



July 30, 2025

Andrea Lucas
Acting Chair
U.S. Equal Employment Opportunity Commission
131 M Street, NE
Washington, DC 20507

Investigation Request: Texas Roadhouse, Inc.

Dear Ms. Lucas:

America First Legal Foundation (“AFL”) is a national, nonprofit organization working to protect the rule of law, due process, and equal protection for all Americans. We request that the Equal Employment Opportunity Commission (“EEOC”) investigate Texas Roadhouse, Inc. (“Texas Roadhouse”) for violating Title VII of the Civil Rights Act of 1964. 42 U.S.C. § 2000e-2. Texas Roadhouse’s employment practices, as described below, appear to discriminate against employees, or prospective employees, solely because of their race, color, or sex. This is patently unlawful. *See* 42 U.S.C. §§ 2000e-2(a), (d). Accordingly, we respectfully request that you issue a Commissioner Charge pursuant to 29 C.F.R. § 1601.6(a).

Texas Roadhouse is a publicly traded corporation incorporated under the laws of the State of Delaware, with its principal executive offices located at 6040 Dutchmans Lane, Louisville, Kentucky 40205.¹ Texas Roadhouse appears to represent to shareholders, investors, and the public that it has and will continue limiting, segregating, or classifying employees or applicants for employment in ways that would deprive, or tend to deprive, white and/or male individuals of employment, training, or promotions because of their race, color, or sex.

On its website, Texas Roadhouse states that “[a]t Texas Roadhouse, diversity, inclusion, and opportunity are a big part of our culture.”²

In pursuit of this commitment, Texas Roadhouse states “attract[ing] diverse talent” is a “vital part” of the Company’s culture.³ Across its publicly available materials,

¹ Texas Roadhouse, Inc. Form 10-K, TEXAS ROADHOUSE, INC. (Feb. 28, 2025) [hereinafter *Texas Roadhouse 2025 Form 10-K*] (available at <https://perma.cc/98H2-87UV>).

² *Our Culture*, TEXAS ROADHOUSE (last visited July 21, 2025).

³ Corporate Sustainability Report 2024 at 22, TEXAS ROADHOUSE (available at <https://perma.cc/5FYQ-TQXY>) [hereinafter *2024 Sustainability Report*].

Texas Roadhouse acknowledges that taking “diversity” into account means considering individuals’ race and sex:

- In nominating members to its Board of Directors, the Company’s nominating and corporate governance committee “seek[s] *diverse* candidates, taking into account *diversity* in all respects (including *gender*, *race*, age, [and other factors]).”⁴ In that same Proxy Statement filed in February 2025, Texas Roadhouse published charts that “illustrate the composition of [its] director nominees by age, tenure, *diversity*, independence, and *gender*.”⁵ The *only* characteristics tracked in the chart titled “Diversity” are race and sex, and only “Women & BIPOC” qualify as “diverse.”⁶
- Texas Roadhouse’s 2024 Sustainability Report contains a near-identical statement indicating that the Company “seeks diverse [board of directors] candidates, taking into account diversity in all respects (including gender, race, age...).”⁷ The 2024 Sustainability Report also includes similar graphs that confirm the only group excluded from being considered “diverse” are white males.⁸
- In its 2024 Form 10-K, Texas Roadhouse states that it is “committed to attracting, retaining, engaging, recognizing, and developing a workforce that *mirrors the diversity* of our guests.”⁹ In the very following sentence, Texas Roadhouse reveals that the Company tracks the “gender and racial and ethnic diversity of [its] employees.”¹⁰ Accordingly, the only gender, racial, and ethnic diversity data that the company publishes are the percentages of employees who are “Women” or “People of Color.”¹¹

Texas Roadhouse also runs employee programs that provide employee benefits based on race and sex. For example, the Women’s Leadership Summit “provide[s] a space

⁴ Schedule 14A at 25, TEXAS ROADHOUSE, INC. (Apr. 4, 2025) [hereinafter *Texas Roadhouse 2025 Proxy Statement*] (emphasis added) (available at <https://perma.cc/V3FZ-84R6>).

⁵ *Id.* at 11 (emphasis added).

⁶ *Id.*

⁷ 2024 Sustainability Report at 31.

⁸ *See also id.* at 31 (also containing graphs showing nominees’ tenure, age, diversity, independence, and gender—with “diversity” referring to “Women and BIPOC”).

