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
- [X] EEOC — 520-2021-04371

New York State Division Of Human Rights and EEOC

State or local Agency, if any

Name (indicate Mr., Ms., Mrs.)	Home Phone (Incl. Area Code)	Date of Birth
Mr. Jerome Barberio	[redacted]	[redacted]

Street Address / City, State and ZIP Code

39 Grand Street, Apt. 3111, Mamaroneck, NY 10543

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. (Include Area Code)
VILLAGE OF MAMARONECK	**201 - 500**	**(914) 825-8126**

Street Address / City, State and ZIP Code

123 MAMARONECK AVE, Mamaroneck, NY 10543

Name	No Employees, Members	Phone No. (Include Area Code)
Mayor Thomas Murphy, Deputy Mayor Kelly Wenstrup, Trustee Victor Tafur, Trustee Nora Lucas and Trustee Dan natchez		

Street Address / City, State and ZIP Code

Same as above

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

- [ ] RACE
- [ ] COLOR
- [X] SEX
- [ ] RELIGION
- [X] NATIONAL ORIGIN
- [ ] RETALIATION
- [ ] AGE
- [ ] DISABILITY
- [ ] GENETIC INFORMATION
- [X] OTHER (*Specify*) **Sexual Preference (Heterosexual)**

DATE(S) DISCRIMINATION TOOK PLACE

Earliest: **06-03-2019** Latest: **10-26-2021**

- [ ] CONTINUING ACTION

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

Please see additional paper attached below.

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.

Nov 19, 2021

Date — *ting Party Signature* Jerome Barberio

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*)

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.

I am employed by Respondent Village of Mamaroneck as its Village Manager. I commenced employment on January 28, 2019 and continue in that position to today. I report directly to the Village Mayor and Village Board of Trustees. As set forth herein, during the course of my employment, I have been subjected to: discrimination and harassment based on my national origin (Italian American), sex (male) and sexual preference (heterosexual), as well as ongoing retaliation for having opposed sexual advances by one of the Village Trustees, Daniel Natchez. As part of these retaliatory actions, it is my sincere belief that Trustee Natchez influenced his very close friend, Stuart Tiekert, to engage in a harassment campaign against me, including at the public Board meetings and in various posts/public statements.

More specifically, I was subjected to sex discrimination and harassment by a member of the Board of Trustees, Daniel Natchez, in February 2019 and March 2019. This took place during the first few meetings with him in my office at Village Hall when I was working on Fridays and Saturdays. Trustee Natchez made unwanted advances toward me by inviting me to "sleep over" and stating he had a spare bedroom in his home on two occasions – both of which I rejected outright and which made me feel very uncomfortable. On both occasions, Trustee Natchez was very interested and inquired about where I was staying while working these days. On the first occasion, I told him where I was staying but then again, a few weeks later, he asked again about my sleeping/staying over accommodations. Both incidents were very inappropriate and uncomfortable. I was particularly troubled that despite my initial rejection, he persisted in making the advance again. I reported the unwanted advances to Mayor Tom Murphy who advised me to just "stay away" from Trustee Natchez. That of course is impossible since I regularly meet with the Trustees, including at Board meetings. At the time, I also told my Secretary Danielle Gilliard about Natchez' unwanted advances. Upon information and belief, Trustee Natchez was never counseled or cautioned in any way to cease this unwanted behavior and the Village did not conduct any investigation or take any remedial action.

Following this, in late 2019 when I was asked to lunch at Sedona's on North Barry Avenue by Trustee Natchez. Due to me feeling uncomfortable, I cancelled several times but ultimately agreed to meet in a public place because I felt pressure from him to meet. At that meeting, Trustee Natchez attempted to exert influence over me in a threatening manner when he stated I was to "back off" a particular employee who was under investigation for theft of time. Of course, I advised the other Trustees via email about this disturbing incident.
Since that time, Trustee Natchez' close friend, Mr. Tiekert, also would send multiple emails per week questioning each and every municipal function managed by me including items that are not related to him or his property or his family in any way whatsoever. Hundreds of emails and Freedom of Information Law (FOIL) requests are sent to the Village and my attention. Then, at almost every public Board Meeting, Trustee Natchez would use his power as Trustee to press me to answer Mr. Tiekert's accusatory questions. The other Trustees did not engage in similar behaviors, and it was clear to me that he was working closely with Mr. Tiekert to harass me, demean me, and retaliate against me in this fashion. These meetings were available on the local public access channel and were recorded for the public to access.

