

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

Dennis Daniels, et al.

Plaintiffs,

v

Federal Reserve Bank

Defendant

No. 98C 1186

Judge William Hibbler

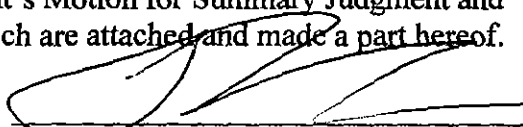
Magistrate Levin

FILED
AUG 15 2003
MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

NOTICE OF FILING

To: See Attached Service List

Please take notice that on August 15, 2003 I caused to be filed in the Office of the Clerk of the United States District Court for the Northern District of Illinois, Eastern Division located at 219 S. Dearborn, Chicago, Illinois and then and there present Plaintiff's Response to the Defendant's Motion for Summary Judgment and Memorandum of Law, copies of which are attached and made a part hereof.


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Certificate of Service

I, Anita Wilson, on oath state that I served a copy of the attached pleadings, that are directed, and properly addressed to the above listed parties by depositing in the U.S. mail the aforementioned pleadings on August 15, 2003.



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**PLAINTIFF ALICE DIXON'S ANSWER TO DEFENDANT'S LOCAL RULE 56.1
MOTION FOR SUMMARY JUDGMENT**

Pursuant to Local General Rule 56.1 of the United States District Court for the Northern District of Illinois, **Alice Dixon**, (hereinafter known as the "plaintiff") by and through her attorneys. **THE BOYD LAW FIRM, P.C.**, hereby respectfully submits her answer to the defendant's Statement of Undisputed Material Facts.

I. BACKGROUND

A. Parties

1. The Federal Reserve Bank of Chicago is one of twelve Reserve Banks across the United States created by the Federal Reserve Act of 1913 that together with the Board of Governors in Washington, D.C. serves as our nation's central bank (Ciesielski Affidavit 3; 12 U.S.C. §§ 222 (appendix) and 225). As one of the twelve Reserve Banks, the Federal Reserve Bank of Chicago is responsible for helping to formulate monetary policy, supervising and regulating banks and bank holding companies and providing financial services such as check clearing and electronic payment processing to banks and the U.S. government (Ciesielski Aff. ¶3).

ANSWER: Plaintiff admits the allegations contained in paragraph one.

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2. The Reserve Bank is headquartered in Chicago, Illinois and maintains a branch office in Detroit, Michigan (Ciesielski Aff. ¶4; 12 U.S.C. § 222 (appendix)). It also operates check processing offices in Peoria, Illinois, Des Moines, Iowa, Indianapolis, Indiana and Milwaukee, Wisconsin (Ciesielski Aff. ¶4; 12 U.S.C. § 222 (appendix)).

ANSWER: Plaintiff admits the allegations contained in paragraph two.

3. At all relevant times, the Chicago Office of the Reserve Bank has employed between approximately 1,800 and 1,450 individuals (Ciesielski Aff. ¶5).

ANSWER: Plaintiff admits the allegations contained in paragraph three.

4. In September 1969, Dixon, an African-American, was hired by the Reserve Bank as a unit inscriber trainee, grade 3, in the Chicago Office's Check Department (Dixon Dep. TI 25).

ANSWER: Plaintiff admits the allegations contained in paragraph four.

5. Dixon remained a Reserve Bank employee in the Check Department for nearly 31 years until July 2000, when she retired as a Processor A, grade 6 (Dixon Dep. 1132, 149-50).

ANSWER: Plaintiff admits the allegations contained in paragraph five.

However, the record indicates throughout the length of employment, Plaintiff unsuccessfully applied for several positions. For six months, Plaintiff was loaned out to a department to which she later posted for an open position. Plaintiff's was denied the position as seen in the 1992 job application and rejection memo. (Exhibits 1 & 2). At various times during the years of 1996, 1997 and 1998 Plaintiff applied for the same position as detailed in Plaintiff's

Dep II-78,8; 86/15-18, 96, 24; 97/6-7 and 104, 5-8 attached as (Exhibits 3-6) in an area in which she had worked for seven (7) years indicated under Qualifications in Customer Service Consultant Posting [double] dated 1/6/97 and 4/10/97 attached as (Exhibit 7). The record indicates Plaintiff was denied the position on each occasion, two examples of which are attached as (Exhibits 8-9) and that Plaintiff was subsequently requested to train the successful applicants as indicated by Plaintiff in Dep. I 104, 24 & 105, 1 (Exhibits 10-11).

