

U.S. Equal Employment Opportunity Commission

EEOC FORM 131 (11/09)

Mr. Larry Williams
City Manager
CITY OF BUNNELL
P. O. Box 756
Bunnell, FL 32110

PERSON FILING CHARGE

Armando Martinez

THIS PERSON (check one or both)

Claims To Be Aggrieved

Is Filing on Behalf of Other(s)

EEOC CHARGE NO.

510-2014-04653

NOTICE OF CHARGE OF DISCRIMINATION

(See the enclosed for additional information)

This is notice that a charge of employment discrimination has been filed against your organization under:

- Title VII of the Civil Rights Act (Title VII)
- The Equal Pay Act (EPA)
- The Americans with Disabilities Act (ADA)
- The Age Discrimination in Employment Act (ADEA)
- The Genetic Information Nondiscrimination Act (GINA)

The boxes checked below apply to our handling of this charge:

1. No action is required by you at this time.
2. Please call the EEOC Representative listed below concerning the further handling of this charge.
3. Please provide by **31-OCT-14** a statement of your position on the issues covered by this charge, with copies of any supporting documentation to the EEOC Representative listed below. Your response will be placed in the file and considered as we investigate the charge. A prompt response to this request will make it easier to conclude our investigation.
4. Please respond fully by **31-OCT-14** to the enclosed request for information and send your response to the EEOC Representative listed below. Your response will be placed in the file and considered as we investigate the charge. A prompt response to this request will make it easier to conclude our investigation.
5. EEOC has a Mediation program that gives parties an opportunity to resolve the issues of a charge without extensive investigation or expenditure of resources. If you would like to participate, please say so on the enclosed form and respond by _____ to _____
If you DO NOT wish to try Mediation, you must respond to any request(s) made above by the date(s) specified there.

For further inquiry on this matter, please use the charge number shown above. Your position statement, your response to our request for information, or any inquiry you may have should be directed to:

Katherine E. Gonzalez,
Enforcement Supervisor

EEOC Representative

Telephone **(305) 808-1766**

Miami District Office
Miami Tower, 100 S E 2nd Street
Suite 1500
Miami, FL 33131
Fax: (305) 808-1855

Enclosure(s): Copy of Charge

CIRCUMSTANCES OF ALLEGED DISCRIMINATION

- Race
- Color
- Sex
- Religion
- National Origin
- Age
- Disability
- Retaliation
- Genetic Information
- Other

See enclosed copy of charge of discrimination.

Date
September 11, 2014

Name / Title of Authorized Official
Malcolm S. Medley,
District Director

RECEIVED
SEP 19 2014

Signature

By _____

From: JILL S SCHWARTZ & ASSOCIATES

4076284994

08/08/2014 10:10

#976 P.002/002

510 2014 04653

CHARGE OF DISCRIMINATION

AGENCY

CHARGE NUMBER

This form is affected by the Privacy Act of 1974; See Privacy Act Statement before completing this form.

FEPA EEOC

FLORIDA COMMISSION ON HUMAN RELATIONS and EEOC State or local Agency, if any

Form with fields for NAME, SOCIAL SECURITY NUMBER, DATE OF BIRTH, STREET ADDRESS, CITY, STATE AND ZIP CODE, HOME TELEPHONE, NAME OF THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME, CAUSE OF DISCRIMINATION BASED ON, DATE DISCRIMINATION TOOK PLACE.

THE PARTICULARS ARE:

I. Personal Harm: In January 2006, I was hired as Chief of Police for the City of Bunnell, Florida (hereafter "City"). In 2008, I was promoted to City Manager and Director of Public Safety. I received excellent performance reviews and feedback throughout my employment with the City. Despite my empirical success, I was targeted and ultimately terminated because of my national origin (Cuban) and race (Hispanic).

At the City Commission meeting on June 10, 2013, Commissioner Elbert Tucker made a motion not renew my contract as City Manager when it expired in October. The motion was seconded by Commissioner John Rogers and it passed with a 3-2 vote (Commissioners Tucker, Rogers, and Bill Baxley voted in favor of not renewing). Interestingly, Commissioner Tucker declined to state on the record why he had voted to terminate my contract with the City because he "did not want to be sued." On July 22, 2013, the City, via Commissioner Baxley's change in vote, reversed its position and voted instead to renegotiate my contract and continue my employment as City Manager. That position was short-lived, however, as on August 12, 2013, the City Commission again voted to terminate my employment. In again moving to terminate my contract, Commissioner Tucker added as a contingency to his motion that the next City Manager "not come from south Florida or Miami," a statement that was interpreted by all those who heard it to mean that Commissioner Tucker did not want another Hispanic City Manager. I complained to Mayor Catherine Robinson about this discriminatory comment made by a City Commissioner in connection with the termination of my contract. On October 13, 2013, my contract with the City of Bunnell terminated and the City failed to renew or to exercise the two-year contract extension contained therein. I was replaced the following day by a Caucasian male.

II. Discrimination Statement: Based on the foregoing, I believe that I have been discriminated against because of my race and national origin, and retaliated against for my complaints of race and national origin discrimination in violation of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, et seq., and the Florida Civil Rights Act of 1992, Chapter 760, Florida Statutes.

