



U.S. Department  
of Transportation  
**Federal Highway  
Administration**

MAR 12 2018

1200 New Jersey Avenue, SE.

Washington, DC 20590

In Reply Refer To: HCR-20  
DOT# 2017-0377

(b) (6)

**Subject:** Acknowledgment of Complaint DOT# 2017-0377

Dear (b) (6)

This letter acknowledges that the Federal Highway Administration's (FHWA) Office of Civil Rights is in receipt of your complaint, which alleged violations of Title VI of the Civil Rights Act of 1964 (Title VI) and USDOT's implementation regulations at 49 C.F.R. Part 21 and/or 23 C.F.R. Part 200. To be accepted for investigation, a complaint must meet the jurisdictional requirements described in FHWA's Investigations Manual, which conforms to the U.S. Department of Justice's procedures and standards for investigating complaints of discrimination. First, the complaint must be in writing. Second, the complaint must describe an alleged discriminatory act that, if true, would violate FHWA's nondiscrimination regulations (i.e., an alleged discriminatory act based on race, color, national origin). Third, the complaint must be filed within 180 calendar days of the alleged discriminatory act. Finally, complaints must be filed against a recipient of financial assistance from the FHWA.

After careful consideration, the FHWA has concluded it will dismiss this complaint. Your complaint alleges the Colorado Department of Transportation (CDOT) discriminated against you on the basis of race, because contracting personnel with the CDOT improperly interfered in your employment practices and filed unfounded complaints against your company. These alleged actions regard contracting and employment issues and do not meet the jurisdictional requirements for a Title VI Civil Rights claim with the FHWA.

If you have any questions about this complaint, please contact Kevin Resler at 202-366-2925 or [kevin.resler@dot.gov](mailto:kevin.resler@dot.gov).

Sincerely,

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Associate Administrator for Civil Rights

**cc: John Cater, Division Administrator, FHWA CO Division Office  
Alicia Nolan, Assistant Division Administrator, FHWA CO Division Office  
Nicole Bumpers, Civil Rights Specialist, FHWA CO Division Office  
Nichole, Mcwhorter, Title VI Program Team Leader, FHWA Office of Civil Rights  
Kevin Resler, National Title VI Program Coordinator, FHWA Office of Civil Rights  
Jim Esselman, Senior Attorney-Advisor, FHWA's Office of Chief Counsel  
Yvette Rivera, Associate Director, Equal Employment Opportunity Programs Division,  
Departmental Office of Civil Rights**

(b) (6)

(b) (6) makes the following formal complaint against (b) (6) for discriminatory practice base on the following reasons:

(b) (6). Contend that (b) (6) has been subjected to racial discrimination by (b) (6), project manager for The Colorado Department of Transportation headquarters. I, further contends that (b) (6) discriminatory conduct is basis on race.

(b) (6) has been personally involved with the execution and micro management of this contact and engaged in discriminatory conduct even before we knew that (b) (6) had been awarded the CDOT contract.

(b) (6) called me before (b) (6) had been awarded the janitorial contract she wanted to know if (b) (6) was awarded the CDOT contract and if so, would (b) (6) be willing to hire several women that were already working for (b) (6) through a temporary work services; because the women would be out of work and that they had been working for her some time.

I had assured (b) (6) that's (b) (6) would hire them if (b) (6) was awarded the contract; a few days later (b) (6) called me again wanting assurances that (b) (6) would hire the women before she informed me that (b) (6) had been awarded the janitorial contract and wanted to know if she could give the women my phone number so that they could contact me and give me their personal

contact and employment information. Later that day each of the women called me and I assured them (b) (6) would hire them at the commencement of the CDOT contract.

#### **COMMENCEMENT OF CONTRACT:**

(b) (6) were hired.

#### **ALLEGATION ONE:**

From the commencement of the janitorial contract at CDOT headquarters, (b) (6) befriended her previous CDOT workers, and was known to fraternize with them daily.

(b) (6) would give (b) (6) food or flowers daily. Although, (b) (6) was (b) (6) favorite among the three former CDOT workers.

(b) (6) had established an ongoing Comradeship with (b) (6) (b) (6) and each day one of these former CDOT workers would visit (b) (6) in her office before starting their work shift.

Over, the next three to four months (b) (6) day Porter inspected and reported to her daily cleaning complaints. In which, (b) (6) followed up with numerous email complaints regarding the lack of cleanliness and (b) (6) management not addressing her complaints.

Subsequently, (b) (6) management held an employee's meeting to discuss (b) (6) cleaning complaints and to go over their job performance and scope of work. At the meeting, I had let everyone know that they had to pick up their job performance without singling anyone individual out.

The next day several of the former CDOT workers (b) (6) had confronted me about their work areas didn't have any complaints. Informing me that they had talk too (b) (6) and she told them that their areas was OK. (b) (6) and (b) (6) both accused me of lying to them about their work areas.

