

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**FLORIDA COMMISSION ON HUMAN RELATIONS** and EEOC

State or local Agency, if any

Name (indicate Mr. Ms. Mrs.)

Transport Workers Union of America, Local 291, AFL-CIO on behalf of transit employees employed by Miami-Dade County

Home Phone (Incl. Area Code)

(305) 412-8322

Date of Birth

N/A

Street Address

City, State and ZIP Code

c/o Phillips, Richard & Rind, P.A., 9360 SW 72nd Street, Suite 283, Miami, FL 33173

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

Miami-Dade County/Department of Transportation & Public Works

No. Employees, Members

Appx. 28,000

Phone No. (Include Area Code)

786-469-5675

Street Address

City, State and ZIP Code

701 NW 1st Court, Suite 1700, Miami, Florida 33136

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

03/01/2020

☒ CONTINUING ACTION

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

See Attached.

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.

I declare under penalty of perjury that the above is true and correct.

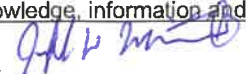
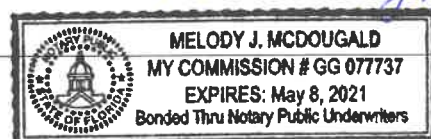
May 12, 2020

Date



Charging Party Signature

NOTARY — When necessary for State and Local Agency Requirements

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: SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year) 5/12/20 Melody J. McDougald

Attachment to Charge of Discrimination

Description of discriminatory events:

Miami-Dade County (or the “County”) employs predominantly African-American employees within its Department of Transportation & Public Works (“DTPW”). Transport Workers Union of America, Local 291, AFL-CIO (“TWU Local 291”) represents the County’s transit employees, including, but not limited to, bus drivers, train operators, and transit maintenance employees.

The County’s bus drivers, train operators, and other transit employees are responsible for keeping the County’s public transit riders moving during the COVID-19 pandemic. Even with reduced ridership during the pandemic, an estimated tens of thousands of passengers per day come into contact with the County’s public transit operators and transit vehicles as of April 2020. At times, these passengers leave their body fluids upon the surfaces within such vehicles.

Over fifty percent (50%) of the transit employees represented by are African-American. This charge is being filed to correct the Employer’s discrimination on the basis of race through its disparate impact on this overwhelmingly African-American transit employee workgroup regarding the provision of personal protective equipment (“PPE”) related to the COVID-19 pandemic, including, but not limited to, masks, gloves, and cleaning and disinfectant methods/products. This discrimination has a severe negative and potentially lethal impact on the transit employee workforce.

Specifically, upon information and belief, since on or around March 1, 2020, the Employer has provided the predominantly African-American transit employee group (including bus drivers, rail operators, and transit maintenance employees) with less and inferior COVID-19 PPE than the Employer has provided to other workgroups whose workforce has a lesser percentage of African-American employees, including, but not limited to, firefighters and police officers.

The Employer’s approach to providing COVID-19 PPE to transit employees is remarkably different than its approach to providing this vital equipment to those other workgroups. While transit employees interact with and are in close proximity to members of the public on a daily basis, they are given less and inferior PPE than their fellow County employees who also interact with the public, including, but not limited to, firefighters and police officers. Further, upon information and belief, the predominantly African-American transit employee group has not been provided with PPE within the County’s inventory that provides the highest levels of protection from the virus to employees.

This mistreatment is being experienced by all employees within the TWU Local 291 bargaining unit, which is also comprised of a large demographic of Hispanic employees.

As such, this predominantly African-American transit employee group represented by TWU Local 291 is placed at a greater level of risk of exposure to the dangerous COVID-19 virus. The Employer’s actions have a disparate impact on African-Americans, in violation of Title VII of the Civil Rights Act of 1964, as amended (“Title VII”).

In violation of Title VII, the Employer’s actions and COVID-19 PPE distribution policies will subject this predominantly African-American employee group to illness, injury, and possible death at a higher rate than other County workgroups, which are not predominantly African-American, such as police officers and firefighters. The Union, on behalf of all affected class members, seeks for the EEOC to order that the County cease and desist from its policies which have a disparate impact on this predominantly African-American employee group.

The County's firefighters, police officers and other frontline workers have earned and deserve the protections the Employer is giving them throughout the COVID-19 pandemic. The transit employee workgroup is deserving of the same protections, and should not be subjected to this disparate impact.

This discrimination charge is filed by TWU Local 291 on behalf of all disparately impacted employees of the Miami-Dade County DTPW within the TWU Local 291 bargaining unit. The charge is intended to be as broad as possible and to exhaust the class administrative process for all class claims relating to African-American transit employees (and all those suffering this disparate impact) within the County's DTPW for disparate impact claims with respect to race discrimination, and other terms and conditions of employment that are subject to Title VII.