

06-07-2021

Dear Sirs:

“Suddenly I was stupid”. After being in the medical insurance billing profession for over 30 years and after working medical insurance billing for military veterans and their families, for the past 12 plus years with great success, “suddenly I was stupid”. I graduated from UCLA with Bachelor degrees, in sociology and in history. Co-workers were listened to and their input was accepted, my input was ignored and I was instantly dismissed when I had something to contribute. I felt segregated. I was forced out of the Military Veterans medical insurance billing department due to the constant harassment and discrimination.

This complaint is to let Partners Healthcare know that when people choose to work for this organization, they are choosing to work with bully's, they are choosing to work for an organization that allows small and petty managers to hurt those who help them succeed. I want to send a message to Partners Healthcare that protections need to be in place to stop feckless bullies and homophobic managers from ruining the lives of dedicated employees. I am seeking accountability, justice, and fair-play. Employees are held accountable for their actions but not management.

I was humiliated and degraded at work through harassment and intimidation. I began to feel that I was constantly under surveillance. My supervisor admitted that I was being closely monitored, other employees were not so closely “monitored” during the work day. I felt spied upon without justification. I was the subject of office gossip and ridicule due to my manager's slanderous, libelous actions and words. I have proof. My manager could not differentiate between what was real and what she imagined. I was harassed, discriminated against and bullied. My career and reputation was utterly destroyed.

My workplace complaint against Mass General/Brigham (aka Partners Healthcare) consists of:

1. **Retaliation** for filing complaints to Human Resources. My manager and Partners Healthcare violated their fiduciary duty.
2. **Retaliation because I voiced concerns about (Whistleblower) possible Medicare fraud. (Double billing:** As the name implies, **double billing refers to an attempt by the medical provider, Partners Healthcare, to bill the patient, Medicare, or a private insurance company more than once for the same treatment.**) I knew too much. I was protecting Veterans and their families from potential emotional stress caused by my manager unreasonable policies that were contrary to the organizations code of ethics and federal government medical insurance billing policies. Partners Healthcare did not want a potential Medicare fraud investigation. Medicare was billed in error and my

request to refund Medicare payments were denied. It was easier to get rid of me by any means necessary, including falsifying information and lying to HR. There was a cover-up due to overbilling of Medicare (**Double billing**). There is a company policy that says, "any individual working for or acting on behalf of Partners is expected to notice and report any internal problem that violates our standards so it can be corrected." I reported "problems" to Human Resources and to the company executives. I told HR in November 2019 that I expected to get fired for reporting "violations of company policies". I was fired one day after my medical excuse from work ended. The excuse for my firing me was "that due to the needs of the department" my job was no longer available. My firing was too calculated, too coordinated, it was not a coincidence. Partners Healthcare made decisions about my life to cover-up the unethical and illegal actions of management. One manager has ruined the lives of countless co-workers because there is no accountability.

The human resources employee relations director told me (I have proof) that my manager may have broken state and federal ant-discrimination, anti-harassment and anti-retaliation laws. The employee relations HR director said that the HR representative who handled my initial complaint (and who asked me three times in April 2019 if I was going to retire) was too inexperienced and immature to handle my complaint. The employee relations director told me that my manager should be fired or retrained, neither solution happened. My manager told me I was forbidden to talk to co-workers about job related issues. Other employees were not given this instruction. I was ignored in staff meetings, all my input was ignored. Input from other employees was accepted. My manager made me feel like an outsider. I felt ostracized. I belonged to a "protected class" of employees. According to EEOC terminology, the term "protected class" refers specifically to: "The groups protected from employment discrimination by law." I was over 40 years old, gay, and disabled (chronic congestive heart failure). According to the Social Security Administration, in some cases, congestive heart failure can be considered a disability.

3. Age discrimination, AGE DISCRIMINATION IN EMPLOYMENT ACT of 1967(ADEA). Mass General/Brigham (Partners Healthcare) does not have a mandatory retirement age limit. Ageism. My job was taken away without explanation and given to a 23 year old with no experience or training in my type of work (I have proof). My manager has bullied, fired and harassed a number of employees over the age of 40. Six employees were either fired or forced out of their positions because we, at different times, did military insurance billing and/or we went to Human Resources to voice our concerns. I was the first employee to file a complaint with Human Resources. The Human Resources Employee Relations director confirmed that my manager micromanaged me and my work. The micromanagement turned into harassment.

4. A new company policy dictated cost saving measures throughout the organization, a way of saving money was to rid the department of high salaried employees and employees who were at risk of over using high cost health care benefits. False information was used to justify firing employees. Human Resources always backed up the termination decisions made by my manager. Company policy dictated

that job evaluations were to be done every three months. The manager was to randomly choose 5 accounts to review in order to determine the employee's job performance. Suddenly all of my work accounts (200 + per week) were evaluated on a weekly basis. I was the only employee whose work was scrutinized on a weekly basis. I was constantly micromanaged. I was the oldest employee in the department and I was gay. I was outed by the actions of another homophobic co-worker. My manager kept notes about anything that I did that could be twisted and used against me and then took that information to Human Resources. My manager told co-workers that I did not know how to do my 30+ year job (I have proof).

