

U.S. Department of Labor

Occupational Safety and Health Administration  
Atlanta Regional Office  
Sam Nunn Federal Center  
61 Forsyth Street, SW Room 6T50  
Atlanta, Georgia 30303  
(678) 237-0400  
(678) 237-0447 FAX



October 8, 2014

Regional Administrator  
U.S. Environmental Protection Agency  
61 Forsyth Street, SW, 13th Floor  
Atlanta, GA 30303-3104



RE: City of Flovilla / (b) (5) Privacy, (b) (7) Case No. 4-5070-14-149

Dear Regional Administrator:

The above referenced matter is a complaint of retaliation under Section 1450(I)(1)(A-C) of the Safe Drinking Water Act, 42 U.S.C. §300j-9(i). Enclosed for your information is a copy of the Secretary's Findings.

If I can be of further assistance to you, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Christine Schmitz".

For Lauren Fehlman  
Regional Supervisory Investigator

Enclosures:  
Secretary's Findings



October 8, 2015

(b) (6) Privacy, (b) (7)(C) Enforcement Privacy  
[Redacted]

Flovilla, GA 30216

RE: City of Flovilla (b) (6) Privacy, (b) (7) / Case No. 4-5070-14-149

Dear (b) (6) Privacy, (b) (7)(C) Enforcement Privacy [Redacted]

This is to acknowledge receipt of your complaint of discrimination under Section 1450(I)(1)(A-C) of the Safe Drinking Water Act, 42 U.S.C. §300j-9(i); which you filed on August 29, 2014, and to also advise you that we have completed our investigation of the above-referenced complaint filed by you (Complainant) against the City of Flovilla (Respondent). In brief, you alleged that Respondent terminated your employment in retaliation for you raising concerns about poor/questionable quality of the drinking water, employees receiving pay or being compensated for time off when they had no accrued leave, and employees not receiving proper training or adequate supplies to ensure the safety in performing duties.

Following an investigation by a duly-authorized investigator, the Secretary of Labor, acting through his agent, the Regional Administrator for the Occupational Safety and Health Administration (OSHA), Region IV, issues the following findings:

#### Secretary's Findings

Complainant was terminated on or about June 10, 2014. On August 29, 2014, Complainant filed a complaint with the Secretary of Labor alleging that Respondent retaliated against him in violation of Section 1450(I)(1)(A-C) of the Safe Drinking Water Act, 42 U.S.C. §300j-9(i). As this complaint was not filed within 30 days of the alleged adverse action, it is deemed not timely. Consequently, this complaint is dismissed.

Respondent is an employer within the meaning of 42 U.S.C. §300j-9(i). Complainant is an employee within the meaning of 42 U.S.C. §300j-9(i).

The time lapse between the termination of Complainant's employment and the filing of the complaint is beyond the SDWA's statutory time frame and is considered untimely filed. There were no extenuating circumstances presented which would allow OSHA to consider tolling the filing deadline. Thus, based on the available information, the Complainant filed an untimely complaint with OSHA.

Respondent and Complainant have 30 days from the receipt of these Findings to file objections and to request a hearing before an Administrative Law Judge (ALJ). If no objections are filed, these Findings will become final and not subject to court review.

Objections must be filed in writing with:

Chief Administrative Law Judge Office of Administrative Law Judges  
U.S. Department of Labor  
800 K Street NW,  
Suite 400 North Washington, D.C.  
20001-8002 Telephone: (202) 693-7300  
Fax: (202) 693-7365

With copies to:

The City of Flovilla  
308 Heard Street  
Flovilla, GA 30216

And

Kurt Petermeyer, Regional Administrator  
U.S. Department of Labor – OSHA  
Sam Nunn Atlanta Federal Center  
61 Forsyth Street, SW, Room 6T50  
Atlanta, GA 30303

In addition, please be advised that the U.S. Department of Labor does not represent any party in the hearing; rather, each party presents his or her own case. The hearing is an adversarial proceeding before an Administrative Law Judge (ALJ) in which the parties are allowed an opportunity to present their evidence for the record. The ALJ who conducts the hearing will issue a decision based on the evidence and arguments, presented by the parties. Review of the ALJ's decision may be sought from the Administrative Review Board, to which the Secretary of Labor has delegated responsibility for issuing final agency decisions under [Section 322(a) of the Clean Air Act, 42 U.S.C. §7622; Section 110(a) of the Comprehensive Environmental Response, Compensation, and Liability Act 42 U.S.C. §9610; Section 507(a) of the Federal Water Pollution Control Act, 33 U.S.C. §1367; Section 1450(I)(1)(A-C) of the Safe Drinking Water Act, 42 U.S.C. §300j-9(i); Section 7001(a) of the Solid Waste Disposal Act, 42 U.S.C. §6971; and Section 23(a) of the Toxic Substances Control Act, 15 U.S.C. §2622.]. A copy of this letter has been sent to the Chief Administrative Law Judge along with a copy of your complaint. The rules and procedures for handling of [Section 322(a) of the Clean Air Act, 42 U.S.C. §7622; Section 110(a) of the Comprehensive Environmental Response, Compensation, and Liability Act 42 U.S.C. §9610; Section 507(a) of the Federal Water Pollution Control Act, 33 U.S.C. §1367; Section 1450(I)(1)(A-C) of the Safe Drinking Water Act, 42 U.S.C. §300j-9(i); Section 7001(a) of the Solid Waste Disposal Act, 42 U.S.C. §6971; and Section 23(a) of the Toxic Substances

Control Act, 15 U.S.C. §2622,] cases can be found in Title 29, code of Federal Regulations Part 24, and may be obtained at [www.whistleblowers.gov](http://www.whistleblowers.gov).

Sincerely, ~



For Lauren Fehlman  
Regional Supervisory Investigator

cc: Respondent/Respondent's attorney  
Regional Administrator, U.S. Environmental Protection Agency  
Chief Administrative Law Judge, USDOL