

**FILED**  
U.S. DISTRICT COURT  
EASTERN DISTRICT ARKANSAS

JUN 15 2017

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
PINE BLUFF DIVISION**

JAMES W. McCORMACK, CLERK  
By: *JW* DEP CLERK

Maryland Dodds , in her own behalf  
and in behalf of all others similarly situated;

PLAINTIFF

v.

No 5:17-cv-164-DPM

Professional Transportation Inc. (PTI);  
United Professional and Service Employees Union; and  
United Professional and Service Employees Union Local 12222 (USPEU)

DEFENDANTS

COMPLAINT- CLASS ACTION

This case assigned to District Judge Marshall  
and to Magistrate Judge Kearney

I.

JURISDICTION AND VENUE

This Court has federal question jurisdiction of this cause pursuant to 28 U.S.C. Sec. 1331; 42 U.S.C. Sec 1981; and 42 U.S.C. 2000(e), et seq.

CLASS ACTION ALLEGATIONS

II.

BASIS OF THE CLAIM-RULE 23 (b)(2) and RULE 23 (b)(3)

This action is brought pursuant to Rule 23(b)(2) and 23(b)(3) of the Federal Rules of Civil Procedure.

ACTS OF PTI

1. Defendant Professional Transportation Incorporated (PTI) discriminates against black employees due to race in the pay of black van drivers as compared to the pay granted to white van drivers.
2. PTI discriminates against black individuals by paying a greater wage to white individuals who drive vans who were hired simultaneously or subsequent to black van drivers.

3. On or about January 14, 2017 PTI terminated Dodds, who worked as a starter, after Dodds told a Southern Pacific Railroad official about the number of transport vans that PTI had at Pine Bluff that were operational and the number of vans that were non operational (out of service).
4. PTI terminated Dodds due to her race and contended that Dodds' termination was due to Dodds' disclosure about the number of vans that were operational and nonoperational at Pine Bluff, Arkansas.
5. Upon information and belief, a white employee, who worked as a starter, at PTI's North Little Rock Branch engaged in the same conduct described in paragraph three (3) and was not terminated.
6. All acts of race discrimination complained of herein are intentional; therefore, Plaintiff and the class are entitled to punitive damages.

IV.

THE NUMBER AND DEFINITION OF THE PROPOSED CLASS

1. The class sought to be represented by plaintiff is approximately two hundred (250) black individuals who were or are residents of the state of Arkansas who drove vans for PTI during the period from the filing of this complaint to four (4) years prior to the filing of this complaint.
2. (1) The class is so numerous that joinder of all members of the class of hourly paid black van drivers for PTI during the past four (4) years is impractical; (2) There are questions of laws and fact common to the class; (3) The claims or defenses of the representative parties are typical of the claims or defenses of the class; and (4) Plaintiff Maryland Dodds will fairly and adequately protect the interests of the class of black hourly waged van drivers who work or have worked for PTI in the state of Arkansas during the relevant period; four (4) years prior to filing this action.

V.

BASIS UPON WHICH PLAINTIFF CLAIM TO BE AN ADEQUATE REPRESENTATIVE OF THE CLASS

1. Maryland Dodds (Dodds) is a black individual who was hired by PTI as a van driver on April 15, 2014.
2. Dodds was continuously employed by PTI at Pine Bluff, Arkansas at branch 0225 as a van driver since her initial date of employment until January 2017.
3. Dodds has driven vans on shuttle routes; in the railroad yard; and over the road.
4. Dodds has suffered the same kind of injury based upon race as the members of the class.
5. The facts that govern the class members are the same facts that govern Dodds' employment with PTI.
6. The facts that govern the class members are the same facts that govern Dodds' employment with PTI.

VI

SPECIFIC QUESTIONS OF LAW AND FACT COMMON TO THE CLASS

1. The questions of law and fact common to the class include:
  - (1) Whether PTI pays a higher wage to white individuals than it pays black individuals who drive a van due to their race.
  - (2) Whether PTI pays white van drivers more than it pays black van drivers for performing the same work based upon race;
  - (3) Whether PTI engages in disparate treatment of black individuals based upon race.
  - (4) Whether the treatment of black individuals in the manner alleged is contrary to law.

VII

ALLEGATIONS THAT SUPPORT FRCP 23(b) (3)

1. This action is brought for the recovery of back pay, compensatory and punitive damages.

2. PTI pays a higher hourly wages to white van drivers as compared to the hourly wages paid to black van drivers due to race;
3. PTI pays a higher hourly wages to white van drivers than the hourly wages paid to black van drivers for performing the same work based upon race.

VIII

RELIEF REQUESTED

Maryland Dodds and the class she represent, request relief in the form of: declaratory judgment; injunctive relief; wage loss; compensatory damages; punitive damages; costs; counsel fees; and for all other appropriate relief.

