



2021-11-16

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Eric Hill v. City of Madison
Case Number: WI-2022-00004-20-V

To whom it may concern:

This agency is responsible for seeking compliance with the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), codified at Title 38 U.S. Code Sections 4301 – 4335 and 20 C.F.R. Part 1002. Eric Hill has requested our assistance in determining and exercising their employment rights under USERRA.

A person alleging discrimination under USERRA must establish that they are protected as result of past, present or future affiliation with the uniformed services, that an adverse employment action by the employer or prospective employer occurred, and that there was a causal relationship between the claimant's protected status and the adverse employment action. The claimant does not need to show that their status was the sole factor in the employment action; the person need only show that their status was a motivating factor in the employment action. 20 C.F.R. § 1002.23.

Eric Hill contends that their service in the Uniformed Services was a motivating factor for discrimination in this case and discovered 29 separate instances of biased, defamatory statements - occasionally containing obscene language - impugning his race, gender and former military profession among the social media accounts of seven out of the eleven voting members in charge of hiring for the position. Specifically, Eric Hill complains, that he applied for a position as an independent police monitor on August 15, 2020 with the City of Madison and was not selected because he is a member of the Air National Guard. Eric Hill states that he was prevented from getting a position with the City of Madison because Shadayra Kilfoy-Flores, Vice Chair of the Police Civilian Oversight Board, has participated in and/or made negative comments about military members. That the biased attitude of Shadayra Kilfoy-Flores on the hiring board was discriminatory and contributed to him not being selected for the independent police monitor position.

Below are samples of Facebook posts related to Shadayra Kilfoy-Flores' comments dated December 13, 2020 and November 6, 2021:

Eric Hill complains that Shadayra Kilfoy-Flores' comments/likes on Facebook posts, "agree[s]" with a commenter who replied to her original Facebook post. In the original post's reply, the commenter singles-out his former military career field and branch of service ("National Guard" ...



"military police"), claiming that personnel like him are conditioned to "see the people [we] are policing as a racial other" and trained to commit acts of "murderous sadism." The PCOB Vice Chair 'likes' this comment.

* (PCOB Vice Chair 'liked' commenter's reply): "Reserve and national guard military police get deployed. all of them. more than once. ... You have 4 years of seeing the people you are policing as a racial other. You will follow that with 2 years of learning what to say in order to beat them to death in a jail cell with the cameras off. If you flunk out of college, you can still be a private prison guard and in the reserves and still beat people to death for money for the rest of your life. That is the kind of person this will attract. People who want to do this will work hard to follow this path because it gives them authority and legal cover for their murderous sadism,"

* (PCOB Vic Chair's reply): "Believe me, I get it. You're explaining how things are currently and I agree. Whats being suggested is requiring two more years for the same entry pay, not more military service..."

I have included samples of the verbiage mentioned above for better viewing

Please provide us with your position statement and documentation that will support your position regarding Eric Hill's allegations of discrimination.

This request includes all applicable documents, including claimant's personnel file, emails, handwritten notes, memoranda, investigation notes, performance evaluations, names of individuals that filed complaints along with any documentation for that complaint, disciplinary actions (to include the policy outlining violation that resulted in disciplinary action), pay stubs, military leave policy, FMLA policy, system approval/denial for military leave, or any other means of recording information from anyone exercising any authority of Eric Hill, that relate in any way to Eric Hill's performance, disciplinary actions, or military service.

VETS is also requesting comparative information that identifies similarly situated individuals, which would include military and non-military employees, to include but not be limited to:

All application files for all individuals that applied for the Independent Police Monitor position, identification of whether they were military or non-military individuals; position description, policy that explains the hiring process, letters of denial, letters for hiring, interview questions, notes, and etc. regarding the hiring process.

We need for you to provide any and all information you feel support your position.

Should the evidence support Eric Hill's allegations, entitlements can include employment into the position, lost wages, or any benefits, under USERRA, lost due to the employer's actions. If an offer to resolve the complaint is to be presented, please let me know. Please see possible violations included with this letter.

