



Can I File a Discrimination Complaint?

If you believe that you have been discriminated against, you may be able to file a complaint with the City of Madison Department of Civil Rights, Equal Opportunities Division (EOD), this page explains whether or not you meet the criteria to file a complaint.

Identify Your Type of Complaint

First you need to determine what type of complaint you have. There are four types of complaints that can be filed here—those involving discrimination in Housing, Employment, Public Accommodations, and City Facilities.

1. *Housing*

Housing is a residence or place where people live. We take cases that involve selling or renting as well as those concerning mobile homes.

2. *Employment*

We accept complaints from all types of employment, including full-time, part-time, seasonal, and temporary employees. We also accept cases that involve employment agencies and labor unions. We do not accept cases involving an independent contractor relationship.

3. *Public Accommodations*

Public accommodations include places and services that are open to the public. It also includes places where goods and services are either free or available for a cost. For example, places of public accommodations include clinics, malls, movie theaters, barbershops, motels, restaurants, and taverns.

4. *City Facilities*

We take cases involving property that is owned by the City of Madison or services that it provides.

Satisfy The Following Criteria

1. **Location**

The act of discrimination must have occurred within the City of Madison.

2. **Time Limits**

For complaints involving housing discrimination:

You must file the complaint within 365 days from the latest discriminatory incident.

For all other complaints:

You must file the complaint within 300 days from the latest discriminatory incident.

3. **Prima Facie**

You must:

- a. Belong to (or be associated with) at least one of the protected classes identified in the Equal Opportunities Ordinance (see back of page for complete list)
- b. Have suffered a negative action or unfair treatment
- c. Demonstrate that the negative action or unfair treatment occurred because of your membership in a protected class.

Please feel free to contact the Department of Civil Rights, Equal Opportunities Division, during business hours, Monday-Friday, 8:00 am-4:30 pm at (608) 266-4910.

You can file a complaint using the portal on our website at www.cityofmadison.com/dcr.

IF YOU NEED AN ACCOMMODATION IN ORDER TO ACCESS THIS SERVICE OR NEED MATERIALS IN BRAILLE, LARGE PRINT OR AN ALTERNATE FORMAT, PLEASE CONTACT OUR OFFICE.





Can I File a Discrimination Complaint?

Protected Classes under the Madison Equal Opportunities Ordinance:

- Sex
- Age (18+)
- Race
- Color
- Non-religion
- Religion
- Marital status
- Familial status
- Student status
- National origin or ancestry
- Physical appearance
- Handicap/disability
- Domestic partners
- Sexual orientation
- Conviction record(does not apply to housing)
- Arrest record(does not apply to housing)
- Political beliefs
- Lawful Source of income
- Homelessness
- Less than honorable discharge
- Refusal to disclose Social Security Number
- Gender identity
- Genetic identity
- Citizenship status
- Victim of domestic abuse, sexual assault, or stalking (applies to housing only)
- Credit history (applies to employment only)
- Unemployment (applies to employment only)
- Retaliation

Example of a Complaint of Discrimination

If your employer wrote you up because you came in late, you cannot automatically assume that your employer discriminated against you. It is important to notice whether or not you were singled out. For example, say that you are the only Hispanic cook at a restaurant. You notice that your employer wrote you up when you were 15 minutes late, but did not write up any of the other cooks when they came in 15 minutes late.

These sorts of actions should signal to you that maybe your employer has treated you unfairly because of your membership in a protected class.

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City of Madison
Department of Civil Rights
210 Martin Luther King, Jr. Blvd., Rm. 523
Madison, WI 53703



dcr@cityofmadison.com
www.cityofmadison.com/dcr
Voice (608) 266-4910
FAX (608) 266-6514



Filing a Complaint with the EOD: A Guide for the Complainant

This brochure is a guide to help you understand the process of filing a complaint. It will provide you, “the Complainant,” with the knowledge you will need to file against “the Respondent” (the company or organization that you are accusing of discrimination).

IMPORTANT THINGS TO REMEMBER WHEN FILING A COMPLAINT

Learn Whether Or Not You Meet The Criteria To File A Complaint

First and foremost it is important to know if you are able to file a complaint of discrimination with the EOD. To learn if you may file, read our brochure: Can I File a Discrimination Complaint?