6. During the last five years of her employment, Dixon's supervisor was Sandra Gad (Dixon Dep. 1135). Gad reported to Manager Marsha Coleman, who, in turn, reported to Vice President Yvonne Montgomery (Dixon Dep. II 35-36). Coleman and Montgomery are African-American (Dixon Dep. II 46-48).

ANSWER: Plaintiff admits the allegations contained in paragraph six.

During the period of Sandra Gad's (female white) supervision, Plaintiff work performance was evaluated subjectively consequently adversely affecting Plaintiff's rating on her Performance Review. During a 1997-1998 Performance Review Ms. Gad based evaluated Plaintiff to spend excessive time on personal calls based solely upon the length of [inaudible] conversation. (Exhibit 12, 37-38) Additionally, when presented with the opportunity to provide input in Plaintiff's career direction and development, Sandra Gad failed to address the area of "Career Goal and Plans" (Exhibit 13). Plaintiff addressed concerns to her manager specifically inquiring about advancement opportunities within the department as well as advancement opportunities for African Americans (Exhibit 14). Sandra Gad did provide career mentoring to (female white) Kathy Balice (female white) (Exhibit 14A-p.37, 3-7), who had admittedly had less education than Plaintiff, i.e., no college degree (Exhibit 14C-p. 29, 1-2)

B. Dixon's Job History

1. Promotion History 1969-1996

7. Six months after joining the Reserve Bank, Dixon was promoted to unit inscriber, grade 4 (Dixon Dep. 11 26).

ANSWER: Plaintiff admits the allegations contained in paragraph seven.

8. Two years later (approximately March 1972), Dixon was again promoted to block preparation clerk, grade 5 (Dixon Dep. H 26-27).

ANSWER: Plaintiff admits the allegations contained in paragraph eight.

9. Sometime in the early 1980s, Dixon received a third promotion to sorter reader operator, grade 6 (Dixon Dep. II 27-28).

ANSWER: Plaintiff admits the allegations contained in paragraph nine.

Plaintiff is aware that during the eight years between her second and third promotions other employees who started after her, who had less education, were promoted ahead of her. Deposition I- 209/20-24 & 210/1-8 attached as (Exhibit 16). Two such employees were (white females) Kathy Balice (Exhibit 15) and Debbie Romanic (see Exhibit 16-P. 210, 19-23.)

10. Dixon remained in the sorter reader operator position for approximately 3-5 years, when she was promoted a fourth time to reconciler and correspondent clerk, grade 7 (Dixon Dep. II 28).

ANSWER: Plaintiff admits the allegations contained in paragraph ten.

11. In approximately 1985, the Reserve Bank changed its numerical job-grading scheme and Dixon's position was reclassified as a grade 39 (Dixon Dep. II 28-29). However, Dixon's job title and duties remained the same (Dixon Dep. 1128-29).

ANSWER: Plaintiff denies the allegations contained in paragraph eleven. Defendant changed grading system in 1982. (Exhibit 17-P.12, 12-14)

12. Sometime prior to September 1989, Dixon's responsibilities changed and her position was retitled reconciliation clerk A, grade 39 (Dixon Dep. 1129).

ANSWER: Plaintiff admits the allegations contained in paragraph twelve.

13. Dixon remained a reconciliation clerk A until approximately September 1995, when the Reserve Bank went to yet another grade classification system and Dixon became a grade 5 (Dixon Dep. II 30).

ANSWER: Plaintiff admits the allegations contained in paragraph thirteen.

14. In 1996, Dixon's job responsibilities changed again, with Dixon receiving a new title -processor B. (Dixon Dep. 1130-32). However, her grade (5) remained the same (Dixon Dep. 11 30-32).

