

September 17, 2017

U.S. Environmental Protection Agency Mail code 1201A 1200 Pennsylvania Avenue, NW Washington, DC 20460 Title VI Complaints@epa.gov

Complaint against:

Bristol-Myers Squibb 6000 Thompson Rd East Syracuse, NY 13057 (315) 432-2000

I am filing complaint against Bristol-Myers Squibb (BMS) of Syracuse, New York for 1. Racial Discrimination Employment Termination without cause for being a black male 2. Breach of Payment contract retaliation for filing racial discrimination complaint and 3. Hiring Retaliation after filing racial discrimination complaint.

1. Racial Discrimination Employment Termination without cause for being a black male

In Februry 2017 I signed a contract to work for Bristol-Myers Squibb (BMS) for 6 months starting in July 2017 and <u>not an at will employment agreement</u>. On July 10, 2017 I started my 1st day of work at Bristol Myers Squibb of Syracuse, NY and was given a contract employee policy manual. Per policy, BMS is required to give me an ID badge after attending a on-site orientation which I did (Exhibit 1) but BMS refused.

The next morning, July 11, 2017, I politely asked BMS for my policy required ID badge and was verbally reprimanded for not having one by a Caucasian male security guard. During the afternoon of July 11, 2017 BMS issued me an ID badge.

On July 12, 2017 (b) (7)(C) - Enforcement Privacy informed me via telephone BMS terminated my employment for no cause, no policy violation, no performance issues nor warnings and I will receive the remainder of my 6 month BMS per contract. Please note, I was the only black person in my orientation group and BMS Syracuse employs less than a handful of black employees out of hundreds of employees. I was also informed by (6)(7)(G) - Enforcement Privacy that BMS refused to give me a termination letter.

In addition, I completed all assigned tasks to date, received perfect scores on all BMS exams as we only did computer training up to that point.

2. Breach of contract retaliation for filing multiple racial discrimination complaints

On <u>July 13, 2017</u> I filed a racial discrimination complaint over the termination of my employment with BMS (b) (7)(C) - Enforcement Privacy voicemail and followed up via email on July 19, 2017 as she has been ignoring me (Exhibit 2). On <u>July 17, 2017</u> I filed racial discrimination complaint against BMS with the New York Department of Labor (NYDOL) to receive unemployment insurance. NYDOL referred my racial discrimination complaint to BMS on July 17, 2017 for a response. On July 17, 2017 the New York Department of Labor determined I did not violate any policies, have any performance issues, was racially discriminated against and forced BMS to pay me unemployment insurance.

On July 21, 2017 I first became aware BMS breached the terms of my <u>non-at-will</u> 6 month employment contract by only paying me for 3 days work without negotiation and not the 6 month contract balance (Exhibit 3) in retaliation to my July 13th, 17th and 19th 2017 racial discrimination complaints. I was previously informed on July 12, 2017 I would receive the remainder of my 6 month pay by (b) (7)(C) - Enforcement Privacy

3. Hiring Retaliation after filing multiple racial discrimination complaints

After I was hired at BMS I was in strong contention for a higher paying permanent BMS position in which I completed an interview (Exhibit 4). In retaliation for my July 13th and 17th 2017 racial discrimination complaints BMS removed my candidacy for the position I interviewed for on July 18, 2017 (Exhibit 5).

Sincerely,

EXHIBIT 1



BRISTOL-MYERS **SQUIBB**

CONTRACTOR **ENVIRONMENT, HEALTH AND** SAFETY HANDBOOK

> SYRACUSE **OPERATIONS**

Κ.	Site Utilities	50
A.	Excavations	50
B.	Fire/City Water Use	51
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INTRODUCTION

Welcome to the Bristol-Myers Squibb (BMS) Company, Syracuse facility. Bristol-Myers Squibb is a leader in the biopharmaceutical industry. We take great pride and go to great lengths in developing, testing, marketing and producing safe products of superior quality. It is our Pledge to "extend and enhance human life by providing the highest-quality health care products."

