

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):

☐ FEPA

☒ EEOC

461-2019-02110

Louisiana Commission On Human Rights

and EEOC

State or local Agency, if any

Name (Indicate Mr., Ms., Mrs.)

Mr. Shedrick A. Berard, Sr.

Home Phone (Incl. Area Code)

(337) 207-4310

Date of Birth

1955

Street Address

City, State and ZIP Code

1007 Jordan Drive, St Martinville, LA 70582

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

CITY OF ST. MARTINVILLE

No. Employees, Members

15 - 100

Phone No. (Include Area Code)

(337) 394-2230

Street Address

City, State and ZIP Code

P.O. Box 379, 120 New Market Street, Saint Martinville, LA 70582

Name

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

☐ RACE ☐ COLOR ☒ SEX ☐ RELIGION ☐ NATIONAL ORIGIN
☒ RETALIATION ☐ AGE ☐ DISABILITY ☐ GENETIC INFORMATION
☐ OTHER (Specify)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

Latest

12-01-2018

08-31-2019

☐ CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

I had been employed by the City of St. Martinville for over 30 years. On or around November 5, 2018, Mayor Melinda Mitchell appointed me to the CAO position. Two White council persons did not agree with this appointment and, as a result, made things very difficult for me. I was humiliated in the newspapers and on television. During my six-month probationary period, I was not properly trained, the Accounting Specialist was out on leave and I had to assume her duties which I was not totally familiar with, I did not have the full support of the council members and I was still performing safety and zoning duties. I felt I had no choice but to resign from the CAO position on April 15, 2019 and return to my former job. I was suspended three days in May 2019. Upon a second suspension being proposed, I felt I had no other choice but to resign altogether which I did on August 31, 2019.

No reason was given for the majority of the treatment I received. The White council members did not believe I was qualified for the CAO position. I was suspended for issues that were outside of my control.

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 phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

Jan 23, 2020

Date

Shedrick A. Berard

Charging Party Signature

NOTARY - When necessary for State and Local Agency Requirements

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.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

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I believe that I was discriminated against because of my race, Black, and retaliation in violation of Title VII of the Civil Rights Act of 1964, as amended.

The white councilmen were afraid that if I would be completely trained by the Louisiana Municipal Association Clerk Association. They understood that I would be fully competent to handle all aspect of the City Clerk/CAO position. The training coordinator for the Louisiana Municipal Association Clerk Association confirmed to me that I could be trained to perform the duties of this position. She is a certified master municipal city clerk with over 22 years of expertise. The current CAO has been there for over 6 months and still making many errors and is not receiving the harassment, insults, being smeared in the news media or receiving disciplinary action from the 2 white councilmen. I am the first black person to be appointed to this position. Historically the City of St. Martinville does believe in the practice of hiring much less retaining or giving much chance to black employees in key positions. The City hired Chief of Police Paula Smith but he was forced to retire. Mayor Mitchell and I reached out to the Louisiana Municipal Association for training and we were told that the Louisiana Municipal Clerk Association provides training for all new City Clerks. Once the two white councilmen found out about the training, they began more harsh harassment. They blamed me for assignments that were not my responsibility. They that the that I would be receiving would have trained me in all aspects of the City Clerk/CAO duties. This training was free of charge to the City of St. Martinville and an experienced Clerk Clerk/ CAO would have assigned to me for a minimum of 12 months. I spoke to the Certified Master City Clerk, who coordinated the training and in her professional opinion, she felt I was intelligent enough to learn the job.

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PRIVACY ACT STATEMENT: Under the Privacy Act of 1974, Pub. Law 93-579, authority to request personal data and its uses are:

1. **FORM NUMBER/TITLE/DATE.** EEOC Form 5, Charge of Discrimination (11/09).
2. **AUTHORITY.** 42 U.S.C. 2000e-5(b), 29 U.S.C. 211, 29 U.S.C. 626, 42 U.S.C. 12117, 42 U.S.C. 2000ff-6.
3. **PRINCIPAL PURPOSES.** The purposes of a charge, taken on this form or otherwise reduced to writing (whether later recorded on this form or not) are, as applicable under the EEOC anti-discrimination statutes (EEOC statutes), to preserve private suit rights under the EEOC statutes, to invoke the EEOC's jurisdiction and, where dual-filing or referral arrangements exist, to begin state or local proceedings.
4. **ROUTINE USES.** This form is used to provide facts that may establish the existence of matters covered by the EEOC statutes (and as applicable, other federal, state or local laws). Information given will be used by staff to guide its mediation and investigation efforts and, as applicable, to determine, conciliate and litigate claims of unlawful discrimination. This form may be presented to or disclosed to other federal, state or local agencies as appropriate or necessary in carrying out EEOC's functions. A copy of this charge will ordinarily be sent to the respondent organization against which the charge is made.
5. **WHETHER DISCLOSURE IS MANDATORY; EFFECT OF NOT GIVING INFORMATION.** Charges must be reduced to writing and should identify the charging and responding parties and the actions or policies complained of. Without a written charge, EEOC will ordinarily not act on the complaint. Charges under Title VII, the ADA or GINA must be sworn to or affirmed (either by using this form or by presenting a notarized statement or unsworn declaration under penalty of perjury); charges under the ADEA should ordinarily be signed. Charges may be clarified or amplified later by amendment. It is not mandatory that this form be used to make a charge.

NOTICE OF RIGHT TO REQUEST SUBSTANTIAL WEIGHT REVIEW

Charges filed at a state or local Fair Employment Practices Agency (FEPA) that dual-files charges with EEOC will ordinarily be handled first by the FEPA. Some charges filed at EEOC may also be first handled by a FEPA under worksharing agreements. You will be told which agency will handle your charge. When the FEPA is the first to handle the charge, it will notify you of its final resolution of the matter. Then, if you wish EEOC to give Substantial Weight Review to the FEPA's final findings, you must ask us in writing to do so within 15 days of your receipt of its findings. Otherwise, we will ordinarily adopt the FEPA's finding and close our file on the charge.

NOTICE OF NON-RETALIATION REQUIREMENTS

Please **notify** EEOC or the state or local agency where you filed your charge if **retaliation is taken against you or others** who oppose discrimination or cooperate in any investigation or lawsuit concerning this charge. Under Section 704(a) of Title VII, Section 4(d) of the ADEA, Section 503(a) of the ADA and Section 207(f) of GINA, it is unlawful for an *employer* to discriminate against present or former employees or job applicants, for an *employment agency* to discriminate against anyone, or for a *union* to discriminate against its members or membership applicants, because they have opposed any practice made unlawful by the statutes, or because they have made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under the laws. The Equal Pay Act has similar provisions and Section 503(b) of the ADA prohibits coercion, intimidation, threats or interference with anyone for exercising or enjoying, or aiding or encouraging others in their exercise or enjoyment of, rights under the Act.