⁹ Texas Roadhouse 2025 Form 10-K at 16 (emphasis added). Texas Roadhouse’s Sustainability Report contains a near-identical commitment to have the Texas Roadhouse workforce “mirror the diversity” of its customers. The commitment also appears alongside “gender and racial and ethnic diversity” data of employees, with no mention of any nondiscriminatory “diversity” criteria. *See* 2024 Sustainability Report at 24, 25.

¹⁰ *Id.*

¹¹ Texas Roadhouse 2025 Form 10-K at 16 (defining “People of Color” as employees that “identify as American Indian/Alaskan Native, Asian, Black/African American, Hispanic/Latino, Native Hawaiian/Pacific Islander, or two or more races”). This “gender and racial and ethnic diversity” data is also published in Texas Roadhouse’s Sustainability Report. 2024 Sustainability Report at 24.

for our leaders to network, develop, and grow.”¹² The Company’s DEI efforts accelerated in 2024 as Texas Roadhouse hosted its first African American Leadership Summit, providing employees with “two days of connection, professional development, and community building.”¹³

Title VII of the Civil Rights Act of 1964 prohibits an employer from discriminating “against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual’s race, color, religion, sex, or national origin.” 42 U.S.C. § 2000e-2(a)(1). The Supreme Court has held that the “terms or conditions” phrase in Title VII “is not used in the narrow contractual sense; it covers more than the economic or tangible.”¹⁴

Texas Roadhouse repeatedly admits that considerations of race, color, national origin, and sex are motivating factors in the Company’s employment practices. Yet these considerations, purportedly embedded in its culture and day-to-day operations, are illegal. Texas Roadhouse’s policies openly discriminate against white male employees in favor of diverse employees. Discrimination advocates—under the guise of “diversity” and “equity”—have for years claimed that straight white men must be treated differently than diverse individuals by holding them to a higher evidentiary standard; however, the Supreme Court has directly rejected this claim, holding that “Title VII does not impose such a heightened standard on majority-group plaintiffs.”¹⁵

Texas Roadhouse’s self-described, ongoing employment practices are unlawful, deeply harmful, and immoral.¹⁶ Discrimination based on immutable characteristics such as race, color, national origin, or sex “generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely to ever be undone.”¹⁷ Decades of case law hold that—no matter how well-intentioned—policies that seek to impose racial balancing are prohibited by Title VII.¹⁸ More broadly, the discrimination highlighted in this case necessarily foments contention and resentment; it is “odious and destructive.”¹⁹ It truly “is a sordid business, this

¹² 2024 Sustainability Report at 26.

¹³ *Id.* Texas Roadhouse uses “Black” and “African American” interchangeably. *See id.* at 24; Texas Roadhouse 2025 10-K at 16.

¹⁴ *Muldrow v. City of St. Louis*, 601 U.S. 346, 347 (2024) (cleaned up) (citing *Meritor Sav. Bank, FSB v. Vinson*, 477 U.S. 57, 64 (1986); *see also Bostock v. Clayton County, Ga.*, 590 U.S. 644, 658, 681 (2020); *United Steelworkers of Am. v. Weber*, 443 U.S. 193, 208 (1979); *Johnson v. Transp. Agency*, 480 U.S. 616, 621–41 (1987).

¹⁵ *Ames v. Ohio Dep’t of Youth Servs.*, No. 23–1039, slip op. at 9 (June 5, 2025).

¹⁶ *Bob Jones Univ. v. United States*, 461 U.S. 574, 593 (1983) (“racial discrimination in education violates a most fundamental national public policy, as well as rights of individuals”).

¹⁷ *Brown v. Bd. of Education*, 347 U.S. 484, 494 (1954).

¹⁸ *See, e.g., United Steelworkers*, 443 U.S. at 208; *Johnson*, 480 U.S. at 621-641; *see also Bostock*, 590 U.S. at 650.

¹⁹ *Texas v. Johnson*, 491 U.S. 397, 418 (1989).

divvying us up” by race or sex.²⁰ Accordingly, we request that you issue a Commissioner Charge to investigate these allegations and ensure that Texas Roadhouse ceases all discriminatory employment practices.

Thank you in advance for your cooperation.

Sincerely,

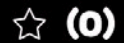
/s/ Will Scolinos

America First Legal Foundation

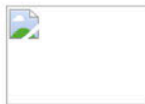
Cc: Kalpana Kotagal, Commissioner, EEOC
Andrew Rogers, EEOC, Acting General Counsel, EEOC
Phillip Bornefeld, Director, EEOC Nashville Area Office
Faye Williams, Regional Attorney, EEOC Nashville Area Office

²⁰ *League of United Latin Am. Citizens v. Perry*, 548 U.S. 399, 511 (2006) (Roberts, C.J., concurring in part).

