

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

RODNEY PEREZ,)	
)	
Plaintiff,)	
)	
v.)	No.
)	
CITY OF PERU, SCOTT HARL,)	
JEFF KING,)	
)	JURY DEMANDED
Defendants.)	

COMPLAINT

Plaintiff, Rodney Perez, by his attorneys, brings this Complaint against Defendants the City of Peru (the “City” or “Peru”), Scott Harl, and Jeff King, to redress (1) discrimination on the basis of race, including harassment, creation of a racially hostile work environment, and retaliation; and (2) acts of retaliation in violation of Perez’s First Amendment rights, all in violation of 42 U.S.C. § 1983. Perez also brings claims for national origin discrimination and retaliation in violation of Title VII of the Civil Rights Act of 1964, as amended (“Title VII”), 42 U.S.C. §2000e *et seq.* In support of his claims, Perez states as follows:

INTRODUCTION

1. Rodney Perez was a firefighter for the City of Peru Fire Department (the “PFD”) from June 2006 until he was constructively discharged in July 2017. During his entire tenure at the PFD, with the exception of a probationary firefighter who worked for a short period of time but was not hired, Perez was the only

Hispanic firefighter, as well as the only firefighter of Mexican heritage. Defendant Jeff King became the PFD's Chief in 2009 and has served in that position ever since. Throughout his tenure at the PFD, Perez was harassed and discriminated against due to his race and Mexican heritage. This harassment and discrimination was pervasive and known by King, who acquiesced in it. After informal complaints went unanswered, Perez filed a formal complaint with the City's Department of Human Resources, after which Chief King began a campaign of harassment and retaliation against Perez designed to drum him out of his job.

2. In 2011 Perez was elected Alderman in Peru. In that position, he took stands against corruption in City government, clearly matters of public concern, which at times put him at odds with Defendant Scott Harl, Peru's Mayor, as well as Chief King. One time in particular, in response to accusations of corruption by the Mayor and in the face of the City Council calling for a private, Council-led internal investigation, Perez called for an investigation by law enforcement. Shortly thereafter, prior to a City Council meeting, Harl told Perez that his days working for the City of Peru were "numbered." After that time, both Harl and King waged a campaign against Perez, in retaliation for Perez exercising his First Amendment rights.

3. In the winter of 2016-2017, Perez ran for Mayor against Harl, again taking positions antagonistic to Harl on matters of public concern. Perez took a leave of absence from his firefighter position during that campaign. After Harl won that election, King sought to prevent Perez from returning to work at the PFD,

erecting barriers that did not exist for others returning from leaves of absence. When Perez did return, the harassment campaign reached new heights, culminating in an incident where Perez's firefighting equipment was tampered with, forcing Perez to conclude that his safety was in jeopardy if he remained a PFD firefighter.

4. Perez brings this action for compensatory and punitive damages, and other relief caused by the City's and the individual Defendants' discriminatory and retaliatory conduct.

PARTIES

5. Perez is an individual residing in Peru, Illinois. Perez was an employee of the City of Peru Fire Department, as that term is defined in Title VII, 42 U.S.C. §2000e(f), from June 2006 to July 2017. He also served as an elected Alderman for the City from April 2011 through April 2015.

6. The City of Peru is a municipal corporation located in LaSalle County, Illinois. The PFD is an "executive branch of the city [of Peru] government." Peru Code of Ordinances, §42-31(a). At all relevant times, the City was an employer as that term is defined in Title VII, 42 U.S.C. §2000e(b).

7. Scott Harl is an individual residing in LaSalle County, Illinois. Harl is the Mayor of the City of Peru. Pursuant to the Peru Code of Ordinances, § 2-100, "The mayor shall supervise the conduct of all the city officers and employees and shall see that they faithfully and efficiently discharge the duties of their respective offices. He shall inquire into all reasonable complaints made against such officers

and employees and shall cause all of their neglects of office or violations of duty to be promptly corrected.” At all times relevant, Harl acted under color of state law.

8. Jeff King is an individual residing in LaSalle County, Illinois. King is the Chief of the Peru Fire Department. He was appointed to that position by Harl. Pursuant to the Peru Code of Ordinances, § 42-33(c), the Fire Chief has responsibility for the “supervision and control over all members and employees in the fire department and shall be responsible for its efficient management.” At all times relevant, King acted under color of state law.