ANSWER: Plaintiff denies the allegations contained in paragraph fourteen. Plaintiff's job responsibilities and duties changed. (Exhibit 18)

2. Dixon's College Degree And Final Promotion

15. In the late 1980s or early 1990s, Dixon spoke with Cathy Balice, a co-worker in the Check Department (Dixon Dep. II 70-72, 74). In that conversation, Balice, who was attending college, told Dixon that she had heard from someone within the Reserve Bank that once she had received her degree, she would qualify for automatic promotion (Dixon Dep. 11 72, 74). Dixon was intrigued and suspicious (Dixon Dep. II 72).

ANSWER: Plaintiff admits stating there was a conversation between she and Balice. Plaintiff denies stating she was "intrigued and suspicious" (Exhibit 19-p. 72).

16. Under the Reserve Bank's tuition reimbursement program, Dixon took classes at Harold Washington College and ultimately received her Associate's degree in Business Administration in 1986 (Dixon Dep. II 14-16, 19-20). Dixon, however, was not promoted at that time (Dixon Dep. 11 72).

ANSWER: Plaintiff admits to the allegations contained in paragraph sixteen.

17. Dixon continued her studies part-time from 1986-1996 at DePaul University and ultimately received her Bachelor of Science degree in Management from that institution in June 1996 (Dixon Dep. 11 14, 16-17, 74). Like her Associate's degree, the Reserve Bank also paid for Dixon's Bachelor's degree under its tuition reimbursement program (Dixon Dep. II 19-20).

ANSWER: Plaintiff admits receiving a Bachelor of Science degree through Defendant's tuition reimbursement program. Plaintiff denies receiving an Associate of Arts degree completely from Defendant's tuition reimbursement program (Exhibit 19A-p. 19, 23-24 and 20, 1-2) As admitted by Plaintiff, her Bachelor of Science in Business was received June 16, 1996. Plaintiff's supervisor Sandra Gad was aware of Plaintiff's B.A. degree (Exhibit 20-p. 45, 13-15). Although aware of greater career opportunities Ms. Gad (female white) did not offer to assist Plaintiff in ascertaining a higher position (Exhibit 20-p.45, 16-24 and p.46/1-5). Ms. Gad did not attempt to assist Plaintiff in obtaining a transfer outside of her area (see Exhibit 20/p. 46/10-12) nor did she think it her duty to assist employees in obtaining positions outside of her area. (Exhibit 20A-p. 44, 6-20). Ms. Gad provided greater career assistance to Kathy Balice (female white) who had less educational qualifications than Plaintiff (see Exhibit 14C).

18. Approximately 3-6 months after receiving her Bachelor's degree, Dixon spoke with Manager Marsha Coleman (Dixon Dep. II 76). In that conversation, Dixon told Coleman that she was very disappointed because she had received her degree and "no one has come up

and offered me anything” (Dixon Dep. II 76-77). Coleman responded that she did not know that Dixon had graduated (Dixon Dep. H 77).

ANSWER: Plaintiff admits to the allegations contained in paragraph eighteen.

During a meeting attended by Ms. Colman, supervisor Sandra Gad and Plaintiff in which Plaintiff’s Performance Review was discussed, Ms. Gad failed to reveal Plaintiff had received a Bachelor of Science degree. (See Exhibit 20). Additionally, Plaintiff received a congratulatory letter from Defendant’s President Michael H. Moskow within weeks of her graduation. (Exhibit 21). Ms. Gad voluntarily provided career direction to (white female) Kathy Balice who had less education than Plaintiff (see Exhibit 14C)

19. In November 1996, approximately 2 months after her conversation with Coleman, Dixon was promoted to processor A, grade 6, the position in which she remained until her retirement in June 2000 (Dixon Dep. II 32, 77, 87-88).

ANSWER: Plaintiff admits the allegations contained in paragraph nineteen.

Despite having more education than her (white female) supervisor, Sandra Gad, whom admittedly had no college degree (Exhibit 23-p.14, 8-10) the extent of Plaintiff’s promotions during her career with Defendant was Processor A Grade 6.