As part of our concern for the quality of life, Bristol-Myers Squibb has a great respect for the safety and health of its employees and the environment in which we operate. This same level of commitment is expected of all people performing work at our facility.

Contained in this handbook are general guidelines and requirements for all contractor personnel to follow while working at this facility. These include:

- · Use of site facilities and utilities
- Permit requirements
- Housekeeping
- Security and Safety requirements
- Environmental requirements
- Construction practices
- Good Manufacturing/Laboratory Practices

Everyone has an important role to ensure that the BMS Syracuse site is a safe workplace. BMS's obligations are to maintain safe facilities and inform contractor personnel and other visitors of the site safety requirements and any potential work area hazards due to BMS operations. Your obligations are to:

- Follow regulatory and site requirements
- Ask for help or guidance if you are unclear about site requirements

II. SITE SECURITY

A. ACCESS TO THE FACILITY

Typical contractor hours of operation: 6:30 AM to 5:00 PM; Monday to Friday (excluding holidays). Approval for off-hours work must be coordinated through your BMS contact. Your BMS contact is either a BMS employee or designee who is responsible for oversight of your project. This person often is a project engineer, maintenance planner or area supervisor.

Like all contractor personnel, you will receive an identification badge after attending a site orientation. Wear the ID badge at all times when on BMS premises. The badge shall be displayed at waist level or above and shall be visible at all times.

Access to project work areas will be limited to foot access unless vehicle access has been authorized by your BMS contact or Security.

Report directly to the project work site after sign-in. Your BMS contact will identify areas that you are authorized to access. Any person found wandering from these areas may be dismissed from the BMS site. If you encounter a locked door to a building or room, that you believe you need access to, contact you BMS project contact or Security. Never prop open doors to regain access.

B. CONFIDENTIALITY

Any information concerning the operations that you either observe or are informed of shall not be disclosed to non-BMS employees beyond your company's personnel and other approved contractors and subcontractors.

C. DELIVERIES/REMOVAL OF MATERIALS

All delivery or removal of materials for your work area shall be cleared through your BMS contact.

D. EMPLOYEE CONDUCT

While at this site, everyone is expected to display only professional, courteous behavior. The following items shall not be tolerated and may result in removal from the BMS site and/or prohibition from future work at this or any other BMS site:

- Any form of discriminatory harassment of anyone in the work place on the basis of gender, race, color, religion or national origin
- Possession of firearms or other weapons
- Offensive language and/or rowdy behavior
- Disregard for property
- Disregard for the civil rights of others
- Any violation of the content of this handbook or other communicated requirements

The following violations of the site rules will result in immediate expulsion from the site:

- Possession of alcoholic beverages and/or illegal or controlled substances
- Smoking in unauthorized areas
- Theft

E. IN-PLANT VEHICULAR TRAFFIC

Contractor vehicle access for in-plant use requires prior authorization and clearance by your BMS contact or Security.

The site speed limit is <u>15 miles per hour</u> and is strictly enforced.

Pedestrians always have the right-of-way.

Authorized vehicles shall only be parked in areas designated by your BMS contact. Avoid parking where traffic safety postings will be blocked from view. Do not

For All Emergencies..Dial 2300 [Outside Line: (315) 432-2300]

BRISTOL-MYERS SQUIBB CONTRACTOR SAFETY CARD

		Vid	eo Ori	entati	on	
(b)	(7)	(C)	- Enfo	rceme	ent Pi	rivacy

Issue Date:	7/0/	7
Card Expires:	Viol	18

SPECIFIC SITE TRAINING	DONE BY	DATE

(To be completed by authorized Bldg. Personnel)

WORK SAFELY

Direct any safety questions to your BMS contact or call Security at extension 2121 (432-2121).

Contractors present on site are required to attend periodic Contractor Safety Meetings.

Signs will be posted at site entrances.

Attendance is mandatory when on site.