[X] 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 telephone number and cooperate fully with them in the processing of my charge in accordance with their procedures. I declare under penalty of perjury that the foregoing is true and correct.

NOTARY - (When necessary for State and Local Requirements)

Signature of Notary Public, SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE 8-7-14 (Day, month, and year)

SIGNATURE OF COMPLAINANT

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.

DATE: 8/7/14



JESSICA PEÑA NOTARY PUBLIC STATE OF FLORIDA Commission # FF048444 Expires 8/18/2017



**U.S. Equal Employment Opportunity Commission
Miami District Office**

Miami Tower, 100 S E 2nd Street
Suite 1500
Miami, FL 33131
(305) 808-1740
TTY (305) 808-1742
Fax: (305) 808-1855

Charging Party: Armando Martinez
EEOC Charge No.: 510-2014-04653

Mr. Larry Williams
City Manager
CITY OF BUNNELL
P. O. Box 756
Bunnell, FL 32110

Dear Mr. Williams:

Your organization is hereby requested to submit information and records relevant to the subject charge of discrimination. The Commission is required by law to investigate charges filed with it, and the enclosed request for information does not necessarily represent the entire body of evidence which we need to obtain from your organization in order that a proper determination as to merits of the charge can be made. Please submit a response to the requested information by the deadline cited below.

The information will only be disclosed in accordance with 29 C.F.R. 1601.22, or otherwise made public if the charge results in litigation.

Sincerely,

Katherine E. Gonzalez
Enforcement Supervisor

Response Deadline Date:

The following dates are considered to be the "relevant period" for the attached Request for Information:
October 1, 2012 - November 30, 2013

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
REQUEST FOR INFORMATION

Charging Party: Armando Martinez
Respondent: CITY OF BUNNELL
EEOC Charge No.: 510-2014-04653

1. Give the correct name and address of the facility named in the charge.
2. State the total number of persons who were employed by your organization during the relevant period. Include both full and part-time employees. How many employees are employed by your organization at the present time?
3. Supply an organizational chart, statement, or documents which describe your structure, indicating, if any, the relationship between it and superior and subordinate establishments within the organization.
4. Supply a statement or documents which identify the principal product or service of the named facility.
5. State the legal status of your organization, i.e., corporation, partnership, tax-exempt non-profit, etc. If incorporated, identify the state of incorporation.
6. State whether your organization has a contract with any agency of the federal government or is a subcontractor on a project which receives federal funding. Is your organization covered by the provisions of Executive Order 11246? If your answer is yes, has your organization been the subject of a compliance review by the OFCCP at any time during the past two years?
7. Submit a written position statement on each of the allegations of the charge, accompanied by documentary evidence and/or written statements, where appropriate. Also include any additional information and explanation you deem relevant to the charge.
8. Submit copies of all written rules, policies and procedures relating to the issue(s) raised in the charge. If such does not exist in written form, explain the rules, policies and procedures.
9. Please provide a complete copy of Charging Party's personnel records to include performance evaluation, disciplinary action, payroll, promotions, separation (if any). If the information is kept under separate cover, please provide any and all information kept on file for Charging Party.
10. Submit a complete copy of the employee handbook.
11. Submit list of current employees to include their name, race, national origin, position, date of hire, home address and home telephone number.
12. Submit a list of former employees and indicate whether they were terminated or if they resigned. The list should state their name, race, national origin, position, date of hire, date of termination or resignation, reason for termination, home address and home telephone number. Please, provide supporting documentation.

Issue: DISCHARGE

1. If the charging party was discharged, submit the following:
 - a. date of discharge,
 - b. reason for discharge,
 - c. statement of whether the charging party had any right of appeal, and whether the charging party made use of any appeal rights
 - d. person recommending the discharge, including name race, national origin, position held,
 - e. person making final decision to discharge the charging party, including name, position held. Attach copy of any evaluation or investigation report relating to the discharge, and
 - f. copies of all pertinent documents in the charging party's personnel file relating to the subject discharge.
2. Explain your discharge procedures in effect at the time of the alleged violation. If the procedures are in writing, submit a copy.
3. Submit copies of all written rules relating to employee duties and conduct. Explain how employees learn the contents and rules.
4. List all employees who committed the same or substantially similar offense(s) that the charging party committed and the disciplinary action taken against them. Supply backup documentation for the list. Include name, race, national origin, position title.
5. List all the employees discharged within the relevant period. For each employee, include employee's name, race, national origin, position title, reason for and date of discharge, and a copy of the separation notice.

Basis: RETALIATION

1. List by name, race, national origin and position all officials of your organization who have been informed of, or knew of all the allegations of discrimination made by the Charging Party, if any. For each person listed, state the date such notification was received, the nature of the notification, and the person's response to it. Submit all documents which state, describe, reference, or relate to the notification of the Charging Party's complaint.
2. Describe any personnel action(s) involving Charging Party taken after the earliest date any person in your organization had knowledge of Charging Party's allegation(s) of discrimination. Submit all documents which state, describe, reference, or relate to these personnel actions.