



U.S. Department
of Transportation
Federal Highway
Administration

JUL 25 2011

1200 New Jersey Avenue, SE
Washington, D.C. 20590

In Reply Refer To: HCR-40
DOT #2009-0380

(b) (6)

Dear (b) (6):

This is in reference to your complaint of discrimination, dated July 9, 2009, against (b) (6) (b) (6) Respondent) alleging violations of Title VI of the Civil Rights Act of 1964 (Title VI) based on your national origin (Hispanic). In your complaint, you alleged that the Respondent initially hired truck drivers directly for work on the IROX I-75 project; however, in June 2008, it switched to a broker. The broker failed to hire Hispanics and other minorities, preferring instead to dispatch Caucasian truckers. Consequently, on May 11, 2009, you were discharged from the above-referenced project because of your national origin, Hispanic.

The Federal Highway Administration (FHWA) Office of Civil Rights referred your complaint to the Florida Department of Transportation (FDOT) for investigation. The FDOT has completed its investigation and forwarded its investigative report to this office for review and issuance of a final agency decision. The evidence submitted by the FDOT shows the following:

- Records show that the Respondent had three trucking brokers under contract on the above-referenced project. All three trucking brokers employed Hispanic, Caucasian, and African American drivers. One trucking broker exclusively employed Hispanic drivers.
- There was no evidence to show that Hispanic truck drivers were denied trucking assignments.
- Records show that your trucks were used repeatedly. However, the Respondent stated that as work on the above-referenced project began to decline, the demand for trucking decreased.
- The investigation disclosed that the Respondent discharged you for failure to provide services that were required. There was no evidence to support the allegation that national origin was a factor in the Respondent's decision.

- The investigation disclosed that the Respondent was requiring truck drivers to be able to communicate “a little” in English. The FDOT directed the Respondent to immediately stop the requirement and the Respondent complied.

Based on the foregoing evidence, the FHWA does not find that there was a violation of Title VI as alleged in the complaint.

This concludes the FHWA’s processing of this matter and no further action will be taken.

Sincerely yours,

A handwritten signature in black ink, reading "Brenda F. Armstead". The signature is written in a cursive, flowing style.

Brenda F. Armstead
Director, Investigations and Adjudications

cc:

Mr. Arthur E. Wright, Manager, Equal Opportunity Office, FDOT
Ms. Charlotte Thomas, Title VI Coordinator, Equal Opportunity Office, FDOT
Mr. Martin C. Knopp, Division Administrator, FHWA, HDA-FL
Mr. Carey Shepherd, Equal Opportunity Specialist, FHWA, HDA-FL



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(b) (6)

Dear (b) (6):

This is in reference to the complaint of discrimination, dated July 9, 2009, by (b) (6) and (b) (6) (complainants) against (b) (6) (Respondent) alleging violations of Title VI of the Civil Rights Act of 1964 (Title VI) based on their national origin (Hispanic). The complainants alleged that the Respondent initially hired truck drivers directly for work on the IROX I-75 project; however, in June 2008, it switched to a broker. The broker failed to hire Hispanics and other minorities, preferring instead to dispatch Caucasian truckers. Consequently, on May 11, 2009, the complainants were discharged from the above-referenced project because of their national origin, Hispanic.

The Federal Highway Administration (FHWA) Office of Civil Rights referred the complaint to the Florida Department of Transportation (FDOT) for investigation. The FDOT has completed its investigation and forwarded its investigative report to this office for review and issuance of a final agency decision. The evidence submitted by the FDOT shows the following:

- Records show that the Respondent had three trucking brokers under contract on the above-referenced project. All three trucking brokers employed Hispanic, Caucasian, and African American drivers. One trucking broker exclusively employed Hispanic drivers.
- There was no evidence to show that Hispanic truck drivers were denied trucking assignments.
- Records show that the complainants' trucks were used repeatedly. However, the Respondent stated that as work on the above-referenced project began to decline, the demand for trucking decreased.
- The investigation disclosed that the Respondent discharged the complainants for failure to provide services that were required. There was no evidence to support the allegation that national origin was a factor in the Respondent's decision.

- The investigation disclosed that the Respondent was requiring truck drivers to be able to communicate “a little” in English. The FDOT directed the Respondent to immediately stop the requirement and the Respondent complied.

Based on the foregoing evidence, the FHWA does not find that there was a violation of Title VI as alleged in the complaint.

This concludes the FHWA’s processing of this matter and no further action will be taken.

Sincerely yours,

A handwritten signature in black ink that reads "Brenda F. Armstead". The signature is written in a cursive, flowing style.

Brenda F. Armstead
Director, Investigations and Adjudications

cc:

Mr. Arthur E. Wright, Manager, Equal Opportunity Office, FDOT
Ms. Charlotte Thomas, Title VI Coordinator, Equal Opportunity Office, FDOT
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