

<p align="center">CHARGE OF DISCRIMINATION</p> <p><small>This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</small></p>	<p>Charge Presented To: Agency(ies) Charge No(s):</p> <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC 450-2022-01050
<p>City of Dallas Fair Housing Office _____ and EEOC <small>State or local Agency, if any</small></p>	

Name (indicate Mr., Ms., Mrs.) [Redacted]	Home Phone (Incl. Area Code) [Redacted]	Date of Birth [Redacted]
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Street Address [Redacted] Dallas, TX [Redacted]	City, State and ZIP Code
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Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name Dallas Arboretum and Botanical Society, Inc.	No. Employees, Members 120+	Phone No. (Include Area Code) (214) 515-6615
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Street Address 8617 Garland Rd. Dallas, TX 75218-3993 (c/o Mary Brinegar, Registered Agent)	City, State and ZIP Code
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Name	No. Employees, Members	Phone No. (Include Area Code)
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Street Address	City, State and ZIP Code
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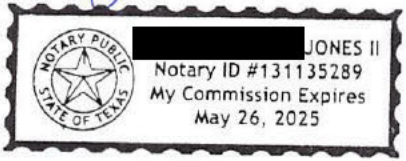
<p>DISCRIMINATION BASED ON (Check appropriate box(es).)</p> <input type="checkbox"/> RACE <input type="checkbox"/> COLOR <input checked="" type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input checked="" type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input checked="" type="checkbox"/> DISABILITY <input type="checkbox"/> GENETIC INFORMATION <input type="checkbox"/> OTHER (Specify)	<p>DATE(S) DISCRIMINATION TOOK PLACE</p> <p align="center">Earliest Latest</p> <p align="center">10/2020 05/24/2021</p> <p><input checked="" type="checkbox"/> CONTINUING ACTION</p>
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THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

Facts/Background:

I, [Redacted] am a white genderqueer lesbian. This means that, while I was assigned female at birth, my gender identity changes over time, fluctuating between different genders, and that my primary romantic attraction is to women. Sometimes I use the word “nonbinary” to describe myself. I use “she/her” and “they/them” pronouns. I also live with disabilities that affect my physical and mental health, which include

<p>I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.</p> <p>I declare under penalty of perjury that the above is true and correct.</p> <p align="right">Date: <u>11/19/21</u></p> <p align="right">[Redacted Signature] Charging Party Signature</p>	<p>NOTARY – When necessary for State and Local Agency Requirements</p> <p>I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.</p> <p>SIGNATURE OF COMPLAINANT [Redacted]</p> <p>SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE <u>11/19/21</u> (month, day, year)</p> <p>[Redacted Signature]</p>
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mobility problems, post-traumatic stress disorder, and anxiety. In August 2018, I was hired by the Dallas Arboretum and Botanical Society, Inc. ("Arboretum") as a Program Teacher in the Education Department.

In March 2020, the Arboretum closed its doors and temporarily laid off most of its workforce, including me. In June 2020, the Arboretum re-hired me and promoted me to the position of "Public Programs Manager" for the Rory Meyers Children's Adventure Garden ("Children's Garden"), a position I held until I was terminated on May 24, 2021. I was responsible for a \$350,000 dollar budget, creating a five-year strategic plan, supervising three full-time employees and 12-15 part-time employees, and working with volunteers. As I filled those position, I intentionally worked to ensure that my staff reflected the diversity of the communities we serve. Two of the members of the staff I worked with were nonbinary and many identified as LGBTQ+ or were not white.

I also worked to ensure that the Arboretum's programming reflected that diversity. For example, I created several children's educational programs that were grounded in equity, inclusivity, and diversity, including programs for Día de los Muertos and Arab American Heritage Month. However, the Arboretum did not implement them or cancelled them, sometimes at the last minute. The Arboretum also told me that while I could highlight LGBTQ+ people in the educational programming, I could not include that information in the marketing.