F-43-00

April 2012



EXHIBIT 2

Complaint Follow up



Wed 7/19/2017 7:14 PM



I am following up on my racial discrimination complaint filed with you on July 13, 2017.



454

Sr HR Coordinator at Bristol-Myers Squ bb

Syracuse, New York Area Human Resources

Current Bristol-Myers Squibb Wal-Mart, SUNY Oswego Previous

Education State University of New York College at Oswego

(b) (6) - Privacy, (b) (7)(C) - Enforcement Privacy



See all activity

Experience

Sr HR Coordinator

Bristol-Myers Squibb

May 2007 - Present (10 years 4 months) | Syracuse, New York Area



- -Provide front-line HR support and first-level response to employee population (500-800 FTE's), while supporting HR self-service model
- -Interface and collaborate with all levels of management, providing varying levels of HR/administra ive guidance and support
- -Coordinate large and complex special projects, maintaining a high degree of confidentiality (data gathering and reporting for re-organization, workforce planning, employee separations and affirmative action)
- -Maintain HR metrics and reporting for site scorecards, leveraging reporting and analytics from HRIS (Workday) system
- -Support succession planning, performance evaluation and employee promotion processes and discussions
- -Provide HR Policy guidance and interpretation and administer human resource plans and procedures, in accordance with legal, divisional and corporate guidelines, including: the corporate people strategy, site and corporate diversity initiatives, EEO practices, reward and recognition systems to drive performance and behaviors, and site safety programs
- -Administer site training plan supporting people strategy and strategic plan of the organization
- -Collaborate with COE process experts and local/regional HR teams to execute HR processes (i.e. recruitment, compensa ion planning, talent movement and restructurings)
- -Conduct weekly new employee on-boarding orientations
- -Perform diverse department administrative functions
- -Manage and administer HR SharePoint site and daily employee communica ion portal
- Provide administrative support to Site HR Director and HR Business Partner
- -Lead Summer Intern Program for site cross-functional departments
- -Lead coordination of on/off site employee engagement events such as annual clambake, company picnic, food drives, patient visits and employee activities
- Interface as Area Bldg. Supervisor/Alternate for Emergency Evacuation process



People Also Viewed



Chandler Loyd Marketing Intern at 1% for the Planet



Amy Pushlar Sherwood



Daniel Mendoza

Director of Assay Development at TOMA Biosciences



Pete Quinn, SPHR, SHRM-SCP

Human Resources Manager



Jody Scott

Manufacturing Supervisor at Bristol-Myers Squibb



Jamaison Pilgreen

Army(Retired) Human Resources, Recruiter, Career Counselor, Empoyee Relations Manager



Debra Dunham

Sr. HR Business Partner, Global Supply Chain, Quality and R&D at Welch Allyn



Cheryl Ascenzi, MBA

HR Business Partner at Bristol-Myers Squibb



Wendy Powers, MA, SPHR, SHRM-SCP Director of HR at ACR Health



Mallory Doherty PHR, SHRM-CP HR Generalist at Tomra North America, Inc.

Public profile badge

Include this LinkedIn profile on other websites

View profile badges

Find a different Kim Maloney

First Name

Last Name



Example: Kim Maloney



Kim Imbrogno-Maloney Talent Acquisition at Siemens United States



Kim Maloney

United States



Kim Maloney Director of Corporate Operations at Shorelight Education United States



Kim Maloney Director of Advancement, Trinity Catholic High School United States

Secure Message

Date: 07/17/2017 12:31 PM **From:** Department of Labor

To: (b) (7)(C) - Enforcement Privacy

Priority: NORMAL

Subject: This is an important message about the Unemployment Insurance claim that you just filed

We have received the claim you recently filed on our website. However, you need to speak to an agent to complete it as soon as possible.

To do this, please call our Telephone Claims Center toll free at 888-209-8124. Select your language, then press 9 for the Main Menu. At the Main Menu, press 2 - "To complete your claim..." Please follow the instructions and wait on the line until a representative is available to help you.

