UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAY 18 2009

OFFICE OF
CIVIL RIGHTS

[redacted]

**Re: Referral of Complaint of Employment Discrimination**

Dear [redacted]:

This is to notify you that your complaint of employment discrimination filed with the U.S. Environmental Protection Agency (EPA) Office of Civil Rights (OCR) External Compliance Program has been referred to the U.S. Equal Employment Opportunity Commission (EEOC). Your complaint generally alleges you were terminated from employment as the Technical Advisor for the community group Community First Coalition (CFC) because of your race.

The complaint was timely filed and meets all of EPA's jurisdictional requirements under Title VI[1]. However, since your complaint solely alleges employment discrimination against a recipient of EPA assistance, it should be processed under the "Procedures for Complaints of Employment Discrimination Filed Against Recipients of Federal Financial Assistance."[2] In summary, the procedures provide that an employment discrimination complaint that is covered by both Title VI and Title VII should be referred to the EEOC for investigation and conciliation.[3] By referring this complaint to the EEOC, EPA has delegated to EEOC its investigative authority under Title VI and EPA's regulations implementing Title VI, found at 40 C.F.R. Part 7. EPA, therefore, may use information obtained by EEOC under the EPA's investigative authority in a subsequent Title VI enforcement proceeding.[4] The date that OCR received the complaint (September 13, 2005) will be deemed the date it was received by EEOC.[5]

---

[1] 40 C.F.R. § 7.120.
[2] 28 C.F.R. §§ 42.600-42.613 (DOJ) and 29 C.F.R. §§ 1691-1691.13 (EEOC).
[3] 28 C.F.R. §§ 42.605(d), 42.609.
[4] 28 C.F.R. §42.605(h).
[5] 28 C.F.R. §42.605(h).

OCR is therefore closing its administrative record for EPA File Number 16R-05-R9. EEOC's San Francisco Office will contact you regarding their evaluation of the allegation in your complaint.

If you have any questions, please contact Yasmin Yorker, Assistant Director of OCR's External Compliance Program, by telephone at (202) 343-9682, via e-mail at yorker.yasmin@epa.gov, or by mail at U.S. EPA Office of Civil Rights (MC 1201A), 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20460-1000.

Sincerely,

Karen D. Higginbotham
Director

cc: [redacted]
Community First Coalition
1022 Plymouth Street
San Francisco, CA 94115

Michael Baldonado, District Director
U.S. Equal Employment Opportunity Commission (EEOC)
350 The Embarcadero
Suite 500
San Francisco, CA 94105-1260

Bridget Coyle, EPA Region 9

Jackie Lane, Grant Project Office
EPA Region 9
75 Hawthorne St
San Francisco, CA 94105

Stephen G. Pressman, Associate General Counsel
Civil Rights and Finance Law Office (MC 2399A)