

# U.S. Equal Employment Opportunity Commission

**Sir/Madam**  
**Human Resources Director**  
**GAINESVILLE REGIONAL UTILITIES**  
**222 East University Ave**  
**Gainesville, FL 32602**

RECEIVED

OCT 7 2007

HUMAN  
RESOURCES

PERSON FILING CHARGE

Kevin Louder

THIS PERSON (check one or both)

Claims To Be Aggrieved

Is Filing on Behalf of Other(s)

EEOC CHARGE NO.

511-2007-02736

## 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-OCT-07** 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-OCT-07** 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 **10-OCT-07** to **Gilbert Carrillo, ADR Coordinator, at (305) 808-1838**

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**  
**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 <b>September 26, 2007</b>	Name / Title of Authorized Official <b>Federico Costales, District Director</b>	Signature 
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# 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

511-2007-02736

## Florida Commission On Human Relations

and EEOC

State or local Agency, if any

Name (indicate Mr., Ms., Mrs.)

**Mr. Kevin Louder**

Home Phone (Incl. Area Code)

**(352) 466-4528**

Date of Birth

**06-20-1971**

Street Address

City, State and ZIP Code

**18203 Se 26th St, Micanopy, FL 32667**

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

**GAINESVILLE REGIONAL UTILITIES**

No. Employees, Members

**101 - 200**

Phone No. (Include Area Code)

**(352) 334-5077**

Street Address

City, State and ZIP Code

**222 East University Ave, Gainesville, FL 32602**

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

**10-18-2006**

**08-17-2007**

CONTINUING ACTION

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

I. I was hired by the above named employer on March 6, 2006, as a Mechanic I. Throughout my tenure, I have been subjected to different terms and conditions than my White counterparts. For example, I was informed that I had to wait one year to be signed off on the task list for a pay increase. Meanwhile, White Mechanics (such as Boyd Ruth) who were hired after me did not have to wait that long and have received wage increases. Every time that I complete a task, I have to call my supervisors (Luther & Jaime). I have been forced to work at the Plant by myself, and I have not been given the required tools. My coworkers are not required to do any of these things. In February 2007, I went up the chain of command and complained of racial discrimination, but I was informed that it was not discrimination and nothing was done to correct the situation. On August 14, 2007, I was written up for a false reason.

II. I have not been given a reason for the above actions.

III. I believe that I have been discriminated against based on my race (Black), 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.

SIGNATURE OF COMPLAINANT

8/9/18/07  
Date

*Kevin Louder*  
Charging Party Signature

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

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**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**

**REQUEST FOR INFORMATION**

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Charging Party: Kevin Louder  
Respondent: GAINESVILLE REGIONAL UTILITIES  
EEOC Charge No.: 511-2007-02736

1. Give the correct name and address of the facility named in the charge.
2. State the total number of persons who were employed by your organization during the relevant period. Include both full and part-time employees. How many employees are employed by your organization at the present time?
3. Supply an organizational chart, statement, or documents which describe your structure, indicating, if any, the relationship between it and superior and subordinate establishments within the organization.
4. Supply a statement or documents which identify the principal product or service of the named facility.
5. State the legal status of your organization, i.e., corporation, partnership, tax-exempt non-profit, etc. If incorporated, identify the state of incorporation.
6. State whether your organization has a contract with any agency of the federal government or is a subcontractor on a project which receives federal funding. Is your organization covered by the provisions of Executive Order 11246? If your answer is yes, has your organization been the subject of a compliance review by the OFCCP at any time during the past two years?
7. Submit a written position statement on each of the allegations of the charge, accompanied by documentary evidence and/or written statements, where appropriate. Also include any additional information and explanation you deem relevant to the charge.
8. Submit copies of all written rules, policies and procedures relating to the issue(s) raised in the charge. If such does not exist in written form, explain the rules, policies and procedures.