Your response is requested on or before close of business on November 30, 2021 and please ensure all responses/documents are in single PDF file (if possible). Please contact me at

U.S. Department of Labor

Veterans' Employment and Training Service
Office of the Assistant Secretary
200 Constitution Ave NW
Washington, DC 20210



Easte.Adriane.D@dol.gov if you have questions regarding this complaint. Thank you for your time.

Sincerely,

Adriane Easte

Adriane Easte
Investigator

CC: Eric Hill



A new California bill would require a 4-year degree to become a cop

21 Comments 10 Shares

Amy Stoddard Excellent ideal Along with therapy to address the unfortunate mental health disease of racism. 48w 2

Ramsey Sand Worst idea Ever. Policing is already a high paid job, six digits before benefits to start in some areas. Here it is \$51K to start before over time. Almost all cops get overtime. Plus health care. Plus discounts to EVERYTHING. How are you going to get this 4 year degree to be a cop? The military. What are you going to do in the military? Be a cop, because it will take years off your college. What are you going to do while in college? Be in the reserves for the first 2 years. Military police get deployed. Reserve and national guard military police get deployed, all of them, more than once. What do they do when deployed? Mostly guard prisons. Bet me. Go find your local national guard. Find the nearest military police unit, you will not have to look far. Find their facebook page. Every single one will have been overseas for at least 2 months in the last 2 years. So while becoming a cop, from age 18 you will get 4 years in the military, 2 years overseas, 2 years in the reserves, 2 year as a traffic cop, 2 years beating prisoners during interrogations, and 2 years of college all packed into the formative 4 years of your young adulthood. Then you are going to graduate with no debt, a high paying job for a 22 year old, and a management outlook on life. You have 4 years of seeing the people you are policing as a racial other. You will follow that with 2 years of learning what to say in order to beat them to death in a jail cell with the cameras off. If you flunk out of college, you can still be a private prison guard and in the reserves and still beat people to death for money for the rest of your life. That is the kind of person this will attract. People who want to do this will work hard to follow this path because it gives them authority and legal cover for their murderous sadism. 48w 3

Shadayra Kilfoy-Flores Ramsey Sand Believe me, I get it. You're explaining how things are currently and I agree. Whats being suggested is requiring two more years for the same entry pay, not more military service, of actual class room education. I think that it could help vet out a large number of people, who aren't willing to put in the time or effort, which could be good thing. 48w 11

Ramsey Sand Shadayra Kilfoy-Flores the best way to help a vet is with a civilian non-defense job. We could have tracks that put people there. We could have a wide variety of cbs to train people into. But there is no money for that. There would be if we defund the police. What this is going to do, when people are not on that track, but actually go to a civilian school right after HS, is defund other vocational training at the community college level, like nursing, and essentially funnel the education budget into repression. We have too many cops, and too many people in prison, and too many overpaid thugs running things, and two many cop-adjacent social workers covering things up. Ya Basta already! 48w 4

Shadayra Kilfoy-Flores Ramsey Sand THIS 48w 1

Megan Berge I thought MPD officers were required to have bachelors degrees. 48w

Shadayra Kilfoy-Flores Mogan Berge No, a 2 yr associates 48w

Megan Berge Shadayra Kilfoy-Flores Ok. For some reason I thought requiring a four year was a David Couper-era change. Interesting side story: I went to undergrad here with a guy who became a cop, since he looked young and knew UJW bars they put him undercover downtown when they did their big underage drinking sting in the late 90s. 48w 1

Willy Becker Angela Lei Cleary he was never able to rid the department of the 'B-team'. 48w

Kale Mabin I mean I don't know about this, neo-nazi Richard Spencer has a MA from University of Chicago and lots of other known white supremacists have post-graduate degrees. Given the profession's white supremacist roots, I don't think requiring college degrees is going to change much in terms of power abuse and bigotry. 48w 3

