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

EXTERNAL CIVIL RIGHTS COMPLIANCE OFFICE
OFFICE OF GENERAL COUNSEL

November 13, 2017

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

J. Richard Pooler, Jr.
Assistant General Counsel
Environmental Health & Safety
Bristol-Myers Squibb
6000 Thompson Road
East Syracuse, NY 13057

Sheryl Ascinzi
Human Resources Manager
Bristol-Myers Squibb
6000 Thompson Road
East Syracuse, NY 13057

Re: Rejection/Closure of Administrative Complaint

Dear Mr. Pooler and Ms. Ascinzi:

On September 20, 2017, the U.S. Environmental Protection Agency (EPA), External Civil Rights Compliance Office (ECRCO), received correspondence alleging discrimination based on race with respect to the termination of his employment, and retaliation by Bristol-Myers Squibb (BMS). 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. The Complainant has been advised that he may file his complaint with the Equal Employment Opportunity Commission (EEOC), which 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.

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