



U.S. Department
of Transportation
Federal Highway
Administration

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

APR 8 2011

In Reply Refer To:
HCR-20

(b) (6)

(b) (6)

Dear (b) (6):

The Department of Transportation, Federal Highway Administration has received your complaint against the Washington State Department of Transportation (Complaint Number DOT 2011-0130) and we have completed our review. Based upon our review, we have determined that there is not a Title VI and/or Title 23 Part 200 basis for the allegations.

The Washington State Department of Transportation has exercised their ability to reorganize by relocating the Affirmative Action Officer's function. The Federal Highway Administration's Headquarters Office of Civil Rights will continue to work closely with the Washington Division Office to assess the outcome of the reorganization.

If you have any questions, please contact me at 202 366-5991.

Sincerely,

James A. Cheatham
Acting Associate Administrator for Civil Rights

cc: Daniel Mathis, FHWA, Washington Division
Joseph Austin, OST Headquarters





U.S. Department
of Transportation
Federal Highway
Administration

1200 New Jersey Ave., SE
Washington, D.C. 20590
CONCURRENCES

(b) (6)
[Redacted]
[Redacted]
[Redacted]

Dear (b) (6):

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Acting Associate Administrator for Civil Rights

cc: Daniel Mathis, FHWA, Washington Division
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In Reply Refer To:

RTG SYMBOL	
INITIALS/SIG	HCR 20 <i>CJB</i>
DATE	4/8/11
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INITIALS/SIG	<i>[Signature]</i>
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GRID

Finkle, Lester (FHWA)

From: Finkle, Lester (FHWA)
Sent: Wednesday, March 09, 2011 8:08 AM
To: Groudine, Candace (FHWA)
Subject: Draft Response Memorandum To USDOT
Attachments: WashDOTComplaint.docx

Good Morning, Candace. Yesterday, I received from Brenda a package from Joe Austin transmitting a written complaint against the Washington State DOT regarding a recent reorganization by WashDOT whereby the State Internal EEO (Affirmative Action Officer) function has been relocated to the Office of Human Resources and the incumbent's employment has been terminated. The written complaint is from the (b) (6)

(b) (6) The allegation is that WashDOT has violated Title VI/23 CFR 200 by implementing this reorganization.

Brenda gave it to me and indicated that there is nothing for her to investigate. I contacted Washington State Division Administrator Daniel Mathis and he confirmed for me that the Division Office is aware of the reorganization and is satisfied with monitoring the implementation of the reorganization long-term.

I have drafted a Memorandum to Joe Austin and wanted to give you an opportunity to comment. I have the package if you would like to see it. If you are satisfied with the draft, I will request Juanita to prepare it for signature. Whose telephone number would you like at the end of the Memorandum? Thanks.

Lester



Memorandum

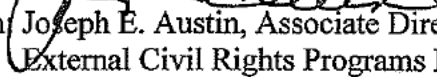
U.S. Department of
Transportation
Office of the Secretary
of Transportation

Subject: (b) (6)

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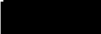
DOT # 2011-0130

Washington State Department of Transportation

From: 
Joseph E. Austin, Associate Director
External Civil Rights Programs Division (S-33)

To: Allen Masuda, Associate Administrator
Office of Civil Rights (HCR-1)

We are forwarding the attached complaint to your office for appropriate action. The complaint was received in our office on March 02, 2011. The complainant has been informed of the referral to your office (copy attached).

The complaint filed by (b) (6),
, alleged that the state of Washington is dismantling the Office of Equal Opportunity Internal Civil Rights Branch by moving it to Human Resources Office and firing Margarita Mendoza de Sugiyama, the Internal Civil Rights Diversity Programs Administrator.

These allegations may be covered by Title VI and/or Title 23 Part 200.

Please provide a copy of the final disposition letter addressed to my attention. If you have any questions about this referral, please contact me at (202) 366-5992.

Attachments (2)



U.S. Department of
Transportation
Office of the Secretary
of Transportation

1200 New Jersey Avenue, SE
Suite W78-340
Washington, DC 20590

March 03, 2011

DOT# 2011-0130

(b) (6)
[Redacted]

Dear (b) (6):

The U.S. Department of Transportation has received your complaint against the Washington State Department of Transportation. The complaint was received in our office on March 02, 2011.

You alleged that the state of Washington is dismantling the Office of Equal Opportunity Internal Civil Rights Branch by moving it to Human Resources Office and firing (b) (6), the Internal Civil Rights Diversity Programs Administrator.

We are referring your complaint to the Federal Highway Administration (FHWA), Office of Civil Rights, for review and appropriate action. All further correspondence should reference DOT # 2011-0130 and be addressed to:

Allen Masuda, Associate Administrator
Office of Civil Rights (HCR-1)
Federal Highway Administration
1200 New Jersey Avenue, SE, Room E81-314
Washington, DC 20590

Thanks for bringing this matter to our attention.

