

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

JEFF B. PARSONS,

Petitioner,

v.

MONRO D/B/A MCGEE TIRE & AUTO,

Respondent.

EEOC No. 15D201900467

FCHR Case No. 2019-18423

DOAH Case No. 19-5134

FCHR No. 23-046

**AMENDED FINAL ORDER AWARDING RELIEF FOR AN UNLAWFUL
EMPLOYMENT PRACTICE INCLUDING BACK PAY WITH INTEREST,
ATTORNEY'S FEES AND COSTS**

This matter is before the Commission for consideration of the First District Court of Appeal, State of Florida, opinion in Case No. 1D21-3866, issued on May 24, 2023. This decision is the result of Respondent's appeal of FCHR Order No. 21-076.

Preliminary Matters

On March 2, 2020, Administrative Law Judge Lawrence P. Stevenson issued a Recommended Order recommending that the Florida Commission on Human Relations issue an interlocutory order finding that the Respondent unlawfully discriminated against Petitioner and remanding the case to DOAH to establish the amount of back pay/lost wages, attorney's fees and costs owed to Petitioner.

The FCHR adopted this recommendation and remanded the case to the Division of Administrative Hearings. On August 31, 2021, ALJ Stevenson issued a Supplemental Recommended Order recommending that FCHR issue a final order determining that Respondent committed an act of unlawful discrimination against Petitioner and awarding Petitioner \$370,701.72 in back pay/lost wages, with interest, and \$11,296.04 in attorney's fees and costs. Respondent filed exceptions to the Supplemental Final Order, but the Commission rejected them.

On November 18, 2021, the Florida Commission on Human Relations issued a Final Order, FCHR Case No. 21-076, finding that Respondent did unlawfully discriminate against Petitioner and awarding the following relief: (1) Respondent pay Petitioner \$370,701.72 in back pay/lost wages; (2) Respondent pay Petitioner interest of \$51,616.46; and (3) Respondent pay Petitioner attorney's fees and costs of \$11,296.04.

Respondent appealed this Final Order to the First District Court of Appeal, State of Florida, and the case was assigned Case No. 1D21-3866. On May 24, 2023, the First DCA affirmed in part, set aside in part, and remanded the case to the FCHR for entry of an order consistent with the

opinion. The First DCA affirmed the Commission's award of back pay to and including June 19, 2019, with interest.

Affirmative Relief

Respondent, Monro d/b/a McGee Tire & Auto, is hereby ORDERED to:

- (1) pay Petitioner, Jeff B. Parsons, \$141,534.11 for back pay/lost wages;
- (2) pay Petitioner \$40,719.29 interest on the back pay/lost wages; and
- (3) pay Petitioner's attorney's fees and costs in the amount of \$11,296.04.

Notice of Appeal Rights

The parties have the right to seek judicial review of this Final Order pursuant to Section 120.68, Florida Statutes, and Florida Rule of Appellate Procedure 9.110. Such proceedings are commenced by emailing clerk@fchr.myflorida.com, and a second copy with the filing fee prescribed by law, with the District Court of Appeal, First District, or with the District Court of Appeal in the Florida Appellate District where the party resides. The Notice of Appeal must be filed within 30 days of the date this Order is filed with the Clerk of the Commission.

DONE AND ORDERED this 25th day of August, 2023.

FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Angela Primiano, Panel Chairperson;
Commissioner Larry Hart; and
Commissioner Matthew A. Klein.

Filed this 25th day of August, 2023, in Tallahassee, Florida.

Carli Rae' Aldridge

Clerk

Commission on Human Relations
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Lawrence P. Stevenson, Administrative Law Judge, DOAH

I HEREBY CERTIFY that a copy of the foregoing has been mailed to the above listed addressees this 25th day of August, 2023.

By: Carli Rae' Aldridge
Clerk of the Commission
Florida Commission on Human Relations

APPENDIX

Computations:

$\$370,701.72/39.42 \text{ months} = \$9,403.90 \text{ per month} \times 12 \text{ months} = \$112,846.80/52 \text{ weeks} = \$2,170.13 \text{ per week}$

2018:

$2 \text{ weeks} \times \$2,170.13 = \$4,340.26 \text{ (.038yr} \times .0553 = .0021014)$

$13 \text{ weeks} \times \$2,170.13 = \$28,211.69 \text{ (.25yr} \times .0572 = .0143)$

$13 \text{ weeks} \times \$2,170.13 = \$28,211.69 \text{ (.25yr} \times .0597 = .014925)$

$13 \text{ weeks} \times \$2,170.13 = \$28,211.69 \text{ (.25yr} \times .0609 = .015225)$

$\$4,340.26 + (\$28,211.69 \times 3) = \$88,975.33 \times (.0021014 + .0143 + .014925 + .015225 = .0465514) = \$4,141.93$

Back pay = \$88,975.33

Interest = \$4,141.93

2019:

January 1-June 19 170 days divided by 365 days = .46575342 yr.

$.46575342 \times \$112,846.80 = \$52,558.78 = \text{back pay for year 2019}$

Total back pay owed for 2018 and 2019 = \$141,534.11

$(.25 \times .0633 = .015825) + (.25 \times .0657 = .016425) + (.25 \times .0677 = .016925) + (.25 \times .0689 = .017225) = .0664$

Total back pay owed: $\$141,534.11 \times .0664 = \$9,397.86$ interest for 2019

2020:

$(.25 \times .0683 = .017075) + (.25 \times .0666 = .01665) + (.25 \times .0603 = .015075) + (.25 \times .0537 = .013425) = .062225$

$\$141,534.11 \times .062225 = \$8,806.96$ interest for 2020

2021:

$(.25 \times .0481 = .012025) + (.25 \times .0431 = .010775) + (.5 \times .0425 = .02125) = .04405$

$\$141,534.11 \times .04405 = \$6,234.58$ interest for 2021

2022

$(.5 \times .0425 = .02125) + (.25 \times .0434 = .01085) + (.25 \times .0475 = .011875) = .043975$

$\$141,534.11 \times .0438 = \$6,223.96$ interest for 2022

2023:

$(.25 \times .0552 = .0138) + (.25 \times .0658 = .01645) + (.15 \times .0769 = .011535) = .041785$ through 8/24/23

$\$141,534.11 \times .041785 = \$5,914.00$ interest through 8/24/23

Total interest:

2018: \$4,141.93

2019: \$9,397.86

2020: \$8,806.96

2021: \$6,234.58

2022: \$6,223.96

2023: \$5,914.00

Total: \$40,719.29

All computations of the interest amounts are from the published Florida C.F.O. interest rates. See

<https://www.myfloridacfo.com/division/aa/local-governments/judgement-interest-rates>