[redacted]

December 20, 2010

CERTIFIED MAIL 7010-1870-0001-6345-1743
RETURN RECEIPT REQUESTED

Helena Wooden Aguilar, Assistant Director
United States Environmental Protection Agency
Office of Civil Rights (1201A)
1299 Pennsylvania Avenue, NW
Washington, D.C. 20460

Dear Ms. Wooden Aguilar:

On December 10, 2010, I filed with the Honolulu Local Office of the United States Equal Employment Opportunity Commission a charge of retaliation (copy enclosed) against my employer, the State of Hawaii, Department of Health.

As the recipient of federal grant funds from the United State Environmental Protection Agency, it is my understanding that 40 C.F.R. §7.100 states that "[n]o applicant, recipient, nor other person shall intimidate, threaten, coerce, or discriminate against any individual or group, either: (a) [f]or the purpose of interfering with any right or privilege guaranteed by the Acts or this part, or (b) [b]ecause the individual has filed a complaint or has testified, assisted or participated in any way in an investigation, proceeding or hearing under this part, or has opposed any practice made lawful by this regulation."

The information contained in my charge of retaliation my employers, the State of Hawaii, Department of Health, sets forth three instances where I allege that the Department of Health of the State of Hawaii had violated 40 C.F.R. §7.100, and Title VI of the Civil Rights Act.

Additionally, in response to a retaliatory complaint by [redacted] (see, attached December 14, 2010, letter of Herman Tuiolosega to [redacted] with copy to DOH Labor Relations Officer and Ms. Joan Takano of the Hawaii Government Employees Association), the Department of Health initiated an investigation into a May 27, 2010, allegation by [redacted] that I "shoved [her] out of the way as [she] walked across the office to greet [a courier], knocking her off balance" and that I further "hit her and yelled in an angry and agitated voice at [the courier] which caused her to feel in danger because your behavior was escalating from yelling to hitting."

I respectfully request that you investigate these three events to ascertain if the events constitute violations by the Department of Health of Title VI of the Civil Rights Act. Upon the conclusion of your investigation, I respectfully request that you apprise me in writing of your findings in this matter. If there are any questions, please contact me at the above telephone number or electronic mail address.

Respectfully,

[redacted]

Enclosure
Attachment

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002
1211

DEC 29

Attachment

NEIL ABERCROMBIE
GOVERNOR OF HAWAII

KEITH R. RIDLEY
ACTING DIRECTOR OF HEALTH

STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. BOX 3378
HONOLULU, HI 96801-3378

In reply, please refer to:
File:

December 14, 2010

[redacted]
P. O. Box 22247
Honolulu, HI 96823-2247

HAND DELIVERED

Dear [redacted]

The purpose of this letter is to inform you that it is alleged that a workplace violence incident occurred on May 27, 2010 in which you shoved [redacted] out of the way as [redacted] walked across the office to greet [redacted], knocking her off-balance. [redacted] further states that you hit her and yelled in an angry agitated voice at [redacted] which caused her to feel in danger because your behavior was escalating from yelling to hitting. These are serious allegations which need to be investigated.

Please note that Ms. Kathy Kealoha, former Office of Environmental Quality Control Director, informed the Human Resources Officer (HRO) that an investigation into this matter was being conducted by the Sheriff's Office as Ms. Kealoha believed they had jurisdiction over the State Office Tower Building, the site of the incident. To date, a copy of the results of the investigation conducted by the Sheriff's Office has not been made available to the HRO as the case may still be litigated. Consequently, an investigation into the incident is being conducted by the Human Resources Office.

As part of the investigation process you will be given an opportunity to respond to the allegations and furnish evidence in support of your case. At the investigatory meeting you have the right to have a representative be present. The HRO has assigned Mr. Christopher Jay, Training, Safety and Employee Relations Chief, to conduct the investigation.

Please be advised that you are prohibited from harassing, discriminating or taking retaliatory actions against any employee/client who have been asked to provide statements of his/her knowledge surrounding the circumstances relative to the allegation.

If you have any questions regarding this matter, please feel free to call me at 586-4185.

Sincerely,

Herman Tuiolosega, Acting Director
Office of Environmental Quality Control

Acknowledged receipt:

[redacted] 13 December 2010
Signature Date

c: DOH Labor Relations Officer
Ms. Joan Takano, HGEA Union Agent