JURISDICTION AND VENUE

9. This Court has jurisdiction over the claims alleged herein pursuant to 28 U.S.C. §§ 1331 and 1343, and 42 U.S.C. §2000e-5(f)(3).

10. Venue is proper in this Court pursuant to 28 U.S.C. § 1391 and 42 U.S.C. §2000e-5(f)(3) because the unlawful acts alleged herein were committed within the District, and all parties reside in this district.

11. On August 4, 2017, Perez timely filed Charge Number 440-2017-04861 against the City with the Equal Employment Opportunity Commission (“EEOC”), alleging national origin discrimination and retaliation. A copy of Perez’s Charge is attached as Exhibit A. On November 2, 2017, the EEOC issued Perez a Notice of Right to Sue, which he received on or about November 7, 2017. A copy of the EEOC Notice is attached hereto as Exhibit B.

FACTUAL BACKGROUND

A. Perez Becomes a Peru Firefighter and Community Leader

12. Rodney Perez was born in Peru, Illinois. His father was a firefighter for the PFD, and as a child Perez spent many hours at the PFD fire house. Through his childhood experiences and those of his father, Perez grew up wanting to become a Peru firefighter.

13. Perez realized his goal and was hired as a firefighter for the PFD in June 2006. The position of firefighter in Peru is a part-time job. Except for two leaves of absence in 2015 and 2017 when Perez ran for political office in Peru, he was continually employed by the PFD from the time of his hire until he was constructively discharged in July 2017. As a PFD firefighter, Perez reported to King.

14. Perez is Hispanic; he has dark hair, skin, and eyes. His national origin is Mexican. At the time he became a firefighter, and throughout his tenure, there have been approximately 26 firefighters at any one time. With the exception of a probationary firefighter who worked for a short time and was not ultimately hired, Perez was the only Hispanic or person of Mexican national origin employed by the PFD throughout his tenure there.

15. In addition to performing his responsibilities as a firefighter for PFD, Perez enjoyed a reputation as a community leader in several respects. In 2010, he was appointed the PFD's Public Education Officer. In that capacity, he regularly led programs in and around Peru promoting fire safety and education. These programs

were popular and solidified Perez's standing in the community as a service-oriented leader.

16. In addition, Perez, often in his own free time and with his own money, sponsored community outreach events. For example, beginning in 2013 he put together annual winter festivals for Peru families and children, which included a popular "sleigh with a firefighter" event for kids. Perez would dress in full fire gear and sleigh ride with children. Beginning in 2012, Perez also led volunteer city beautification efforts, "City-Wide Litter Clean-Up Days," and then in 2013 took over planting and watering flowers on public grounds throughout Peru. The City purchased flowers, and Perez and his volunteers planted and maintained them throughout the summer months.

17. Perez also operated a non-profit 501(c) organization, "Operation Promise," which promoted safety in the community, including by participating in various community events.

B. Perez Is Harassed by Members of the PFD.

18. Perez's standing and popularity in the greater Peru community did not immunize him from the prejudices of members of the PFD. Throughout his employment as a firefighter, Perez was subject to harassment, slights, slurs, assaults, and mistreatment by fellow firefighters on the basis of his race and national origin. The harassment was pervasive and rampant, including, but not limited to:

- firefighters repeatedly calling Perez slurs such as "spic," "beaner," "taco," and "little Mexican";

- firefighters spraying Perez with a water hose, or otherwise ensuring that he got wet, so they could refer to him as a “wetback”;
- in discussing the possibility of other Hispanic firefighters being hired, stating words to the effect, “we already have one, we don’t need another.”

19. These incidents were not hidden and often occurred in the presence of King. King took no action against the perpetrators. At times when King was present, he would laugh along at the slurs. In addition to acquiescing in, tolerating, and condoning the harassment against Perez, King promoted one of the prime perpetrators, who he knew to be such, from part-time firefighter to fulltime-firefighter and Lieutenant. In fact, on information and belief, King promoted the perpetrator even though another firefighter who sought the full-time firefighter position was higher-ranked on a state eligibility list.

C. Perez Becomes a City of Peru Alderman and Takes Positions on Matters of Public Concern Against Mayor Harl.

20. In 2011 Perez ran for, and was elected, Alderman for the City of Peru. Perez staked positions on the City Council in favor of good government and transparency, against wasteful spending, and against corruption and self-dealing by Peru officials.

