

Chair Hambley, Vice Chair Patton, Ranking Minority Member Brown, and the members of the House Civil Justice Committee:

My name is Noel Cummings and I am writing in support of House Bill 369.

I am transgendered female of African American descent. I hold an MBA from Cleveland State University and I am a member of Beta Gamma Sigma, an international business honor society. After over 25 years of progressive and successful employment with the Greater Cleveland Regional Transit Authority (GCRTA), evidenced by consistent above average performance appraisals, I was passed over for promotional opportunities at the senior management and Director levels for male counterparts who were not only less qualified with respect to education and experience (high school diplomas and Associates degrees), but did not meet the minimum qualifications for the jobs established and required for appointment by the company. When I brought this matter to the attention of the CEO and suggested that I was being discriminated against based on my gender or gender identity, he did not respond to me nor did he commit to having the matter investigated. I was subsequently fired by my director, who not only was a convicted felon, but admitted in a deposition that he was friends with the Deputy General Manager (DGM) of the Operations Division by whom he was rehired. In the end, not only was I the victim of discrimination, but retaliation all because I asked to be treated fairly. I was punished by having my economic lifeline taken away. To add impact to injury, the settlement agreement I was given to resolve the lawsuit I filed was fraudulent. I actually have the email (dated November 6, 2014) that proves the litigator for the GCRTA had researched the Ohio Revised Code (ORC) and concluded that certain terms being considered as a potential means of settling the lawsuit were not permissible under the law. Through this email, the GCRTA attorney not only notified my attorney at the time of this fact, but she also notified the DGM of Legal Affairs and the DGM of Human Resources, who happened to be an attorney as well. Both were blind-copied on the email and were present in court that following February of 2015, along with the staff attorney who authored the email and my attorney at the time, when the illegal terms were offered and accepted. This was not only fraud and fraud in the inducement, but a civil conspiracy to commit fraud, as my then counsel was well aware of the illegality of the terms and did nothing to alert me or otherwise properly represent and protect my interests. I am now near the end of the fifth year of what is easily the most difficult and protracted struggle of my life. My attempts to seek justice and have this matter exposed and properly adjudicated have been met with overt resistance and what I consider to be efforts to silence me and cover up what has happened by simply ignoring my complaints of fraud, executive malfeasance and dereliction of duty. Among the past and current public officers and elected officials to whom I have appealed in this matter are: Former GCRTA CEO Joseph Calabrese, Former GCRTA Interim CEO and current DGM-Operations Floun'say Caver, The GCRTA Board of Trustees, The Mayor of the City of Cleveland Frank Jackson, Cuyahoga County Executive Armond Budish and Cuyahoga County Prosecutor Michael O'Malley. To this date, none of these

officers and elected official have committed to even investigating my complaints of fraud and malfeasance. Several have not even so much as acknowledged receipt of my communications. At a time in my life when I would have been nearing retirement, I am instead mired in the most corrupt and entangled struggle of my life, all while trying to heal from the trauma of having been made the victim of discrimination, retaliation, fraud, cover-ups. I know first-hand the deep depression and anomie that result from the extreme alienation, disenfranchisement and marginalization that comes with being silenced, or ignored or made to feel disposable otherwise. I have not been able to secure other employment or recover financially. All this simply because I am different, different in ways that have nothing to do with, nor infringe upon, anyone else's life, liberty or pursuit of happiness. No one should be diminished and/or destroyed in this fashion simply because they are different and dare to exercise the same agency over their lives and wellbeing that every other citizen does.

As excruciating and demoralizing as this experience has been, what has made it worse and near unbearable, is the reality that there is currently little to no legal recourse available to me through the State of Ohio. The state that I have called home for over thirty years; where I completed my graduate education and have enjoyed the fellowship of church family and friends for decades. I cannot fully express to you how it feels to know that I have been relegated to second, or third-class citizenship and that the arc of my professional possibilities and aspirations have been somehow limited simply because of who I am. The deep sense of betrayal and the constancy of the cognitive dissonance I struggle with to maintain my self-confidence and healthy self-concept just to function in this state and society that considers me worthless, is overwhelming. Some days I win; many days I lose. But I am determined to live my best life and be happy. I know why, and I am, the caged bird who sings. In a poem, Mother Teresa advises thusly, "What you spend years building, someone could destroy overnight: build anyway." It is indeed from the rubble of my career burned in sacrifice to the gods of bigotry and intolerance that I continue to build and offer you this proponent statement.

Several municipalities within the State of Ohio have already recognized the importance of protecting, i.e., valuing, their residents and other constituencies equally and have passed legislation to that end. If these actions were not taken out of an obvious moral imperative, they are nonetheless appropriate and legislatively astute because such actions make us stronger as a collective and better prepared to compete for business development nationally and globally. The reality is, the welcome mat for the venture capital that may ultimately be the keys to economic viability tomorrow, and regional survival in the future, must be rolled out today. And ensuring full equality for all citizens is an integral part of that process. Ohio can only be made more competitive by embracing full equality for all its citizens and opening its doors to all who are willing to employ their time, talent, and yes, treasure to make life better for one and for all.

I urge you to consider passing HB369.