



U.S. Department
of Transportation
Federal Highway
Administration

1200 New Jersey Avenue, SE
Washington, D.C. 20590

June 1, 2012

In Reply Refer To: HCR-40
DOT #2012-0116

(b) (6)

Dear (b) (6),

This is in reference to your discrimination complaint response (response) dated March 14, 2012, regarding the Federal Highway Administration (FHWA) Office of Civil Rights' decision letter to you dated February 23, 2012. In your response, you stated that your complaint is not untimely because the work on the SR520 Pontoon Construction D/Build Project in Aberdeen, Washington, is continuous and on-going.

Although the above-referenced project may be on-going, in your complaint you indicated that your bid was rejected in 2010. Therefore, your complaint is deemed untimely and cannot be accepted for investigation. Again, this decision does not preclude you from pursuing a private right of action by filing in the appropriate U.S. District Court.

Sincerely yours,

Warren S. Whitlock
Associate Administrator for Civil Rights

cc:

Ms. Brenda Nnambi, Director, Office of Equal Opportunity, Washington State Department of Transportation (w/copy of response)

Mr. Daniel M. (Dan) Mathis, Division Administrator, HDA-WA (w/copy of response)

Ms. Jodi Petersen, Civil Rights Program Specialist, HDA-WA (w/copy of response)

Ms. JoAnne Robinson, Attorney Advisor, FHWA, HCC-30 (w/copy of response)

Williams, Thalia (FHWA)

From: Williams, Thalia (FHWA)
Sent: Wednesday, March 21, 2012 6:18 AM
To: Petersen, Jodi (FHWA)
Cc: Whitlock, Warren (FHWA); Brown, Darren (FHWA)
Subject: RE: Response to title 6 complaint

Good morning Jodi.

Our office will respond to (b) (6) accordingly and will copy the WSDOT and HDA-WA.

You are correct that the copy WSDOT and HDA-WA received regarding dismissal of the untimely complaint was for your information only (as a courtesy, to let you know our decision).

Take care,

Thalia

From: Petersen, Jodi (FHWA)
Sent: Tuesday, March 20, 2012 7:17 PM
To: Williams, Thalia (FHWA)
Cc: Whitlock, Warren (FHWA)
Subject: FW: Response to title 6 complaint

Thalia –

Please see the email below (plus attachment). It doesn't appear that you were cc'd. In addition, (b) (6)'s email was sent to Warren using a NYSDOT address. Consequently, I am passing this along FYI/action.

I do have a question, myself. Are we expecting WSDOT to take any action, to investigate (b) (6) original complaint? HQs letter to (b) (6) indicated that since his complaint was not filed in a timely manner, that we could not accept it. If that's the case, why would it have been sent to WSDOT – for information only?

I'm sure that you will, but just a friendly reminder to please include the WA Division in your response to (b) (6) March 14 response.

Thank you!

Jodi

From: (b) (6)
Sent: Wednesday, March 14, 2012 12:32 PM
To: wwhitlock@dot.state.ny.us
Cc: Nnamdi Brenda; Mathis, Daniel (FHWA); Petersen, Jodi (FHWA); Slynn Young; Anthony Robinson; LaHood, Ray (OST)
Subject: Response to title 6 complaint
Importance: High

Make it a very good day!

(b) (6)

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Title VII
Discrimination Complaint

RESPONSE TO 2/23/2012 WSDOT / FHA LETTER IN REPLY REFER TO: HCR-40
DOT # 2012-0116

OEO Office Use Only

Case #

Name (Complainant) (b) (6)	Phone (b) (6)	Name of Person(s) or Division/Region That Discriminated Against You (b) (6)
Address (Street No., P.O. Box, etc.) (b) (6)		Location and Position of Person (If Known) (b) (6)
City, State, Zip (b) (6)	City, State, Zip (b) (6)	Date of Alleged Incident 9-28-2010

Discrimination
Because of:

☒ Race/Color

☐ Disability

☐ Disabled Veteran

☐ Marital Status

☒ Favoritism

☐ Sex

☐ Vietnam Era Veteran

☐ Sexual Orientation

☒ Unfairness

(Includes Sexual
Harassment)

☐ National Origin

☒ Retaliation

Explain as briefly and clearly as possible what happened and how you were discriminated against. Indicate who was involved. Be sure to include how other persons were treated differently than you. Also attach any written material pertaining to your case.

RESPONSE TO 2/23/2012 WSDOT / FHA LETTER. IN REPLY REFER TO: HCR-40 DOT # 2012-0116

THIS COMPLAINT IS ON THE SR520 PONTOON CONSTRUCTION D/BUILD PROJECT IN ABERDEEN WASHINGTON.

My complaint isn't untimely submitted because the work on this project is continuous and on going on this Design Build Project. (b) (6) continue to look for DBE participation and I continue to plead for a job. Please refer to my original Title 6 complaints on this project, the trucking firm of (b) (6) choice continue to perform trucking / disposal of waste dirt and count DBE goals towards dirt disposal. (b) (6) (b) (6) isn't a Manufacturer or Dealer pre-approved by WSDOT for this job. They are trying to obtain the proper NAICS codes from OMWBE to count the dirt disposal and were denied because of their continuous fraud investigation by OMWBE. I know of this through my complaints from OMWBE on (b) (6)

Signature (b) (6)	Date 3-14-2012
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Additional Information

Why do you believe these events occurred?

What other information do you think is relevant to our investigation?

If this complaint is resolved to your satisfaction, what remedies do you seek?

Please list below any persons (witnesses, fellow employees, supervisors, or others) that we may contact for additional information to support or clarify your complaint

Name	Classification	Address	Telephone Number
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U.S. Department
of Transportation
Federal Highway
Administration

1200 New Jersey Avenue SE
Washington, D.C. 20590

February 23, 2012

In Reply Refer To: HCR-40
DOT #2012-0116

(b) (6)

Dear (b) (6):

This is in reference to your complaint of discrimination dated February 22, 2012, against (b) (6) (b) (6), alleging a violation of Title VI of the Civil Rights Act of 1964. Your complaint was received by the Federal Highway Administration (FHWA) Office of Civil Rights on February 23, 2012.

After a thorough review of the information provided, we have determined that your complaint is untimely and cannot be accepted for investigation. The U.S. Department of Transportation's regulation at Title 49, Code of Federal Regulations, Part 21.11(b) states that a complaint must be filed not later than 180 days after the date of the alleged discrimination. The incident cited in your complaint occurred in 2010. Your complaint was received in this office long after the 180-day filing period. However, this does not preclude you from pursuing a private right of action by filing in the appropriate U.S. District Court.

This concludes the FHWA's processing of this matter and no further action will be taken.

Sincerely yours,

Warren S. Whitlock
Associate Administrator for Civil Rights

cc:

Ms. Brenda Nambi, Director, Office of Equal Opportunity, Washington State Department of Transportation (w/copy of complaint)

Mr. Daniel M. (Dan) Mathis, Division Administrator, HDA-WA (w/copy of complaint)

Ms. Jodi Petersen, Civil Rights Program Specialist, HDA-WA (w/copy of complaint)