

Arizona Department of Administration – Human Resources Division

**CONFIDENTIAL**

**ADMINISTRATIVE INQUIRY  
SUMMARY REPORT**

Agency Name : ADOT

Agency Contact & Phone: Wendy Brazier, ADOT Chief Human Resources Officer - 602-712-8195

Complainant Name: [REDACTED]

Date Received: 2/1/16

**Complaint:** [REDACTED] alleges that a co-worker has discriminated against him, creating a hostile work environment due to comments made to him related to his race. [REDACTED] states he is a [REDACTED]. [REDACTED] has appealed his complaint to ADOA following notification by the ADOT Civil Rights Office that no violation of ADOA Rule R2-5A-901 or ADOT PER 9.02 policy were violated.

Lead Investigator: Jan Plank

Phone: 602.364.0126

Chief Human Resources Officer – ADOA Shared Services

**Witness Names**

**Title**

[REDACTED]

[REDACTED]

Bradley Saran

Civil Rights Specialist

George Wager

Highway Operations Technician II – Yuma District

[REDACTED]

[REDACTED]

**BACKGROUND INFORMATION**

On August 12, 2015 [REDACTED] submitted a letter to the Yuma Highway Operations Superintendent, Danny Soliz, upon the direction of his supervisor, [REDACTED], alleging that his co-worker, George Wager, harassed him in front of another employee earlier that day due to his national origin. The incident involved a story where Mr. Wager described the origin of the Mexican race as being half man and half animal. The following day, [REDACTED] submitted a separate letter to Mr. Soliz alleging Mr. Wager had also previously harassed him, related to his national origin, by stating that [REDACTED] needed to learn to read English, although Mr. Wager is aware, through his own admission, that [REDACTED] is bi-lingual in both verbal and written communications.

[REDACTED] has been with ADOT in a covered status in Yuma since 2007. Mr. Wager has been with the agency at the same location since 2012 and is in an at-will, uncovered status.

**SUMMARY FINDINGS**

- Mr. Wager admitted that on or about July 29, 2015 he asked [REDACTED] if he knew how the Mexican race had started after telling a story about being called the “Buffalo F.....er” due to his first marriage to a woman of Mexican descent. Mr. Wager stated that on the back of his windshield his friends wrote the derogatory term “Buffalo F.....er” on his wedding day.
- Substantiated was that later that same day Mr. Wager told [REDACTED], with his Hispanic co-worker, [REDACTED] present, “Well, Mexicans are born when an Indian f.....s a buffalo. And that’s how Mexicans are born.” [REDACTED] stated that as a [REDACTED] he was highly offended by not only the words Mr. Wager spoke, but by the condescending tone of voice he used. [REDACTED] took the comments very personally and indicated he considered them an offense to not only his heritage but to his mother, who has



passed away, since the story related to [REDACTED] people being half animal and less than human. Mr. Wager, when questioned if he felt the story was appropriate to discuss in the workplace, indicated that *"if I didn't think it was appropriate I wouldn't have said it."* Mr. Wager stated that when he told the same story in the crew room *"everyone laughed."* [REDACTED] indicated that he was also highly offended by the story.

- [REDACTED], the crew supervisor, indicated that when [REDACTED] originally relayed what Mr. Wager had said to him he was also highly offended. *"You just don't talk like that,"* stated [REDACTED]. He told [REDACTED], *"Let's go talk to Danny,"* and that is when the complaint was initially filed with [REDACTED] supervisor, Danny Solis. [REDACTED] added, *"[REDACTED] did the right thing,"* noting that a lot of the guys do not like Mr. Wager and feel very uncomfortable around him. *"My crew hasn't been the same since that man has been here. The crew doesn't like to talk while he's in there. I feel he has created a hostile working environment here,"* he added. [REDACTED] also stated that, *"Wager takes my direction but he doesn't like it – I feel it's a race thing like a [REDACTED] guy doesn't want to report to a [REDACTED]."* [REDACTED], [REDACTED] and [REDACTED] all stated in separate interviews that Mr. Wager has a condescending attitude towards Hispanics, that he wants to do the least amount of work of anyone on the crew, and that people are intimidated by him.
- Mr. Wager stated that he could not recall if there were any witnesses to this incident, although he told the ADOT Civil Rights investigator that [REDACTED] was present. This was confirmed by [REDACTED]. Mr. Wager also stated he could not recall if he used the "f" word while relating the story, although witnesses said he did.
- Mr. Wager said that jokes of this kind are not an *"isolated incident,"* and that *"they happen all the time."* [REDACTED] stated, along with [REDACTED], that jokes of a racial and sexual nature are routine in the work unit. Mr. Wager stated that [REDACTED], the supervisor, did tell the crew that *"he doesn't want to hear the word wetback around here."* Mr. Wager added that *"they always make jokes about white people and we make fun of the Indians."* None of these employees, however, were able to recollect specific incidents of who said what. [REDACTED] stated that he told his crew he did not want to hear that type of thing (joking or references to people's race, sex, etc.) and that the crew does not do that around him.
- Also substantiated was the fact that on or about August 12, 2015, Mr. Wager told [REDACTED], *"You need to learn to read in English."* Mr. Wager said this in reaction to [REDACTED] confronting him about driving a large lawnmower faster than the recommended speed. [REDACTED], a co-worker of [REDACTED], stated to Bradley Seran of the ADOT Civil Rights Office that Mr. Wager *"will make a comment about his race about once or twice every two months."* [REDACTED] stated to Mr. Seran that he was not offended by the remarks. [REDACTED] is Native-American, and was on leave at the time of this investigation.
- [REDACTED], Senior Operations Engineer of the Yuma District indicated the supervisors of the unit had told him Mr. Wager causes issues, stating that things get quiet when he is around and the group, which is predominately Hispanic, can be somewhat intimidated by him. Mr. Wager's repeated actions and "condescending attitudes" have caused discomfort amongst numerous staff within the Yuma District at ADOT. Mr. Wager, by his own admission, does not recognize that his behaviors could be interpreted by some as discriminatory, offensive, and/or inappropriate in a work environment. Mr. Wager stated, *"I can't be a racist – I'm married to a Cuban."* [REDACTED] and [REDACTED] indicated that Mr. Wager has a condescending attitude to the Hispanic crew members and expects them to do *"the more manual labor such as using rakes and shovels."* They believe this is due to their race.

## **CONCLUSION**

Although the two incidents described by the claimant, [REDACTED], do not in and of themselves rise to a level of a pervasive hostile work environment, when coupled with the additional “joking” in the work unit that is based on race and sex, an environment that is uncomfortable and offensive for some Hispanics and potentially others has been substantiated. Both the claimant, the accused, an additional witness as well as the crew supervisor stated that this environment has impeded their ability to work as a team and achieve maximum productivity.

The ADOT Civil Rights Office responded on the 70<sup>th</sup> business day from receipt of the initial complaint, which is within the 70 day timeframe for response outlined in ADOA Personnel Rule R2-5A-902.

Prepared by: Jan Plank , Chief Human Resources Officer – ADOA Shared Services

Date: 2/24/16