

1 EMPLOYER WITNESS: Yes, sir... I'm trying to ~~think of where~~ to start. There was  
2 an open...

\* 3 HEARING OFFICER: Start with the last incident.

\* 4 EMPLOYER WITNESS: The last incident. I ~~learned of the~~ learned incident while  
\* 5 interviewing Miss Vaughan-Youmans for a promotion.

6 HEARING OFFICER: Wait... wait... wait. You ~~said you~~ learned.

7 EMPLOYER WITNESS: Uh-hum.

8 HEARING OFFICER: Does that mean somebody else ~~told~~ you?

9 EMPLOYER WITNESS: It means Miss Vaughan-Youmans told me.

10 HEARING OFFICER: Oh, okay, all right, go ahead.

11 EMPLOYER WITNESS: Miss Vaughan-Youmans while being interviewed along  
12 with others for a managerial opportunity expressed to me a situation or explained  
13 to me a situation that had occurred with a client. She ~~told me~~ a story of a client  
14 who had walked up to her car while she was parked on our property in Darby  
15 apparel in front of our offices moments before her day was to start. She said she  
16 was meditating and her putting on her lipstick. A long term client she said walked  
17 up to our... her car and approached her car asking for service, having some papers  
18 in her hand, and Miss Vaughan-Youmans explained to me that she waved the  
19 client off towards the office and that she wanted the client to go away and just put  
20 her papers in the office... mail slot in the door. She, Miss Vaughan-Youmans,  
21 explained to me that the client persisted and she waved her off several times  
22 towards the office indicating that she was to take her papers towards the office. I  
23 was perplexed how you can communicate all that with just a wave. I was also  
24 dismayed to find that a long time client had just been waved off, and so, as she told  
25 me that during an interview, Miss Vaughan-Youmans was disturbed by the  
26 treatment the client gave her, but expressed no responsibility for communicating  
27 with the client in that fashion, for failing to greet the client warmly, for failing to

\* SCDEW Transcript of Testimony Pg 7: lines 3-5 R: 37-35  
[same as Record of Appeal from Appellate Panel]  
Reference Pg 5 SECTION 3(b) of Appellant Brief  
7

1 show any appreciation for their status as a client, for failing to communicate in any  
2 way, shape, or form other than a waving off which totally made the client very  
\* 3 angry because as Miss Vaughan-Youmans told me, the client proceeded to "curse  
\* 4 her out." Miss Vaughan-Youmans offered this as a situation for whatever reason I  
5 was perplexed as to why she would discuss this during an interview but she offered  
6 this as an example of...of the client treating her badly and took no responsibility  
7 for having failed the client so miserably and even as minor greeting of any kind  
8 much less to offer the service that they were seeking. That came across to me  
9 during a conversation that we were having again, this is an interview for a  
10 managerial opportunity as Miss Shuey was being promoted to another property.  
11 Miss Shuey was her direct supervisor, and so, that was to me the final incident.

12 HEARING OFFICER: Okay, so what happened after that?

13 EMPLOYER WITNESS: Well, there was a process that we were engaged in at the  
14 time as to determining who the manager for the property would be. Miss  
15 Vaughan-Youmans was offered an opportunity to engage in that process along  
16 with others as I said, one other internal candidate, and one other external candidate.  
17 So, I was communicating with all three ladies while Miss Vaughan-Youmans  
18 explained this situation to me and I had had no previous knowledge of it. I took  
19 notes and listened, and then, Miss Vaughan-Youmans was to give a written  
20 assignment to me with regard to the promotional opportunity, and I was continuing  
21 my discussions with the other two candidates. After that I also checked with her  
22 supervisor, Lisa Shuey, to ask her about these circumstances, and had she been  
23 aware of this, and what was the communication about, and Miss Vaughan-  
24 Youmans was to give me a writing assignment which I believe she turned in the  
25 next day and then she went away for a few days. While she was gone...over that  
26 course of time that she was gone for those few days, again, I researched it,  
27 continued the conversations, and then came to the determination that I would need  
28 to terminate Miss Vaughan-Youmans' employment.

