



U.S. Department
of Transportation
Federal Highway
Administration

Memorandum

Subject: ACTION: Notification of Equal
Employment Opportunity (EEO) Contractor
Compliance Issues (DOT #2011-0057)

Date: NOV 23 2010

From: *Brenda F. Armstead*
Brenda F. Armstead
Director, Investigations and Adjudications

In Reply Refer To: HCR-40

To: Mr. Russell L. Jorgenson
Division Administrator (HDA-MI)
Lansing, MI

This memorandum is in reference to a complaint filed by (b) (6) (complainant) against the MDOT (copy attached). The complainant alleges that he was denied employment opportunities with (b) (6) and other consultant companies that perform work on MDOT Federal-aid projects due to MDOT staff defaming his reputation, based on his race and retaliation.

We have determined that the issues raised in the complaint are related to the complainant's employment. Therefore, we have referred the complainant to the EEOC. Furthermore, since the complainant raises matters regarding consultant companies and MDOT staff on Federal-aid projects, we are also referring the complaint to your office for appropriate action. The complainant has been advised of this referral (copy attached).

If you have any questions, please contact Ms. Thalia Williams at 202-366-1595.

2 Attachments

cc:
Ms. Mary Finch, Equal Opportunity Specialist, HDA-MI





U.S. Department
of Transportation
Federal Highway
Administration

1200 New Jersey Avenue, SE.
Washington, DC 20590

NOV 23 2010

In Reply Refer To: HCR-40
DOT #2011-0057

(b) (6)

Dear (b) (6)

This is in reference to your complaint dated November 17, 2010, against the Michigan Department of Transportation (MDOT). The Federal Highway Administration (FHWA) Office of Civil Rights received your complaint on November 22, 2010.

After reviewing the information provided in your complaint, we have determined that your concerns are employment related. You allege that you are denied employment opportunities with (b) (6) and other consultant companies that perform work on MDOT Federal-aid projects due to MDOT staff defaming your reputation, based on your race and retaliation.

The U.S. Equal Employment Opportunity Commission (EEOC) is the appropriate Federal agency to address your complaint. The EEOC has responsibility for processing complaints of employment discrimination. You may submit a complaint to the EEOC for processing at the following address:

Ms. Gail Cober
Director
EEOC -- Detroit Field Office
Patrick V. McNamara Building
477 Michigan Avenue, Room 865
Detroit, MI 48226
Phone: 1-800-669-4000

Furthermore, since your complaint involves matters regarding consultant companies and MDOT staff on Federal-aid projects, we have referred your complaint the FHWA Michigan Division Office for appropriate action (copy enclosed).



This concludes processing of this matter by the FHWA Office of Civil Rights and no further action will be taken by this office.

Sincerely yours,

A handwritten signature in cursive script that reads "Brenda F. Armstead".

Brenda F. Armstead
Director, Investigations and Adjudications

Enclosure

11/17/2010

Fwd: complaint form

#2011-0057

From: (b) (6)

To: (b) (6)

Subject: Fwd: complaint form

Date: Mon, Nov 15, 2010 4:57 pm

Attachments: APPENDIX_B_COMPLAINT_FORM.doc (42K)

I will send an updated address for Ms. Williams. This is the address I currently have.

Ms. Thalia Williams 202-366-1595

Attention: Thalia Williams

Mailing Code: HCR-20, Room
E81-330

1200 New Jersey Ave.
Washington, D.C.

APPENDIX B COMPLAINT FORM

Discrimination Complaint

Name (b) (6)	Phone (b) (6)	Name of Person(s) That Discriminated Against You Michigan Department of Trans- Paul Cristini, Victor Judic
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	
Discrimination Because Of: Race/Color Sex Disability Age National Origin Retaliation	Date of Alleged Incident July 2010	
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. <i>See Attachment</i>		
Signature (b) (6)	Date 11-17-2010	

For ten years, I worked for (b) (6) owned by (b) (6) (b) (6). She assigned me to the Michigan Department of Transportation Detroit office. I worked as a consultant inspector on many high profile projects. The MDOT engineers I worked for (b) (6) (b) (6) never had any issue with my work performance. I started out as a tester, and over time, the engineers gave me more responsibility.

From 2007 to 2009, I worked on I-75 Gateway, a federally funded project. (b) (6) a MDOT senior inspector, assigned me the Detroit public lighting and MDOT freeway lighting inspection. (b) (6) was the electrical contractor. I worked on many projects (b) (6) supervised because he knows I am knowledgeable and reliable. (b) (6) never expressed any dissatisfaction with my work. Before the completion of the Gateway project, at the behest of (b) (6), the Detroit office resident engineer, (b) (6) had to lay me off because (b) (6) contract expired. I expected to return the next construction season. That never happened, and (b) (6) wondered why.

(b) (6) a MDOT engineer at the Detroit office, informed (b) (6) someone accused me of botching the PLD and freeway lighting inspection, and (b) (6) added I burn bridges at the Detroit office. (b) (6) told me a MDOT senior inspector, (b) (6) circulated the accusation. (b) (6) said he did not believe (b) (6). (b) (6) asked (b) (6) (b) (6) if what (b) (6) alleged was true. (b) (6) took over the electrical inspection after I left the project. He told (b) (6) he discovered a few small discrepancies, which are normally discovered and rectified when the project has been completed. (b) (6) accusation was unjustified. (b) (6) disliked me, and he told (b) (6) (b) (6) who I have a good rapport with and who I have worked with for years-that I was a lousy inspector. (b) (6) disdain for me stemmed from the fact I never allowed him to bully me. He is known to bully MDOT staffers and contractors.