**Issue: DISCIPLINE**

1. Submit copies of and/or explain all written rules relating to employee duties, conduct, and discipline for the charging party's job classification or department during the relevant period of time. Explain how an employee learns the contents of the rules and disciplinary procedure. If the disciplinary system is progressive, explain its structure, penalties, and mode of operation.
2. Submit copies of all records considered in taking this most recent disciplinary action against the charging party. If an action is not documented by a written record, state the offense and the resulting action, and explain why it was not recorded. For each disciplinary action taken against the charging party for the relevant period, explain in detail when, how, and by whom the charging party was notified of each action, the nature of the action, dates, and reasons why action was taken. State the name, and position of the person responsible for taking each action.
3. List all employees who received disciplinary action during the relevant period in the charging party's job classification or department. Include employee's name, date of hire, whether probationary or not. For each person listed, describe each disciplinary action by:
  - a. date of the disciplinary action(s)
  - b. reason for disciplinary action(s),
  - c. type of disciplinary action(s) taken,
  - d. disciplinary record of employee prior to the instant issue, and
  - e. person imposing the penalty, include name, position title

Submit all documents which relate to any and all of the above disciplinary actions taken against the individuals listed above.

**Issue: WAGES**

1. Describe and furnish company policy on wage and salary determination and factors affecting wages and salary increases.
2. Supply a statement or documents which describe how your organization determined an individual employee's salary or wage for the charging party's job classification during the relevant period. Provide:
  - a. all documents reflecting the minimum and the maximum rates of pay for each position,
  - b. all documents reflecting the effect of seniority on pay rates, and
  - c. all documents reflecting the effect of merit increases or evaluations in the pay rates.
3. Supply a copy of the payroll records for the relevant periods for each individual employed in the charging party's job classification or department, and for all comparative individuals listed by the charging party. Include:
  - a. employee name, position, hire date,
  - b. the amount of overtime worked by each individual within the relevant period, including the overtime pay rate.
4. If the payroll records supplied in response to Question #3 above reflect that the charging party received lower pay than did others within the charging party's job classification, explain in detail the reason for the pay differential.



**U.S. Equal Employment Opportunity Commission  
Miami District Office**

2 South Biscayne Blvd  
Suite 2700  
Miami, FL 33131  
(305) 808-1851  
TTY (305) 808-1742  
FAX (305) 808-1855

Charging Party: Kevin Louder  
EEOC Charge No.: 511-2007-02736

Sandy Bernard  
HR Manager  
GAINESVILLE REGIONAL UTILITIES  
222 East University Ave  
Gainesville, FL 32602

Dear Ms. Bernard:

Your organization is hereby requested to submit information and records relevant to the subject charge of discrimination. The Commission is required by law to investigate charges filed with it, and the enclosed request for information does not necessarily represent the entire body of evidence which we need to obtain from your organization in order that a proper determination as to merits of the charge can be made.

The information will only be disclosed in accordance with 29 C.F.R. 1601.22, or otherwise made public if the charge results in litigation.

Sincerely,

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Robert Metaxa  
Enforcement Supervisor

The following dates are considered to be the "relevant period" for the attached Request for Information:  
September 1, 2006 - present



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
Miami District Office

One Biscayne Tower  
2 South Biscayne Blvd., Suite 3150  
Miami, FL 33131  
PH: (305) 808-1740  
TDD: 1-800-669-6820  
FAX: (305) 808-1843

Re: Charge Number: 511-2007-02736

Dear Employer:

A charge of unlawful discrimination has been filed against your organization. In an effort to expedite the charge resolution process, the Equal Employment Opportunity Commission (EEOC) has authorized its field offices to engage in mediation as a means of resolving the complaint(s) identified above. Mediation is an informal process in which those involved in a dispute jointly explore and reconcile their differences. Mediation is offered as an alternative to the often lengthy investigative process traditionally used to resolve charges of discrimination filed with EEOC. The purpose of mediation is to reach a fair and expeditious resolution of the charge prior to an investigation. The majority of mediations are completed in only one session, which usually lasts from one to five hours. If the charge is resolved during the mediation process, the charge will be closed. Also enclosed is a Mediation Fact Sheet that answers many questions that you may have regarding this program

Mediation focuses on a resolution of the underlying dispute by addressing the interests of both parties. It is not a forum for reaching a determination on whether discrimination occurred. Therefore, any agreement reached during mediation does not constitute an admission that discrimination occurred.

