

March 6, 2023

Kevin Kish
Director
Department of Fair Employment and Housing
2218 Kausen Drive, Suite 100
Elk Grove, CA 95758

Re: Summary of Allegations of Gender Discrimination

Dear Director Kish,

My name is M. Lopez, and I am a Latina woman. I go by Lopez. I have worked as a storeroom helper at Flying Food Group (“FFG”) for two years. I work in the storeroom, where I am responsible for unloading pallets that arrive at the dock, among other various responsibilities. I am the only female employee in the storeroom.

In the last year and a half, I have been subject to persistent abuse from my supervisor, Ruben Salgado. Mr. Salgado has referred to me as a “fucking stupid ass bitch,” denied me benefits that my male coworkers receive, and fabricated allegations about my work to his supervisors. I was forced to request reassignment within the storeroom to minimize my contact with him, but he has continued to engage in harmful behavior and treat me more harshly than my male coworkers. Although I have filed multiple complaints, the Company has not taken sufficient action to deter Mr. Salgado.

I am filing this charge under the Fair Employment and Housing Act because I believe that Mr. Salgado and Flying Food Group have discriminated against me because of my gender.

a. My supervisor at Flying Food Group, Mr. Salgado, has treated me worse than my male coworkers and the man who previously held my job.

Since I began working in the storeroom, Mr. Salgado has treated me noticeably worse than my male coworkers. Until recently,¹ in my capacity as a storeroom helper, I receive pallets when they arrive at the loading dock, offload them, move them to my produce cooler, and unload the boxes of produce into my cooler. Boxes are usually 50-80 pounds. Sometimes, they can weigh upwards of 120 pounds. I weigh 120 pounds and sometimes require assistance to move the heavier boxes.

When the pallets assigned to my male coworkers arrive at the dock, Mr. Salgado typically ensures there are three to four workers there to help move each pallet to its respective cooler. There is also normally a pallet jack available to help move the heavy pallets. But when a pallet arrives for the receiving area, Mr. Salgado does not send any workers to help me move it. When Mr. Salgado is absent, my coworkers will help me move my pallets, but when Mr. Salgado is around, my coworkers will not assist me. The lack of assistance makes it very difficult for me to do my job.

¹ On February 10, 2023, my manager, Freddy Uribe, assigned me to the receiving area instead of the produce cooler.

The man who held my job in the produce cooler previously, Lafayette Smith (“Mr. Smith”), was not subjected to similar treatment. When pallets would arrive, Mr. Salgado would send workers to help Mr. Smith. Oftentimes, Mr. Smith’s pallets would be unloaded before he arrived.

In addition to denying me assistance, Mr. Salgado has also treated me more harshly than my male coworkers. On multiple occasions, Mr. Salgado yelled about mold in the produce cooler and has thrown boxes onto the ground outside of the cooler, creating a mess that I then must clean up. To my knowledge, Mr. Salgado has not thrown boxes that are assigned to my male coworkers. Mr. Salgado has also permitted two male coworkers—Oswaldo Morales and Marco Romero—to take multiple lunch breaks while on the clock. These two employees are permitted to take long breaks in the manager’s office while I break down pallets without assistance.

b. Mr. Salgado has become increasingly abusive and has attempted to get me in trouble with his supervisors after I complained about his behavior.

Mr. Salgado’s behavior escalated in December of 2021. That day, my coworkers were receiving pallets and Freddy Uribe—our department manager who supervises Mr. Salgado—asked me to help receive. Because the pallets were already unloaded, I assumed their contents had already been counted. They had not. Mr. Salgado ran up to me and began yelling, in front of all of my coworkers, “Come up and fucking check that, check it right now, come up here and check this right now”. Mr. Salgado also accused me of throwing some documents on the ground, which I did not do.

Mr. Salgado’s treatment of me was so unduly harsh that I could not stop shaking for some time after the incident. I approached Mr. Salgado later and told him I was informing Mr. Uribe of what had transpired. Mr. Salgado responded, “Everyone goes and cries to Freddy, go fucking cry to Freddy.” Mr. Salgado then approached Mr. Uribe and told him I had unloaded the pallets without counting the items, which was not true as I had not finished unloading the pallets. He also told Mr. Uribe I was ignoring him, a claim of insubordination that he completely fabricated to try to ensure I was disciplined. Mr. Uribe told Mr. Salgado that he was the one who told me to help offload the pallets. Mr. Uribe then told me to report the incident to Human Resources (“HR”). I wrote a statement to HR. To my knowledge, HR did not take any action after I provided my statement.