IX

PROFESSIONAL TRANSPORTATION INCORPORATED

1. Professional Transportation Incorporated (PTI) is headquartered in Evansville, Indiana. PTI is one of a group of companies known collectively as United Companies. PTI was founded in 1980 and began operations, serving as a crew transportation service for railroads in the Midwest.
2. PTI has approximately 6000 employees involved in the transportation of railroad crews nationwide.
3. Crew transportation is the process of driving railroad crews from point to point referred to as shuttle service and over road services.
4. PTI does business in at least forty states: Alabama, Arkansas, Colorado, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, New Jersey, New York, North Carolina, Nevada, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri Montana, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, Washington D.C., West Virginia, Wisconsin and Wyoming.
5. PTI crew transportation involves the transportation of railroad crews from point to point referred to as shuttle service and over the road services.

X.

UNITED PROFESSIONAL SERVICE EMPLOYEES UNION

1. United Professional Service Employees Union (UPSEU) and United Professional Service Employees Union International local 12222 (UPSEU) represent all van drivers who elect to be represented by the union.
2. Dodds was a member of UPSEU Local 12222 during her employment with PTI.
3. The Unions are joined as necessary parties pursuant to Rule 19, FRCP.
4. The Unions are necessary parties as the Court cannot accord complete relief among plaintiffs, the class and PTI.
5. The Unions will be called upon regarding the interpretation and the application of the Bargaining Agreement between Dodds and the class members.

XI.

PLAINTIFF MARYLAND DODDS.

1. Maryland Dodds (Dodds) is a resident of Jefferson County, Arkansas.
2. Dodds is a black female citizen of the United States of America.
3. Dodds was hired by PTI on or about April 15, 2014.
4. Dodds, b/f, has worked as a van drivers for PTI and has driven a van as a MPV operator; shuttle driver ; dedicated yard van driver; and as a starter.
5. Dodds was paid \$7.25/hr as the starting rate of pay to drive a van.
6. Dodds was paid \$7.25/hr as a shuttle driver April 15, 2014 and was later assigned as a MPV operator moving train crewmen over the road from point to point; afterwards a DYV operator moving crewmen within the railroad yard of the Union Pacific Railroad.
7. Dodds continued to drive a van for PTI from about April 15, 2014 until on about July 2, 2015.

8. It is Dodds's belief that PTI hired several white individuals to drive a van as MPV operator; shuttle van operator; and DYV operator and paid such white van drivers a greater hourly wage solely due to the white individuals' race.
9. Dodds was a member of UPSEU during her employment with PTI.
10. On or about July 7, 2015, PTI hired Dodds as a starter whose primary duty was to call van drivers to take van work assignments to transport train crews as MPV; shuttle; or DYV operator.
11. It is Dodds' belief that PTI paid white individuals greater hourly wages than the hourly wages paid to black individuals solely due to race.
12. White individual employee I.D. NO. 64742 hired as a van driver May 4, 2012, was paid a greater wage than Dodds, (hired April 15, 2014) due to race.
13. White individual employee I.D. NO. 0216 hired as a van driver June 14, 2012, was paid a greater wage than Dodds, (hired April 15, 2014) due to race.
14. White individual employee I.D. NO. 0212 hired as a van driver June 4, 2012, was paid a greater wage than Dodds, (hired April 15, 2014) due to race.
15. White individual employee I.D. NO. 0001 hired as a van driver January 7, 2013, was paid a greater wage than Dodds, (hired April 15, 2014) due to race.
16. White individual employee I.D. NO. 0028 hired as a van driver March 20, 2014, was paid a greater wage than Dodds, (hired April 15, 2014) due to race.
17. White individual employee I.D. NO. 0030 hired as a van driver July 3, 2013, was paid a greater wage than Dodds, (hired April 15, 2014) due to race.
18. White individual employee I.D. NO. 0148 hired as a van driver April 10, 2014, was paid a greater wage than Dodds, (hired April 15, 2014) due to race.
19. Dodds was a shuttle van driver for PTI from April 15, 2014 until July 2015, where she worked about 36 hours per week.

20. Dodds was assigned to drive a van as shuttle van driver upon initially being hired by PTI.
21. Dodds later drove a van in the railroad yard of Union Pacific and was referred to as a DYV van driver.
22. Dodds also drove a van from Pine Bluff, Arkansas to Longview, Texas as an MPV van driver for at least six (6) months and worked about 36 hours per week.
23. Maryland Dodds is familiar with terms and conditions under which black van drivers work at PTI.
24. Dodds worked as a starter placed her in a position to understand the PTI van operations.
25. As a starter Dodds initiated van trips at the Union Pacific Railroad yard at Pine Bluff from July 2015 to January 2017.
26. As a starter, Dodds called van drivers to transport train crews from point to point.
27. Van drivers did not receive written evaluations of their job performances from Dodds' date of hire until her termination.
28. The Branch manager at branch number 0224 has said at drivers' meetings that van drivers should not discuss their pay with fellow van drivers.
29. Dodds was a dues paying member of the Union during her employment with PTI.