C. Denied Promotions And Alleged Demotion

1. Promotions

a. November 1992

20. On November 19, 1992, Dixon applied for an ACH Processor position in the Reserve Bank’s Automated Clearinghouse Department (Dixon Dep. II 130-31 & Ex. 26). Dixon was not selected for the position and does not know who (Dixon Dep. II 130-31) was.

ANSWER: Plaintiff admits to the allegations in paragraph twenty.

b. October 1994

21. On October 18, 1994, Dixon applied for a financial technician position in the Supervision and Regulation Department (Dixon Dep. II 105-106, 149 & Ex. 39). Dixon does not know how many people applied for the position, the racial composition of the applicant pool or who was responsible for selecting the successful applicant (Dixon Dep. II 107, 112).

ANSWER: Plaintiff admits the allegations contained in paragraph twenty-one.

The record indicates at all times during the 1990's (white female) Kathy Balice was rated at a higher grade than Plaintiff (Exhibit 14B) despite having less education (see Exhibit 14 C)

22. Julio Ayala (Hispanic) got the job (Dixon Dep. II 105-06, 108, 149). Dixon does not know Ayala's educational background, job grade, performance evaluations, or work history at the time both applied, other than that, Ayala had previously worked in the Bank's receiving area (Dixon Dep. II 108). Dixon also did not know whether the position was a promotion for Ayala or a lateral move (Dixon Dep. 11109).

ANSWER: Plaintiff admits the allegations contained in paragraph twenty-two.

23. Dixon believes that her non-selection was discriminatory because she thought that she was just as qualified as Ayala for the position, but admits she has no information to support that belief, other than her knowledge of where Ayala previously worked (Dixon Dep. II 111-112).

ANSWER: Plaintiff admits the allegations contained in paragraph twenty-three.

c. January 1995

24. On January 24, 1995 and again on February 7, 1995, Dixon applied for a regulatory reporting analyst position (Dixon Dep. 11131-32, 134 & Exs. 27 & 28). Dixon was not selected for the position and does not know who was (Dixon Dep. II 133).

ANSWER: Plaintiff admits to the allegations contained in paragraph twenty-four.

d. October 1996

25. On October 4, 1996, Dixon applied for one of eight open Customer Service Consultant ("CSC") positions within the Check Department (Dixon Dep. TI 78-80 & Ex. 18). The grades of the CSC positions ranged from 9 to 11 (Dixon Dep. 149-52 & Ex. 14).

ANSWER: Plaintiff admits to the allegations contained in paragraph twenty-five.

This was one of four times Plaintiff applied and was rejected for this position. (See Exhibits 8-9) Per Bill Gehant, Plaintiff was not allowed to apply for a position two grades higher than her present grade (Exhibit 9A-p. 57,9-11). However, when Plaintiff's (white female) supervisor, Sandra Gad had been denied a position due to not having a degree, six months later she applied and received the exact position previously denied because she was said to have "... equivalent knowledge as to having a college degree." (see Exhibit 23, lines16-17).

26. Dixon was not selected for any of the open positions, and believes her non-selection was discriminatory because she thought her prior customer service experience in her current position qualified her for the open CSC positions (Dixon Dep. 1181-82).

ANSWER: Plaintiff admits to the allegations contained in paragraph twenty-six.

The record shows Plaintiff had seven years of relevant departmental experience at the time of application (Exhibit 9B).

27. Dixon does not know how many people applied for the eight open CSC positions or the racial composition of the applicant pool (Dixon Dep. H 79-80).

ANSWER: Plaintiff admits the allegations contained in paragraph twenty-seven.

28. Four whites, three African-Americans and one Hispanic received the jobs (Dixon Dep. 1180-81, 91-92).

ANSWER: Plaintiff denies the allegations contained in paragraph twenty-eight.

Plaintiff was unsure of the month and year of hiring (Exhibit 9C-p. 90, 18-20).

29. Dixon does not know the educational background of the eight successful candidates, their performance evaluation histories, or any other information about them that led her to believe that she was more qualified than they were (Dixon Dep. IT 82).

