

Ms. Sandy Barnard  
Human Resources Direc./Manager  
CITY OF GAINESVILLE (GRU)  
MUNICIPAL GOVERNMENT POWER  
Gainesville, FL 32602

PERSON FILING CHARGE

Gary P. Swanson

THIS PERSON (check one or both)

Claims To Be Aggrieved

Is Filing on Behalf of Other(s)

EEOC CHARGE NO.

510-2009-03923

**NOTICE OF CHARGE OF DISCRIMINATION**

(See the enclosed for additional information)

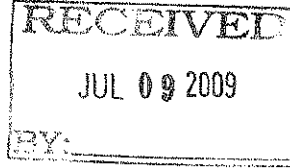
This is notice that a charge of employment discrimination has been filed against your organization under:

Title VII of the Civil Rights Act

The Americans with Disabilities Act

The Age Discrimination in Employment Act

The Equal Pay Act



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 **03-AUG-09** 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 **03-AUG-09** 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:

Juan Gonzalez,  
Enforcement Supervisor

EEOC Representative

Telephone (305) 808-1762

Miami District Office  
2 South Biscayne Blvd  
Suite 2700  
Miami, FL 33131

Enclosure(s):  Copy of Charge

CIRCUMSTANCES OF ALLEGED DISCRIMINATION

RACE  COLOR  SEX  RELIGION  NATIONAL ORIGIN  AGE  DISABILITY  RETALIATION  OTHER

See enclosed copy of charge of discrimination.

Date

July 1, 2009

Name / Title of Authorized Official

Jacqueline McNair,  
District Director

Signature

# 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

510-2009-03923

State or local Agency, if any

and EEOC

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

**Gary P. Swanson**

Home Phone (Incl. Area Code)

**(352) 472-6135**

Date of Birth

**03-07-1949**

Street Address

City, State and ZIP Code

**25624 Nw 62 Avenue, High Springs, FL 32643**

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 GAINESVILLE**

No. Employees, Members

**500+**

Phone No. (Include Area Code)

**(352) 334-3400**

Street Address

City, State and ZIP Code

**P. O. Box 490, Gainesville, FL 32601**

Name

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

*RECEIVED  
JUN 29 2009  
EEOC Miami District Office*

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

RACE  COLOR  SEX  RELIGION  NATIONAL ORIGIN  
 RETALIATION  AGE  DISABILITY  OTHER (Specify below.)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

Latest

**11/01/2008**

**05-04-2009**

CONTINUING ACTION

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

1. I am a 60 year old individual. I began working for the Respondent on November 9, 1979 in the position of Utilities Engineer. I have been harassed by John Stanton, Assistant Manager for nine months. On May 4, 2009, I was demoted and reassigned to a demeaning job and given significantly fewer job assignments and worked in a hostile work environment.
2. The reason for the treatment accorded me was that John Stanton tried to get me to quit or retire. On May 18<sup>th</sup> I could no longer take the harassment and the hostile work environment; I retired in order not to lose my retirement benefits.
3. I believe that I have been discriminated against because of my age, in violation of The Age Discrimination in Employment Act of 1967, as amended.

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.

NOTARY -- When necessary for State and Local Agency Requirements

*Susan Frazier*

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

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

SUBSCRIBED AND SWORN TO BEFORE ME THIS 24<sup>th</sup> day of June 2009  
SUSAN FRAZIER  
Notary Public - State of Florida

6/24/09 Gary P. Swanson

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U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

REQUEST FOR INFORMATION

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Charging Party: Gary P. Swanson  
Respondent: CITY OF GAINESVILLE  
EEOC Charge No.: 510-2009-03923

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.

Issue: DEMOTION

1. Submit all documents which describe or relate to demotion policies and procedures for the relevant period and a copy of the applicable union contract for the relevant period. Submit a detailed explanation of your organization's demotion policy and procedures for the charging party's work area. This explanation should include:

- a. role of the applicable union contract in demotions
- b. criteria for demotion, indicating the relative weight given to each factor, and
- c. name and position held for each individual involved in the demotion procedure during the relevant period.

2. If the charging party has ever been demoted or involuntarily reassigned to a lower paying position, state the following:

- a. date of the demotion and reason,
- b. statement of whether the charging party had any right of appeal, and whether the charging party made use of appeal rights,
- c. name and position held of the person recommending charging party's demotion,
- d. name and position held of person making final decision to demote charging party, and
- e. name of all witnesses to each event which contributed to the demotion.

Submit all documents which state, describe, reference, or relate to the charging party's demotion including, but not limited to, all evaluations and investigative reports.

3. List all those who have been demoted or reassigned for the same or similar reasons as the charging party during the relevant period. For each person, list the following:

- a. name,
- b. whether demoted or reassigned,
- c. date of the demotion/reassignment,
- d. position from which demoted/reassigned, and
- e. specific reasons for the demotion/reassignment.

Submit all documents which state, describe, reference, or relate to each demotion/reassignment including, but not limited to, the resolution of the complaint.

4. List any employees who were placed in the position from which the charging party was demoted or transferred. For each person, list the following:

- a. name,
- b. date of hire or transfer, and
- c. qualifications.

Issue: HARASSMENT

1. State whether your organization has adopted any procedure by which an employee may register a complaint of harassment by co-workers or supervisors. If your answer is yes, describe and, if written, submit a copy of such procedures. Explain how these procedures are communicated to employees and supervisory personnel.

2. State whether the charging party complained to any supervisor or manager regarding the conduct described in the Charge of Discrimination. If your answer is yes, identify the person or persons with whom the complaint was registered and describe each and every action taken by your organization in response to that complaint. Provide a copy of any written document which reflects the complaint and the action taken as a result of the complaint.

3. State whether any other individual has complained to any supervisor or manager concerning the conduct described in the Charge of Discrimination. If the answer is yes, please list the following:

- a. name, position, of individual placing the complaint,
- b. name, position, of supervisor or manager, and
- c. any actions taken by your organization in response to the complaint.



U.S. Equal Employment Opportunity Commission  
Miami District Office

2 South Biscayne Blvd  
Suite 2700  
Miami, FL 33131  
(305) 808-1851  
TTY (305) 808-1742  
FAX (305) 808-1855

Charging Party: Gary P. Swanson  
EEOC Charge No.: 510-2009-03923

July 6, 2009

Ms. Sandy Barnard  
Human Resources Direc./Manager  
CITY OF GAINESVILLE (GRU)  
MUNICIPAL GOVERNMENT POWER  
Gainesville, FL 32602

Dear Ms. Barnard:

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,

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Juan Gonzalez  
Enforcement Supervisor

Response Deadline Date: August 6, 2009

The following dates are considered to be the "relevant period" for the attached Request for Information:  
June 25, 2008 - June 24, 2009