Sincerely,

Joseph E. Austin, Associate Director
External Civil Rights Programs Division
Departmental Office of Civil Rights

2011-0130

Dear Ms. Camille Hazeur
Director, US DOT
Office of Civil Rights
US Department of Transportation
DOCR (-30)
1200 New Jersey Ave., S.E.
Washington, DC 20590

DEPT. OF TRANSPORTATION
OFFICE OF THE SECRETARY
OFFICE OF CIVIL RIGHTS
EXTERNAL POLICY DIVISION
2011 MAR -2 PM 3:16

Dear Director Hazeur:

On behalf of the (b) (6), we wish to file a complaint against the Washington State Department of Transportation.

As a Women's Rights Organization committed to compliance with Executive Order 11246(as amended), 11375(as amended), Title VI, and Title VII, we believe that women are being discriminated against at the Washington State Department of Transportation.

We have exhausted our administrative remedies with Governor Christine Gregoire, letter attached, October 28, 2010, and sent notification to Mr. Mathis at the FHWA Division of Civil Rights in Olympia. Our concern is that the State of Washington Department of Transportation is dismantling their Office of Equal Opportunity and we need clarification from your office if this is indeed a violation of Title 23 - Highways, Chapter 1 - Subchapter C - Civil Rights, Part 200 (Title VI Program and Related Statutes) and Part 230 (External Programs). Our State has received billions of dollars from the US Government and signed federal assurances that they will comply with all federal laws, rules, and regulations.

Our complaint is being sent to you as we believe there has been a violation of federal civil rights laws, rules and regulations:

1. Dismantling of the Office of Equal Opportunity by moving the Office of Internal Civil Rights to Human Resources;
2. Firing the Internal Civil Rights Diversity Programs Administrator, (b) (6) and subjecting her to retaliation and discrimination;
3. Statistical Adverse Impact Against Women in hires and involuntary separations, as documented in the Washington State Department of Transportation, 2010 Equal Employment Opportunity Assurance Update.

4. The 2010 profile for the State of Washington/WSDOT shows the following employment figures:

African American/Black 2.2%
American Indians/Alaska Native 1.6%
Asian/Pacific Islander 4.9%
Hispanic/Latino 2.4%
Female 25.7%

All of these % are below the population of people of color and women in the State of Washington, 2010 Census. For example Hispanic/Latino population in the State of Washington is 10.3% in comparison to 2.4 % at WSDOT. Females are 50% of the population, compared to 25.7% at WSDOT.

5. In contradiction to what is stated in their reports to you, the actions in dismantling the OEO Office and the termination of (b) (6), a 27 year employee of the State of Washington, is not an agency that values a diverse workforce and promotes equal opportunity.

The (b) (6) is deeply concerned about our State's efforts to prevent and remedy discrimination. Washington State has signed many assurances to you and other federal agencies that they will take action, yet (b) (6) has learned that they are dismantling the Governor's Affirmative Action Policy Committee. To dismantle civil rights efforts when there is significant underutilization of affected groups, that equates to continued adverse impact to women and people of color, is this not a violation of your regulations?

As the (b) (6), Washington State, I represent over 2,000 members. I have served on the (b) (6) and have reviewed the work of Legal Momentum and their work to bring equity to the construction trades for women. I served on the Governor's Affirmative Action Committee, as a member of (b) (6) for three Governor's; and recently served on the Office of Minority and Women Business Advisory Committee, as a representative of (b) (6). The committee was established by Legislative Action and appointment by the Governor.

WSDOT needs to have a Title VI review by your office. I do not believe they have had one for many years. The amount of funds the US Government provides the State of Washington Department of Transportation warrants an investigation (2009-2011 budget shows our State receiving 1 billion, 915 million US transportation dollars).

Please help us resolve what we feel is a violation of federal civil rights law/regulation.

Sincerely,

(b) (6)

CHRISTINE O. GREGOIRE
Governor



STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

P.O. Box 40002 • Olympia, Washington 98504-0002 • (360) 753-6780 • www.governor.wa.gov

October 28, 2010

(b) (6)

RE: (b) (6)

Dear (b) (6):

Thank you for your letter to Governor Gregoire on behalf of the (b) (6) (b) (6). You indicate that the (b) (6) authorized you to send an inquiry to the Governor "regarding the dismantling of the DOT's Internal Civil Rights Branch and moving internal investigation and equal employment training to the Human Resources Office."

As Chief of Staff, I responded to a letter that (b) (6) sent to the Governor concerning the Secretary of Transportation's consideration of a proposal to place the Office of Equal Opportunity Internal Civil Rights Branch in the Human Resources Office of the Department. We carefully reviewed her concern that this organizational structure would not comply with federal regulations. While our review of the federal regulations led us to conclude this reorganization would not be precluded, I did ask Secretary Hammond to confer with the Federal Highways Administration (FHWA) to ensure any organizational changes met the federal requirements. I understand that Department officials are conferring with the FHWA Division of Civil Rights regarding organizational options and that the focus is on ensuring the work is conducted independently and effectively regardless of the organizational structure. Nothing in the materials I reviewed indicate any intent to dismantle the program.

