



MEMORANDUM

Office of the City Attorney

Phone: 334-5011/Fax 334-2229
Box 46

TO: Mayor and City Commissioners

DATE: August 14, 2006

FROM: City Attorney


CONSENT

SUBJECT: EEOC Charge No. 510-2006-03022
Luis Castro vs. the City of Gainesville

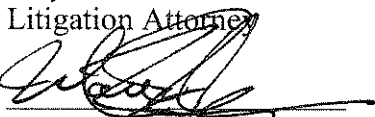
Recommendation: The City Commission authorize the City Attorney, and/or special counsel if insurance coverage is available, to represent the City in the case styled Luis Castro vs. the City of Gainesville; EEOC Charge No.: 510-2006-03022.

On July 31, 2006, the City of Gainesville received a Notice of Charge of Discrimination from the U.S. Equal Employment Opportunity Commission. Mr. Luis Castro alleges discrimination due to his national origin and age after he was not offered the position of Firefighter for which he applied.

Prepared by:


Elizabeth A. Waratuke,
Litigation Attorney

Submitted by:


Marion J. Radson,
City Attorney

EAW/cgow

U.S. Equal Employment Opportunity Commission

PERSON FILING CHARGE

Madam/Sir
Human Resources Director
GAINESVILLE FIRE DEPT.
Station #20
P.O. Box 490
Gainesville, FL 32606

Luis Castro

THIS PERSON (check one or both)

Claims To Be Aggrieved

Is Filing on Behalf of Other(s)

EEOC CHARGE NO.

510-2006-03022

NOTICE OF CHARGE OF DISCRIMINATION

(See the enclosed for additional information)

This is notice that a charge of employment discrimination has been filed against your organization under:

Title VII of the Civil Rights Act

The Americans with Disabilities Act

The Age Discrimination in Employment Act

The Equal Pay Act

The boxes checked below apply to our handling of this charge:

1. No action is required by you at this time.

2. Please call the EEOC Representative listed below concerning the further handling of this charge.

3. Please provide by **28-AUG-06** a statement of your position on the issues covered by this charge, with copies of any supporting documentation to the EEOC Representative listed below. Your response will be placed in the file and considered as we investigate the charge. A prompt response to this request will make it easier to conclude our investigation.

4. Please respond fully by **28-AUG-06** to the enclosed request for information and send your response to the EEOC Representative listed below. Your response will be placed in the file and considered as we investigate the charge. A prompt response to this request will make it easier to conclude our investigation.

5. EEOC has a Mediation program that gives parties an opportunity to resolve the issues of a charge without extensive investigation or expenditure of resources. If you would like to participate, please say so on the enclosed form and respond by to

If you **DO NOT** wish to try Mediation, you must respond to any request(s) made above by the date(s) specified there.

For further inquiry on this matter, please use the charge number shown above. Your position statement, your response to our request for information, or any inquiry you may have should be directed to:

Robert Metaxa,
Enforcement Supervisor

EEOC Representative

Telephone **(305) 808-1750**

**Miami District Office - 510
2 South Biscayne Blvd
Suite 2700
Miami, FL 33131**

Enclosure(s): Copy of Charge

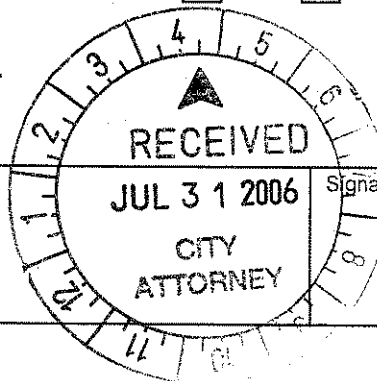
CIRCUMSTANCES OF ALLEGED DISCRIMINATION

RACE COLOR SEX RELIGION NATIONAL ORIGIN AGE DISABILITY RETALIATION OTHER

See enclosed copy of charge of discrimination.

Date
July 28, 2006

Name / Title of Authorized Official
**Federico Costales,
District Director**



Signature

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
 EEOC
 510-2006-03022

Florida Commission on Human Relations and EEOC
 State or local Agency, if any

Name (Indicate Mr., Ms., Mrs.) Home Phone No. (Incl Area Code) Date of Birth
Mr. Luis Castro (352) 284-2525 02-01-1954

Street Address City, State and ZIP Code
P.O. Box 141001, Gainesville, FL 32614

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)
GAINESVILLE FIRE DEPT. 101 - 200 (352) 334-5077

Street Address City, State and ZIP Code
Station #20, P.O. Box 490, Gainesville, FL 32606

Name No. Employees, Members Phone No. (Include Area Code)

Street Address City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)
 RACE COLOR SEX RELIGION NATIONAL ORIGIN
 RETALIATION AGE DISABILITY OTHER (Specify below.)
 DATE(S) DISCRIMINATION TOOK PLACE
 Earliest Latest
 01-01-2005 07-11-2006
 CONTINUING ACTION

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

I am Puerto Rican, ~~56~~ ⁵² years of age.

I have applied for the position of Firefighter with Respondent four times in the last 10 years. Respondent does not hire Puerto Ricans over 40 years of age.

I believe I was not hired because of my national origin in violation of the Civil Rights Act of 1964, as amended and the Age Discrimination in Employment Act.

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.

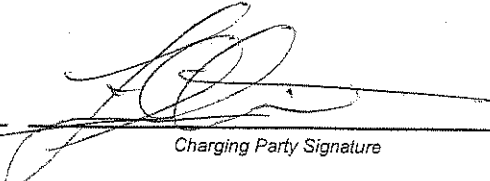
NOTARY - When necessary for State and Local Agency Requirements

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.

SIGNATURE OF COMPLAINANT

7/17/2006
 Date


 Charging Party Signature

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
 (month, day, year)