

DEPOSITION SUMMARY

of

ANDREA CARTEE

September 13, 2011

Floyd Weech vs. Andrea Cartee

Case No. : 2007-01217

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| | | | EXAMINATION BY MS. YATES. |
| 5:4 | 8:1 | Introduction | ANDREA CARTEE has been deposed before. Ms. Cartee's current work title is team lead development programs with Federal Emergency Management Agency ["FEMA"]. She works for the human resources office; however, it is like the Office of the Chief Component Human Office ["OCCHO"] or something like that but it is human resources. Her current grade is GS-14 and at present she is at step one. Dave McCoy is Ms. Cartee's supervisor. Ms. Cartee had been in that position since mid-January 2011; it is about six or seven months. [Ms. Cartee describes her current job duties.] [Deposition procedure explained.] |
| 8:2 | 19:21 | Discussion regarding employment at NIH | Prior to the team lead development programs position, Ms. Cartee was a program manager for the National Institutes of Health ["NIH"], program manager for the presidential management fellows ["PMF"] program. It was with NIH training center ["NIHTC"]. Ms. Cartee's supervisor was Krzysztof Jarmolkowicz. As of the time when Ms. Cartee left that position, she believes that her grade was 13, step four. Ms. Cartee had been in that position since September 2007. When Ms. Cartee started in the position of program manager, she was a GS-13. When Ms. Cartee left NIH, she was in charge of the presidential management fellows program and she also had responsibilities as the administrative training committee ["ATC"] secretary. [Ms. Cartee discusses what being in charge of the presidential management fellows program entail and discusses her role as the secretary for the |

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| | | | administrative training committee.] [Ms. Cartee discusses what she did as a supervisor of the PMF program.] [Ms. Cartee discusses the change in her duties from the time she started and to the time she left NIH.] Prior to going to work for the NIH training center, Ms. Cartee was a human resources specialist with the National Institutes of Health. [Ms. Cartee discusses her previous employments prior to working for NIH training center.] |
| 19:22 | 37:1 | Discussion regarding past work experience and leadership skills | Ms. Cartee agrees that the position in question in the present case is the lead training administrative position. Prior to the selection of that case, Wayne Brody held that position; GS-14. [Ms. Cartee discusses the work that Ms. Brody did in the job of lead training administrative position.] [Ms. Cartee discusses some examples of how she demonstrated her leadership skills at NIHTC, CSD, Nokia, and Google.] When Lorenzo Mastrandrea got the job, she told Ms. Cartee that she had never done that before; Ms. Mastrandrea said that she had not been a supervisor and she has not evaluated people. Ms. Mastrandrea did not know how to do performance evaluations. Therefore, when Ms. Mastrandrea took over the management intern program, she did not have the experience to know how to do that job. She would ask Ms. Cartee for help on what form to use, or the content of it. Ms. Mastrandrea would ask questions around that. Ms. Mastrandrea had not understood the intern PMAP. Ms. Mastrandrea probably understood the general process because she was on one. However, Ms. Cartee does not believe that Ms. Mastrandrea knew about the delivering and establishing of the PMAP because that is what Ms. Mastrandrea asked about. Ms. Cartee does not think that Ms. Mastrandrea asked about the form of the work evaluation that Ms. Mastrandrea was doing. Ms. Cartee thinks that what she asked was more of the substance that Ms. Mastrandrea was doing. [Ms. |