Ramsey Sand Kale Mabin It will change a lot in terms of power abuse in bigotry. It lets the bigots sound middle class nice. Like Hillary "Super Predators" Clinton. The Democrats dont hate Trump because he is a bigot. They hate him because he speaks to and empowers bigots below their social class. 48w 2

Heather Holland Sagevan Ramsey Sand actually he empowers those only in his social class. He simply gives voice to those below the Dems social class. 47w

Jemila Rosenthal A four year education will not stop cops from murdering people and getting away with it! It's not a lack of education that causes police to murder people (especially people of color) it's their lack of human compassion. If anyone thinks a four year education is gonna stop the brutality and murder that the police commit your fooling yourself 48w 2

Willy Becker But, would they have any way to finally SCREEN OUT all applicants with PSYCHOPATHIC tendencies? 48w

Willy Becker This would not help small town cop-shops and sheriff depts, where nepotism and local origin often rule. 48w 1

Jennifer Halliday Um or you go to school and get a Criminal Justice Degree? With xkx lots of scholarships for BIPOC? With minors in social work, psychology, black history, womens studies, sociology etc? 47w · Edited 1

Jae Dot Woods Bout fuckin times 47w 1

Web Capture was used to obtain full post. Ms. Shadayra Kilfoy-Flores 'liked' posts annotated with a black star. Unknown if Ms. Shadayra Kilfoy-Flores liked the other posts.

facebook

Shadayra Kilfoy-Flores is on Facebook. To connect with Shadayra, log into Facebook.

Log In

or

Join



Shadayra Kilfoy-Flores

November 6 at 11:13 PM · 🌐



Reshaping Madison Together November 5 at 4:36 AM · 🌐

1 Share



In accordance with: 38 U.S.C § 4311:

Discrimination against persons who serve in the uniformed services and acts of reprisal prohibited

(a) A person who is a member of, applies to be a member of, performs, has performed, applies to perform, or has an obligation to perform service in a uniformed service shall not be denied initial employment, reemployment, retention in employment, promotion, or any benefit of employment by an employer on the basis of that membership, application for membership, performance of service, application for service, or obligation.

In accordance with: 20 CFR Part 1002:

§1002.18 What status or activity is protected from employer discrimination by USERRA?

An employer must not deny initial employment, reemployment, retention in employment, promotion, or any benefit of employment to an individual on the basis of his or her membership, application for membership, performance of service, application for service, or obligation for service in the uniformed services.

§1002.21 Do the Act's prohibitions against discrimination and retaliation apply to all employment positions?

The prohibitions against discrimination and retaliation apply to all covered employers (including hiring halls and potential employers, see sections 1002.36 and .38) and employment positions, including those that are for a brief, nonrecurrent period, and for which there is no reasonable expectation that the employment position will continue indefinitely or for a significant period. However, USERRA's reemployment rights and benefits do not apply to such brief, nonrecurrent positions of employment.

§1002.36 Can an employer be liable as a successor in interest if it was unaware that an employee may claim reemployment rights when the employer acquired the business?

Yes. In order to be a successor in interest, it is not necessary for an employer to have notice of a potential reemployment claim at the time of merger, acquisition, or other form of succession.

§1002.38 Can a hiring hall be an employer?

Yes. In certain occupations (for example, longshoreman, stagehand, construction worker), the employee may frequently work for many different employers. A hiring hall operated by a union or an employer association typically assigns the employee to the jobs. In these industries, it may not be unusual for the employee to work his or her entire career in a series of short-term job assignments. The definition of "employer" includes a person, institution, organization, or other entity to which the employer has delegated the performance of employment-related responsibilities. A hiring hall therefore is considered the employee's employer if the hiring and job assignment functions have been delegated by an employer to the hiring hall. As the employer, a

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hiring hall has reemployment responsibilities to its employees. USERRA's antidiscrimination and anti-retaliation provisions also apply to the hiring hall.