

CHARGE OF DISCRIMINATION

Complainant: Brandon Smith
Address: 7568 Mandan Road
Greenbelt, MD 20770
Telephone: (202) 423-8810

Date of Birth: April 20, 1987

Name of the Employer who discriminated against me:

Creative Hairdressers, Inc. d/b/a Hair Cuttery

Headquarters: Ratner Companies/Creative Hairdressers, Inc.
1577 Spring Hill Road
Suite 500
Vienna, VA 22182

Number of Employees: Greater than 10,000

Branch location: Hair Cuttery
7545 Greenbelt Road
Greenbelt, Maryland 20770

County: Prince George's

Number of Employees: About 16-17 at this location

Cause of Discrimination: Disability (HIV positive status)

Date of Discrimination: Earliest - July 24, 2014 Latest - Continuing

The Particulars:

I, Brandon Smith, was employed by the Hair Cuttery Salon at the Greenbelt Center, in Greenbelt, Maryland beginning in January 2012, as a part time receptionist, while I was attending school to become a hair stylist. In February 2013, I was promoted to a position as a stylist, and in October of 2013, I became one of the salon's two assistant managers. During my tenure at the Hair Cuttery I had an excellent employment record, and loved my job. I got along well both with management, and with the employees I helped to supervise.

On July 24, 2014, I learned the devastating news that I had tested positive for the HIV virus. I went in to work after learning this information and was still very emotional. I was crying in the break room before starting my shift when the store manager, Christina Stewart, saw me and asked me what was wrong. I told her about my positive test for HIV, thinking I should be honest with her, and that she would understand how badly I was feeling. She was cold about it though, and said

something like: "What have you been doing?" (suggesting that I was to blame for my illness.) After that I pulled myself together and started work, without further discussion about my HIV status. I did not talk to anyone else at the salon about my condition, and it did not affect my work performance.

Then, on August 5, when I arrived at work a little before my shift started, I was confronted by two people who said they were from Ratner corporate headquarters (the parent company of the Hair Cuttery.) They did not give me their names, but drew me out of the salon, and ushered me into the Subway sandwich shop next door. There, at the back of the restaurant, the two explained to me that my employment with Hair Cuttery was being terminated. They said the reason for this was that my manager had alerted corporate headquarters to my HIV positive status, and that my condition presents a hazard to clients or others, necessitating my firing. They presented me with the attached "Conference Report Form" that spells this out in writing, claiming that my continued employment would violate Maryland law. They told me that the action was effective immediately, and that I should get my things and leave the premises, or someone would mail my belongings to me. I couldn't even go collect my belongings myself though, because when I went back to the salon Christina was walking toward me with a bag of my stuff. Weeks later, when I tried to talk to some of my former colleagues from the salon, I was told I was not welcome at the salon at all, and that I had to leave, to protect the employees. Subsequently, I learned from a colleague that our district manager discussed my termination at an employee meeting in late September, saying that I had been let go not because of anything I did wrong, but because lawyers for the Ratner Companies had said that it was necessary.

The paper given to me by the corporate representatives provides no avenue for appeal.

This experience has been extremely traumatic for me, making an already devastating disclosure about my health so much worse. I am facing dire financial circumstances as a result of my termination, causing extreme stress. I feel betrayed and hurt in a way I have never felt before. My job was my second family, I went to work to be a better person, and to help my co-workers. I feel stabbed in the back for telling my manager something personal, in confidence, then having it disclosed to others without my knowledge and used as a basis to fire me.

I want this charge filed with the EEOC and the Maryland Commission on Civil Rights. I will advise the agencies 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.

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


Brandon Smith

Date: 10-6-14



CONFERENCE REPORT FORM

Today's Date 8/4/2014 Department Name 475/Greenway Center
 Associate's Name Brandon Smith Associate # 27617
 Leader's Name

Purpose of Meeting (Check one)

Written Warning Coaching and Counseling Verbal Warning
 Recognition Demotion Final Incident & Termination

The goal of this meeting is to reinforce positive behaviors and skills and to identify (if they exist) those areas needing improvement. Areas which if not corrected could lead to disciplinary action. Through this conversation the Leader is identifying the value of the Associate and a desire to reinvest in their success.

Outline the behavior or performance to be discussed. Be specific.

If this is a violation of a policy please explain.

On July 24, 2014, Brandon disclosed to leadership that he tested positive for an infectious or contagious disease that presents a hazard to clients or others. Based on Title 09 Subtitle 22 Board of Cosmetologists Chapter 1 General Regulations Authority .03 Prohibitions, "The performance of services of any kind by a licensee or registrant who has an infectious or contagious disease that presents a hazard to clients " is prohibited in any full service or limited practice salon

If counseling: Discuss with the Associate and outline the agreed changes/improvements to be made and a timetable for this improvement.

If counseling: Outline the possible outcome should this behavior or performance issue not improve.

Associate placed on probation (___ weeks):

Probationary Review Date _____

(Write on new Conference Report Form when conducting this review)

By signing below, the Associate acknowledges the Leader has discussed this issue with them. I agree ___ / disagree ___ with the issue(s) we've discussed. The Associate may write additional comments and attach them to this Conference Report Form (return additional comments with this form to the Resource Center, Associate Relations).

ASSOCIATE SIGNATURE DATE

DIRECT LEADER SIGNATURE DATE

MANAGER/SUPERVISOR SIGNATURE DATE