Documentation is Key

It will be useful to keep a written record of any actions and comments that may help show that you were discriminated against. While you generally don’t need this information when you first file your complaint, it will help you present your case once the investigation begins.

If possible, it will be helpful to write down certain things like the time and date of conversations you had with your supervisor or anyone else on the Respondent’s side. Also, it might be useful to document things like the names of any witnesses, notices you feel were discriminatory, as well as the response you received.

Remember to keep your own personal records, separate from the business, organization, or person that you are filing a claim against. This is to make absolutely certain that all of your records are correct and you have them if you need them.

Any written record(s) you keep may strengthen your case and help you in the end.

Witnesses

In addition to documenting important events and comments, it helps your case if you find people who witnessed the discrimination you experienced. The EOD does not call these witnesses. It is your responsibility to get a written statement from them.

Ask all witnesses to write a statement about what they saw or heard. Ask them to sign and date their statement and write their phone number and address. Keep these for your personal file. They may become helpful during the investigation.

Witnesses must have first-hand knowledge of the information that they may be called to speak about. For example, it would NOT strengthen your case to have a witness who had only heard of your discrimination. Witnesses must have been right there when a discriminatory action happened or directly heard the discriminatory comments relating to your case.

WHILE FILING A COMPLAINT:

Make certain to complete the entire form. Be clear and give as many details as possible. For example, if you think that you were discriminated against because of your race, it is important to write what your race is (Black, White, etc.). Then write exactly what happened to show how you were treated differently because of your race.

Remember that it is necessary that you show that you were treated differently from others who are NOT members of your protected class. When comparing, use examples where you and other people were treated differently under similar circumstances.

A sample complaint form is available to review and provide guidance while filling out your complaint on our website.

AFTER FILING A COMPLAINT:

It is your responsibility to update the Department of Civil Rights, Equal Opportunities Division, if you have a change of address or phone number. Also, if you plan to be absent from the city for a week or more, let us know. This is very important because we must dismiss your complaint if we are unable to locate you. This is true even if we find that discrimination may have happened.

Within ten (10) days of filing your complaint, intake specialists will reach out to you with next steps and provide important information about your case. If you decide to drop your case, it is your responsibility to withdraw it in writing.

Please feel free to file a complaint using the portal on our website at www.cityofmadison.com/dcr.

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City of Madison
Department of Civil Rights
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Voice (608) 266-4910
FAX (608) 266-6514



EOD Case Number:

EEOC Case Number:

COMPLAINT OF DISCRIMINATION

COMPLAINANT

Name: Kelly Green		
Address: 412 Hampton Street #3		
City: Madison	State: WI	Zip Code: 53703
Telephone: 608-266-4910	Email Address: kelly.green@gmail.com	

RESPONDENT

Name: Russell Hunt Company		
Address: 2100 Hunter Rd		
City: Madison	State: WI	Zip Code: 53703
Telephone: 608-555-4910	Email Address: hr@russellhuntcompany.com	

COMPLAINANT'S CONTACT PERSON (Name someone outside of your household who would know how to contact you)

Name: Casey Gomez		
Address: 2705 Blue Water Way		
City: Madison	State: WI	Zip Code: 53714
Telephone: 281-555-1996	Email Address: gomez1996@yahoo.com	

This complaint is about:

<input type="checkbox"/> Housing	<input checked="" type="checkbox"/> Employment	<input type="checkbox"/> Public Accommodations	<input type="checkbox"/> City Services
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1. When did the last incident of discrimination happen? 03/13/2019
2. Where did the incident of discrimination occur?(City/State) Madison, WI
3. I believe I faced discrimination because I belong to the following protected class(es) (Although you may belong to many protected classes, only mark the box(es) of the protected class(es) that you feel you were discriminated against.

