My great sin was to apply to try and help the HCs and FES.
5. John shadowed me to possibly see if I was OK but quickly noticed that when customers are in play or fellow grunts need help this grunt responds.
6. April sent me to Garden to end the shift and lock it up. I locked the gate and the annex gate, swept the floor, and emptied the garbage cans plus separated return plants from returns that belonged inside. Also helped the vendor move flowers inside before locking the pedestrian gate.
7. I left April a note stating the printer receipts stored were at risk of getting soaked. I reference that I did not care but wanted to give her a heads up. She later texted me with concern over this statement. I texted her back that after Melanie and John had buried this battle ax between my shoulder blades on behalf of management that yes you could say I was a bit upset.
8. Thinking over night I was upset and depressed by the treatment received. I knew the next morning I was not in shape to bring this battleax lodged between my shoulder blades into work, so I called out. Roland took the call and helped arrange this meeting. I then dialed the HC Ashley to give her a

heads up and invite April to this meeting. I then later texted April to make sure she had the notice. She responded.

9. On Sunday Ashley texted me to come in and I explained that I was unavailable pending this meeting and outcome and begged her to forgive me for not having her back.

D. Summary

1. Applied for this position to increase my effectiveness for FES and HCs.
2. For this I was subjected to Kabuki Theater and dragged through the mud of a show trial interview. Plus apparently lied to.
3. Reality- Another person had already been anointed who did not have my background, results, or history. I apologize for mudding the water on this. It won't happen again.
4. Decisions lead to consequences and collateral damage. I am both in this case.

E. Going Forward

1. April no longer has me in her back pocket. I no longer have her back. Do not interpret that I might try and doing any back stabbing because that is not happening. Do understand this means that she no longer has me available as an option when need arises.
2. Trust has been buried with Caesar. We shall still do business effectively, but trust and relations have been exchanged for verification and validation.
3. No more call outs. If I am not good enough to be a HC, then I am not good enough to do call outs either. The person selected should do this. If they don't or won't not my problem.
4. No more extra functions.
5. No more changing shift due to call outs on a given day.
6. The offer to do heavy lifting in Garden is hereby revoked.
7. We shall work effectively going forward. Verification and validation apply now within this business context. That works well in business.
8. Customers will see no change in services provided by Charles.
9. Employees who have my back will continue to have me have their backs as well.
10. Managers will see no change in Charles when customers are involved.

Most importantly, Charles will continue to be the cash cow he has always been for Josh whether recognized or not.