

# IOWA CIVIL RIGHTS COMMISSION COMPLAINT FORM

Complaint of Discrimination under Iowa Code Chapter 216, "Iowa Civil Rights Act of 1965"  
*NOTE: A copy of this complaint will be sent to the Organization or person you are filing against.*

(AGENCY USE ONLY)	
ICRC CP# _____	<b>Iowa Civil Rights Commission</b>
Local Commission# _____	<b>400 East 14<sup>th</sup> Street</b>
EEOC# _____	<b>Des Moines, IA 50319-0201</b>
<b>515-281-4121 / 800-457-4416 / Fax: 515-242-5840 / <a href="http://www.state.ia.us/government/crc">http://www.state.ia.us/government/crc</a></b>	

(TYPE OR PRINT)

1. What is your legal name?                      Mark Maxwell Martianson
  
2. What is your mailing address?              123 Main Street, Eldridge, Iowa 52748
  
3. Telephone #:                                      563-285-5555
  
4. Your date of birth?                              January 18, 1381              Your sex?                      Male
  
- Your Race?    Martian                      Your National Origin? Mars

**5. Check the reason for the discrimination. (I was discriminated against because of my ...)**

<b>RACE</b>	<input type="checkbox"/> Black <input type="checkbox"/> White <input type="checkbox"/> Asian <input type="checkbox"/> American Indian <input checked="" type="checkbox"/> Other (please identify): <u>Martian</u>
<b>NATIONAL ORIGIN</b>	<input type="checkbox"/> Hispanic <input type="checkbox"/> Mexican <input type="checkbox"/> East Indian <input type="checkbox"/> Arab/Afghani/Middle Eastern <input checked="" type="checkbox"/> Other (please identify): <u>Mars</u>
<b>SEX</b>	<input type="checkbox"/> Female <input checked="" type="checkbox"/> Male
<b>SEXUAL ORIENTATION</b>	<input checked="" type="checkbox"/> Heterosexual <input type="checkbox"/> Gay <input type="checkbox"/> Lesbian <input type="checkbox"/> Bisexual
<b>GENDER IDENTITY</b>	<input type="checkbox"/> Male
<b>PREGNANCY</b>	<input type="checkbox"/> No
<b>DISABILITY</b> (Real or Perceived)	<input type="checkbox"/> Physical <input type="checkbox"/> Mental
<b>RELIGION/CREED</b>	<input type="checkbox"/> Please Identify: _____
<b>COLOR</b>	<input type="checkbox"/> Light skinned <input type="checkbox"/> Dark skinned <input checked="" type="checkbox"/> Green
<b>AGE</b> (Employment or Credit only)	<input type="checkbox"/> 629
<b>FAMILIAL STATUS</b> (Housing or Credit only)	<input type="checkbox"/> Presence of children
<b>MARITAL STATUS</b> (Credit only)	<input type="checkbox"/>
<b>RETALIATION</b>	<input checked="" type="checkbox"/> Because I filed a prior civil rights complaint, opposed a discriminatory practice or participated as a witness in an anti-discrimination proceeding.

6. Please check the **AREA** in which the discrimination occurred.

- Employment**                       **Public Accommodation**                       **Housing**
- Education**                       **Credit**                       **Retaliation**

7. Please check the **ACTION** that the Organization took against you. (Check all that apply)

- Demotion
- Denied Accommodation/Modification
- Denied Benefits
- Denied Financial Services/Credit
- Denied Service
- Disciplined/Suspended
- Eviction
- Failure to Hire
- Failure to Promote
- Failure to Rent
- Failure to Train
- Forced to Quit/Retire
- Harassment
- Laid-Off/ Failure to Recall
- Reduced Hours
- Reduced Pay
- Sexual Harassment
- Terminated
- Undesirable Assignment/Transfer
- Unequal Pay

Other: \_\_\_\_\_

8. What is the Full Legal Name of the **Organization** that discriminated against you?  
[This Organization will be charged with discrimination and will be given a copy of your complaint.]

Earth Industries, Inc.

What is their mailing address? 987 Rare St., Eldridge, Scott County, Iowa, 52748  
Telephone #: (563) 582-5555

9. If the organization listed in #8 has a **Parent Organization** or **Corporate Office** list it here.  
[This Organization will also be charged with discrimination and will be given a copy of your complaint.]

\_\_\_\_\_

What is their mailing address? \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_

Zip Code: \_\_\_\_\_ Telephone #: (\_\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

10. Where did the discrimination occur?

City: Eldridge County: Scott State: Iowa

Address: 987 Rare St., Eldridge, IA 52748

11. What does the organization do? What services does the organization provide?

Sells gardening, potting and fill soil for landscapers and individuals.