APPENDIX



As our company continues to grow, we are proud to welcome guests, business and community relationships, and our Roadies from all walks of life to join our family! At Texas Roadhouse, diversity, inclusion, and opportunity are a big part of our culture. We invite you to join us and share in our commitment to being one of the best employers in town



Founder

- **People-First Means...Creating an Inclusive Environment Where Roadies Want To Work And Guests Want To Dine:** We believe in creating an environment where everyone feels a sense of belonging and can be their best. Our focus on casting a wide net to attract diverse talent and experience, employee engagement and inclusion of all Roadies are vital parts of our culture and what truly makes us legendary. We value employees of all walks of life to share their gifts, strengths, voices, talents, and inspiration with us.

HUMAN CAPITAL AND DIVERSITY

We believe that people and culture are our greatest assets. In 2024, we finished the year with more than 94,000 Roadies working in our restaurants and at the Support Center. This included almost 900 executive and administrative employees and more than 3,700 restaurant managers, while the rest of our Roadies were full and part-time hourly restaurant team members.

Our business relies on our ability to attract and retain talented employees. To attract and retain talent, we cast a wide net, sourcing qualified candidates through multiple channels, and maintain our People-First culture through shared core values, a performance-based compensation program, and competitive benefits and health programs. Additionally, our training and development programs are designed to provide our employees with ample opportunities to grow and develop in their careers. As a result, we are committed to attracting, retaining, engaging, and developing a workforce that mirrors the diversity of our guests and is committed to upholding our shared business values.

The table below shows the gender and racial and ethnic diversity of our Roadies as of the submission of our 2023 EEO-1 Report:

TOTAL WORKFORCE COMPOSITION TABLE*

| | | |
|------------------|---|--------|
| GENDER | Female | 57.04% |
| | Male | 42.96% |
| ETHNICITY | White | 58.74% |
| | Hispanic/Latino | 28.54% |
| | Black/African American | 11.32% |
| | Asian | 1.00% |
| | Native Hawaiian or Other Pacific Islander | 0.29% |
| | Two or More | 0.11% |
| | American Indian or Alaska Native | 0.00% |

*Based on 2023 EEO-1 data previously submitted to the Equal Employment Opportunity Commission.

The table below shows the gender and racial and ethnic diversity of our Roadies at the end of 2024:

| | Women | People of Color † |
|-----------------------------|-------|-------------------|
| Support Center | 53.3% | 11.8% |
| Restaurant Managers | 39.9% | 24.2% |
| Hourly Restaurant Employees | 57.2% | 44.0% |

† Denotes employees at Company restaurants and our Support Center that identify as Hispanic/Latino, Black/African American, Asian, American Indian/Alaskan Native, Two or More Races, or Native Hawaiian/Pacific Islander.



WOMEN'S LEADERSHIP SUMMIT

Texas Roadhouse's Women's Leadership Summit ("WLS") program started in 2007 to provide a space for our leaders to network, develop, and grow. The program has grown significantly in size and scope over the years, and 2024 was no exception; we had both a Support Center in-person WLS and a company-wide virtual WLS. The Support Center WLS had 115 attendees, while our virtual WLS attracted 1221 attendees, many of whom had watch parties. This year's theme was "Shine On," and both events featured keynote guest speakers, exciting panels, and engaging group activities.



INAUGURAL AFRICAN AMERICAN LEADERSHIP SUMMIT

In 2024, we hosted our first-ever African American Leadership Summit at our Support Center. Leaders from each of our five regions and the Support Center attended the event, during which they were able to participate in group activities and hear from keynote speakers and panelists on a variety of leadership and development topics grounded in the theme of "Better Together." It was an impactful two days of connection, professional development, and community building.

LEGENDARY FOR ALL

BUILDING COMMUNITY AND A SENSE OF BELONGING THROUGH INCLUSION

As part of our engagement efforts and our long-held corporate strategy of building a People-First culture, we have continued to support our Roadies through programs that build community and foster a sense of belonging, encourage an inclusive culture, and help welcome employees of all walks of life to work in our restaurants and the Support Center, as we **strive to reflect the communities we are proud to serve**. We are passionate about treating everyone with respect, appreciation, and fairness every day to ensure that we remain a legendary place for our employees to work and for our guests to dine.

Our inclusion programs are engrained in and part of our overall corporate strategy and are supported by an Advisory Council. This Council is a cross-functional and diverse team of senior leaders within our Company, including three executives, two vice-presidents, and individuals representing seven different departments. The Council's primary purpose is to establish the overall inclusion strategy and vision for Texas Roadhouse, as well as ensure our programs align with, integrate into, and become embedded in our Company's broader strategic vision, including employee recruitment, retention, growth and development, guest and community experience, and accountability and transparency.