<input checked="" type="checkbox"/> Sex: Female	<input type="checkbox"/> Arrest Record (employment & public accommodation complaints only)
<input type="checkbox"/> Color:	<input type="checkbox"/> Conviction Record (employment & public accommodation complaints only)
<input checked="" type="checkbox"/> Race: Black	<input type="checkbox"/> Domestic Partners
<input type="checkbox"/> National Origin/Ancestry:	<input type="checkbox"/> Homelessness
<input type="checkbox"/> Religion:	<input type="checkbox"/> Non-Religion
<input type="checkbox"/> Sexual Orientation:	<input type="checkbox"/> Retaliation
<input type="checkbox"/> Source of Income:	<input type="checkbox"/> Student
<input type="checkbox"/> Disability:	<input type="checkbox"/> Genetic Identity (employment & housing complaints only)
<input type="checkbox"/> Marital Status:	<input type="checkbox"/> Social Security (employment & public accommodation complaints only)
<input type="checkbox"/> Familial Status:	<input type="checkbox"/> Unemployment (employment complaints only)
<input checked="" type="checkbox"/> Age: DOB: <u>02/15/1960</u>	<input type="checkbox"/> Less than Honorable Discharge from the Military
<input type="checkbox"/> Gender Identity:	<input type="checkbox"/> Credit History (employment complaints only)
<input type="checkbox"/> Physical Appearance:	<input type="checkbox"/> Citizenship
<input type="checkbox"/> Political Beliefs:	<input type="checkbox"/> Victim of Domestic Abuse, Sexual Assault or Stalking (housing complaints only)

4. Explain what occurred that you feel was discriminatory by answering the following questions:

a. What negative treatment or action did you experience?

My employer demoted me on 03/11/2019 from the position I have held for the last 10 years. I complained that instead of demotion, I deserved a promotion. After I complained, I was told I had a bad attitude and then was fired on 03/13/2019 I have a great work record and have never been disciplined.

b. Explain how each action was related to your protected class(es) (Refer to Question 3)

People with less experience and less seniority were promoted while I was demoted. They were not people of color and were all younger by about 20 years and were all men. The new management staff said discriminatory things about older workers at Russell Hunt and show a patten of only promoting young, white men.

What do you hope to get out of this process?

- | | | |
|---|--|---|
| <input checked="" type="checkbox"/> Apology | <input type="checkbox"/> Remove personnel record | <input type="checkbox"/> Moving expenses |
| <input checked="" type="checkbox"/> Attorney fees | <input type="checkbox"/> Job | <input type="checkbox"/> Out of pocket expenses |
| <input type="checkbox"/> Lost Wages | <input type="checkbox"/> Letter of reference | <input type="checkbox"/> Training through DCR |
| <input type="checkbox"/> Difference in rent | <input type="checkbox"/> Financial settlement | <input type="checkbox"/> Vacant unit |
| <input type="checkbox"/> Other _____ | <input type="checkbox"/> Reinstatement | |

By signing below, I hereby agree to comply with the Equal Opportunities Commission Rules and to fully participate in the investigation of this complaint. I am aware that failure to do so may result in the dismissal of the case.

Does the employer have 15 or more employees? Yes No

x Kelly Green

Signature of complainant or authorized representative

Date Signed: 06/01/2019

CCP Use Only

Organization: _____



Department of Civil Rights

Norman D. Davis, Director

City-County Building, Room 523
210 Martin Luther King, Jr. Boulevard
Madison, Wisconsin 53703
Phone: (608) 266-4910
Fax: (608) 266-6514
dcr@cityofmadison.com
www.cityofmadison.com/dcr

Equal Opportunities Division

OUTLINE OF COMPLAINT PROCESS

You have filed a complaint of discrimination or a complaint has been filed against you. This is an outline of what happens next.

It is your decision as to whether or not to be represented by an attorney. We have provided our attorney referral list to you, but cannot provide you an attorney. You may represent yourself or have an advocate. You are not required to have an attorney for the EOC process, however, if you wish to be represented, you are responsible to find your own attorney, advocate or other representative.

A. Early Mediation

Your case has been assigned to a Mediator for an early mediation. That person's name is on the letter attached to the complaint. The letter also contains a date for the mediation. A Mediator will talk to the parties and try to help them reach a resolution. Mediation is a voluntary process.

If mediation is waived, or a resolution cannot be reached, your case will be assigned to an investigator. If the mediation is successful, the Complainant will sign an EOD Withdrawal Form and the EOD will take no further action.

B. Investigation

Should either party waive mediation, or if mediation is unsuccessful, your case will be assigned to an investigator. You will receive your investigator's name and contact information, along with a questionnaire you will need to provide responses to. It is necessary that you comply with all deadlines given by the investigator. The information received by the investigator during this time will form the basis for their determination. Once the investigation is completed, you will receive an initial determination. The determination may be probable cause to believe that discrimination occurred, no probable cause, or a combination of the two.