12. If Employment is the Area, give approximate number of ALL employees (full-time & part-time) at ALL employer locations nationwide (**REQUIRED**): \_\_\_\_\_

4-14       15-19       20-100       101-200       201-500       500+

13. Have you filed this complaint with any other Federal, State, or Local anti-discrimination agency?       Yes       No

If yes, what agency? \_\_\_\_\_ When? \_\_\_\_\_

14. If you are claiming harassment, who harassed you?  
[This person will be charged with discrimination and will be given a copy of your complaint.]

Name:                      Alex Aardvaark  
Title:                        Co-worker  
Work or Home Address: Earth Industries, Inc.

Name:                        Billy Buffalo  
Title:                         Co-worker  
Work or Home Address: Earth Industries, Inc.

Name:                        Chris Cheetah  
Title:                         Supervisor  
Work or Home Address: Earth Industries, Inc.

15. What was the **date** of the **MOST RECENT** discriminatory incident? (Month Day, Year)

December 1, 2009

16. If Employment is the Area, what is your hire date or application date?

October 1, 2006 (Month Day, Year)

Are you still employed by the **Organization** listed in #8?       Yes       No

If no, **when** did your employment **end**? December 1, 2009 (Month Day, Year)

If no, **how** did your employment end?       Terminated       Quit

**17. BRIEF SUMMARY OF ALLEGATIONS.** Please state why you feel your basis/ bases was/were a factor in how you were treated. Please be sure to address each action you checked in Question #7. (Please DO NOT identify **people** who may be **witnesses** in support of your complaint.) (*Please read the instructions before writing your brief summary.*)


I started working at Earth Industries, Inc. on October 1, 2006 extracting soil from the ground for Earth Industries, Inc. to sell to gardeners, landscapers and individuals. I worked with several individuals including Alex Aardvaark and Billy Buffalo. Starting approximately one month after I began working at Earth Industries, Inc., Alex Aardvaark and Billy Buffalo began to make comments about my green colored skin. In August, 2007, the digging crew on which I worked began to reach the inner crust of the planet's surface and the heat emanating from the core caused my green skin to glow. Alex Aardvaark and Billy Buffalo thought this was hilarious; they pointed at me, laughed and yelled at the other crew members to come see Neon Mark. I was humiliated by this treatment. I decided I could not tolerate Alex Aardvaark's and Billy Buffalo's treatment any longer so I reported the above-referenced incidents to my supervisor, Chris Cheetah. Despite my report, Alex Aardvaark and Billy Buffalo were not terminated from their employment with Earth Industries, Inc. and continued to work on the digging crew.

I had never been written up or disciplined in any manner during my employment at Earth Industries, Inc. until September 17, 2007 when I received a verbal warning for tardiness. Two months later on November 20, 2007, I received a verbal warning for failing to clean and properly store my digging equipment. I received a written warning on December 5, 2007 for tardiness. I received another verbal warning for tardiness on March 20, 2008 and for failing to clean and properly store my digging equipment on March 30, 2008. I again received a verbal warning on July 12, 2008 for tardiness and a written warning on October 2, 2008. I received another verbal warning for failing to properly clean and store my digging equipment on December 24, 2009. On March 12, 2009 and August 3, 2009, I received additional verbal warnings for tardiness. On October 15, 2009, I was written up for both tardiness and failing to clean and properly store my digging equipment. At this time, I decided I could again no longer tolerate this harassment and scheduled a meeting with my supervisor, Chris Cheetah. When Chris Cheetah and I met, I told him I believed I had received so many verbal and written warnings because I had complained about Alex Aardvaark's and Billy Buffalo's comments and because I am Martian and my skin is green. Mr. Cheetah stated I received the disciplinary action pursuant to company policy. However, I do not believe this but believe I received the discipline because I complained about my co-workers' harassment, because I am from Mars and because my skin is green in violation of Iowa Code Chapter 216.11 and 216.6.

On December 1, 2009 when I was preparing to take my lunch break, Chris Cheetah called me into his office. I arrived at his office to find Earth Industries, Inc.'s Vice-President, Carter Chameleon, in the office with Mr. Cheetah. Mr. Chameleon just sat there as Chris Cheetah handed me a termination notice for tardiness. I asked why Mr. Chameleon was present and was told he was there as a witness to my termination. I did not know what to do so I signed the termination notice and left the company property. I am filing this complaint because I believe I was fired in retaliation for complaining about getting written up because of my skin color in violation of Iowa Code Chapter 216.11.

I would like to additionally assert Earth Industries, Inc. is fundamentally prejudiced against people from other planets. Its name, "Earth", implies its mission is to only employ individuals from its own planet, Earth.

I certify under penalty of perjury and pursuant to the laws of the State of Iowa and the laws of the United States of America that the preceding charge is true and correct.

X   
**Signature of Complainant**

December 3, 2009  
**Date**