

BERNSEN

L A W F I R M

420 NORTH MLK, JR. PKWY
BEAUMONT, TEXAS 77701

409-212-9994

409-212-9411 (FAX)

April 27, 2012

Katherine Jager, Investigator
U.S. Equal Employment
Opportunity Commission
Houston District Office
Total Plaza
1201 Louisiana Street, 6th Floor
Houston, Texas 77002

VIA FEDERAL EXPRESS

Re: Rodney Pearson
Respondent: City of Jasper
EEOC Charge No.: 460-2012-02074

Dear Ms. Jager,

Enclosed please find the following documents regarding the above-referenced matter:

- **Charge of Discrimination; and**
- **Additional statements to “Charge of Discrimination – Particulars” (two pages).**

Thank you for your assistance in this matter. Please contact me should you have any questions or concerns.

Sincerely,



David E. Bernsen

DEB/dmm
Enclosures

<p align="center">CHARGE OF DISCRIMINATION</p> <p><small>This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</small></p>	<p>Charge Presented To: Agency(ies) Charge No(s):</p> <p><input type="checkbox"/> FEPA</p> <p><input checked="" type="checkbox"/> EEOC 460-2012-02074</p>
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Texas Workforce Commission Civil Rights Division and EEOC

State or local Agency, if any

Name (indicate Mr., Ms., Mrs.) Mr. Rodney Pearson	Home Phone (Incl. Area Code) (409) 212-9994	Date of Birth 5/7/1966
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Street Address c/o David Bernsen 420 North Milk Jr. Pkwy	City, State and ZIP Code Beaumont, TX 77701
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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 JASPER	No. Employees, Members 15 - 100	Phone No. (Include Area Code) (409) 383-6109
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Street Address 465 South Main	City, State and ZIP Code Jasper, TX 75951
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Name	No. Employees, Members	Phone No. (Include Area Code)
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Street Address	City, State and ZIP Code
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<p><small>DISCRIMINATION BASED ON (Check appropriate box(es).)</small></p> <p> <input checked="" type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> GENETIC INFORMATION <input type="checkbox"/> OTHER (Specify) </p>	<p><small>DATE(S) DISCRIMINATION TOOK PLACE</small></p> <table style="width:100%; border:none;"> <tr> <td style="text-align:center; border:none;"><small>Earliest</small></td> <td style="text-align:center; border:none;"><small>Latest</small></td> </tr> <tr> <td style="text-align:center; border:none;">04-21-2011</td> <td style="text-align:center; border:none;">04-24-2012</td> </tr> </table> <p align="center"><input checked="" type="checkbox"/> CONTINUING ACTION</p>	<small>Earliest</small>	<small>Latest</small>	04-21-2011	04-24-2012
<small>Earliest</small>	<small>Latest</small>				
04-21-2011	04-24-2012				

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

- I. On April 21, 2011, I became the first Black Chief of Police for the City. Following the resignation of Chief Todd Hunter, on February 14, 2011, I was named Interim Chief of Police. In order to be considered for permanent position, I not only completed an application, but underwent a rigorous mandatory background check which was not required of any former Chief and was not required of any other candidate for the current posting. The Human Resources Director devised a new scoring system heavily weighted to work against the selection of Charging Party. In monetary and non-monetary ways, Charging Party has not received or been allowed to participate in many of the rights and privileges of the office whenever it's been held by a non-Black Chief.
- II The City informed Charging Party that it would be detrimental to the City if there was a formal public swearing-in ceremony because. No explanation is given for the exclusion of Charging Party in relevant management meetings and communication.
- III. I believe that I have been, and am continuing to be, subjected to discrimination because of my race, Black, in violation of Title VII of the Civil Rights Act of 1964, 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 – <i>When necessary for State and Local Agency Requirements</i>
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<p>I declare under penalty of perjury that the above is true and correct.</p> <p style="font-size: 1.5em; margin-top: 20px;"><i>[Signature]</i></p> <p>4-26-12</p> <p align="center"><small>Date</small></p>	<p>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.</p> <p><small>SIGNATURE OF COMPLAINANT</small></p> <p align="center"><small>SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)</small></p>
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Rodney Pearson
Charge No. 460-2012-02074
Respondent: City of Jasper

Additional statements to "Charge of Discrimination – Particulars"

On February 14, 2011, Rodney Pearson was hired as the Interim Chief of Police for the City of Jasper, Texas. Chief Pearson would be replacing the current chief, Todd Hunter, who resigned his post. Mr. Hunter is white. Chief Pearson was, and is, the City's first black police chief. Chief Pearson was advised that he would be required to fill out a job application in order to be considered for the position of permanent chief. As part of this process, Chief Pearson was subjected to a rigorous background check -- a background check that had never been required of any white chief of police nor which was conducted on any of the other current candidates. Chief Pearson submits that this process was motivated by racial animus.

Also, for the first time the City Human Resources Director employed a new scoring system to select the permanent chief of police. The system was intended to be biased against Chief Pearson.