This was the first incident that I had found out that (b) (6) had been discussing with her former CDOT workers their job performance and the scope of their work with them.

During this time, (b) (6) or her day porters had intentionally and knowingly hidden paper and other debris in some of the offices on more than one occasions.

(b) (6) toyed with us over a period of weeks sending us emails almost every other day complaining about the paper or debris not being found by our cleaning staff and mocking our company name (b) (6) because our staff wasn't able to find and remove the hidden paper and debris that she or one of her staff member, day porters had planted.

Each time (b) (6) had complained about the paper and debris not been taken care of, (b) (6) would only give use a general office number were the paper had been hidden. (b) (6) and I would go searching that area as well as the staff member whom had been assigned to clean that area and we still couldn't find the paper or debris.

On the other hand, the former CDOT workers areas was never inspected by (b) (6) or her day porters. whom we're also (b) (6) Co-workers at CDOT headquarters.

Unfortunately, (b) (6), these three former CDOT workers, acted as though they were still working for (b) (6); Rather than for (b) (6).

Whenever, (b) (6) didn't like what me or (b) (6) had asked them to do they would go to (b) (6) complaining about us. (b) (6),

(b) (6) rley began to check (b) (6) other employees work area as well as take pictures; eventually I felt compelled to text message (b) (6) complaining about her personal involvement with (b) (6) employees. I asked (b) (6) to please stop discussing with our employees their work performance and scope of work; because, it was sawing division among our employees.

Moreover, I have reason to believe because of (b) (6) Interactions with (b) (6) that these former CDOT workers believe that (b) (6) management could not terminate them because their employments had been written into (b) (6) contract.

(b) (6) for several months would periodically would ask me if we were going to lose our contract. I would tell her no. I, would asked (b) (6) who was telling her (b) (6) was going to lose our contract. (b) (6) wouldn't tell me.

Moreover, (b) (6), seem to know about all the complaints before we heard about them. I, believe that (b) (6) or her day porters was discussing with their former CDOT workers the cleaning complaints.

I believe (b) (6) also told (b) (6) that (b) (6) was going to lose the contract and they would be hired by CDOT. As a matter of fact, (b) (6) was hired by CDOT a few weeks after (b) (6) had terminated her, (b) (6) now works for (b) (6) and was inspecting (b) (6) work a few weeks before our contract was terminated.

(b) (6) these former CDOT workers began to self-promote their work performance to CDOT employees in their work areas and putting down their Co-workers work performance. (b) (6) would bring the security guard (b) (6) launch every day as well as a few other CDOT employees in her work area.

Whenever (b) (6) took one day off, they would return to work complaining about their areas not being clean; telling me that CDOT employees were complaining because something wasn't clean in their area. However, there were not any emailed complaints from (b) (6) to support their claims.

Furthermore, these former CDOT workers day porter's areas were never check. (b) (6) made a difference between her formal CDOT workers and the employees that (b) (6) had hired for months the only workers that was getting complaints was the ones that (b) (6) had hired.

(b) (6) management would hold employee's meetings to discuss (b) (6) complaint's, job performance and the scope of our work. The former CDOT workers would go back to (b) (6) and ask her if they gotten a complaint. (b) (6) would assure them that their work areas was OK and that it was the other (b) (6) staff that were receiving the complaints.

(b) (6) went so far as to call me a liar. This had a disparity effect on the other (b) (6) employees. (b) (6) these former CDOT workers became disgruntled employees. Eventually, (b) (6) had to fire two of CDOT former workers (b) (6).

However, (b) (6) had quit, because we wouldn't rehire (b) (6), the first one that had been terminated.

However, (b) (6) the other two former CDOT former workers stay on with (b) (6) several months before (b) (6) had quit and (b) (6) was fired. (b) (6) was fired the other two former CDOT workers became extremely upset and hostile towards me and (b) (6) and we're disgruntled employees.

The other former CDOT worker (b) (6) was fired because of her continuous pattern of insubordination, and resentful toward (b) (6).

**Notation:** There was one other employee that we had to fired that had been recommended by (b) (6); because, (b) (6) had accused her of stealing. (b) (6) said that (b) (6) would come to work with a small bag and when she left work her carry bag look full.

When (b) (6) came to my office to pick up her last paycheck. I asked her if she know why (b) (6) had fired her. She said no. I told her she was fired for stealing and that she'd been caught on camera. (b) (6) reply no she wasn't stealing that (b) (6) had told her she could take the used-up rolls of toilet paper home with her.

Petra at that time was (b) (6) best workers she never got any cleaning complaints. (b) (6) was the person that had trained (b) (6). Had (b) (6) had asked me if it was OK for (b) (6) to take the use rolls of toilet paper home with her, I would have told her no; you can't take the toilet paper home.