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| | | | Cartee discusses her past experience in developing training processes curricular type of thing, with NIHTC.] |
| 37:2 | 38:16 | Experience in training and development | In terms of Ms. Mastrandrea's experience in training and development, the only thing that Ms. Cartee knows is that Ms. Mastrandrea came in after her. Ms. Cartee thinks that someone else told her about a book. Ms. Mastrandrea might have had some training in development experience. Ms. Cartee does not really know all the details about that. [Ms. Cartee describes the process that she went through in interviews for the lead training of the administrator position.] |
| 38:17 | 40:18 | Reference to Exhibit O | In reference to Exhibit O of the report of investigation, page 93, toward the bottom, the second e-mail on that page, is the e-mail Ms. Cartee is referring to from Ms. Jarmolkowicz. In reference to Exhibit O, page 95 through 99, it appears to be the vacancy announcement. Ms. Cartee agrees that she was interviewed by Ms. Jarmolkowicz and Darla Hayes. |
| 40:19 | 43:11 | Cartee Exhibit 1 | [Cartee Exhibit 1, Interview Questions, is marked for ID.] Ms. Cartee recognizes some of the questions that are asked on Cartee Exhibit 1 or Ms. Cartee recalls some of those questions. Ms. Cartee is quite sure that there were follow-up questions. Neither of the interviewers showed any hostility or dismissiveness during the interview. The interviewers showed somewhat eagerness by contrast in the interview. |
| 43:12 | 49:22 | Cartee Exhibit 2 | [Cartee Exhibit 2, Second Level Interview, is marked for ID.] There came a time when Ms. Cartee was given a second interview; Chris Loughran and Kevin Brothen were the interviewers. In reference to Cartee Exhibit 2, some of the questions look familiar. [Ms. Cartee discusses some specific answers that she remembers giving during the interview, with Ms. Jarmolkowicz and Ms. Hayes, in reference to Cartee Exhibit 1.] |
| 50:1 | 53:12 | Reference to | Ms. Cartee is 46 years old at present. Ms. Cartee |

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| | | affidavit | believes that Ms. Jarmolkowicz said in her affidavit that she knew that at the time Ms. Cartee applied, she was over 40 years of age. Ms. Cartee believes that it was in there when Ms. Cartee read it. The position in question, GS-14, lead training administrative position, was a competitive promotion. It was competitive for everybody except for Kim Hill who was already a grade 14. |
| 53:13 | 57:21 | Reference to Exhibit B | In reference to Exhibit B, page 22, subsection I, is the comment that Ms. Cartee refers to from the EEO counselor Kelly Schmidt, management's response to AP request. It says that Ms. Schmidt told Ms. Cartee that they would offer Ms. Cartee training to help her qualify for the GS-14. That never came in the informal resolution attempts. Ms. Cartee's evaluations do not indicate that she needed training to move to the next step. Therefore, the response from Ms. Schmidt was very confusing to Ms. Cartee. That response was not conveyed directly to Ms. Cartee by Ms. Jarmolkowicz or Ms. Loughran; however, it was done by Ms. Schmidt. Ms. Schmidt gave like a summary at the end. Ms. Cartee asked Ms. Schmidt for copies of her notes and instead Ms. Cartee received a letter saying kind of briefly bulleting a few things. [Ms. Cartee discusses what specifically she refers to when she was alleging in her affidavit that Ms. Jarmolkowicz had shown favoritism to Ms. Mastrandrea.] |
| 57:22 | 61:21 | Reference to Exhibits H and U | Ms. Jarmolkowicz might have said in her affidavit or something in there that Ms. Cartee had stronger leadership. Ms. Cartee might have to go back and find it; however, Ms. Cartee believes that Ms. Jarmolkowicz said that. In reference to Ms. Jarmolkowicz's affidavit, Exhibit H of the report of the investigation, it says leadership, leading, and participating in the work of team program managers. In reference to Exhibit U, page 147, it says leading the team in identifying and balancing workload. That is a supervisory responsibility. Based on Ms. |

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| | | | Cartee's knowledge, a team leader could per say be a supervisor. Ms. Mastrandrea going through and being promoted or giving more opportunities than Ms. Cartee might have been given; Ms. Cartee thinks that would constitute favoritism to Ms. Mastrandrea. |
| 61:22 | 71:8 | Complaints regarding Ms. Mastrandrea and Ms. Loughran | In terms of the impression of the management interns under Ms. Mastrandrea was as to her working relationship with them, those management interns came to Ms. Cartee, and they complained about Ms. Mastrandrea. They complained about Ms. Mastrandrea regularly. They were very upset. They complained to Ms. Cartee about Ms. Mastrandrea as recently as about two months ago, from the day of the present deposition, even though Ms. Mastrandrea is not in the position any longer. The management interns do not understand how Ms. Mastrandrea got the position. Alex Poulemanos made that complaints to Ms. Cartee and Ms. Cartee cannot think of some other names of the individuals who made those complaints to her. Mr. Poulemanos, too, had complaints about Ms. Loughran. [Ms. Cartee discusses the kind of complaints that Mr. Poulemanos had about Ms. Loughran.] At present, Mr. Poulemanos is not with the training center. Mr. Poulemanos left because he felt that Ms. Loughran was not going to ever promote them, he left, and got a promotion. Mr. Poulemanos had some concerns about what Ms. Loughran did on his exit out in terms of holding him there by promoting him at the last minute when there was no discussion of being promoted. Mr. Poulemanos feels like Ms. Loughran rushed the paperwork for his promotion so that he would have to stay there an extra two weeks so that it would not look like Mr. Poulemanos left because he could not get his promotion there. This all happened after Ms. Cartee filed her EEO complaint. Ms. Cartee alleges that she is being discriminated against |