On September 7, 2020, in my capacity as Village Manger, I received a police report regarding disturbing behavior in a public park towards young children. The complaint was from the mother of a young child who is a resident in the Village alleging that an older man was taking pictures of children playing at the Harbor Island Park playground. I learned that the older man was Trustee Natchez and, upon information and belief, he had utilized his influence as a Police Commissioner to avoid formal charges. This incident was reported to the Board of Trustees on October 26, 2020 (Executive Session), and to the Village of Mamaroneck Ethics Board on November 16, 2020, and an investigation was started by the Westchester County District Attorney's office on December 7, 2020, which remains open to this date. The evidence submitted to the Village and to Westchester County included photographs and video footage depicting Mr. Natchez walking along the beach taking photos of small children in bikinis/bathing suits at or about the same timeframe in early September 2020. At the October 26, 2020, Executive Session Meeting of the Board of Trustees, I urged the Board members to "deal with the issue". To this day, I do not believe the Board has addressed this issue. In fact, at that meeting, I learned from Deputy Mayor Wenstrup, that Mr. Natchez was previously warned about that very disturbing behavior approximately 10 years ago during a campaign meeting.

it is my sincere belief that Mr. Natchez not only influenced his very close friend, Stuart Tickert, to engage in a harassment campaign me but that he then utilized his position as a Trustee to block any efforts to address my complaints and put an end to the harassing behavior.

Mr. Tiekert has also posted derogatory public comments, for example calling me a "bullshitter" in emails on June 19, 2021 and making accusations that I am "running a racket" in favor of developers who work in the Village, a term used frequently in referring to Italian American organized crime. These comments were also brought to the attention of the Board of Trustees.

On March 8, 2021, in an Executive Session Board meeting, Trustee Natchez and Trustee Lucas pressed the Village Labor Attorney to investigate alleged "harassment" by me with respect to a Village employee who was subjected to disciplinary action for failing a drug test and then generated a false claim against me. It was clear that Trustee Natchez was laser focused on retaliating against me in any way he could since this this conversation persisted at great length during the Executive Session despite an investigation where very clear and consistent witness statements showed I did not engage in any harassment but rather the employee did.
On August 9, 2021, Mr. Tiekert intentionally attempted to prevent me from carrying out my job duties and responsibilities by physically blocking my movements and invading my personal space in a threatening manner. Mr. Tiekert also publicly called me a "Wop", a derogatory term referring to undocumented Italian immigrants ("without papers") and is a known slur. No action was taken by any of the Board members to put a stop to his aggressive and demeaning behavior despite my previous complaints about similar behaviors. A police report was filed regarding this matter.

On September 13, 2021, Trustee Natchez then publicly criticized at a Board meeting my handling of the rescue and recovery response of Hurricane IDA flooding in Mamaroneck. Contradicting his public defamation of me, I have received overwhelming praise for the swift and effective management of the recovery from the devastation of IDA. To date, only he and two of his very close friends, Stuart Tiekert and Gina von Eiff, have criticized my handling of the massive devastating flood continuing and furthering the harassment and retaliation.
On numerous occasions over the past two years, I have asked the Board of Trustees, including Trustee Tafur, Trustee Lucas, Deputy Mayor Wenstrup, Mayor Murphy and even Trustee Natchez (all of whom are my supervisors in the chain of command) to take action to put an end to the hostile work environment created by Mr. Tiekert and Trustee Natchez. Despite my repeated complaints, absolutely no action has been taken to remediate the environment. It is my understanding that no investigation was ever commenced into my complaints/requests for intervention.

To that end, even my most recent request for the Board to act to stop the ongoing hostile work environment was denied on October 26, 2021 where I sought protective intervention by public resolution. Trustee Natchez and his allied Board member voted against doing so resulting in a 2:2 vote (note: Trustee Tafur was absent for the vote). On the basis of the foregoing, I assert violations of my rights to be free from discrimination and harassment on the basis of my sex, sexual preference, and national origin, together with ongoing and continuous retaliation as a result of my rejecting Mr. Natchez' prior advances, in violation of my rights as guarantee by Title VII of the Civil Rights Act of 1964, as amended, and the New York State Executive Law Section 296.