



In Reply Refer to: HCR-20
DOT# 2022-0127

October 4, 2022

(b) (6)

Subject: Complaint DOT# 2022-0127

Dear (b) (6),

The Federal Highway Administration (FHWA) Office of Civil Rights has come to a determination in the above complaint, which alleges violations that may be related to Title VI of the Civil Rights Act of 1964, the U.S. Department of Transportation (USDOT) Title VI implementation regulations at 49 C.F.R. Part 21, and/or FHWA's Title VI regulations at 23 C.F.R. Part 200 (hereinafter Title VI). Title VI prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving federal financial assistance.

To be accepted for investigation, a complaint must meet the jurisdictional requirements provided by 49 C.F.R. § 21.11. First, complaints must be filed within 180 calendar days of the alleged discriminatory act, unless the time for filing is extended by FHWA. Second, the matters must concern recipients of federal financial assistance for a program or programs authorized under a law administered by FHWA. Finally, the complaint must describe an alleged discriminatory act or acts that, if true, would fall under FHWA's jurisdiction and potentially violate FHWA's Title VI regulations.

The allegations in this complaint state that a third party contractor made discriminatory remarks pertaining to your race and national origin and showed you personal pictures that may be inappropriate in the workplace. Furthermore, after you submitted the original complaint, an allegation of retaliation was made against CalTrans in the form of financial withholding.

After careful consideration, FHWA has determined that the allegations do not fall under Title VI jurisdiction. For this reason, FHWA will close this complaint with no further action.

If you have any questions, please contact me at (202) 366-1396.

Sincerely,

Nichole McWhorter

Nichole McWhorter
Title VI Team Leader
Office of Civil Rights

cc: Ralph Rizzo, Division Administrator, FHWA Washington Division Office
Mindy Roberson, Deputy Division Administrator, FHWA Washington Division Office
Autumn Young, Civil Rights Program Manager, FHWA Washington Division Office
Jim Esselman, Senior Attorney-Advisor, FHWA Office of Chief Counsel
Irene Rico, Associate Administrator, FHWA Civil Rights Office
Irene Marion, Director, Departmental Office of Civil Rights
Yvette Rivera, Associate Director, Equity and Access Division, Departmental Office of Civil Rights
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