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January 7, 2013

BY HAND DELIVERY

Veronica M. Zertuche, Esq.
Deputy City Attorney
City of San Antonio
100 Military Plaza, 3rd Floor
San Antonio, Texas 78205

Re: Complaint of Violation of Non-Discrimination Ordinance

Dear Ms. Zertuche:

Pursuant to your email to me on December 20, 2013, I am providing you this letter on behalf of my client, Matthew Hileman, so that your office may receive and investigate this complaint, and take action which may be appropriate. I understand the City of San Antonio (the "City") does not yet have a prescribed form for complaints of this nature, so it's my hope the information provided below will be sufficient to set forth the allegations and information needed for your office to conduct a full investigation.

Parties to Complaint

This complaint is made on behalf of my client, Matthew Hileman, a San Antonio, Bexar County, Texas resident ("Hileman").

This complaint is against AT&T Corp., a corporation doing business within the city limits of San Antonio, Bexar County, Texas ("AT&T").

Relevant Law

This complaint is made pursuant to ORD. No. 2013-09-05-0577, §§ 1 and 7, enacted on September 5, 2013 (codified as Part II, Chapter 2, Article X of the SAN ANTONIO CODE OF ORDINANCES), and commonly referred to City's Non-Discrimination Ordinance (the "NDO").

The NDO applies to AT&T because AT&T currently has active and ongoing contract(s) with the City, including but not limited to a certain contract for the provision of technology-based communication services adopted by the City on or about May 21, 2009, and relating to Request for Council Action Tracking No.: R-4942.

Section 7 of the NDO provides “[a]ll City of San Antonio contracts... shall contain the following... [NDO protection language].” AT&T has current and active contracts with the City, which make is subject to the provisions and requirements of the NDO.¹

This complaint involves the allegation that AT&T discriminated and/or retaliated against Hileman primarily on the basis of gender identity, but may also include sex and sexual orientation – all protected classes under the NDO.

Factual Basis of Complaint

Hileman and his wife are long-time San Antonio residents. Hileman is a transgendered man who identifies and presents himself as a male at all times. Hileman applied for his job as a man, and prior to the events giving rise to this complaint, never disclosed to anyone at work that he is transgendered. In all other ways, including his driver’s license, legal name, and birth certificate, reflect Hileman as being male.

Hileman began working for Resource Global Professionals (“RGP”) on or about May 8, 2013, specifically for the purposes of providing information technology consulting services to AT&T. At all times Hileman worked almost exclusively on-site at the AT&T facility located at 1010 N St. Mary’s Street, San Antonio, Texas 78215. Hileman was supervised by AT&T employee, Hortencia Morales, who was managed by Ralph Elke.

On or about September 4, 2013, during the time the City was considering passing the NDO, two of Hileman’s co-workers at AT&T, Ropel Anderson and Gerry Bush, were overheard by Hileman discussing the City’s proposed NDO. The conversation was not in private and was in an open and common area of the workplace. Anderson and Bush were specifically and personally overheard by Hileman stating their desire and willingness to commit acts of violence against transgendered persons, particularly if such a person was discovered in a restroom.

Anderson and Bush’s comments included such violence and discriminatory content that Hileman feared for his safety and security. Hileman reported the incident and Morales was made aware of the events which transpired, and disclosed to Morales he is transgendered. Morales informed Elke of the incident, and also informed Anderson’s supervisor, Lanie Smith, of the incident. Smith contacted AT&T’s human resource department and Hileman was informed

¹ It should be noted AT&T has a corporate Equal Opportunity Policy pre-dating the NDO, which prohibits discrimination on all the bases also protected by the NDO (available at <http://www.att.com/gen/corporate-citizenship?pid=17203#csr-eop>).

he was required to make a formal complaint directly with AT&T's human resource department. Later the same date, Elke met with Bush and is believed to have disclosed the nature of the complaint, along with Hileman's identify as the complainant and transgendered status. Anderson's manager later called Hileman's supervisor to apologize about the incident.

On or about September 7, 2013, Hileman made a formal complaint with AT&T's human resource department, and was encouraged to sign a statement stating he felt safe to return to work, which Hileman signed.

On or about September 13, 2013, Hileman was told by Morales he would need to meet personally with AT&T's human resource department to assist in the investigation of the complaint. Hileman attended a meeting and was told the matter would be resolved.

Then, on the morning September 18, 2013, upon returning to his desk at AT&T from a conference call, Hileman found a piece of paper in his chair. The page contained a large "no" sign with the word "fag" written in it (meaning "no fag," akin to a no smoking sign). Anderson and Bush knew Hileman had made a complaint about their behavior and had been made aware he is transgendered, and was terrified by the note. Fearing for his safety, Hileman left AT&T's premises, and reported the incident to his supervisors.

On September 19, 2013, AT&T's human resource department demanded RGP obtain the threatening page from Hileman. Hileman was told to put the paper in a zip-lock bag and deliver it to Suzan Hough, which he did, thinking he was preserving important evidence which could be used to investigate what happened and hold those responsible to account.

Hileman expressed his discomfort working in an office with Bush and Anderson, and was permitted to pick up some of his belongings on September 19th, with the understanding he'd be reassigned shortly.

Sadly, on September 20, 2013, Hileman received an email from Amanda Stewart stating additional items had been found belonging to Hileman, and on September 23, 2013, Stewart notified Hileman it was not necessary for him to personally retrieve his other things, but that they'd be shipped to him by mail. This was the last time Hileman heard from AT&T or RGP.

Eventually, in October, after not being given another position or being reassigned, Hileman filed an application for unemployment benefits, which was uncontested and granted – a tacit indication Hileman was no longer employed. It's apparent the termination of Hileman's employment was due to discrimination based on his sex, sexual orientation, and/or gender identity, and/or was retaliated against for making a complaint based on said discrimination.

Objective of Complaint

Hileman acknowledges AT&T has a long-standing relationship with the City, and on the whole, is a strong corporate ally to the gay, lesbian, bisexual and transgendered community. Hileman is confident the events giving rise to this complaint are not the norm for AT&T. However, Hileman feels strongly both the letter and spirit of the City's NDO were not followed in this case, and that AT&T, as a large contractor for the City, needs to fully investigate and resolve this complaint to bring it into full compliance with the NDO.

Hileman is primarily concerned with finding solutions. As you're aware, the NDO does not provide an individual remedy for Hileman, and the City's investigation and ultimate action relating to this complaint will be only those options allowed by the NDO and other ordinances. But, Hileman requests the City assist the parties in reconciling their differences and remain focused on ensuring others don't encounter similar treatment in the future.

Reservation of Other Remedies

By making this complaint, Hileman expressly reserves and does not waive any right or remedy, administrative or judicial, to which may be otherwise be entitled under other law.

Conclusion

Hileman was a good employee, who reasonably report inappropriate, discriminatory, and threatening conduct by his AT&T coworkers. Regrettably, the complaint was woefully mishandled, Hileman's privacy was intimately violated, and an already hostile environment turned into direct threats towards Hileman, resulting in the loss of his job. Hileman hopes the City will conduct a full investigation into this matter, assist the parties in reconciling their dispute, and take other actions as the City may deem appropriate.

Thank you for your attention to this matter. Please confirm you've received this complaint and advise me as to the next step in this process.

Sincerely,

THE NICHOLS LAW FIRM, P.L.L.C.



JUSTIN P. NICHOLS

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January 7, 2014
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cc: The Honorable Julián Castro
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