21. In or around October 2013, Peru’s newly-hired Superintendent of Public Works, Sean Mikos, accused Harl of providing a favored employee an under-the-table pay raise over the course of several years, through surreptitiously making unearned “overtime” payments to him, without City Council approval, at a time when Peru was in the midst of a pay freeze for employees generally. The City

Council took up the matter. In a meeting in November 2013, Perez called for an investigation of the matter, including Harl's conduct, by law enforcement, the results of which should be made public. Perez was outvoted by the remaining Council members, who instead approved a private, internal investigation by a local former judge.

22. Before a City Council meeting on December 30, 2013, Harl told Perez, whose stance on the overtime payment scandal antagonized Harl, that Perez's days as a City of Peru employee were "numbered."

23. In or around January 2014, King prevented Perez from using fire gear and staging a display of fire apparatus in connection with the "sleigh with a fireman" event for local children as part of the winter festival Perez hosted. By doing so, Harl effectively ended Perez's popular children's outreach event. While this popular event provided no financial reward to Perez, it helped bolster his reputation as a community leader.

24. In early 2015, Perez ran for re-election as Alderman. He asked for and received a leave of absence for the duration of the campaign, to avoid any conflicts of interest.

25. Perez lost the election for Alderman in or around April 2015 and returned to work at the PFD. Before returning to work, he was required to have completed his mandated annual department physical, which he completed prior to taking the leave of absence. Perez thus returned to work in April 2015 with no additional requirement for a "return to work" physical.

26. On August 20, 2015, King sent Perez a memorandum informing him that he was eliminating the office of Public Education Officer, and thus terminating Perez from that position, giving Perez no valid reason for doing so. While the position was unpaid, it provided a platform for Perez to serve the community and strengthened his reputation as a community leader.

27. Shortly before sending that memorandum, King also told Perez that Perez's Operation Promise could no longer participate in an annual community parade that was upcoming because the Mayor no longer approved of it. In prior years at that community parade, Perez had worked through Operation Promise to present an educational program related to the hazards of driving while intoxicated and driving while texting.

D. Perez Runs for Mayor Against Harl, Takes Positions Antagonistic to Harl and King, and Suffers Retaliation and Increased Harassment.

28. When Superintendent of Public Works Mikos resigned, Harl appointed King to that position. King kept his Fire Chief position; consequently, his City salary substantially increased. King was not qualified for the Public Works position.

29. In the winter of 2016-2017, Perez ran for Mayor of Peru against Harl. Among his platform items was that the City hire a qualified Public Works Superintendent, thereby allowing King to focus on his job as fire chief. This would also have the effect of limiting him to one salary. Perez made this position known publicly throughout his campaign. Both King and Harl strongly opposed this position.

30. King falsely told PFD firefighters that if elected Mayor, Perez intended to fire King from his position as Chief of the PFD, displace command vehicles used by other firefighters and PFD officers, and “shake up” the fire department. After King made these assertions, the slurs, insults, assaults, and harassment described above increased in frequency and intensity.

31. In addition to repeated slurs, including “spic,” etc., Perez was, again, sprayed with water and called “wetback.”

32. A firefighter asked Perez before Halloween if he would be dressing up as a “Chalupa.”

33. During Donald Trump’s presidential campaign, firefighters repeatedly asked Perez whether he would knock over “the wall” and bring his family into this country if Trump was elected. One time when this remark was made, Deputy Fire Chief Jim Duncan was present, and rather than reprimand the perpetrator for the racist remark, he laughed at it. Perez complained to Duncan, who did nothing, instead telling Perez “you know how these guys are,” or words to that effect.

34. Having received no help from Duncan, Perez then complained to King, who also did nothing and said roughly the same thing to Perez to explain the comments away.

35. On December 28, 2016, Perez sought, and was granted, a leave of absence from January 1 until April 1, 2017, so he could run his campaign for Mayor without any conflict of interest.

36. On March 14, 2017, in response to a FOIA request, the City turned over what purported to be an email from Deputy Chief Duncan to Chief King, describing an alleged conversation between Duncan and Perez, in which Duncan supposedly admonished Perez about missing a substantial number of fire calls. The conversation the email purported to describe never happened.

E. Perez Meets Resistance from King and Peru HR When He Attempts to Return to Work after his Leave of Absence.

37. Harl won the election on April 4, 2017, and when Perez sought to return to work at the PFD, King retaliated against Perez by erecting unprecedented barriers to his return. In addition, the racial and ethnically-based harassment escalated.