Your letter also concludes that (b) (6) "was fired for protesting the dismantling of the Internal Civil Rights Branch and moving internal investigations and Equal Employment Training to the Human Resources Office." To my knowledge, this is not accurate. (b) (6) letter to Governor Gregoire indicated that she believed others in the Department of Transportation had created a hostile work environment for women. She also presented her view that a retaliation claim against her by an employee she supervised was not warranted. This employee had expressed concern that he had been treated differently and subjected to greater scrutiny after asking for an office relocation following a fire drill where the

(b) (6)

October 28, 2010

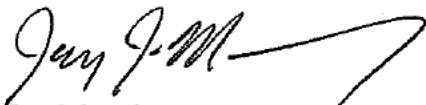
Page 2

employee, a wheelchair user, was not properly evacuated. I conferred with the Secretary of Transportation and together we asked the Department of Personnel to retain a qualified outside investigator to oversee an independent investigation of these complaints. The Department of Personnel contracted with an investigator with 25 years experience as an attorney with the U.S. Equal Employment Opportunity Commission.

The Secretary of Transportation took the employment action after reviewing the investigation report. It is my understanding that the report is now a public document and that you can request it through DOT's public records officer, Marta Carlo at carlom@wsdot.wa.gov. The report concludes that (b) (6) "has had a long and successful career in state government, and no one questions her dedication to civil rights." However, the report also concludes that (b) (6) engaged in actions that were of serious concern. If (b) (6) believes the report was not accurate or the employment action was not warranted, the state personnel system offers an evidentiary hearing process for a full and fair review.

I hope this response provides NOW the information it needs as it continues the important work of monitoring and promoting women's rights and justice.

Sincerely,



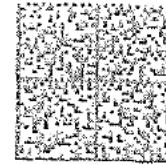
Jay Manning
Chief of Staff



State of Washington
 OFFICE OF THE GOVERNOR
 P.O. Box 40002, Olympia, WA 98504-0002



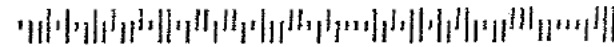
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(b) (6)

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October 16, 2010

Honorable Christine Gregoire
Governor State of Washington
Legislative Building
Olympia, WA 98501

Dear Governor:

I sent an e-mail and fax to your office regarding the dismantling of the Washington State Department of Transportation Equal Opportunity Office, and specifically the termination of (b) (6).

Upon no response from your office, I took my concerns to the (b) (6). Upon a vote of our board membership on October 3, I was authorized to send you a letter requesting a response from your office.

As a membership organization, concerned about enforcement of federal civil rights laws and regulations, we hereby request that this office not be dismantled. The following article was published in our October newsletter:

(b) (6) calls for investigation

(b) (6) learned of the recent firing (b) (6), head of the Internal Civil Rights Branch of the Washington State Department of Transportation, Office of Equal Opportunity.

(b) (6) has been an outspoken advocate of civil and human rights in our State. She was fired for protesting the dismantling of the Internal Civil Rights Branch and moving internal investigations and equal employment training to the Human Resources Office. This according to (b) (6) is a violation of federal regulations.

(b) (6) voted at its October 3, 2010 State Board meeting to send an inquiry to the Governor and Federal Government regarding the dismantling of the DOT's Internal Civil Rights Branch and moving internal investigation and equal employment training to the Human Resources Office.

(b) (6)

Page 2

I hope to hear from your office soon. (b) (6) has always appreciated your strong support of women's rights, and your leadership for justice in our State.

Respectfully,

(b) (6)



U.S. Department of
Transportation
Office of the Secretary
of Transportation

3/8/11
Lester

ndum

Subject: (b) (6) v DOT # 2011-0130

Washington State Department of Transportation

From: *Joseph E. Austin*
Joseph E. Austin, Associate Director
External Civil Rights Programs Division (S-33)

To: Allen Masuda, Associate Administrator
Office of Civil Rights (HCR-1)

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The complaint filed by (b) (6) alleged that the state of Washington is dismantling the Office of Equal Opportunity Internal Civil Rights Branch by moving it to Human Resources Office and firing (b) (6), (b) (6).

These allegations may be covered by Title VI and/or Title 23 Part 200.

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U.S. Department of
Transportation
Office of the Secretary
of Transportation

1200 New Jersey Avenue, SE
Suite W78-340
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March 03, 2011

DOT# 2011-0130

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2011-0130

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US Department of Transportation
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CHRISTINE O. GREGOIRE
Governor



STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

P.O. Box 40002 • Olympia, Washington 98504-0002 • (360) 753-6780 • www.governor.wa.gov

October 28, 2010

(b) (6)

RE: (b) (6)

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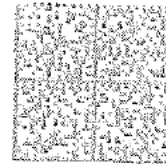
Jay Manning
Chief of Staff



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 OFFICE OF THE GOVERNOR
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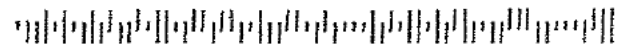
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(b) (6)

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October 16, 2010

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Legislative Building
Olympia, WA 98501

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(b) (6)

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(b) (6)