**EXHAUSTION OF ADMINISTRATIVE REMEDIES**

1. Dodds filed a charge of race discrimination with the EEOC on March 10, 2017 in connection with her compensation.
2. Notice of Rights to Sue was issued on March 15, 2017. Ex. A
3. Suit is being timely filed.

WHEREFORE, Plaintiff Maryland Dodds and the class she represent pray for the following relief:

- a. back pay;
- b. compensatory damages;
- c. punitive damages;

d. injunctive and declaratory relief;

e. costs; and

f. counsel fees and for all other relief to which plaintiffs and the class may be entitled.

RESPECTFULLY SUBMITTED,

Maryland Dodds, Plaintiff



Maryland Dodds

1505 S. Larch St

Pine Bluff, AR 71603

870-540-9215



**DISMISSAL AND NOTICE OF RIGHTS**

To: **Maryland Dodds**  
**1505 Larch St**  
**Pine Bluff, AR 71603**

From: **Little Rock Area Office**  
**820 Louisiana**  
**Suite 200**  
**Little Rock, AR 72201**

On behalf of person(s) aggrieved whose identity is  
**CONFIDENTIAL (29 CFR §1601.7(a))**

EEOC Charge No.	EEOC Representative	Telephone No.
<b>493-2017-00794</b>	<b>Matilda S. Louvring,</b> <b>Investigator</b>	<b>(501) 324-5535</b>

**THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:**

- The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.
- Your allegations did not involve a disability as defined by the Americans With Disabilities Act.
- The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.
- Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge
- The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.
- The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.
- Other (briefly state)

**- NOTICE OF SUIT RIGHTS -**

(See the additional information attached to this form.)

**Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act:** This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS** of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

**Equal Pay Act (EPA):** EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

*William A. Cash, Jr.*

**MAR 15 2017**

Enclosures(s)

**William A. Cash, Jr.,**  
**Area Office Director**

(Date Mailed)

cc: **Steven Greulich**  
**Senior Director of Human Resources**  
**PROFESSIONAL TRANSPORTATION INC.**  
**3700 Morgan Avenue**  
**Evansville, IN 47715**

EX. A

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

5:17-cv-164-DPM

I (a) PLAINTIFFS

Maryland Dodds, in her own behalf and in behalf of all others similiary situated;

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF Jefferson  
(EXCEPT IN U.S. PLAINTIFF CASES)

DEFENDANTS

Professional Transportation Inc. (PTI);  
United Professional and Service Employees Union;  
United Professional and Service Employees Union Local 12222 (USPEU)  
COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT UNKNOWN  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Maryland Dodds, Pro-se  
1505 S. Larch St.  
Pine Bluff, Ar 71603  
(870) 540-9215

ATTORNEYS (IF KNOWN)

Justin M. Dean - Patrick Hulla  
Olgetree Deakins  
4520 Main Street - Suite 400  
Kansas City, MO 64111

II. BASIS OF JURISDICTION

(PLACE AN X IN ONE BOX ONLY)

- 1 U.S. Government Plaintiff
- 3 Federal Question (U.S. Government Not a Party)
- 2 U.S. Government Defendant
- 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES

(For Diversity Cases Only)

(PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

	PTF	DEF		PTF	DEF
Citizen of This State	<input checked="" type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. CAUSE OF ACTION

(CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE.)

DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY

Compensation and termination based on race - 28 U.S.C. Sec 1331; 42 U.S.C. Sec 1981; and 42 U.S.C. 2000(e), et seq.

V. NATURE OF SUIT

(PLACE AN X IN ONE BOX ONLY)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury - Med Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395(f)) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DRWC/DRWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Other	<b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	

VI. ORIGIN

(PLACE AN X IN ONE BOX ONLY)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from another district (specify)
- 6 Multidistrict Litigation
- 7 Appeal to District Judge from Magistrate Judgment

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION  UNDER F.R.C.P. 23

DEMAND \$ \_\_\_\_\_

JURY DEMAND:  YES  NO

VIII. RELATED CASE(S) (See instructions):

IF ANY  
Cooksey v. PTI et al

JUDGE Kristen G. Baker DOCKET NUMBER 5:16-cv-00072

DATE SIGNATURE OF ATTORNEY OF RECORD

6-15-17

Maryland Dodds

# ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Lawsuit: PTI Pays Black Employees Less Than White Employees](#)

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