I worked long hours without time off, and often up to 55 hours a week. This took a toll on me and that fall, I notified the HR Director, Jennifer Baines, that I was a person living with mental and physical disabilities that were being impacted by the long hours and work environment at the Arboretum. Nonetheless, in early May 2021, in a report to the to Children's Garden representatives on the Board of Directors, I shared that the attendance in the Children's Garden had grown by approximately 30%, that I had worked to increase, and had increased the number of the Arboretum's community partnerships, including with communities of color, and that I had worked to expand the Arboretum's relationships with school districts in Texas. The representatives of the Board praised me for these accomplishments and my hard work.

My performance reviews stated that I met or exceeded all employment expectations. See Exhibit 1, attached. And many of my co-workers expressed their thankfulness for having worked with me. One of them, [redacted] said that "I was building an awesome team and was making [the Arboretum] a great place to work" and that I "made them feel welcomed."

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NOTARY - When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)

11/19/21

11/19/21

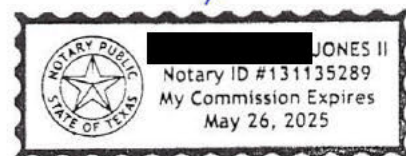
Date

[Redacted signature]

Charging Party Signature

[Redacted signature]

Jones II



CHARGE OF DISCRIMINATION

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In the fall of 2020, I began placing my pronouns in my email signature. This was the first time that I had shared that I was genderqueer. Several Arboretum employees also began using their pronouns in their email signatures. Later, the Director of Experience and Innovation, Dustin Miller, sent an email to all Arboretum employees stating that email signatures had to be "standardized" and that no pronouns were allowed. Prior to that time, the Arboretum had no standardized email signature block for employees and many employees included quotes, sayings, or bible verses in their email signatures. I removed my pronouns from my signature block and advised my staff to do so as well. Despite Mr. Miller's email, many employees kept the quotes, sayings, and bible verses in their signature blocks.

In the late spring of 2021, Mr. Miller, became my supervisor. Within approximately two weeks, on or about May 17, 2021, he wrote me up for missing a bi-monthly managerial meeting without notifying him and for being late to other meetings. I had never been disciplined before. See Exhibit 2. I explained to Mr. Miller that attending the bi-monthly managerial meeting was not required by my previous supervisors and that he had never expressed this expectation to me. I told him that I missed the meeting because I was responsible for onboarding new employees and opening the Children's Garden that morning. My past practice had been that if I missed a meeting, I made sure to find out what happened during the meeting and then implement it accordingly. Mr. Miller told me that he expected me to attend each meeting and to be on time. Other employees were often late or missed the meetings altogether without being disciplined.

In practice, managers were not required to be on time or to attend every meeting if they were handling their other job responsibilities. Given the nature of the work at the Arboretum, and the need to serve visitors, being present at each meeting, or arriving on time was not always practicable. I explained to Mr. Miller that arriving on time to the morning managerial meetings might sometimes be difficult because of my physical disability and my responsibility to open the Children's Garden. Mr. Miller suggested that I could drive my car from my office (on one side of the Arboretum) to the other side of the Arboretum (where the meetings took place). I told him that I did not believe this suggestion was a solution because there was no employee parking near the building, still requiring a long walk. Mr. Miller did not offer any other solutions, other than that I could drive my car to the meetings. This was not a reasonable solution to the problem because of distance involved. Mr. Miller also complained that I was a few minutes late to a one-on-one meeting he had scheduled with me. I explained that I was late because there was a heavy rainstorm that morning, that I was opening the

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11/19/21

Date

[Redacted Signature]

Charging Party Signature

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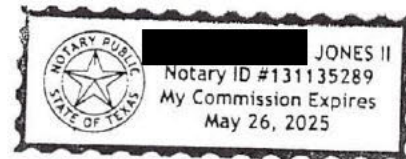
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[Redacted Signature]

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[Redacted Signature]

[Handwritten Signature]



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Children's Garden, and that I was having trouble walking because of a flare-up of my disability. Mr. Miller nevertheless included that in the disciplinary notice.