ROADIE DEVELOPMENT

We focus on Roadie development through a variety of in-person and virtual programs and classes we offer to restaurant employees, operators, and Support Center employees. For our restaurant employees and operators, for example, in addition to countless hours of on-the-job training, we have bi-annual Market Partner meetings, annual training for our Managing Partners, Service Managers, and Kitchen Managers through MSUs, SMUs, and KMUs, respectively; formal training for newly hired or promoted Managing Partners; and formal training for our emerging leaders through Legendary Learning. In all, over 4,000 of our restaurant Roadies are receiving formal training every year.

In addition, as a part of our overall corporate strategy, we have designed programs that continue to support the growth and development of all our Roadies including, but not limited to, our Women’s Leadership Summit, our African American Leadership Summit and our ESL (English as a Second Language) Program as described above.

employees for their outstanding achievements throughout the year), our Support Center Awards (during which we award our top Support Center Roadies), and our Managing Partner Conference (where we give out a title of Managing Partner of the Year — the highest honor within our company), as well as a multitude of other regional recognition events and daily recognition programs.

EMPLOYEE HEALTH AND SAFETY

As a People-First company, we continue to keep employee health and safety our top priority. With trainings, policies, and programs dedicated to efforts such as OSHA training, slip-resistant footwear, hand washing, and active aggressor preparedness training, to name a few — we are focused on keeping our Roadies safe. We are proud to offer our Employee Assistance Program (EAP) to all benefits-eligible employees.

In the event of a crisis, we provide counselors on-site to help our Roadies navigate difficult times.

Our Employee and Guest Safety Committee is a cross-functional team focused on minimizing the number and

CORPORATE GOVERNANCE

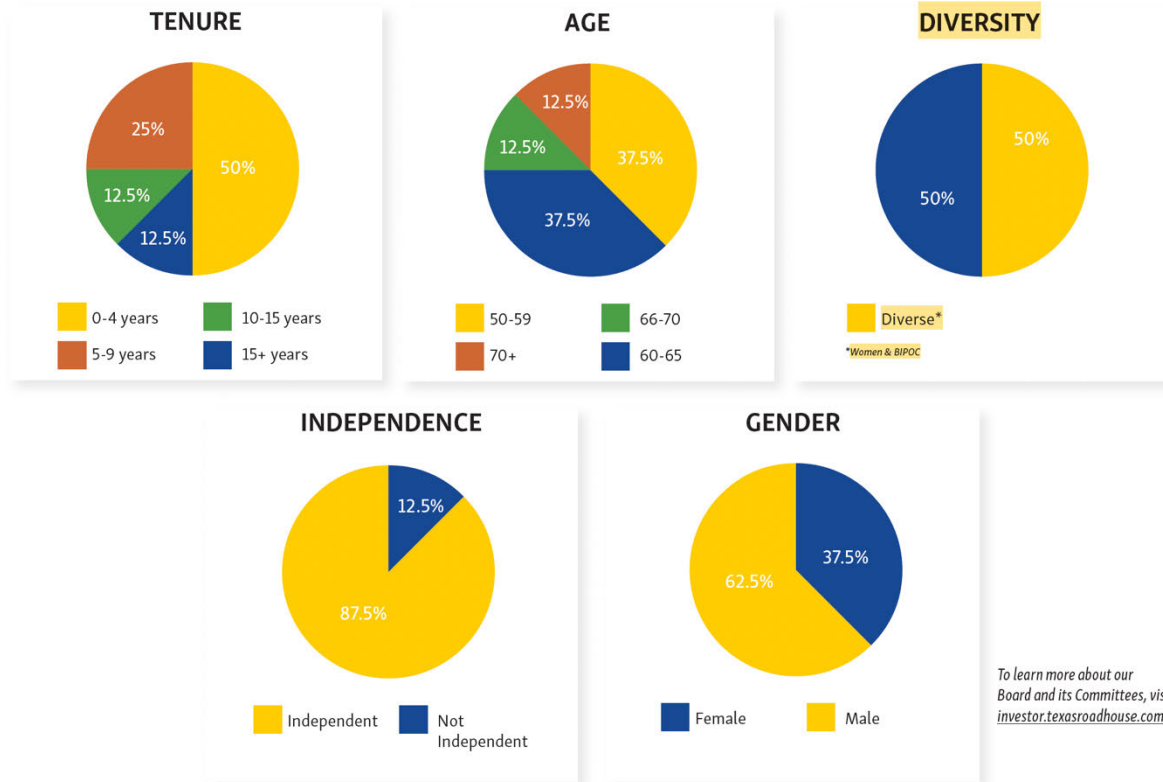
We believe that strong corporate governance practices are important for the sustainability of our company and for driving long-term value for our shareholders, employees, guests, and communities in which we serve. Our Corporate Governance Guidelines can be found on our website at investor.texasroadhouse.com and were most recently updated in February 2025.