Participation in the mediation program is voluntary. **If you decide to participate in the mediation program, the individual representing the Respondent during the mediation session must have authority to settle the case at the scheduled mediation.**

**If we do not hear from you within fifteen (15) days from the date of this letter, the charge will be assigned to an investigator and processed under normal charge processing procedures. If you have any questions about the mediation program or process feel free to contact Nilia Marti, ADR Program Assistant, (305) 808-1838.**

I/We are interested in participating in the ADR program and agree that all matters to be discussed in, or as part of, the mediation process will be kept confidential. Accordingly, we understand that if both parties agree to participate in the Mediation Program, then the employer shall not be required to submit a position statement to EEOC. **However, where an impasse has been declared by a mediator, your position statement shall be due to EEOC no later than ten (10) calendar days thereafter.**

I/We are not interested in participating in the ADR program. Accordingly, we understand that our position statement shall be due to EEOC no later than the date shown on item 3 of the "Notice of Charge of Discrimination" enclosed herein.

**CONFIRM CURRENT ADDRESS AND DAYTIME TELEPHONE NUMBER.**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Respondent Signature \_\_\_\_\_

Date \_\_\_\_\_

Print Name and Title \_\_\_\_\_

## Get The Facts Series



# Small Business Information

### **What laws does the Equal Employment Opportunity Commission enforce?**

The Equal Employment Opportunity Commission (EEOC) enforces the following federal laws: Title VII of the Civil Rights Act of 1964 (Title VII), Age Discrimination in Employment Act (ADEA), Equal Pay Act (EPA), and the Americans with Disabilities Act (ADA). These laws prohibit employment discrimination based on race, color, sex, religion, national origin, age, disability or in retaliation for opposing job discrimination, filing a charge or participating in proceedings under the laws. EEOC's mandate is to determine in a fair and objective manner whether the laws it enforces have been violated.

### **What small businesses are covered?**

The laws cover all private employers, state and local government employers, and educational institutions that employ 15 or more individuals, except for ADEA which covers employers with 20 or more employees. These laws also cover private and public employment agencies, labor organizations, and joint labor management committees controlling apprenticeship and training.

### **When can employees file charges?**

Employees must file their charge with EEOC within 180 days from the date of the alleged discrimination. If the employer is also covered by a state or local employment discrimination law, the time to file a charge with EEOC is extended to 300 days.

### **How are charges filed with the EEOC?**

Any individual who believes that his or her employment rights have been violated because of his or her race, color, sex, religion, national origin, age, disability or because of retaliation may file a charge of discrimination with EEOC. Under statute, EEOC must accept the filing of a charge.

EEOC investigators interview individuals alleging employment discrimination to establish whether we have jurisdiction. Investigators explore in detail a potential charging party's description of the alleged violation and the pertinent date(s). This information is assessed to determine the potential merits of the charge. Based upon our assessment, we advise the potential charging party whether we will investigate or immediately dismiss the charge.

EEOC will notify the employer within 10 days of accepting a charge. Notification normally includes a copy of the charge briefly identifying (a) the charging party, (b) the bases and issue(s) of the allegation, (c) the date of the alleged violation, and (d) an explanation of the employer's obligation to retain records pertaining to the charge. An invitation to mediate the complaint may also be included in the notification package.





**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**  
**Miami District Office**

One Biscayne Tower  
2 South Biscayne Blvd., Suite 2700  
Miami, FL 33131  
(305) 808-1740  
TTY (305) 808-1742  
FAX (305) 808-1741

Dear Small Business Manager:

EEOC is the federal agency with primary responsibility for enforcing our nation's equal employment opportunity (EEO) laws. The laws we enforce prohibit job discrimination based on race, color, religion, sex, national origin, age and disability. We have enclosed a Fact Sheet which provides an overview of EEOC's procedures from the time a charge of employment discrimination is filed to the point that it is resolved.

In most cases, as our first step in processing a charge, we offer mediation as a neutral, voluntary and confidential way to achieve a mutually satisfactory resolution for all parties. Sixty-five percent of charges that are mediated are successfully resolved. In an independent study, 96% of employers who tried mediation said they would use it again if the need arose.