Later that week, I asked some of the staff that worked with me to introduce themselves to Mr. Miller with their name and pronouns because he had not met them. Some staff and I were also wearing pins that shared their pronouns.

That week, but after Mr. Miller had met my staff and they had introduced themselves to him, I received an email from the Ms. Baines, explaining that the headwrap I was wearing that day violated the Arboretum's dress code. I wrote Ms. Baines back explaining that I had been wearing headwraps and head coverings for a year and a half due to health concerns with sun exposure and that I had never been told that this was a violation of the dress code. I nevertheless stopped wearing headwraps and head coverings.

On Friday, May 21, 2021, Mr. Miller and Ms. Baines asked me for a meeting. They told me that me and my staff could no longer introduce ourselves with our pronouns, that I had to remove my pronoun pin, and that I had to advise my staff to remove their pronoun pins. Mr. Miller and Ms. Baines stated that the Arboretum is a "conservative institution," that donors had complained about employees' use of pronoun pins, and that the Arboretum could not "promote an agenda." I became very upset, visibly so. I explained that I felt like I was being asked to "go back into the closet" and that I was being required to ask my staff, whom I supported and affirmed, to also "go back into the closet." These statements triggered my anxiety, and I began having a panic attack. Ms. Baines asked me if I was going to be okay with these changes, and still visibly upset and shaken, I said, "No." Following that, Ms. Baines asked if me if wanted to take the rest of the day off, and I agreed.

On Monday morning, Mr. Miller and Ms. Baines asked me to meet them at the entrance to the Arboretum shortly after I arrived for work. Mr. Miller and Ms. Baines terminated me, gave me a termination letter, and told me to leave the property. I was later able to return to pick up my things. The reasons given for my termination arose out of, and were rooted in my sex, gender identity, gender expression, sexual orientation, disability status, and were otherwise pretextual. See Exhibit 3.

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11/19/21
Date

[Redacted Charging Party Signature]

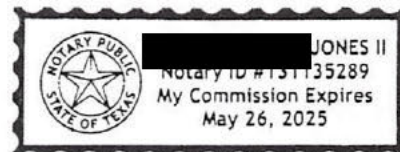
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SIGNATURE OF COMPLAINANT

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[Redacted Signature] Jones II



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I asked for an exit interview. Ms. Baines said that this conversation was my exit interview, but that if I wanted to request a meeting with the President and Chief Executive Officer of the Arboretum, Mary Brinegar, I could, and I did.

I asked for an interview with the President and CEO because I wanted the Arboretum to understand I believed I had been unfairly treated because of who I am and because I had worked to make the Arboretum more inclusive for its employees and its visitors. I wanted the staff I had hired, and future employees like myself, to be treated with dignity and respect. In June 2021, I spoke with Ms. Brinegar, the Vice President of Administration, Shawn Jackson, and Ms. Baines. During our conversation, we discussed the reasons the Arboretum gave for my termination, including my belief that the reasons given were pretextual, or were the result of disciplinary actions taken because of my sex, gender identity, gender expression, and sexual orientation, my disabilities, and my affirmation of my co-workers' LGTQ+ identities.

After my termination, I had to seek additional medical and mental health care to help me deal with the termination and my experience at the Arboretum.

Since I was terminated, many of the employees I hired or worked closely with have resigned or have been fired from the Arboretum. The reasons they gave for their terminations included their LGBTQ+ status or their affirmations of their co-workers' LGBTQ+ statuses. I understand that those who resigned felt like the work environment was not inclusive, was not welcoming of their LGBTQ+ status, that they were not affirmed or respected for who they were, and that the environment at the Arboretum was, in general, hostile, rigid and not inclusive of people who were not white, cisgender and heterosexual.

In August 2021, I was hired as the [redacted] I started work at my new job on August [redacted] 2021.

I believe that I was terminated because of my sex and because I am a person living with disabilities and that the reasons listed for my termination were pretextual.

