

# **EXHIBIT - 3**

EEOC Form 5 (11-09)

<b>CHARGE OF DISCRIMINATION</b>  This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		Charge Presented To:      Agency(ies) Charge No(s):  <div style="display: flex; justify-content: space-between;"> <span>EEOC</span> <span>551-2022-05568</span> </div> <div style="display: flex; justify-content: space-between;"> <span>FEPA</span> <span></span> </div>	
<b>Washington State Human Rights Commission</b> and EEOC <i>State or local Agency, if any</i>			
Name (indicate Mr., Ms., Mrs.) Mr. Joshua A. Diemert		Home Phone <div style="background-color: black; width: 100px; height: 1.2em;"></div>	Year of Birth 
Street Address <div style="background-color: black; width: 100px; height: 1.2em;"></div> GRAND SALINE, TX 75140			
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 CITY OF SEATTLE		No. Employees, Members 201 - 500 Employees	Phone No. 
Street Address 610 5TH AVE SEATTLE, WA 98104			
Name 		No. Employees, Members 	Phone No. 
Street Address <div style="text-align: center;">City, State and ZIP Code</div>			
DISCRIMINATION BASED ON  Disability, National Origin, Race, Retaliation, Sex		DATE(S) DISCRIMINATION TOOK PLACE  <div style="display: flex; justify-content: space-between;"> <span>Farthest 12/23/2020</span> <span>Latest 09/07/2021</span> </div>	
THE PARTICULARS ARE: (If additional paper is needed, attach extra sheets.) I began working for the City of Seattle (hereafter Respondent), in or around January 2013, and most recently worked as a Program Intake Representative. Over the course of my employment with Respondent, I have been subjected to discrimination and retaliation for engaging in protected activity, including for my EEOC Charge filed December 23, 2020. After I filed my EEOC Charge, Respondent left me under the supervision of a supervisor, Shamsu Said, who I had reported for improper conduct in 2020 and 2021. Moreover, this is the same supervisor that lashed out at me based on my race. On one occasion, Mr. Said physically accosted me. He chest-bumped me, got in my face, told me I had white privilege, and said that I and my race were to blame for the atrocities in the world like slavery and segregation. I reported this to Respondent's Ethics Department, but nothing was done to address this behavior. Respondent condoned Mr. Said's conduct by featuring him in promotional materials and never holding him accountable for his discriminatory behavior. On or around January 2021, Respondent, including Steven Zwerin, Director of the Human Resources Investigations Unit, let Brandon Kuykendall, a member of the Race and Social Justice Initiative (RSJI) change team, the group tasked with implementing RSJI, lead a sham investigation into my complaints regarding the racially discriminatory consequences of RSJI. On or around August 2021, Respondent, including Ryan Groce, a senior officer in the Human Services Department, refused my request to create a non-race-based			
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.		NO FEAR: When necessary for State and Local Agency Requirements	
I declare under penalty of perjury that the above is true and correct.  <b>Digitally Signed By: Mr. Joshua A. Diemert</b>  <b>06/30/2022</b>  <div style="text-align: center;"><i>Charging Party Signature</i></div>		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)	

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<p align="center"><b>CHARGE OF DISCRIMINATION</b></p> <p align="center">This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</p>	<p>Charge Presented To: Agency(ies) Charge No(s):</p> <p align="center">EEOC 551-2022-05568</p> <p align="center">FEPA</p>
<p align="center"><b>Washington State Human Rights Commission</b> and EEOC</p> <p align="center"><i>State or local Agency, if any</i></p>	

affinity group as an alternative to its racist affinity groups. I experienced increasing hostility and adverse employment conditions because of my opposition to RSJI and willingness to speak out. In January 2021, my supervisor, Chaney Kilpatrick-Goodwill, increasingly scrutinized my performance and responded with hostility when I raised concerns about the processing of program claims. In June 2021, Chief Equity Officer Edward Odom, and others, treated me with hostility after I responded to a post on Sharepoint. Respondent, including HR Director Terry McLellan, kept a confidential folder about me and considered an investigation of me for my social media posts exposing Respondents RSJI program. My monthly meetings with Kilpatrick-Goodwill became less frequent compared with my colleagues since I raised concerns to her regarding RSJI in February or March of 2020, which culminated in no monthly meetings for most of 2021 and receiving no support after August 2021. In May 2021, Respondent improperly attempted to block me from utilizing FMLA leave, which I had used for several years previously for my disability. Respondent, including Kilpatrick-Goodwill, Groce, and others ignored the impact that racial discrimination had on my emotional and physical well-being in 2021. In accordance with RSJI principles and sentiment, departmental and Respondents leadership promoted race-based layoffs for Respondents workers because they claimed that using merit would be inequitable. On or about September 7, 2021, I was forced to resign my employment as a result of Respondents ongoing and worsening discriminatorily hostile conduct and intolerable work conditions, as described in the events above and those in my prior EEOC complaint (No. 551-2020-04009), over which I felt I had no choice but to resign my employment. Respondent continued to retaliate against me after my constructive discharge/involuntary resignation by refusing for almost a year to provide me with the proof of the length of my employment that I need to submit to the federal government to receive public interest employee debt forgiveness for my student loans. Respondent explicitly denigrates employees who identify as straight, White, American-born, Christian males through their policies, trainings, and communications. In particular, the Respondents RSJI, a discriminatory program that all departments in the city are required to implement, is the cause of the events above. RSJI promotes notions such as white privilege and the collective guilt I allegedly bear for societal inequality because of my skin color. Anti-white talk is normalized by Respondent and occurs regularly. Respondent mandated my participation in RSJI-related programs and trainings, and RSJI forms the foundation of the Respondents discrimination and hostility towards me. I believe I have been discriminated against in retaliation for engaging in protected activity (prior EEOC charge, filed December 23, 2020), and subjected to a discriminatorily hostile work environment based on my race (White), national origin (American), sex (male), disability, and/or in retaliation for engaging in protected activity in violation of Title VII of the Civil Rights Act of 1964, as amended and the Americans with Disabilities Act of 1990, as amended.