1. No Probable Cause

A NO PROBABLE CAUSE determination will be issued if the investigator does not conclude that discrimination may have occurred. If the Complainant does not appeal in writing, the case will be closed. If appealed, the hearing examiner will review the determination. Either party may submit additional information to the hearing examiner. The examiner may uphold or overturn

the determination. If the examiner upholds the finding of no probable cause, the Complainant may submit a written appeal of the examiner's decision to the Equal Opportunities Commission for review. If there is no appeal, the case will be closed.

2. Probable Cause

A determination of PROBABLE CAUSE means that based on information collected, the investigator concluded that discrimination may have occurred. There is no appeal of a finding of probable cause. The case then proceeds to conciliation.

C. Conciliation

Conciliation is a voluntary process to try to resolve the case. When a probable cause determination is made, the case will be scheduled for conciliation. If either party does not wish to conciliate, or if the parties cannot reach an agreement, the case will be certified to a public hearing on the merits.

D. Hearing on the Merits

When a case is certified to hearing, each party may present evidence, call witnesses, cross-examine witnesses, make objections, and make opening and closing statements--similar to a courtroom hearing or trial.

The hearing examiner does not consider information from the investigation. You must present all of the evidence and witnesses at the hearing that you want the hearing examiner to consider in deciding your case, even if it was previously presented. You may request the examiner to provide you with subpoenas for your witnesses and/or documents.

Based on the evidence presented at the hearing, the hearing examiner will make a decision whether or not discrimination occurred. This decision is called Recommended Findings of Fact, Conclusions of Law and Order and will include a finding of discrimination and a remedy, or a reason why discrimination was not found.

E. Commission and Court Appeals

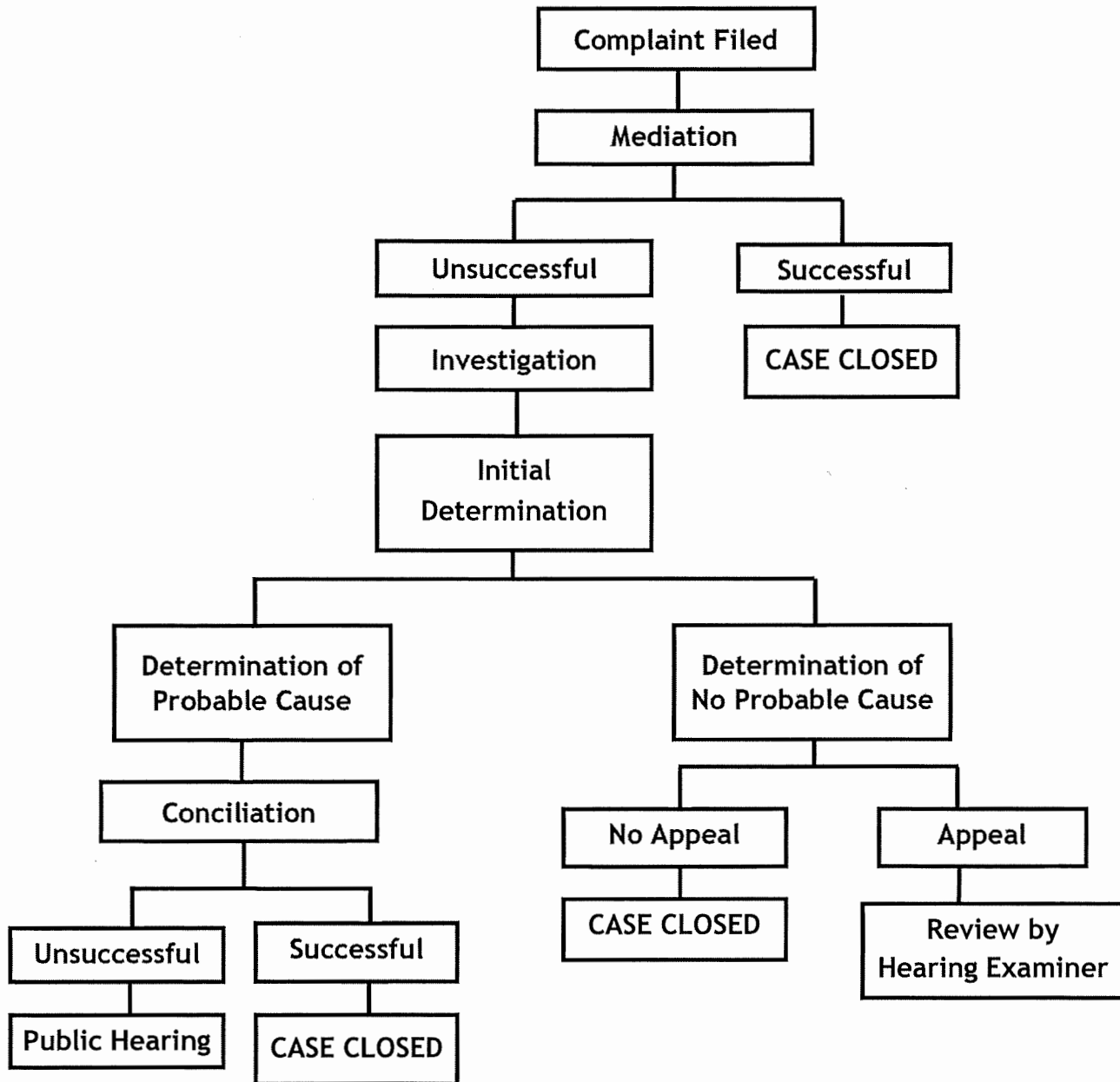
The hearing examiner's decision may be appealed in writing to the Commission by either party. The Commission reviews the record made at the hearing. New evidence will not be considered. Either party may appeal the Commission's decision to circuit court.