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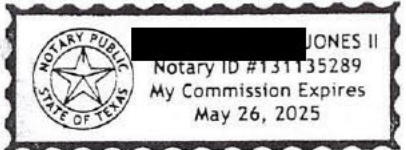
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[redacted] Jones II



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THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

Title VII Claims:

Sex Discrimination and Retaliation Claim(s): Based on the facts set forth above, I believe the Arboretum discriminated against me on the basis of sex, including but not limited to gender identity, gender expression, and sexual orientation, in violation of Title VII of the Civil Rights Act of 1964, as amended. Based on the facts set forth above, I believe the Arboretum discriminated against me because I am genderqueer and a lesbian, I was "out," and I was affirming of myself and my identity as well as the identities of my staff and other co-workers, including those who were not cisgender, heterosexual and/or white. I also believe I was terminated because I said I was unwilling to "go back into the closet" or to ask my staff to go back into the closet during the meeting with Mr. Miller and Ms. Baines on or about May 21, 2021.

Title VII, Retaliation Claim(s): Based on the facts set forth above, I also believe that the Arboretum retaliated against me for protesting as discriminatory its direction to stop expressing my own gender identity, sexual orientation, and gender expression, and its' requiring me to direct my staff to stop expressing their gender identities, sexual orientations, and gender expression in violation of Title VII of the Civil Rights Act of 1964, as amended.

ADA Claims:

Disability Discrimination and Retaliation Claim(s): I am a qualified individual with a disability under the Americans with Disabilities Act (ADA), as amended, 42 U.S.C. § 12101 et seq., because I am a person living with physical and mental disabilities that substantially limit one or more major life activities, including my ability to walk and be mobile and my ability to handle stressful and confrontational situations. I disclosed my physical and mental disabilities to the Arboretum, and it was aware of them. Since the commencement of my employment, I have performed the essential functions of my position without reasonable accommodations.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

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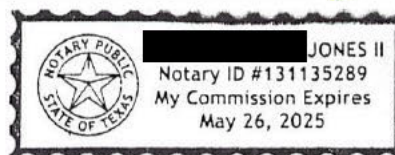
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[Redacted signature area]

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However, I believe that the Arboretum has discriminated against me on the basis of my disabilities in violation of the ADA by:

- (1) failing to engage in the interactive process with me after I notified the Arboretum of my disabilities and requested reasonable accommodations with respect to my attendance at meetings;
(2) failing to provide me with reasonable accommodations with respect to my attendance at meetings; and
(3) terminating my employment because of my disabilities.

Retaliation claim(s):

I also believe that I have been retaliated against under the Americans with Disabilities Act (ADA), as amended, 42 U.S.C. § 12101 et seq. I engaged in protected activity by requesting a reasonable accommodation from the Arboretum with respect to my attendance at meetings. Instead of providing me with these accommodations, I was terminated.

Other Proceedings:

I am also filing a complaint with the City of Dallas Fair Housing Office, see Dallas City Code § 46-01 – 46-13, "Unlawful Discriminatory Practices Relating to Sexual Orientation and Gender Identity and Expression." Which prohibits intentional or knowing discrimination based on "sexual orientation and gender identity and expression". The ordinance does not provide a complainant with a private cause of action, but can subject a respondent to a fine of not less than \$200 nor more than \$500.

Request to Designate the EEOC as Lead Investigating Agency:

I request that the EEOC be designated as the investigating agency and for the EEOC to investigate and take remedial action to enforce my rights, including but not limited to awarding compensatory and punitive damages.