38. Perez's leave of absence ended on April 1, 2017. On March 28, 2017, he emailed King and the City's Human Resources Director, Kim Reese, that he intended to return to work at the PFD on April 1. Reese responded on March 29, stating that "as required with your last leave of absence in 2015" Perez would need to successfully complete the department physical. He told her that he had undertaken his full annual physical, as required by the PFD in October 2016, thus he was not due for another physical until fall/winter 2017.

39. Because the City told him to, Perez saw the City's occupational health nurse on March 31, 2017 for a physical. Since Perez's full department physical for the year already had been completed, the nurse was confused about why a physical was ordered and gave him a "return to work physical," which is required after health-based leaves of absence. Perez passed and was cleared to return to work.

That day he emailed and hand-delivered the results to Reese and King, telling them he planned to return on April 1, 2017. Reese then emailed Perez that King needed to review the results and that he was out of town for the weekend (April 1 was a Saturday) and would do so the following week. Reese told Perez he could not report to the PFD until King had reviewed the results and approved his return.

40. The following week, when Perez still had not heard from King about whether he would be permitted to return to work, Perez texted King concerning his status. King responded that Perez would not be permitted to return to work until he passed blood and lung tests, which are part of the annual physical and not part of the “return to work” physical. Other firefighters (including non-Hispanic firefighters and firefighters who had not exercised their First Amendment rights as Perez had) returning from leaves of absence were not required to take these additional tests. When told of this new requirement, Perez requested a copy of the policy requiring he take a full physical, but none was provided to him.

41. Perez took and passed the full physical, including those tests, on April 6, 2017. The results were sent to King and HR no later than April 7, 2017. Perez immediately sought to return to work at the PFD. As of April 22, Perez still had not heard from King or Reese about his return.

42. On April 26, 2017, Perez filed a formal complaint with Peru’s Human Resources Department, claiming retaliation, harassment, and discrimination, citing the barriers placed on his return to work as well as past episodes of race and national origin harassment. He did not seek punishment for any Peru firefighter for

the harassment, or consequences against King or Harl, but instead only sought harassment and sensitivity training for PFD members.

43. Perez asked that his complaint be kept confidential, so as not to incite more harassment from Peru firefighters.

44. On April 28, 2017, Perez inquired of King about joining Liberty Fire Company (“LFC”). Prior to 2010, LFC was the entity that employed Peru firefighters. All LFC members became City employees in 2010, but all activities, social events, meetings, fundraising, and other events involving PFD business occurred through LFC. Perez had resigned from LFC when he became an Alderman in 2011 to avoid conflict of interest. All PFD firefighters are members of LFC. When Perez sought readmission in April 2017, however, King refused his request, and told him to fill out an application that would be considered in June. On information and belief, no other active PFD firefighter had been refused admission into LFC or asked to fill out such an application. Perez’s application never was acted on and he was not admitted to LFC.

45. In May 2017, in further retaliation against Perez, King as Public Works Superintendent, ended his volunteer beautification program, choosing instead to pay approximately \$16,000 to a local greenhouse business, that had supported Harl in the recent election, to do the work that Perez and his volunteers had previously done for free.

46. Perez was not permitted to return to work until May 1, and even then he was not yet cleared to go out on fire calls. King imposed an unprecedented

requirement that Perez complete 12 hours' worth of training within 45 days before he would be allowed to go out on a call. The practice had always been that firefighters had four months to complete 12 hours of training. Firefighters who were not Hispanic or Mexican or who had not exercised their First Amendment rights were not subject to this requirement.

47. On May 1, 2017, Perez met with Reese concerning his formal complaint. Reese agreed to institute training in the areas of diversity and harassment. After meeting with Reese, Perez met with King, who expressed to Perez that he wanted to put the past behind them. They then returned to the fire station and King told him about the additional training requirements he was imposing.

48. On May 8, 2017, Perez met with the PFD training officer to set up a plan for completing the make-up training necessary to return to work, when it was confirmed to him that he would be given 45 days to complete the training. Perez immediately set up two trainings over the next two weeks, plus a third one at Flint Hills (a local chemical plant), and an extra "B" training in late May, to give him the supposedly requisite training in 20 days. However, he was told he could not do "extra" trainings and had to complete the specific trainings he missed, further delaying his return. These requirements were not imposed on other firefighters.