5. Sexual orientation and racial discrimination. Harassment started within 4 hours after my manager found out I was 68 years old and gay. I was forced out of my job and eventually fired after suffering a work related stress near fatal heart attack. My manager threatened to sue me for telling the truth, I have proof of the circumstances for the threat. I felt threatened, intimidated and under siege by my manager. My work laptop broke (per the IT department my laptop drivers were outdated), my manager said that my laptop could not be broken because her work laptop worked fine. **My remote work status was rescinded, this happened about 2-3 weeks after I mentioned that Medicare was due a refund. My manager said there will be no refunds to Medicare. It was during this time period my manager found out I was gay and 68 years old.**

6. Workman's Compensation eligibility. (Possible OSHA violation). Work stress, harassment, discrimination and slanderous accusations caused me to have a heart attack. Partners Healthcare agrees that work stress can cause a heart attack, I have the documentation.

7. Americans with Disabilities Act (ADA) benefits were not provided. Work stress contributed to my heart attack. My last manager would not discuss making "reasonable accommodations" for keeping my job.

I was fired, by e-mail, one day after my short term disability ended. I was not provided with the opportunity to work from home or to attend doctor ordered cardiac rehabilitation classes while keeping my job. My last manager said not to provide him with any medical updates, he refused to talk to me about my options. I was never told that my job was in jeopardy. My manager said I had to go through HR for any further discussion about my job, it was HR that created this mess. It was HR who asked me BEFORE my heart attack if I was going to retire. I never mentioned retirement to HR. I believe it was HR that colluded with my manager to fire me. I informed HR in December 2019 that I was returning to work.

"The ADA considers the use of extended leave beyond that mandated by the FMLA or even employer policy to be a form of reasonable accommodation. Under the ADA, the employer has a duty to participate in a good-faith interactive process when receiving notice of the employee's disability and a request for accommodation. If an employer simply terminates employment because the employee is not on approved leave or by

policy has no leave available, the employer has failed to engage in the interactive process to determine if extended leave is a reasonable accommodation, thus violating the employee's ADA rights. Employers should be prepared to evaluate each employee's situation on a case by-case basis and defend with evidence of undue hardship any decision that denies an extension of leave". The EEOC ADA "reasonable accommodation" guidelines were ignored. My department did not suffer, or would suffer, any undue hardship if I attended doctor ordered cardiac rehabilitation therapy classes. I was not provided the option of working from home twice a week. I could have worked from home and attended therapy classes without causing any "undue hardship" for anyone. My firing was in retaliation for filing complaints to Human Resources, for voicing concerns about potential Medicare fraud, for being over 68 years old and for being gay.

Partner's Healthcare employees are allowed to work from home. My last manager's wife, she also works for Partners Healthcare, was allowed to work from home 5 days a week. She was granted "reasonable accommodations", I was not. I needed to work from home 2 days a week in order to attend cardiac rehabilitation classes at 5pm. I sent a copy of my cardiologist's instructions about attending cardiac rehabilitation classes to my manager. Cardiac rehabilitation classes were scheduled twice a week from January 2020 to May 2020. My manager refused to talk to me by phone or e-mail, my "reasonable accommodations" option was ignored. My last manager brushed me off and fired me without justification.

8. Subject to constant criticism, knit picking, micromanagement (harassment), and gas lighting (subtle psychological abuse) by Clotea Holley, my manager. "Gaslighting describes any interaction where a person or entity manipulates someone into feeling they cannot trust their own memories, feelings, or senses. A person on the receiving end of gaslighting may believe that they are not mentally well, that their memories are not accurate, or that their mind is playing tricks on them. This makes them feel dependent on the abusive person". Clotea Holley wanted all employees to be dependent on her for everything. "The long-term effects of gas lighting and micromanagement include low self-esteem, trauma, anxiety, fear, severe sadness, panic and depression" and combined with work stress, the consequences can lead to a heart attack. Gaslighting and micromanaging is a form of emotional and mental abuse. Studies conclude "that micro management style is often showcased by insecure, inexperienced, low EQ and big ego, psychopath or narcissist bosses/managers." I was in a toxic work environment.

The Human Resources Employee Relations director admitted (I have proof) that Clotea Holley's micromanagement needed to be addressed, it never was. There is a company non-retaliation policy with Partners Healthcare. If you went to HR to voice concerns suddenly your job evaluation scores tanked, that was the excuse used to fire an employee. My work was taken away from me and given to other employees without cause or explanation. Partners Healthcare's Human Resources department has a legal and ethical duty to ensure the health and safety of their employees. This includes an obligation to keep employees safe from bullying and harassment in the workplace. I was

physically and mentally traumatized by my experience at work and as a result I had an almost fatal heart attack.

I have a 42 page detailed case summary of my situation, with over 50 supporting documents, including e-mails, phone conversations, co-worker verification, and excellent job evaluations. I have requested copies of my personnel records by certified mail three times and one request by e-mail (I have proof). Partners Healthcare will not send me copies of my personnel file. I am legally entitled to receive copies of my "personnel record", pursuant to Mass.Gen.Laws ch.149,52C. My first request was sent July 3, 2020.

I filed a complaint with the Massachusetts Commission against Discrimination (MCAD) on November 1, 2020. MCAD docket # 20BEM02671. My MCAD case worker is Eric Albright (attorney advisor, phone # 617-994-6060)

Thank you for your time and attention.

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