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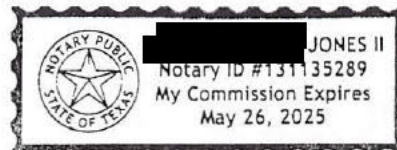
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Date

[Redacted Charging Party Signature]

Charging Party Signature

[Redacted Notary Signature]



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THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

Represented by Counsel: I am represented by counsel in this matter, and a copy of all correspondence should be served on counsel identified in the Letter or Representation enclosed with the Charge of Discrimination. My counsel are:

Shelly L. Skeen, Esq.
LAMBDA LEGAL DEFENSE AND EDUCATION FUND, INC.
3500 Oak Lawn Avenue, Suite 500
Dallas, TX 75219-6722
Telephone: (214) 219-8585, ext. 5228
Facsimile: (214) 481-9140
sskeen@lambdalegal.org

Nicholas Guillory, Esq.
LAMBDA LEGAL DEFENSE AND EDUCATION FUND, INC.
3500 Oak Lawn Avenue, Suite 500
Dallas, TX 75219-6722
Telephone: (214) 219-8585, ext. 5269
nguillory@lambdalegal.org

Nicholas "Guilly" Guillory will be your point of contact for this matter. Mr. Guillory's phone number is (214) 219-8585, ext. 5269. However, even though Mr. Guillory will be your point of contact, please direct all email communications to Mr. Guillory, Ms. Skeen, and Michele Clanton-Lockhart at: nguillory@lambdalegal.org; sskeen@lambdalegal.org and mclanton@lambdalegal.org.

Please send a file-stamped copy of [redacted] respective charge of employment discrimination to Nicholas Guillory at the address listed above. In addition, or in the alternative, you may send the file-stamped copies to nguillory@lambdalegal.org.

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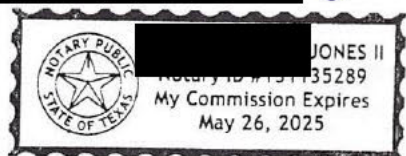
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(month, day, year)

[redacted]

Jones II



Dallas Arboretum and Botanical Garden

February 2021

Semi Annual PERFORMANCE REVIEW		EMPLOYEE NAME				
EMPLOYEE DEPARTMENT		Public Events Children's Garden				
POSITION		Public Events Manager Children's Garden				
DATE OF REVIEW		1-Feb-21				
Place an 'X' in the column that bests represents the employee's performance for each item.		Unsuccessful	Improvement needed - desired	GOOD JOB	Frequently Exceeds	Exceptional
Quality of work product				X		
Quantity of work product				X		
Dependability				X		
Attendance/Punctuality				X		
Effective Communication skills with co-workers/supervisors (written or verbal)				X+		
Effective Communication skills with clients/guests/vendors (written or verbal)				X+		
Work as a member of a team; teamwork				X+		
Work independently as needed				X+		
Take initiative when appropriate				X		
Willingness to take on additional responsibilities				X		
Responsive to feedback				X		
Effective problem solving skills				X		
Seek feedback/guidance as needed				X		
Comply with company or departmental policies and procedures				X+		
Professional development; self improvement				X+		
Follow through on Departmental or Supervisory Goals				X+		
Revenue Goal Attainment				X		
Supervisors Only -effectively manage budgets					X	
Supervisors Only--effectively manage staff				X+		

EMPLOYEE NAME _____

EMPLOYEE DEPARTMENT _____

Indicate Areas of Success - Concern:

You are great at receiving feedback and implementation direction that is given. You welcome feedback and guidance and that is very appreciated. Your willingness and desire to succeed is apparent, your positive energy is just what the CG team needs to succeed. You are great at managing your staff- you communicate well to them and guide them appropriately. Your attention to details is a great strength for your position. The budget and attendance worksheet you created to stay within your budget and meet your attendance goals is a great tool and the fact that you have it created and are looking at it all the time starting now (in January) is really starting the year off right. You meet all deadlines- great job, keep that up. You communicate very well, response time for emails and calls is very quick. You are doing a great job.

New Goals/ Target Dates:

This is a new position for you and you are doing great. Keep working to understand the attendance goals and how you will meet them each month, bringing in as many people as possible into the Children's Garden is your focus. Keep your eye on the CG mission and you will succeed. Life and Earth Science- getting large numbers of guests to visit the garden are the two major things to keep in mind while planning.