(b) (6) these former CDOT workers attitude and behavior was bought up at that first meeting before anyone of them had been fired.

Yet, (b) (6) behavior persisted throughout their employment; as well as (b) (6) unprofessional conduct and fraternization with the above mentioned CDOT former workers

## **ALLEGATION TWO:**

(b) (6) has conducted an ongoing campaign to discredit our cleaning company.

**MEETING ONE:**

(b) (6) had schedule two meetings over the span of this contact to address her concerns. The first meeting in attendance were (b) (6), a lady I believe her name to be Pat, department head from CDOT procurement office as well as myself and (b) (6).

We had a full-throated discussion of (b) (6) complaints and concerns as well as (b) (6) concerns regarding (b) (6) unprofessional involvement with (b) (6) the three former CDOT workers; in addition to (b) (6) or her day porters on occasions hiding paper and debris for us to find and then complaining about her complaints not being address.

(b) (6), I don't recall her last name, at the conclusion of that first meeting had advised (b) (6) to schedule routine meeting between (b) (6) office, (b) (6) management and I believe her office. To ensure that there was a procedure in place to handle cleaning issues or (b) (6) concerns regarding the management of the project contract.

I, believe that (b) (6) wanted to make sure that a process was in place to ensure that (b) (6) is maintaining a certain level of cleanliness as well as allowing (b) (6) to bring up cleaning issues as well as a platform for (b) (6) management to raise concerns about the work and scope of the contract.

**MEETING TWO:**

(b) (6) scheduled only one other meeting to discuss the cleaning issues with (b) (6).

In attendance to this one meeting was (b) (6) and her immediate supervisor and (b) (6).

(b) (6) by pass the procurement office all together from any further involvement, discussion or conflict resolution between her office and (b) (6) management.

(b) (6) started going above the head of the procurement office to make her complaints.

**Notation:** (b) (6) is a black woman, I believe she is the head officer of the Procurement Office. Why (b) (6) felt a need to bypass this department is beyond me and far beyond CDOT protocol, However, this is a question that needs to be asked and answered.

(b) (6) management attempted to address each of (b) (6) complaints with a customer service approach i.e., the customer is always right".

We believe that most of (b) (6) complaints were unfounded, this is based on the description of the extreme uncleanliness of some of the surfaces and the timeline that would had taken, weeks for the dirt and grime to accumulate on those surfaces. If you believe that those areas were being inspected daily by (b) (6) day porters.

After, (b) (6) had decided to be bypassed the procurement office and started forwarding her complaints to someone higher up in the CDOT chain of command; (b) (6) description of the uncleanliness of the bathrooms, office and other cleaning surfaces set-out in here email complaints became more exaggerated.

Retrospectively, it is my belief that (b) (6) complaints were written and describe for someone higher up in CDOT management to eyeball and consent to (b) (6) intent and request to terminate (b) (6) contract. The description of her complaints and the time line set out in them aren't consistent with her own day porters daily inspections and reporting.

After that first meeting with (b) (6), the procurement office, myself and (b) (6) Several suggestions that were made by (b) (6) and the head of procurement were immediately implemented.

(b) (6) promoted (b) (6), to supervisor and made him available to (b) (6) every day to address any and **ALL** complaints or concerns that (b) (6) may have had from the previous day.

(b) (6) resigned after a couple months of trying to address (b) (6) complaints because he felt that he was getting blame for everything and for not doing his job.

(b) (6) (b) (6) minority owner had been remove from the management team at CDOT headquarters because (b) (6) said that he wasn't addressing her concerns. (b) (6) had fired numerous other employees trying to address (b) (6) complaints.

(b) (6) management bought cleaning chemicals for the auto scrubber and neutralizing rise, murphy oil for the redwood tables, special mop heads to pick up hair and particles on the floor in the women bathrooms, wide dust mop for the first and second floor hallways, all in attempt to address (b) (6) concerns and her complaints.

Unfortunately, because of the unrelenting barrages of complaints our cleaning team was completely demoralized.

Once, (b) (6) started forwarding her complaints to someone higher up the chain of command, above the procurement office. She didn't bother to schedule another meeting with us and the procurement office to discuss any further cleaning issues or conflict resolutions.

1. (b) (6) never notify us that she was requesting to cancel our contract.
2. (b) (6) never informed us that the bid was going to be open. Until after the fact.

(b) (6) had to inform our workers weeks in advance that (b) (6) contract was going to be terminated.

This had a demoralizing effect on our employees. Nevertheless, we were committed to see the job through.

In Conclusion of this discrimination complaint (b) (6) respectfully request that CDOT civil rights division fully investigate this matter for discriminatory practice by (b) (6) project manager for CDOT Headquarters against (b) (6) a federally disadvantage business.

***Thank you for your time, help and consideration in this matter.***