



State of Florida

Florida Commission on Human Relations

An Equal Opportunity Employer • Affirmative Action Employer



Charlie Crist
Governor

2009 Apalachee Parkway • Suite 200 • Tallahassee, Florida 32301-4857

(850) 488-7082
Web Site <http://fchr.state.fl.us>

Dr. Donna Elam
Chair

Derick Daniel
Executive Director

NOTICE OF FILING OF COMPLAINT OF DISCRIMINATION

May 16, 2008

City of Gainesville Regional Utilities
C/o Ms. Marion Radson, City Attorney
P.O. Box 490, Station 46
Gainesville, FL 32602
Certified Receipt #: 70070710000034011630

Re: FCHR No. 200801894
Martinez v. City of Gainesville Regional Utilities

Dear Ms. Radson:

Narciso Martinez has filed a charge of employment discrimination against your company or organization under the Florida Civil Rights Act of 1992, as amended (Chapter 760, Florida Statutes).

Please carefully review the following:

- (1) Rule 60Y-5001 (10), Florida Administrative Code, requires that once a complaint has been served upon a respondent, the respondent shall preserve all records and other evidence, which may pertain to the complaint until the matter, has been finally determined.
- (2) The Civil Rights Act of 1992 prohibits retaliation against any person who files a complaint, testifies, assists, or participates in an investigation, proceeding, or hearing under the Act.

The Commission invites you to participate in a Mediation Conference in an effort to expeditiously resolve this dispute. Mediation offers an alternative to investigation of this complaint and by design will allow the parties to resolve this matter in a voluntary and informal process. The enclosed brochure describes the mediation process in detail. It is our experience that mediation results in reduced costs, avoids lengthy investigations, and leads to early resolutions in a non-adversarial proceeding.

If you wish to participate in FCHR's Mediation process, please sign, date, and return the enclosed Agreement to Mediate and Confidentiality Agreement no later than ten (10) days of the date of this letter. If you do not return these forms with your signature and date within ten (10) days of the date of this letter indicating that you are interested in mediation, we will consider Mediation declined. You must furnish the enclosed Information/Document Request and Affidavit to Authenticate Documents within twenty-one (21) days of the date of this letter (Commission Rule 60Y-5.003, Florida Administrative Code) regardless of whether or not you agree to mediate.

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The Information/Document Request will aid in obtaining relevant and necessary information needed to evaluate the factual allegations made in the complaint of discrimination. Please note that if you do not provide the requested information, your actions may result in adverse findings or the Commission may invoke its power to subpoena the information. You are therefore required to respond completely to each item of this Request for Information. THIS IS AN INITIAL INVESTIGATIVE INQUIRY AND ADDITIONAL INFORMATION MAY BE REQUIRED IN THE FUTURE.

In the event you receive this letter and are not the authorized representative for this company or organization, **please forward this correspondence to such person immediately or contact the Commission at (850) 488-7082.**

Sincerely,

Employment Manager

FLORIDA COMMISSION ON HUMAN RELATIONS

2009 Apalachee Parkway, Suite 100, Tallahassee, Florida 32301

Date Stamp (FCHR Use Only)
 RECEIVED
 FLORIDA COMMISSION ON HUMAN RELATIONS
 2008 MAY 15 AM 10:29

A. PERSONAL INFORMATION		FCHR No. 200801894	(AG)
Name Mr. Narciso Martinez		E-Mail Address	Date of Birth 10/29/1954
Mailing Address 2116 Northwest 27th Terrace		Home Telephone Number (area code) (352) 338-0940	
City, State, and Zip Code Gainesville, FL 32605		Work (if possible to call you there)	

B. BUSINESS INFORMATION (employer, labor organization, employment or government agency, etc.)		
Name City of Gainesville Regional Utilities	Number of Employees 15+	Telephone Number (352) 334-5077
Street Address (Branch/Office in Florida) Post Office Box 490	City, State and Zip Code Gainesville, FL 32602	County Alachua

C. CAUSE OF DISCRIMINATION BASED ON - Check appropriate box(es) <input type="checkbox"/> RACE <input checked="" type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> DISABILITY/HANDICAP <input checked="" type="checkbox"/> NATIONAL ORIGIN <input type="checkbox"/> AGE <input type="checkbox"/> MARITAL STATUS <input type="checkbox"/> RETALIATION		DATE MOST RECENT DISCRIMINATION TOOK PLACE (month, day, year) July 15, 2008
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D. DISCRIMINATION STATEMENT:
 I believe I have been discriminated against pursuant to Chapter 760 of the Florida Civil Rights Act, and/or Title VII of the Federal Civil Rights Act, and/or the Age Discrimination in Employment Act, and/or the Americans with Disabilities Act as applicable for the following reason(s):

I believe that I have twice been denied hiring because of my national origin (Hispanic) and color (dark skinned). On or about May 3, 2007, I applied for a position with the City of Gainesville within Gainesville Regional Utilities ("GRU") as a Utility Safety Training Coordinator for the Energy Distribution Division. I was interviewed for the job on May 7, 2007, but, unbeknownst to me, Gary McKenzie, who is non-Hispanic, had already been hired for the position. GRU notified me on May 23, 2007, that I did not receive the position. Having requested and reviewed Mr. McKenzie's application, it is clear to me that I was significantly more qualified and experienced for the position. I have spent approximately 27 years within this field. On June 25, 2007, I applied again for the same position for the Power Generation Division. Unfortunately, on or about July 15, 2007, I was informed that I had been denied this position. Another light-skinned, non-Hispanic candidate was named to the position. The same position for the Energy Supply Division was also filled by a light-skinned, non-Hispanic candidate. It is my belief that the GRU/City of Gainesville hiring practices are historically and presently discriminatory against applicants who have darker skin and different nationalities/ethnicities, specifically Hispanics. For instance, there are currently few, if any, Hispanics in management position for GRU/City of Gainesville.

I REQUEST TO BE AFFORDED FULL RELIEF TO WHICH I AM ENTITLED TO UNDER THE LAW(S).

E. VERIFICATION. Under penalties of perjury, I declare that I have read the foregoing complaint of discrimination and that the facts stated in it are true. I will advise the agency if I change my address or telephone number and I will cooperate fully with them in the processing of my complaint in accordance with their procedures.

SIGNATURE OF COMPLAINANT	DATE
	05/15/08

EMPLOYMENT COMPLAINT OF DISCRIMINATION