Employee Comments:

Place 'X' over appropriate evaluation assessment					
OVERALL ASSESSMENT	Unsuccessful	Improvement needed - desired	GOOD JOB	Frequently Exceeds	Exceptional

 Employee Signature

2/4/21

 Date

(By signing this form, you confirm that you have discussed this review with your supervisor. Signing this form does not necessarily indicate that you agree with this evaluation.)

Shawn Jackson

2/4/21

 Date

Supervisor Signature



DALLAS ARBORETUM

Disciplinary Counseling Memo 5.17.2021

This notice serves as a written record about the discussion that you and I are having today about your job performance. As discussed today, your job performance is unacceptable due to failure to communicate absence at scheduled meetings. Since April 28, you have not attended 4 of 9 PE Daily Huddles (scheduled Tuesday, Wednesday, Thursday weekly); arrived late to weekly 1:1 without prior communication and failed to attend the May 17 Full Management meeting.

Your performance is not acceptable and must improve immediately. In the next 30 days, beginning today, your progress will be monitored closely. Expectations are as follows:

On-time arrival to Zoom and in person Public Events meetings.

On-time arrival to Zoom and in person Full Management meetings.

On-time arrival to Zoom and in person Weekly 1:1 meetings.

Prior communication and approval to not attend the above meetings when necessary, on rare occasion.

Communication, as outlined in Employee Manual, for any absence, late arrival or early departure, including, but not limited to off-site appointments. In the case of planned time out, please advise of acting MOD when coordinator is not present.

You and I will meet on June 17, 2021, to review your progress. If significant improvement is not shown at that time, your employment with the company may be terminated. However, if little or no progress is being made or other unacceptable behavior occurs, you may be terminated at any time prior to this date. Your employment status remains at-will at all times.

Your signature below is an acknowledgment that this matter has been discussed with you and you have received a copy of this document. This written record will be included in your personnel file. Your signature is not an indication of agreement or disagreement of the performance issues outlined in this document.

Employee signature

[Redacted signature]

Date

5/18/21

Supervisor signature

[Handwritten signature]

Date

5/18/21

Employee comments:

This is a new expectation in terms of a supervisor expectation and now that I have been informed I can abide by these communication guidelines.

██████████ - Exhibit 3

DALLAS ARBORETUM
AND BOTANICAL SOCIETY

May 24, 2021

██████████
Public Programs Manager
1551 Oak Lawn Ave #339
Dallas, TX 75207

Dear ██████████

This letter is being issued to inform you of your termination as Public Programs Manager at Dallas Arboretum Botanical Society. Your termination is the result of unsatisfactory performance as outlined below:

- Late arrival to 1:1 meeting 5/20/2021 w/Senior Director
- Failure to adhere to company policy and procedure regarding dress code
- Failure to manage staff in accordance with DAB's policy and procedures
- Failure to communicate Senior Director
- Failure to establish, complete and submit program and marketing production SOP
- Failure to provide MOD schedule coverage to Senior Director

You were issued a written warning May 18, 2021. A copy of this warning, signed by you is in your personnel file. Your signature indicates that you discussed the written warning with your manager but you failed to provide steps you could take to improve performance. As stated in your written warning discussion, the expectation to take steps to correct your performance immediately, but no later than June 17, 2021. Your immediate failure to do so has resulted in your termination of employment.

Your final paycheck was issued on May 21, 2021 for time worked from May 15, 2021 through May 31, 2021, as all exempt staff are paid current or in advance. You will receive 32 hours of vacation paid to you within 6 days of your termination date.

Your health insurance benefits will continue through May 31, 2021. Your right to continue coverage under COBRA will be provided to you by mail from our plan administrator, PAI.

You may contact Vision Point our retirement administrator at 800-556-1303 regarding your retirement distribution options.

All DAB property must be returned to Human Resources ease immediate contact
Jennifer Baines or email dabshr@dallacarboretum.org should you have any Sincerely,

 - **Exhibit 3**

Dustin Miller

Senior Director, Experience and Innovation