ANSWER: Plaintiff admits the allegations contained in paragraph twenty-nine.

30. Dixon only knew the names of two of the successful candidates Gwyn Smith (African-American) and Julio Ayala (Hispanic) (Dixon Dep. 1180-81, 90-92).

ANSWER: Plaintiff admits the allegations contained in paragraph thirty.

31. Dixon was aware that Ayala, a financial technician at the time both applied, held a higher job grade than Dixon (Dixon Dep. 110).

ANSWER: Plaintiff admits the allegations contained in paragraph thirty-one.

32. After her non-selection, Dixon met with the hiring manager for the CSC positions, William Gehant (Dixon Dep. 1182-83). Gehant told Dixon that she was not selected because she applied for a position that was more than two grades above her current position and, therefore, was ineligible under the Reserve Bank's promotion policy (Dixon Dep. II 83).

ANSWER: Plaintiff admits the allegations contained in paragraph thirty-three.

However, her supervisor, Sandra Gad (a female white) had been denied a position because she did not meet minimum requirements, *i.e.* did not have a college degree was later able to apply and receive the position previously denied despite the fact that she still did not have a college degree. (see Exhibit 23)

33. Dixon's application for the CSC positions identified her as not meeting the position's grade requirement. specifically, Dixon checked "no" to the question, "[a]re you within two grades of the posted position?" (Dixon Dep. 1179 & Ex. 18).

ANSWER: Plaintiff admits the allegations contained in paragraph thirty-three. However, her supervisor, Sandra Gad (a female white) had been denied a position because she did not meet minimum requirements, *i.e.* did not have a college degree. Six months later she applied and received that position she previously been denied despite the fact that she still did not have a college degree. (see Exhibit 23). The record indicates Plaintiff was informed by Gehant that the 'two grade rule' was Defendant's policy at the time. (Exhibit 9 D)

e. January 1997

34. On January 6, 1997, Dixon applied a second time for one of four or five open CSC positions at that time (Dixon Dep. IT 86, 88, 92 & Ex. 19).

ANSWER: Plaintiff admits the allegations contained in paragraph thirty-four.

35. Although Dixon still did not meet the minimum grade requirements, despite her recent promotion to grade 6, she spoke to Human Resources Manager Leni Lagasholt, advised her that she was a recent college graduate, and obtained permission to apply (Dixon Dep. II 86-88).

ANSWER: Plaintiff admits the allegations contained in paragraph thirty-five. Records indicate despite Plaintiff's desire to advance and Human Resources's assistance in this regard, her (white female) supervisor showed no support (see Exhibit 20) and further indicated to her in a memo that Plaintiff is responsible for developing her own career plan and follow up (Exhibit 14 D)

36. Dixon does not know how many people applied for the open positions, the racial composition of the applicant pool, who, specifically, received the open positions, what their educational background or work experience was, or anything else about their qualifications (Dixon Dep. 1188-91,92-96).

ANSWER: Plaintiff admits the allegations contained in paragraph thirty-six.

37. However, Dixon had been told by CSC Gwyn Smith that most of the successful candidates were higher-grade supervisors who were losing their jobs because the Reserve Bank was phasing out their positions (Dixon Dep. II 89, 95-96).

ANSWER: Plaintiff admits the allegations contained in paragraph thirty-seven.

38. Dixon believes it was discriminatory for her not to receive one of the open CSC positions in January 1997 because: (a) she believed she was qualified; and (b) it appeared to be a "preconceived notion" that the supervisors losing their jobs in other Bank areas would be given the positions (Dixon Dep. II 95-96).

ANSWER: Plaintiff admits she believed she was qualified. Plaintiff denies stating it would be "preconceived notion..." (Exhibit 25-p. 95, 23-24 and p.96, 1)

1. **April 1997**

39. On April 10, 1997, Dixon applied a third time for a CSC position (Dixon Dep. IT 96-97 & Ex. 10). Unlike her previous application, no record evidence indicates that Dixon requested or received permission to apply for a position more than two grades above her current job and her application shows that someone wrote "does not meet minimum. requirements" (Dixon Dep. II 96-97 & Ex. 10)

ANSWER: Plaintiff admits the allegations contained in paragraph thirty-nine.