Mr. Salgado’s treatment worsened after this incident. In July 2022, I requested reassignment from the front cooler to the produce cooler—the most difficult cooler in the storeroom—to minimize my contact with Mr. Salgado. But later that month—on July 15, 2022—Mr. Salgado was overheard disparaging me to Mr. Morales and Lam Chan Bhin (“Mr. Bhin”), another supervisor. My coworker overheard the conversation and texted me to tell me about it. Mr. Salgado was heard telling the other two employees: “fucking ass bitch, she doesn’t want to receive anything, this only happened when she moved to the storeroom.” Several minutes later, Mr. Salgado was walking from the cafeteria. He was still loudly disparaging me, and I directly overheard him saying “Fucking stupid ass bitch, fucking bitch.”

Mr. Salgado's language was not an isolated incident. Around September 2022, I walked past Mr. Salgado in the hallway while he was speaking to a woman who has a more masculine gender presentation. As I walked past them, I overheard Mr. Salgado loudly use the phrase "gay ass bitch" right when I walked past them. Because I am also a masculine-presenting woman, I was not sure who Mr. Salgado was referring to.

On August 8, 2022, Mr. Salgado aggressively kicked a box in my direction. I filed another grievance against Mr. Salgado on August 15, 2022. On October 20, 2022, I spoke with John Eagan ("Mr. Eagan"), a lawyer for FFG and Sarah Julian, a UNITE HERE Local 11 organizer. Mr. Eagan told me that he would investigate my complaints but that he could not tell me anything else. After this conversation, the Company suspended Mr. Salgado for taking unauthorized breaks while on the clock.

When Mr. Salgado returned to the storeroom, he continued to interfere with my work. On December 16, 2022, I worked from 6 A.M. to 11 A.M. Mr. Salgado was next door in the dairy cooler, and he told Mr. Uribe that I was not doing any work that day. This was, yet again, fabricated. Mr. Uribe approached me after Mr. Salgado spoke to him and asked me if I was stealing time by not working while on the clock. I insisted that I was not, and I explained to Mr. Uribe what I had done during my shift. Mr. Uribe did not discipline me. Nevertheless, this was still very distressing to me. I work hard at my job, and it is deeply troubling to me that my supervisor would attempt to have me disciplined after I filed a report against him.

Mr. Salgado's treatment of me is so beyond the pale that I intermittently break down in tears thinking about it. I have tried to talk to Mr. Uribe, our department manager, about it, and I started crying when I was talking to him. I have lost hair and lost weight due to the stress. I have called out of work several times when I felt particularly ill-equipped to deal with Mr. Salgado, and I am currently seeking medical treatment for the anxiety and depression that this has caused.

c. Flying Food Group has failed to take effective action to deter Mr. Salgado

I began reporting Mr. Salgado's abusive and harassing treatment of me after the December 2021 incident. Since then, I have filed complaints with HR on more than four separate occasions. I have spoken with HR representatives, and I have spoken with Mr. Eagan, who serves as legal counsel for Flying Food Group. Despite these numerous complaints, I am still supervised by Mr. Salgado, and he has continued to engage in abusive conduct towards me.

One investigation found that Mr. Salgado took unauthorized lunch breaks, permitted his favored workers to take unauthorized breaks, and stole food from the company. That investigation concluded that Mr. Salgado did indeed kick boxes around me, yell at me, and consciously failed to help me or provide other workers to help me move pallets. Mr. Salgado was given a final written warning for his conduct. HR additionally recommended he complete the following company HR courses: "Handling Conflict", "Overcoming your own unconscious bias", "Facing confrontation and customer service", "Resolving workplace conflict", and "Difficult people strategies to keep everyone working together."

Ultimately, the Company did not find that Mr. Salgado engaged in discrimination, and he has continued to engage in abusive behavior towards me. As described above, he fabricated allegations that I was stealing time in December 2022. I filed yet another complaint that is under investigation by Human Resources. The Company has, however, allowed Mr. Salgado to continue as my supervisor.

In closing, I want to ask the California Civil Rights Department to investigate and to work to address the problems that I am facing at Flying Food Group due to my gender. I have been subject to slurs, discrimination, harassment, and retaliation. I believe that my workplace should be an environment of respect and equal treatment for people regardless of their gender or gender expression. This is a fundamental right that we all deserve as human beings.

Sincerely,

/s/ M. Lopez