<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>NOTARY <i>When necessary for State and Local Agency Requirements</i></p>
<p>I declare under penalty of perjury that the above is true and correct.</p> <p><b>Digitally Signed By: Mr. Joshua A. Diemert</b></p> <p><b>06/30/2022</b></p> <p align="center"><i>Charging Party Signature</i></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</p> <p>SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE</p> <p align="center"><i>(month day year)</i></p>



CP Enclosure with EEOC Form 5 (11/09)

**PRIVACY ACT STATEMENT:** Under the Privacy Act of 1974, Pub. Law 93-579, authority to request personal data and its uses are:

1. **FORM NUMBER/TITLE/DATE.** EEOC Form 5, Charge of Discrimination (11/09).
2. **AUTHORITY.** 42 U.S.C. 2000e-5(b), 29 U.S.C. 211, 29 U.S.C. 626, 42 U.S.C. 12117, 42 U.S.C. 2000ff-6.
3. **PRINCIPAL PURPOSES.** The purposes of a charge, taken on this form or otherwise reduced to writing (whether later recorded on this form or not) are, as applicable under the EEOC anti-discrimination statutes (EEOC statutes), to preserve private suit rights under the EEOC statutes, to invoke the EEOC's jurisdiction and, where dual-filing or referral arrangements exist, to begin state or local proceedings.
4. **ROUTINE USES.** This form is used to provide facts that may establish the existence of matters covered by the EEOC statutes (and as applicable, other federal, state or local laws). Information given will be used by staff to guide its mediation and investigation efforts and, as applicable, to determine, conciliate and litigate claims of unlawful discrimination. This form may be presented to or disclosed to other federal, state or local agencies as appropriate or necessary in carrying out EEOC's functions. A copy of this charge will ordinarily be sent to the respondent organization against which the charge is made.
5. **WHETHER DISCLOSURE IS MANDATORY; EFFECT OF NOT GIVING INFORMATION.** Charges must be reduced to writing and should identify the charging and responding parties and the actions or policies complained of. Without a written charge, EEOC will ordinarily not act on the complaint. Charges under Title VII, the ADA or GINA must be sworn to or affirmed (either by using this form or by presenting a notarized statement or unsworn declaration under penalty of perjury); charges under the ADEA should ordinarily be signed. Charges may be clarified or amplified later by amendment. It is not mandatory that this form be used to make a charge.

#### **NOTICE OF RIGHT TO REQUEST SUBSTANTIAL WEIGHT REVIEW**

Charges filed at a state or local Fair Employment Practices Agency (FEPA) that dual-files charges with EEOC will ordinarily be handled first by the FEPA. Some charges filed at EEOC may also be first handled by a FEPA under worksharing agreements. You will be told which agency will handle your charge. When the FEPA is the first to handle the charge, it will notify you of its final resolution of the matter. Then, if you wish EEOC to give Substantial Weight Review to the FEPA's final findings, you must ask us in writing to do so within 15 days of your receipt of its findings. Otherwise, we will ordinarily adopt the FEPA's finding and close our file on the charge.

#### **NOTICE OF NON-RETALIATION REQUIREMENTS**

Please **notify** EEOC or the state or local agency where you filed your charge **if retaliation is taken against you or others** who oppose discrimination or cooperate in any investigation or lawsuit concerning this charge. Under Section 704(a) of Title VII, Section 4(d) of the ADEA, Section 503(a) of the ADA and Section 207(f) of GINA, it is unlawful for an *employer* to discriminate against present or former employees or job applicants, for an *employment agency* to discriminate against anyone, or for a *union* to discriminate against its members or membership applicants, because they have opposed any practice made unlawful by the statutes, or because they have made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under the laws. The Equal Pay Act has similar provisions and Section 503(b) of the ADA prohibits coercion, intimidation, threats or interference with anyone for exercising or enjoying, or aiding or encouraging others in their exercise or enjoyment of, rights under the Act.

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