You may contact our office if you have any questions about the complaint process.

This is intended to be a general guide to the complaint process and is not intended to be an exhaustive description of all possibilities. If you need an interpreter, materials in alternate formats or other accommodations to access this service, activity or program, please contact us at (608) 266-4910.



The Complaint Process



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ATTORNEY REFERRAL LIST

This list is purely informational. The following attorneys have expressed an interest in representing Complainants and/or Respondents in discrimination matters under Section 39.03 of the Madison General Ordinances, the Equal Opportunities Ordinance. These attorneys affirm they have been the attorney of record in at least one Madison Equal Opportunities Division case or in at least two discrimination cases elsewhere. These attorneys have agreed to provide a free half-hour consultation to persons who contact them regarding discrimination matters (Section 39.03).

It is solely up to you to pay your attorney. The Equal Opportunities Division is not involved with, nor liable for, payment or collection of fees. This is not an exclusive list. You may retain any attorneys on this list; you may retain any other attorney (not listed) of your choice; you may have any other person (non-attorney) assist you. You may also represent yourself

Complainant		
Law Firm	Attorneys (Additional Languages Offered)	Email, Phone, and Website
Forberger Law S.C. 2509 Van Hise Ave. Madison, WI 53705	Mr. Victor Forberger	vforberger@fastmail.fm 608-352-0138 law.vforberger.fastmail.fm
Williams Oby Law Group 1402 Pankratz St., Ste. 103 Madison, Wisconsin 53704	Ms. Krystal Williams-Oby	ko@kwolaw.com 608-406-2329 www.kwolaw.com
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Herrick & Kasdorf, LLP 16 N. Carroll St., Ste. 500 Madison, WI 53703	Mr. David Sparer	sparer@herricklaw.net 608-257-1369 www.herricklaw.net
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Amy Scarr, S.C. 131 W. Wilson St., Suite 900 Madison, WI 53703	Ms. Amy Scarr	attorneyamyscarr@gmail.com 608-255-6610 www.madisondiscriminationattorney.com
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Respondent		
<u>Law Firm</u>	<u>Attorneys</u> (Additional Languages Offered)	<u>Email, Phone and Website</u>
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Complainant or Respondent		
<u>Law Firm</u>	<u>Attorneys</u> (Additional Languages Offered)	<u>Email, Phone, and Website</u>
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Schaefer Law Office 14 W. Mifflin St., Ste. 206 Madison, WI 53703	Mr. Steven J. Schaefer	schaeferlawoffice@tds.net 608-256-3636 www.stevenschaefer.com
Bolles Law Office LLC PO Box 1878 Madison, WI 53701	Mr. David A. Bolles	dbolles.law@gmail.com 608-403-3249 www.affordableadvocacynow.com
Stroud, Willink & Howard LLC 33 E Main St., Ste. 300 Madison, WI 53703	Mr. Peter J. Richter	prichter@stroudlaw.com 608-257-2281 www.stroudlaw.com