49. On May 25, 2017, a PFD captain told Perez that he was glad Perez was not on his squad, because Perez had complained about harassment and being called

a “spic.” Perez had not notified the captain, or any else at the PFD, that he had made a formal complaint.

50. On June 10, 2017, Perez attended a fire training with the MABAS Hazardous Material Response Team (“Haz Mat Team”). Between 2010 and 2012, Perez had been a member of the Haz Mat Team. After 2012 he continued the training and maintained the certification necessary to be a member again, and once he was no longer an elected Peru official, he sought to devote that extra time to, among other things, service on the Haz Mat Team.

51. At the June 2017 training, Perez asked a Haz Mat Team board member if he could rejoin the team. The board member told Perez they were short-handed and he would welcome Perez’s return, but needed Chief King’s approval. King, however, told Perez that he would not approve him joining the Haz Mat Team, citing alleged concerns about Perez’s attendance record. Perez’s attendance had never been an issue and there were no conflicts affecting Perez’s attendance for the PFD in the years prior when Perez on the Haz Mat team. Perez lost potential income and an opportunity to serve his community because of King’s denial of his request.

52. Also, on June 10, 2017, Perez completed the final training required of him, and immediately reached out to King to be permitted to take fire calls, but Perez was not reinstated to take fire calls until June 13.

53. Also, on June 13, 2017, Perez filed another formal complaint updating events since the meeting on his prior complaint. This complaint included further

examples of harassment and retaliation and explained how the harassment had intensified after his prior complaint became public. Perez also pointed out that no harassment or diversity training had occurred, even though Reese promised it would.

54. Reese asked to meet with Perez in person to discuss this new complaint. However, neither King, Reese, nor anyone else with the City ever scheduled a meeting; responded to Perez's complaint; conducted any harassment or diversity training; or took any action to remedy the harassment.

55. Throughout June and July, Perez was regularly harassed by other firefighters, and continued to be called "spic," "wetback," "beaner," etc.

F. Perez Is Forced to Resign Over Concerns for His Safety as a Firefighter.

56. On July 26, 2017, Perez reported to the fire station for a training that was to take place at the regional airport. Perez retrieved his equipment from his locker, put it in the back of the fire truck and rode to the airport. Upon arrival, Perez and other firefighters grabbed their gear and moved to the front of the truck to gear up. As Perez put on his boots, he felt a soft, mushy substance in them. He removed his boots, turned them upside down, and saw pinto beans and a pepper come out. Perez called his wife, and he left the airport and the training session.

57. After this latest incident of harassment, Perez feared for his safety. He concluded that he could not take the risk of having his equipment tampered with when responding to a fire. He knew he could not trust his fellow firefighters to

“have his back” when confronting dangerous situations during fires and other emergencies.

58. Although King and Reese assured Perez that they would investigate and determine the person responsible for this incident, Perez suspected they would not do anything to protect him since they never followed through on prior promises to take action.

59. On information and belief, the PFD conducted a halfhearted investigation and concluded that it could not identify the perpetrator. On information and belief, the PFD still has not conducted any harassment or diversity training.

60. Fearing for his safety, and concluding that the PFD would take no action to stop the harassment and discrimination, Perez submitted his resignation on July 27, 2017.

Count I
Against the City of Peru
For Violation of 42 U.S.C. § 1983
Arising from Race Discrimination
In Violation of 42 U.S.C. § 1981

61. Perez realleges paragraphs 1 through 60 as if fully set forth herein.

62. Section 1981 mandates that “[a]ll persons within the jurisdiction of the United States shall have the same right ... to make and enforce contracts ... as is enjoyed by white citizens.” 42 U.S.C. § 1981(a).

63. Section 1983 mandates that “every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory ...

subjects, or causes to be subjected, any citizen of the United States ... to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured.” 42 U.S.C. § 1983.

64. At all relevant times, Perez was qualified for and adequately performed his job for the City.

65. King, as the Chief of the PFD, was the policymaking official with final policymaking authority for the discharge of any employee of the PFD.

66. The discrimination against Hispanics was pervasive at the PFD. King had knowledge of it and acquiesced in it by his actions alleged above, including but not limited to: failing to stop the harassment of Perez, promoting one of the primary perpetrators of the harassment of Perez, and failing to conduct diversity and harassment training. As such, discrimination was apparent and amounted to a policy decision.