In addition to the EEOC representative identified on the "Notice of Charge of Discrimination," each of our district offices has a Small Business Liaison to provide technical assistance and help to resolve questions about the laws we enforce, mediation, and the charge process. We have also developed a user-friendly Internet Web site ([www.eeoc.gov](http://www.eeoc.gov)) which has a special site designed to help small businesses who need to know more about EEO laws and the EEOC charge process. The names and phone numbers of our Small Business Liaisons are also listed on our Web site. We have noted some of the pages on our Web site that may be of particular interest to you on the attachment.

I encourage you to contact the Small Business Liaison in your area to answer any questions you may have and assure you that any inquiry or request for information will not adversely affect the investigation of the charge filed.

Yours truly,

A handwritten signature in black ink, appearing to be "John Doe" or similar, written over a circular stamp or mark.

District Director  
U.S. Equal Employment Opportunity Commission

Attachments: Get the Facts: Small Business Information  
Answers to Your Questions May Be Only a "Click" Away



## INFORMATION ON CHARGES OF DISCRIMINATION

### EEOC RULES AND REGULATIONS

Section 1601.15 of EEOC's regulations provides that persons or organizations charged with employment discrimination may submit a statement of position or evidence regarding the issues covered by this charge.

EEOC's recordkeeping and reporting requirements are found at Title 29, Code of Federal Regulations (29 CFR): 29 CFR Part 1602 (see particularly Sec. 1602.14 below) for Title VII and the ADA; 29 CFR Part 1620 for the EPA; and 29 CFR Part 1627, for the ADEA. These regulations generally require respondents to preserve payroll and personnel records relevant to a charge of discrimination until disposition of the charge or litigation relating to the charge. (For ADEA charges, this notice is the written requirement described in Part 1627, Sec. 1627.3(b)(3), .4(a)(2) or .5(c), for respondents to preserve records relevant to the charge – the records to be retained, and for how long, are as described in Sec. 1602.14, as set out below). Parts 1602, 1620 and 1627 also prescribe record retention periods – generally, three years for basic payroll records and one year for personnel records. Questions about retention periods and the types of records to be retained should be resolved by referring to the regulations.

**Section 1602.14 Preservation of records made or kept.** . . . . Where a charge ... has been filed, or an action brought by the Commission or the Attorney General, against an employer under Title VII or the ADA, the respondent ... shall preserve all personnel records relevant to the charge or the action until final disposition of the charge or action. The term *personnel records relevant to the charge*, for example, would include personnel or employment records relating to the aggrieved person and to all other aggrieved employees holding positions similar to that held or sought by the aggrieved person and application forms or test papers completed by an unsuccessful applicant and by all other candidates or the same position as that for which the aggrieved person applied and was rejected. The date of *final disposition of the charge or the action* means the date of expiration of the statutory period within which the aggrieved person may bring [a lawsuit] or, where an action is brought against an employer either by the aggrieved person, the Commission, or the Attorney General, the date on which such litigation is terminated.

### NOTICE OF NON-RETALIATION REQUIREMENTS

Section 704(a) of Title VII, Section 4(d) of the ADEA, and Section 503(a) of the ADA provide that it is an unlawful employment practice for an employer to discriminate against present or former employees or job applicants, for an employment agency to discriminate against any individual, or for a union to discriminate against its members or applicants for membership, because they have opposed any practice made an unlawful employment practice 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 statutes. The Equal Pay Act contains similar provisions. Additionally, Section 503(b) of the ADA prohibits coercion, intimidation, threats, or interference with anyone because they have exercised or enjoyed, or aided or encouraged others in their exercise or enjoyment, of rights under the Act.

Persons filing charges of discrimination are advised of these Non-Retaliation Requirements and are instructed to notify EEOC if any attempt at retaliation is made. Please note that the Civil Rights Act of 1991 provides substantial additional monetary provisions to remedy instances of retaliation or other discrimination, including, for example, to remedy the emotional harm caused by on-the-job harassment.

### NOTICE REGARDING REPRESENTATION BY ATTORNEYS

Although you do not have to be represented by an attorney while we handle this charge, you have a right, and may wish to retain an attorney to represent you. If you do retain an attorney, please give us your attorney's name, address and phone number, and ask your attorney to write us confirming such representation.