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

EXTERNAL CIVIL RIGHTS COMPLIANCE OFFICE
OFFICE OF GENERAL COUNSEL

November 13, 2017

Return Receipt Requested
Certified Mail #: (b) (6) - Privacy [redacted]

In Reply Refer to:
EPA No: 25R-17-R2

(b) (6) - Privacy, (b) (7)(C) - Enforcement Privacy [redacted]

Re: Rejection/Closure of Administrative Complaint

Dear (b) (6) - Privacy, (b) (7)(C) - Enforcem [redacted]

On September 17, 2017, the U.S. Environmental Protection Agency (EPA), External Civil Rights Compliance Office (ECRCO) received your complaint alleging that the you had been discriminated against based upon your race by Bristol-Meyers Squibb (BMS) in Syracuse, New York, with respect to the termination of your employment, and retaliation. ECRCO has determined that it cannot accept this administrative complaint for investigation because it does not meet the jurisdictional requirements described in EPA's nondiscrimination regulation.

Pursuant to EPA's nondiscrimination regulation, ECRCO conducts a preliminary review of administrative complaints to determine acceptance, rejection, or referral to the appropriate Federal agency. *See* 40 C.F.R. § 7.120(d)(1). To be accepted for investigation, a complaint must meet the jurisdictional requirements described in the EPA's nondiscrimination regulation. First, the complaint must be in writing. *See* 40 C.F.R. § 7.120(b)(1). Second, it must describe an alleged discriminatory act that, if true, may violate the EPA's nondiscrimination regulation (i.e., an alleged discriminatory act based on race, color, national origin, sex, age, or disability). *Id.* Third, it must be filed within 180 days of the alleged discriminatory act. *See* 40 C.F.R. § 7.120(b)(2). Finally, the complaint must be filed against an applicant for, or recipient of, EPA financial assistance that allegedly committed the discriminatory act. *See* 40 C.F.R. § 7.15.

After careful consideration, ECRCO has concluded that it cannot accept this complaint for investigation because BMS is neither an applicant for, or a recipient of, EPA funding. However, the Equal Employment Opportunity Commission (EEOC) enforces federal laws prohibiting discrimination based upon race which apply to most employers having 15 or more employees

regardless of whether that employer receives federal funding. Should you wish to file your complaint with them, you may do so by contacting the EEOC's Buffalo Field Office, at:

EEOC Buffalo Field Office
6 Fountain Plaza
Suite 350
Buffalo, NY 14202
Phone: 1-800-669-4000
Fax: 716-551-4387
TTY 1-800-669-6820
ASL Video Phone: 844-234-5122

We are sorry that we are unable to assist you. If you have any questions about this letter, please contact Debra McGhee, Team Lead, at (202) 564-4646, by e-mail at mcghee.debra@epa.gov or by mail at U.S. EPA, Office of General Counsel, External Civil Rights Compliance Office, Mail Code 2310A, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20460.

Sincerely,

Lilian S. Dorka
Director
External Civil Rights Compliance Office
Office of General Counsel

cc: Kenneth Redden
Acting Associate General Counsel
Civil Rights & Finance Law Office

Richard Manna
Assistant Regional Administrator
Deputy Civil Rights Official
US EPA Region 2