67. The City, through King, constructively discharged Perez from his position as firefighter because of his race, in violation of 42 U.S.C. § 1981(a). The City’s termination of Perez from his employment with the City deprived him of his rights secured by Section 1981, thereby violating 42 U.S.C. § 1983.

68. As a result of the City’s conduct, Perez has suffered financial, emotional, and other damages.

Count II
Against the City of Peru
For Violation of 42 U.S.C. § 1983
Arising from Retaliation
In Violation of 42 U.S.C. § 1981

69. Perez realleges paragraphs 1 through 68 as if fully set forth herein.

70. The City, through King, constructively discharged Perez from his employment with the City in retaliation for his complaints of race discrimination, in violation of 42 U.S.C. § 1981(a). The City's constructive discharge of Perez from his employment with the City deprived him of his rights secured by Section 1981, thereby violating 42 U.S.C. § 1983.

71. As a result of the City's conduct, Perez has suffered financial, emotional, and other damages.

Count III
Against Defendant King
For Violation of 42 U.S.C. § 1983
Arising from Race Discrimination
In Violation of 42 U.S.C. § 1981

72. Perez realleges paragraphs 1 through 71 as if fully set forth herein.

73. Acting under color of state law, King by his actions alleged above -- including but not limited to acquiescing in the harassment of Perez, taking away Perez's position as Public Education Officer, depriving him of the opportunity to rejoin the Haz Mat Team, erecting barriers to his return to work after his leave of absence in 2017, and constructively discharging him from his employment with the City -- discriminated against Perez because of his race, in violation of 42 U.S.C. §

1981(a). King's conduct deprived Perez of his rights secured by Section 1981, thereby violating 42 U.S.C. § 1983.

74. King's conduct was intentional and was committed with malice or reckless indifference to Perez's federally protected rights.

75. As a result of King's conduct, Perez has suffered financial, emotional, and other damages.

Count IV
Against Defendant King
For Violation of 42 U.S.C. § 1983
Arising from Retaliation
In Violation of 42 U.S.C. § 1981

76. Perez realleges paragraphs 1 through 75 as if fully set forth herein.

77. Acting under color of state law, King by his actions alleged above -- including but not limited to acquiescing in the harassment of Perez, taking away Perez's position as Public Education Officer, depriving him of the opportunity to rejoin the Haz Mat Team, erecting barriers to his return to work after his leave of absence in 2017, and constructively discharging him from his employment with the City -- retaliated against Perez for his complaints of discrimination due to his race and national origin, in violation of 42 U.S.C. § 1981(a). King's conduct deprived Perez of his rights secured by Section 1981, thereby violating 42 U.S.C. § 1983.

78. King's conduct was intentional and was committed with malice or reckless indifference to Perez's federally protected rights.

79. As a result of King's conduct, Perez has suffered financial, emotional, and other damages.

Count V
Against Defendants King and Harl
for Violation of 42 U.S.C. § 1983
Arising from Retaliation
in Violation the First Amendment

80. Perez realleges paragraphs 1 through 79 as if fully set forth herein.

81. At all times relevant, Defendants King and Harl acted as employees, supervisors, and final policymakers for Peru.

82. The First Amendment, through the Fourteenth Amendment and § 1983, protects free speech, including the rights of public employees (1) to seek public office, (2) to espouse positions they would take as an elected official, and (3) to make statements and take positions while serving as elected officials, all without retaliation. The positions taken by Perez during his campaigns and while Alderman, as alleged above, were matters of public concern.

83. Defendants King and Harl, by taking the adverse employment actions and other actions against Perez alleged above, retaliated against Perez in violation of his free speech rights under the First Amendment through the Fourteenth Amendment and § 1983. Those actions were motivated by Perez's constitutionally protected speech.

84. The retaliatory actions of Defendants King and Harl alleged above harmed Perez in the exercise of his First Amendment rights, as guaranteed by the Fourteenth Amendment and § 1983. They were intentional and committed with malice.

85. The retaliatory actions of Defendants King and Harl alleged above caused Perez to suffer financial, emotional, and other damages.

Count VI
Against Defendant City of Peru
For National Origin Discrimination
and Harassment In Violation of Title VII

86. Perez realleges paragraphs 1 through 85 as if fully set forth herein.

87. Through the conduct alleged above, the City subjected Perez to national origin discrimination and a racially hostile work environment, in violation of Title VII, 42 U.S.C. §2000e et seq.