However, the record does not indicate special permission was sought by (white female) Sandra Gad upon six months after she had been denied a supervisory position as a result of having no college degree (see Exhibit 23). Furthermore, Plaintiff's application process ceased upon indication of her grade, Gad's application process was allowed through the point of interview (Exhibit 23, p. 14, 11-17)

40. Dixon does not know how many CSC positions were open when she applied in April 1997, how many people applied, the racial composition of the applicant pool, and, with one exception, who received the open positions (Dixon Dep. II 97-99).

ANSWER: Plaintiff admits the allegations contained in paragraph forty.

41. Dixon was aware that Diane Van Buren (white) received one of the jobs (Dixon Dep. II 98-99). Other than that Van Buren had worked in the Check Department at one point in her Reserve Bank career, was a loan analyst in the loan department at the time of her application for the CSC position in April 1997, and held a higher job grade than Dixon at that time, Dixon knew nothing about Van Buren's educational background, work history or performance, or qualifications (Dixon Dep. II 98-101).

ANSWER: Plaintiff admits the allegations contained in paragraph.

42. Dixon believes that her non-selection for one of the open CSC positions in April 1997 was discriminatory because she believed she was just as qualified as Van Buren (Dixon Dep. II 100-01).

ANSWER: Plaintiff admits the allegations contained in paragraph forty-two.

g. January 1998

43. On January 9, 1998, Dixon applied for the fourth and last time for one of the CSC positions open at that time (Dixon Dep. 11103-04 & Ex. 21).

ANSWER: Plaintiff admits the allegations contained in paragraph forty-three.

44. Dixon does not know how many positions were available, how many applied, the racial composition of the applicant pool, or who received the positions (Dixon Dep. II 104-05).

ANSWER: Plaintiff admits the allegations contained in paragraph forty-four.

However, Plaintiff had knowledge of and the record indicates her supervisor was not college degreed on any level and successfully applied for a management level position despite lacking the minimum requirements as indicated Defendant (Exhibit 23-p.14, 3-5)

45. Dixon conceded in her deposition that she does not know whether her non-selection was discriminatory (Dixon Dep. II 105).

ANSWER: Plaintiff admits the allegations contained in paragraph forty-five.

While Plaintiff admits lacking knowledge of whether or not her specific non-selection in this instance was in fact discriminatory, Plaintiff has specifically raised questions to management regarding available advancement opportunities and available advancement opportunities specifically for African Americans. (see Exhibit 14)

h. October 1997

46. On October 23, 1997, Dixon applied for an examiner trainee position (Dixon Dep. II 121-22 & Ex. 23). Dixon does not believe her non-selection was discriminatory (Dixon Dep. II 122).

ANSWER: Plaintiff admits the allegations alleged in paragraph fifty-two. However, she is aware of the statistics and reports indicating that the Federal Reserve Bank has been shown a distinct pattern and practice of not having African-Americans placed in the higher grade levels of the Bank as exhibited in a 1997 Promotion Representation report. (Exhibit 26)

i. **December 1997**

47. On December 23, 1997, Dixon applied for an assistant control specialist position (Dixon Dep. II 122-23 & Ex. 23).

ANSWER: Plaintiff admits the allegations contained in paragraph forty-seven.

48. An East Indian Girl received the position (Dixon Dep. II 123). Dixon does not know anything about her qualifications, education or work history (Dixon Dep. II 124).

ANSWER: Plaintiff admits the allegations contained in paragraph forty-eight.

49. Dixon does not know whether her non-selection for the position was discriminatory (Dixon Dep. II 123-24).

ANSWER: Plaintiff admits the allegations contained in paragraph forty-nine.

Again, Plaintiff is unaware whether her non-selection for this specific position was discriminatory; however, Plaintiff is painfully aware of the facts indicated by Defendant's records with regard to non African American women promoted to managerial positions (Exhibit 26)

J. January 1999

50. On January 26, 1999, Dixon applied for an analyst position in the Check administration department (Dixon Dep. II 124-25 & Ex. 25).