On April 20, 2011, the City, with the approval of the City Attorney, released the background report of Chief Pearson to the public. Chief Pearson's private information, including his social security number and the identity of his family, was not redacted before this information was provided to the public. Chief Pearson submits that no white employee of the City has ever been subjected to such a blatant violation of their privacy. The actions of the City were motivated by racial animus.

Chief Pearson was selected as the permanent police chief on April 21, 2011. When Chief Pearson was hired as interim police chief in February he was given a salary of \$70,000.00. Upon becoming permanent police chief in April, Chief Pearson was not given a salary increase until months later. When the salary for the permanent position was approved, Chief Pearson was refused back pay for that salary increase to the date of his permanent hire. This refusal was motivated by racial animus.

At no point either in his appointment as Interim Chief or Permanent Chief, was Chief Pearson provided a formal swearing-in ceremony. Chief Pearson was informed that no ceremony would be provided because it would be detrimental to the City. No other new police chief has been denied a formal swearing-in ceremony.

Chief Pearson, unlike the white employees of the City of Jasper and in violation of the City's employment policies, has never been offered health insurance.

The City hired a new fire marshall in 2009. This person is white. None of the Fire Marshall's licenses or credentials to properly serve as fire marshall were current at the time of his hiring. Nevertheless, the City paid for the Fire Marshall to attend all the necessary classes and to obtain all the necessary certifications.

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In January of 2012, Chief Pearson was offered a spot as an enrollee at the prestigious Northwestern University School of Police, Staff and Command. While Chief Pearson secured payment of the tuition from an outside source, he requested that the City pay the cost of room and board. Treating Chief Pearson differently from the white fire chief, the City refused.

In every year prior to 2011, the City conducted a budget workshop to get the input of all the heads of the City services. No budget workshop was conducted in 2011. Instead, at a City Council meeting, the Mayor asked the heads of City services if they were comfortable with the budget already drafted. The Mayor did not ask Chief Pearson and therefore, he had no input into the budget for the police department. The 2011-12 police department budget was cut. Chief Pearson submits that no other white police chief or white head of City services has ever been cut out of the budgeting process.

For years the City of Jasper has decorated its public buildings for the December holidays. In December 2011 Chief Pearson noticed that all the public City buildings had holiday decorations, provided for and set up by City employees. When he contacted the City Manager about decorations for the police department, Chief Pearson was advised that the City had "misplaced" the police department's decorations. When Chief Pearson complained, he was told that if he wanted decorations for the police department, he would have to go purchase them himself. When he did so and requested that public works hang the decorations as they did for every other City department, he was told that they would only hang them on the front of the building, although every other City building had decorations around their buildings. Chief Pearson submits that no white chief of police has ever been treated this way nor was any white department head treated this way.

These factual allegations establish a pattern, beginning the moment Chief Pearson was hired until today, of the racially motivated actions of Chief Pearson's employer, the City of Jasper as well as employees of the City of Jasper resulting in both disparate treatment and disparate impact discrimination.



Shipment Receipt
Address Information

Ship to:	Ship from:
Katherine Jager,	David Bernsen
Investigator	
U.S. Equal Employment	
Opportunity	
1201 LOUISIANA ST FL 6	420 North MLK, Jr. Parkway
6TH FLOOR	
HOUSTON, TX	Beaumont, TX
77002-5625	77701
US	US
4092129994	4092129994

Shipping Information

Tracking number: 793504092165

Ship date: 04/27/2012

Estimated shipping charges: 17.21

Package Information

Service type: FedEx 2-Day

Package type: FedEx Envelope

Number of packages: 1

Total weight: 1LBS

Declared value: 0.00USD

Special Services: Residential Delivery

Pickup/Drop-off: Use an already scheduled pickup at my location

Billing Information

Bill transportation to: DEB-876

Your reference: Pearson

P.O. no.:

Invoice no.:

Department no.:

Thank you for shipping online with FedEx ShipManager at fedex.com.

Please Note

FedEx will not be responsible for any claim in excess of \$100 per package, whether the result of loss, damage, delay, non-delivery, misdelivery, or misinformation, unless you declare a higher value, pay an additional charge, document your actual loss and file a timely claim. Limitations found in the current FedEx Service Guide apply. Your right to recover from FedEx for any loss, including intrinsic value of the package, loss of sales, income interest, profit, attorney's fees, costs, and other forms of damage whether direct, incidental, consequential, or special is limited to the greater of \$100 or the authorized declared value. Recovery cannot exceed actual documented loss. Maximum for items of extraordinary value is \$500, e.g., jewelry, precious metals, negotiable instruments and other items listed in our Service Guide. Written claims must be filed within strict time limits. Consult the applicable FedEx Service Guide for details. The estimated shipping charge may be different than the actual charges for your shipment. Differences may occur based on actual weight, dimensions, and other factors. Consult the applicable FedEx Service Guide or the FedEx Rate Sheets for details on how shipping charges are calculated.