ROLE OF OUR BOARD AND MANAGEMENT

The Board’s role is to enhance the long-term value of the Company for its shareholders. The Board is elected annually by the shareholders to oversee management and to ensure that the long-term interests of the shareholders are being served. In order to fulfill this obligation, the Board is responsible for establishing broad corporate policies, setting strategic direction, and overseeing the management of the Company. As discussed in our current Proxy Statement,

our Board seeks diverse candidates, taking into account diversity in all respects (including gender, race, age, board service, background, education, skill set, and financial acumen, along with knowledge and experience in areas that are relevant to the Company’s business), when evaluating potential nominees. Of our eight directors up for re-election at our upcoming annual shareholder meeting, three are female and one is African American. All our directors have a diverse background, education, knowledge, and experience that are relevant to our business.

The charts below illustrate the composition of our director nominees by age, tenure, diversity, independence, and gender:



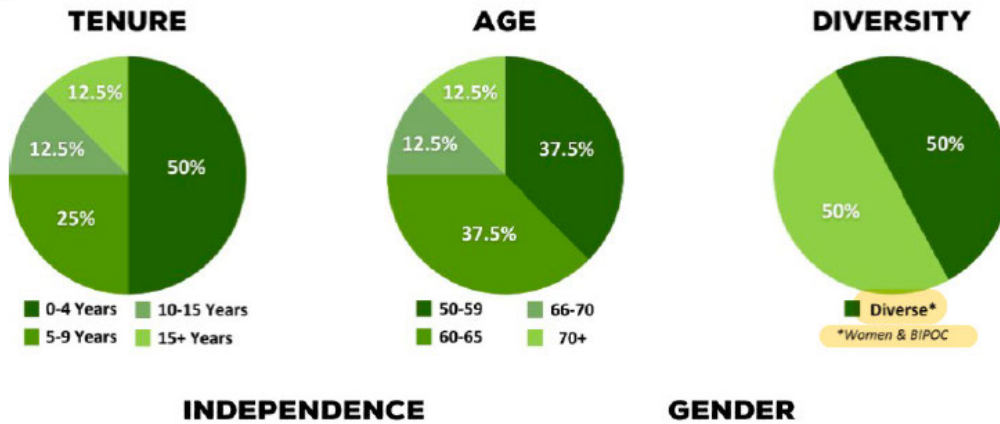
Director Summary Overview

| OUR DIRECTOR NOMINEES | | | | | | |
|-----------------------|-----|----------------|-------------------|----------------------|-----|-----|
| Nominee | Age | Director Since | Independent (Y/N) | Committee Membership | | |
| | | | | A | C | N |
| Jane Grote Abell | 58 | 2024 | Y | ○ | | ○ |
| Michael A. Crawford | 57 | 2020 | Y | ○ | ● | |
| Donna E. Epps | 61 | 2021 | Y | ● | | ○ |
| Wayne L. Jones | 66 | 2023 | Y | ○ | | ○ |
| Gregory N. Moore | 75 | 2005 | Y | ○ | ○ | |
| Gerald L. Morgan | 64 | 2021 | N | N/A | N/A | N/A |
| Curtis A. Warfield | 57 | 2018 | Y | ○ | | ● |
| Kathleen M. Widmer | 63 | 2013 | Y | | ○ | ○ |

A (Audit Committee) C (Compensation Committee) N (Nominating and Corporate Governance Committee)
 ● Chairperson ○ Committee Member

Nominee Highlights

The charts below illustrate the composition of our director nominees by age, tenure, diversity, independence, and gender:



The nominating and corporate governance committee may consider such other factors as it may deem are in the best interest of the Company and its shareholders. The Board has adopted Corporate Governance Guidelines which provide that, if and when the Board determines that it is necessary or desirable to add or replace a director, the nominating and corporate governance committee will seek diverse candidates, taking into account diversity in all respects (including gender, race, age, board service, background, education, skill set, and financial acumen, along with knowledge and experience in areas that are relevant to the Company's