w/e

Cherie K. Berry
Commissioner

Tiffany L. Lathan
Bureau Chief
Employment Discrimination Bureau

March 20, 2014

**RESPONSE DEADLINE: 4/19/2014**

Attention: Human Resources Manager
Patterson's Eatery
123 Food Court Lane
Raleigh, NC 27610

File Number: 000-14
Complainant: Michelle Kelly
Respondent: Patterson's Eatery

Dear Human Resources Manager:

As you can see by the enclosure with this letter, a complaint has been filed in the above captioned matter alleging a violation of the North Carolina Retaliatory Employment Discrimination Act (REDA). A copy of the Act is also enclosed with this letter for your information. The responsibility for investigating alleged violations of REDA has been delegated to the Employment Discrimination Bureau of the North Carolina Department of Labor.

In order to conduct a fair and impartial investigation of this complaint, it is requested that you submit the following information:

1. **A *WRITTEN* Position Statement** setting forth your explanation for the action(s) taken regarding the Complainant. *This is your opportunity to explain your position with regard to the alleged REDA violation.*
2. Copies of the Complainant's disciplinary actions, performance evaluations, and pay changes. In addition, please send any notes, letters, witness statements, memos, or other documents pertaining to the alleged action(s) taken regarding the Complainant.
3. If applicable, a copy of pertinent portions of your employee handbook used as the basis to take action against the Complainant and, if available, a copy of Complainant's signed receipt for the handbook.
4. A list of other employees treated the same as the Complainant (i.e. terminated for the same reason).

5*. A copy of the Complainant's workers' compensation file (Form 18, Form 19, correspondence, doctor's notes including such documentation as narrative notes, light-duty restrictions, and return to work authorizations). We do not need documentation such as medical bills, prescriptions, or physical therapy records.

6. If applicable, copies of Employment Security Commission documents.

*NOTE: Item 5 applies **only** in workers' compensation related complaints even if the workers' compensation claim was denied.

It is requested that the above-noted documentation/information be submitted to this office **no later than the date noted in the "RESPONSE DEADLINE" block on the first page of this letter. The requested information should be mailed to: EDB, 1101 Mail Service Center, Raleigh, NC 27699-1101 [*NOTE:* If you send your response to us via Fed-Ex, UPS, or DHL, *please use the following delivery address*: Employment Discrimination Bureau, 111 Hillsborough Street, 6th Floor, Raleigh, NC 27603].**

Failure to submit a written response and the above-requested information can result in this office issuing a subpoena to compel your production of this information. Additionally, in accordance with REDA's Administrative Rules, failure to submit this information can result in this office deciding the merit of this complaint based solely on information provided by the Complainant. A merit finding can result in you being held financially responsible for making the Complainant economically whole. For these reasons, it is imperative that you submit the information requested by the established deadline. Additionally, you may be required to provide further documentation/information as deemed necessary during the investigation.

It is important to note that the Department of Labor is not an advocate for either party during the investigation. However, it is our general policy to encourage early settlement of complaints since economic damages may be accruing on a daily basis. Therefore, in lieu of providing the above-requested information, you have the option to voluntarily settle this complaint. The investigator can facilitate the settlement process. Should settlement of this complaint prove successful, then further investigation by this office would not be necessary.

If you think settlement is an option that you would like to explore or if you have any questions concerning this letter, please call Tiffany Lathan at (919) 807-2828.

Regards,
Tiffany Lathan, Bureau Chief
NCDOL Employment Discrimination Bureau

Enclosures
cc: File

# REDA CASE HISTORY

**FILE NUMBER:** 000-14 **COMPLAINANT:** MICHELLE KELLY

**OSH NUMBER:** **RESPONDENT:** PATTERSON'S EATERY

**COMPLAINT TYPE:** WC - WORKER'S COMPENSATION

**FILED:** 03/20/2014 **20:** 4/9/2014 **90:** 6/18/2014

Contact with Respondent: ____/____/____ Toll Start: ____/____/____ Toll End: ____/____/____

RELATED CASES: **COMPLAINANT** ☐ Yes ☐ No **RESPONDENT** ☐ Yes ☐ No

Files _____ ☐ Open ☐ Closed _____ ☐ Open ☐ Closed

_____ ☐ Open ☐ Closed _____ ☐ Open ☐ Closed

_____ ☐ Open ☐ Closed _____ ☐ Open ☐ Closed

## ASSIGNMENT

Assigned to: _____ By: _____ Date: ____/____/____

☐ Data Entry Completed

Received by D.I. on: ____/____/____ ☐ Data Entry Completed

Assignment Info: ☐ Questionnaire Overdue ☐ Position Statement Overdue

☐ Ready for Assignment ☐ E.I. Attempt

☐ Other: _____

Reassigned to: _____ By: _____ Date: ____/____/____

☐ Data Entry Completed

Notified: ☐ NC-OSH ☐ FED-OSHA

## INFORMATION OFFICER

Instructions to Information Officer: _____

NOTE: ☐ Possible Timeliness Issue ☐ Other: _____

**ACTIONS COMPLETED:** _____

_____

_____

_____

_____

**INSTRUCTIONS:** File in: ☐ Pending ☐ Screened Out

☐ Other: _____

EDB-3 *(Rev. 10/2011)*