ANSWER: Plaintiff admits the allegations contained in paragraph fifty.

51. Several months after her application, Dixon learned that a Hispanic male received the position (Dixon Dep. II 126, 128). Dixon knows nothing about his educational background or work history, other than that he had worked in the Reserve Bank's receiving area prior to his selection (Dixon Dep. II 127-29).

ANSWER: Plaintiff admits the allegations contained in paragraph fifty-one.

52. Dixon does not know whether her non-selection was discriminatory (Dixon Dep. II 129).

ANSWER: Plaintiff admits the allegations alleged in paragraph fifty-two. However, she is aware of the statistics and reports indicating that the Federal Reserve Bank has been shown a distinct pattern and practice of not having African-Americans placed in the higher grade levels of the Bank. (Exhibit 26)

k. May 1999

53. On May 14, 1999, Dixon applied for one of the five to seven positions on the Reserve Bank's Special Operations Consulting Team (Dixon Dep. II 114-15 & Ex. 22).

ANSWER: Plaintiff admits the allegations contained in paragraph fifty-three. (Exhibit 26)

54. Dixon does not know the number of people who applied for a position on the Team or the racial composition of the applicant pool (Dixon Dep. II 115).

ANSWER: Plaintiff admits the allegations contained in paragraph fifty-four.

55. Three whites and two African-Americans ultimately were selected for the Team (Dixon Dep. II 117).

ANSWER: Plaintiff admits the allegations contained in paragraph fifty-five.

56. Dixon believes her non-selection was discriminatory because nobody from the Chicago office was selected for the Team: two were selected from Detroit, one was selected from Des Moines and the last was selected from Peoria (Dixon Dep. II 118).

ANSWER: Plaintiff admits the allegations contained in paragraph fifty-six.

Throughout Plaintiff's employment and based on her own personal experiences of applying for jobs unsuccessfully, she has seen a certain pattern. (Exhibit 26)

57. In addition to herself, Dixon was aware of two other African-American applicants from Chicago (Jennifer Dunn and Gloria Jackson) who were not selected and believes that they were just as qualified, or more so, than the successful candidates (Dixon Dep. II 118-19).

ANSWER: Plaintiff admits the allegations contained in paragraph fifty-seven.

58. Dixon admits she does not know the background or qualifications of any of the three successful white applicants (Dixon Dep. II 115, 119).

ANSWER: Plaintiff admits the allegations contained in paragraph fifty-eight.

2. **Alleged Demotion**

59. Prior to September 1997, one of Dixon's responsibilities as a processor grade A was to provide certain credit information to financial institutions (Dixon Dep. 134-35, 202-03).

ANSWER: Plaintiff admits the allegations contained in paragraph fifty-nine.

60. In September 1997, Manager Marsha Coleman advised Dixon that those responsibilities would be reassigned to the Customer Service Department (Dixon Dep. 133, 35, 38, 202-03).

ANSWER: Plaintiff admits the allegations contained in paragraph sixty.

61. The reassignment also affected two other employees with whom Dixon worked - Judy Brown (African-American) and Marion Caccioppo (white) (Dixon Dep. 136, 41-42).

ANSWER: Plaintiff admits the allegations contained in paragraph sixty-one.

62. Neither Dixon's job grade nor salary was affected by the reassignment of her credit information responsibilities (Dixon Dep. 142).

ANSWER: Plaintiff admits the allegations contained in paragraph sixty-two.

However, the reassignment took away one quarter of Plaintiff's responsibilities. (Exhibit 12) thus placing more weight on the remaining responsibilities.

63. Shortly after the reassignment, Dixon acquired certain debit-side duties that had recently been transferred from the Check Adjustment Department (Dixon Dep. 1 22-24, 28, 36-37), Brown and Caccioppo acquired debit-side functions as well (Dixon Dep. I 29-30).

ANSWER: Plaintiff admits the allegations contained in paragraph sixty-three.

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