Near the completion of the Gateway project, (b) (6) and I argued. One Saturday, (b) (6) called me repeatedly ranting about some abandon PLD encased conduit he wanted (b) (6) to remove. Fed up with the repeated phone calls and his ranting, I told him Monday morning I planned to tell (b) (6) I did not appreciate how (b) (6) talked to me. Monday I had a conversation with (b) (6). He said (b) (6) had arrived at the office early to tell (b) (6) about the spat. (b) (6) told me other inspectors and some contractors complained about (b) (6) behavior. (b) (6) assured me he never had any issues with my work performance. After I was laid off, and (b) (6) accused me of botching the electrical

inspection, (b) (6) never organized a meeting with me, (b) (6), (b) (6) to address the accusation.

Months later, MDOT awarded (b) (6) a new contract for As Needed Services, and MDOT wanted (b) (6) to provide inspectors for the US-12, a federally funded project. (b) (6) submitted by resume' which detailed my work experience and certifications. In 2005, I worked on the first phase of US-12 from Lonyo to Livernois. According to (b) (6) the resident engineer assigned to the US-12, (b) (6), said she did not want me, and never explained why. So, (b) (6) hired two white male inspectors to work on US-12. Both inspectors have less experience than I working on MDOT projects.

MDOT never rehired me full-time. This year, I have only worked par -time on one of (b) (6)s projects. MDOT allowed a staffer to defame my reputation, and I had difficulty finding a job with any consultant company that does work for MDOT's Detroit office. MDOT never gave me a chance to defend myself, nor did they provide (b) (6) with any documentation or proof that I messed up the PLD and freeway lighting inspection. Below is a list of MDOT staffers I have worked for, and who will vouch for my reputation.. I have also included a copy of my resume.

(b) (6)

(b) (6)
MDOT
1-313-220-2778

(b) (6)
MDOT
1-313-215-2128

(b) (6)
MDOT
1-248-483-5172
1-313-477-4966

(b) (6)

(b) (6)

Dedicated, results-oriented professional with over 20 years experience in the Construction industry. Extensive experience in electrical and construction inspection. Effective project management, leadership and teambuilding skills. Computer experience Microsoft office and internet.

- Construction
- Electrical Inspection
- Freeway Rehabilitation
- Quality Control Testing
- Project Management
- Building Inspection

PROFESSIONAL HIGHLIGHTS

- Performed electrical inspection which included infrastructure handholes, manholes, conduit and cable.
- Provided freeway lighting system inspection and traffic signal upgrades.
- Inspected the removal, repair and replacement of ADA ramps.
- Completed inspection of freeway and ramp rehabilitation including realignment, lighting, pavement markings, sounding bridge piers and retaining walls.
- Handled bridge beam and deck repair.
- Provided construction and electrical inspection of cold milling, joint repairs, asphalt separator, concrete overlay.
- Inspected roads, water main, storm sewer, street lighting, duct replacement and maintained traffic.
- Performed quality control testing.

PROFESSIONAL EXPERIENCE

(b) (6)

Electrical/Construction Inspector

6/2008 – 10/2009

- Gateway Construction Project I-75, electrical inspection for Detroit Public Lighting Department. Inspected the installation of approximately \$10MM of electrical items, MDOT's freeway lighting system and MITS communication system. Also inspected the Gateway project's traffic signal upgrades.

9/2007 – 12/2007

- ADA Ramp inspection M-53 (Van Dyke) removal, repair and replacement of ADA ramps. Inspected approximately 200 locations at each intersection both sides of street.

1/2007-7/2007

- Lodge Freeway M-10 Project provided construction inspection (Detroit Public Lighting) freeway and ramp rehabilitation realignment and repair.

4/2005-4/2006

- Construction and electrical inspection M-3 (Gratiot Avenue) resurfacing inspection of 3.17 miles of cold milling, joint repairs, pavement marking and traffic signal upgrades.

2/2005-5/2005

- Traffic signal upgrading M-102 (8 Mile Road) and maintaining traffic at 12 locations in the cities of Detroit, Ferndale and Hazel Park Michigan.

ELECTRICAL/CONSTRUCTION INSPECTION

- I-94 Reconstruction US-12 seven lane road reconstruction 8/2004-3/2005
- I-94 Southbound over Russell Street emergency road work 12/2003-5/2004
- I-94 Resurfacing Wyoming to I-96 Detroit, Dearborn 3/2003-8/2003
- Bridge Rehabilitation I-94 Detroit, Harper Woods, Wayne County 2/2001-1/2003
- M-10 Lodge Freeway 2.06 km of bituminous freeway Construction and lighting 2/2002-10/2002

(b) (6)

6/1987-4/2000

Tester/Inspector

- Performed Construction Quality Control tests which included Concrete slump test, air pressure meter test, temperature test, spoil compaction test, and sub-base proof rolling test. Inspection Service experience includes Building Roofing, Asphalt, Masonry, concrete floor flatness, Windsor probe inspection, and fire proofing. Construction Lab Quality Control Testing includes concrete strength test, asphalt, extraction and aggregate sieve testing. Senior Inspector for three years performing inspections on the construction of commercial warehouses and buildings.

EDUCATION/CERTIFICATIONS

MDOT HMA Street Paving Module Training-MDOT
 AIC Radiation Safety Training Program
 MDOT Density Technology Certification
 Field Manager/Office Technician Certified
 MCA/ACI Concrete Association Certification Level 1
 Knowledge of the Michigan Manual on Uniform Traffic Control Devices
 Field Manager, Michigan Department of Transportation
 Hot Mix Asphalt, Michigan Department of Transportation

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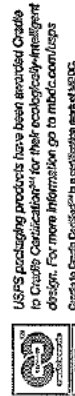


(b) (6)

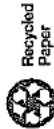
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