29 HEARING OFFICER: Why?

30 EMPLOYER WITNESS: We have a high standard of how we treat our clients.  
31 Miss Vaughan-Youmans was expressing to me during her interview that as an  
32 assistant manager she felt assistant managers were second class citizens. She

\* SCDEW Transcript of Testimony PG 8 lines 3-4  
[same as Record of Appeal from SCDEW Appellate Panel  
R. 38 line 3-4 reference made on PG 9 Argument 2 Paragraph  
1 of Appellant Brief

1 HEARING OFFICER: Okay, have you ever had to...to give her any kind of  
2 warnings or counseling statements?

3 EMPLOYER WITNESS-2: No, sir, but like Victoria mentioned I'm not the one  
4 that does the immediate disciplining.

5 HEARING OFFICER: Okay, well, then, how does it get done?

6 EMPLOYER WITNESS-2: If I feel that it's a situation that I can't handle, then  
7 I would most certainly tell Miss Cowart.

8 HEARING OFFICER: Okay, are you familiar with the situation that Miss  
9 Cowart had talked about?

10 EMPLOYER WITNESS-2: Yes, sir.

\* 11 HEARING OFFICER: How'd you...how did you become aware of it?

\* 12 EMPLOYER WITNESS-2: Miss Vaughan-Youmans told me about it first, so  
\* 13 that she would tell me about it before the resident it, and the resident called  
\* 14 minutes later.

\* 15 HEARING OFFICER: Okay, and so, what did you do?

\* 16 EMPLOYER WITNESS-2: The resident was very, very upset. She mentioned  
\* 17 that she would no longer want to do business with Miss Vaughan-Youmans. That  
\* 18 anything that she had to direct to the office she would like to deal with me only.  
\* 19 By the time I got off the phone with the resident she had calmed down and she was  
\* 20 okay....

\* 21 HEARING OFFICER: Okay.

\* 22 EMPLOYER WITNESS-2: ...which is why I didn't feel the need to tell Miss  
\* 23 Cowart.

\* SC DEW Transcript of Testimony pg 22 lines 11-23  
[same as record of Appeal from Appellate Panel R 52: lines  
11-23] made reference on pg 9 Argument 2 paragraph  
2 of Appellant Brief

1 HEARING OFFICER: About what?

2 EMPLOYER WITNESS-2: I've...I tell here when there's an issue that I need  
3 help with or there's...

4 HEARING OFFICER: Such as?

5 EMPLOYER WITNESS-2: I mean, I would tell her about an employee I was  
6 having difficulty with that...in a sit...in situations where I didn't think I was able to  
7 handle it on my own.

8 HEARING OFFICER: But you're not allowed to make any kind of...of notes or  
9 counselings or anything like that?

10 EMPLOYER WITNESS-2: I'm allowed to make notes through email to  
11 Victoria or verbally to Victoria.

\* 12 HEARING OFFICER: Okay, all right, prior to this time...prior to this particular  
\* 13 incident had you ever had any other encounters with customers or...or residents  
\* 14 that had complaints about Miss Vaughan-Youmans?

\* 15 EMPLOYER WITNESS-2: Not any major complaints, no. Every...

\* 16 HEARING OFFICER: Did I say major complaints?

\* 17 EMPLOYER WITNESS-2: No. There were probably a few. In property  
\* 18 management you deal with so many different kinds of people that yes, there are  
\* 19 going to be some people that...or residents that, yes, probably get along with one  
\* 20 person in the office better than the other. So, yes, there were times when  
21 people...some residents would come to me and say they felt that maybe Miss  
22 Vaughan-Youmans wasn't as friendly to them as she should be.

23 HEARING OFFICER: Okay.

24 EMPLOYER WITNESS-2: So, yes.

\* SC DEW Transcript of Testimony PG 24: lines 12-20  
[same as Record of Appeal from SC DEW Appellate Panel  
R 54: lines 12-20] reference made on page 9 last  
paragraph and pg 10  
1st paragraph in Appellant Brief