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| | | | because of her race. Mr. Poulemanos is an African-American as well and there is one other African-American who left, Gary Palmer; Ms. Palmer left before Ms. Cartee left. Ms. Cartee was Mr. Poulemanos' supervisor; Mr. Poulemanos was a management intern. Mr. Poulemanos was promoted by Ms. Loughran; however, he felt that Ms. Loughran had pushed the paperwork through to keep him there for another two weeks so it did not look like the third African-American person leaving the office. |
| 71:9 | 77:16 | Discussion regarding performance appraisal and non-competitive selection | Ms. Cartee read how Ms. Mastrandrea performed on her performance appraisal for 2009. Ms. Mastrandrea got exceptional. Ms. Cartee describes the comments in the performance appraisal from people who had worked with Ms. Mastrandrea as positive. [Ms. Cartee discusses what she refers to when she mentioned her ability to learn quickly as a reason why she should have been selected.] In terms of seniority, Ms. Cartee had been with NIHTC from September 2007. Ms. Mastrandrea came to NIHTC after Ms. Cartee; however, Ms. Cartee does not know when exactly. In terms of Ms. Jarmolkowicz's practice of filling vacancies by non-competitive selection, which suggested discrimination; Ms. Cartee is not aware of the detailed circumstances under which those individuals were hired; they just showed up at work. Ms. Cartee does not have any first-hand knowledge, for other potential candidates for the positions that were filled by non-competitive selection. Ms. Cartee agrees that with regard to the lead training administrator position that also could have been filled by non-competitive selection. Ms. Cartee agrees that one of the applicants, Ms. Hill, was already a GS-14. Ms. Hill is under 40; Ms. Cartee does not know exactly how old Ms. Hill is at present, or how old she was at the time that she applied; however, Ms. Cartee believes that Ms. Hill is under 40 or at least was 40 years old at the time of the |

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| | | | application. Ms. Hill is a Caucasian. |
| 77:17 | 85:3 | Cartee Exhibit 3 | [Cartee Exhibit 3, Complainant's Responses, is marked for ID.] Ms. Cartee contributed to the responses in Cartee Exhibit 3. Ms. Mastrandrea was placed in the lead trainer administrator's position in August 2010. In reference to Cartee Exhibit 3, Interrogatory 20, Ms. Cartee believes that she provided a response to that interrogatory that she requests compensatory damages and attorney's fees. Ms. Cartee thinks that the compensatory damages that she has claimed should be \$300,000; she feels that it should be that amount. [Ms. Cartee discusses the basis for claiming compensatory damages and how her life has been completely turned upside down.] Ms. Cartee agrees that he made an adjustment to a promotion. |
| 85:4 | 88:19 | Discussion regarding medical treatment | Ms. Cartee mentioned that she could not sleep nights and things like that in terms of medical treatment for some of those things, Ms. Cartee went to a cardiologist; he thinks he went in October. He was having chest pains. Therefore, she went to a cardiologist, they did like a stress test where they make one run those treadmills, and they have all those things stuck all over one. Ms. Cartee did that. Ms. Cartee visits her regular doctor appointments. It is fair to say that Ms. Cartee was disappointed that she did not get selected. The doctor took some medical records of the stress test that Ms. Cartee had performed. |
| 88:20 | 89:10 | [Document request] | [Mr. Bhatia requests Mr. Johnson to provide a tally up-to-date, for settlement purposes and response to request for relief.] |
| 89:11 | 91:6 | Settlement claim | Aside from the compensatory damages and attorney's fees, which Ms. Cartee is seeking, Ms. Cartee would like to be put into the position of the deputy director. She seeks back pay in addition and interest on the back pay. |
| | 91:19 | | [Deposition adjourned.] |