UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

EXTERNAL CIVIL RIGHTS COMPLIANCE OFFICE
OFFICE OF GENERAL COUNSEL

April 9, 2019

Return Receipt Requested
Certified Mail #: (b) (6) Privacy

In Reply Refer to:
EPA Complaint No: 01NO-19-R9

(b) (6) Privacy
Perris, CA 92570

Re: Rejection of Administrative Complaint

Dear (b) (6) Privacy

On March 26, 2019, the U.S. Environmental Agency (EPA), External Civil Rights Office (ECRCO) received your complaint filed against Collins Aerospace (specifically, the Riverside plant), alleging discrimination based on national origin (Hispanic) in violation of Title VI of the Civil Rights Act of 1964.[1] You allege that your employer, Collins Aerospace, discriminated against you because of your national origin by ignoring your complaints about indications of a chromium paint leak. In addition, you allege that your employer retaliated against you because you complained about working conditions and because you filed a complaint with the Equal Employment Opportunity Commission (EEOC). After careful consideration ECRCO cannot accept the complaint for investigation.

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.

[1] Although your initial communication with ECRCO did not explicitly allege discrimination, during an interview with ECRCO you stated that you intended to allege discrimination based on national origin by Collins Aerospace management.

(b) (6) Privacy

ECRCO has concluded that it cannot accept this complaint for investigation because it does not meet the jurisdictional requirements described in EPA's nondiscrimination regulation. Specifically, Collins Aerospace is not an applicant for, or recipient of, EPA financial assistance. ECRCO informed you that Collins Aerospace was not a recipient of EPA financial assistance during a telephone interview on March 28, 2019, and you stated that you had no knowledge of EPA financial assistance at Collins Aerospace. As a result, ECRCO does not have jurisdiction to investigate the claims raised in the complaint. Accordingly, ECRCO is closing this case as of the date of this letter.

If you have questions about this letter, please contact ECRCO Team Lead Debra McGhee, at (202) 564-4646, via email at mcghee.debra@epa.gov or by mail at U.S. EPA, Office of General Counsel, Mail Code 2310A, Room 2524, 1200 Pennsylvania Avenue, NW, Washington, DC, 20460-1000.

Sincerely,

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

cc: Angelia Talbert-Duarte
Acting Associate General Counsel
Civil Rights & Finance Law Office

Deborah Jordan
Deputy Regional Administrator
Deputy Civil Rights Official
EPA Region 9

Sylvia Quast
Regional Counsel
EPA Region 9