88. As a result of the City's conduct, Perez has suffered financial, emotional, and other damages.

Count VII
Against Defendant City of Peru
For Retaliation
In Violation of Title VII

89. Perez realleges paragraphs 1 through 88 as if fully set forth herein.

90. Through the conduct alleged above -- including but not limited to harassing Perez, taking away Perez's position as Public Education Officer, depriving him of the opportunity to rejoin the Haz Mat Team, erecting barriers to his return to work after his leave of absence in 2017, and constructively discharging him from his employment with the City -- the City retaliated against Perez, in violation of Title VII, 42 U.S.C. §2000e et seq.

91. As a result of the City's conduct, Perez has suffered financial, emotional, and other damages.

Prayer for Relief

WHEREFORE, Plaintiff Rodney Perez respectfully requests that this Court:

- (1) award him back-pay, front pay, and compensation for past and future monetary and non-monetary losses in an amount to be determined at trial;
- (2) award him pre-judgment interest on all liquidated amounts due and owing;
- (3) award him punitive damages to the extent allowed under the law;
- (4) award him attorneys' fees and costs; and
- (5) grant such other and further relief as may be just and proper.

Demand for Jury Trial

Perez demands a jury trial on all claims.

RODNEY PEREZ

By: /s/ Robert L. Margolis
One of his attorneys

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Exhibit A

EEOC Form 5 (11/09)

CHARGE OF DISCRIMINATION		Charge Presented To: Agency(ies) Charge No(s):	
This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		<input type="checkbox"/> FEPA	440-2017-04861
		<input checked="" type="checkbox"/> EEOC	
Illinois Department Of Human Rights and EEOC			
State or local Agency, if any			
Name (Indicate Mr., Ms., Mrs.)		Home Phone	Year of Birth
Mr. Rodney Perez		815-245-7566	
Street Address		City, State and ZIP Code	
1433 Rock Street, PERU, IL 61354			
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		No. Employees, Members	Phone No.
CITY OF PERU FIRE DEPARTMENT		101 - 200	(815) 223-0061
Street Address		City, State and ZIP Code	
816 West Street, PERU, IL 61354			
Name		No. Employees, Members	Phone No.
Street Address		City, State and ZIP Code	
DISCRIMINATION BASED ON (Check appropriate box(es))			DATE(S) DISCRIMINATION TOOK PLACE
<input type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input checked="" type="checkbox"/> NATIONAL ORIGIN <input checked="" type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> GENETIC INFORMATION <input type="checkbox"/> OTHER (Specify)			Earliest Latest 06-01-2011 07-27-2017 <input type="checkbox"/> CONTINUING ACTION
THE PARTICULARS ARE: (If additional paper is needed, attach extra sheet(s))			
I was hired by Respondent on or about June 1, 2006. My most recent position was Firefighter. During my employment, I was subjected to harassment and different terms and conditions of employment, including, but not limited to, being required to undertake a medical exam prior to returning from a leave of absence. I complained to Respondent to no avail. I was constructively discharged.			
I believe I have been discriminated against because of my national origin, Hispanic, and in retaliation for engaging in protected activity, 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 - When necessary for State and Local Agency Requirements	
I declare under penalty of perjury that the above is true and correct.		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.	
Digitally signed by Rodney Perez on 08-04-2017 12:34 PM		SIGNATURE OF COMPLAINANT	
		SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)	

Exhibit B

EEOC Form 161 (11/15)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: Rodney Perez
1433 Rock Street
Peru, IL 61354

From: Chicago District Office
600 West Madison St
Suite 2000
Chicago, IL 60661

On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.	EEOC Representative	Telephone No.
440-2017-04861	Brandi Kraft, Investigator	(312) 869-8153

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

- The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.
- Your allegations did not involve a disability as defined by the Americans With Disabilities Act.
- The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.
- Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge
- The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.
- The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.
- Other (briefly state)

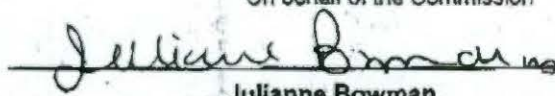
- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed WITHIN 90 DAYS of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.

On behalf of the Commission



Julianne Bowman,
District Director

11/2/17
(Date Mailed)

Enclosures(s)

cc: CITY OF PERU FIRE DEPT.
c/o ErlN Walsh
Klein, Thorpe & Jenkins, Ltd.
20 North Wacker Drive., Ste. 1660
Chicago, IL 60606