Official Record of Benefit Payment History

Current Claim

Name:	(b) (7)(C) - Enforcement Privacy
Social Security Number:	
Start/Effective Date:	07/17/2017
Benefit Year Ending Date:	07/22/2018
Weekly Benefit Amount:	(b) (7)(C) - Enforcement Privacy
Maximum Amount Payable:	
Effective Days Remaining:	

Latest Transaction(s) as of 08/26/2017

- You last certified for benefits for the week ending 07/30/2017.
- Your payment for the week ending 07/30/2017 was released on 08/08/2017.

Effective Days

Each day in a week (Monday through Sunday) that you qualify for benefits is called an effective day. There is a maximum of 4 effective days each week, and you must qualify for all 4 effective days in order to receive your total weekly benefit rate. For each day in the week that you are not eligible to receive benefits, you will receive one less effective day, which is equivalent to one fourth of your weekly benefit rate. For example, if you are not available to work one day in a week, or if you have worked any part of a day, or have received vacation or holiday pay for one day in a week, your benefits will be reduced by one effective day (the same as one-quarter of your benefit rate). You can receive a maximum of 104 effective days on your claim.

If three days have passed since a payment was released and the funds are not in your account, you should contact KeyBank Customer Service at (866) 295-2955 if you have a debit card. If you have direct deposit, contact your bank. If there is a holiday in a given week, payments may be delayed by one day that week.



July 17, 2017

Department of Labor PO Box 15130 Albany NY 12212-5130

Complaint against:

Bristol-Myers Squibb 6000 Thompson Rd East Syracuse, NY 13057 (315) 432-2000

I am filing a racial discrimination complaint against Bristol-Myers Squibb (BMS) of Syracuse, New York for termination of employment on July 12, 2017 without cause for being a black male.

1. Employment Discrimination

On June 5, 2017 I signed a contract with an independent contractor to work for Bristol-Myers Squibb (BMS) for 6 months starting in July 2017, with the potential of being offered the full time BMS positions in which I already interviewed.

On July 10, 2017 I started my 1st day of work at Bristol Myers Squibb of Syracuse, NY and was given a contractor policy manual. Per policy, BMS is required to give me an ID badge after attending a site orientation which I did (Exhibit 1) but BMS refused.

The next morning, July 11, 2017, I asked BMS for my policy required ID badge and but BMS refused. During the afternoon of July 11, 2017 BMS issued me an ID badge.

On July 12, 2017 (b) (7)(C) - Enforcement Privacy informed me BMS terminated my employment for no cause, no policy violation, no performance issues nor warnings as I completed all assigned tasks to date received perfect scores on all BMS exams as we only did computer training. On July 13, 2017 I filed a racial discrimination complaint with with BMS Senior Human Resources Coordinator of the provided and to find out why I was terminated. To date, of the provided a response to my racial discrimination complaint nor why I was terminated (Exhibit 2).

After learning of management and other evaluators' **confirmed white supremist** activity through social media of displaying images of Adolph Hitler, swastikas, confederate flags, hateful images of black people and touting guns I understand why I was terminated without cause for being black (Exhibit 3).

Sincerely,







Unemployment Insurance A Claimant Handbook

October 2016







A Division of the New York State Department of Labor

1. What is Unemployment Insurance?

Unemployment Insurance is temporary income for eligible workers who become unemployed through no fault of their own. Unemployed workers who are receiving Unemployment Insurance benefits are sometimes referred to as "claimants." You will see that term used throughout this handbook and on our website.

You can receive Unemployment Insurance benefits for a maximum of 26 full weeks during a one-year period called a "benefit year."

In New York State, employers pay for benefits, not workers. No deductions are taken from workers' paychecks for Unemployment Insurance.

2. How do I know if I am eligible to receive Unemployment Insurance benefits?

If you are not sure if you are qualified to receive Unemployment Insurance benefits, you should still apply as soon as possible. We will determine if you are eligible.

What are the requirements to receive benefits?

You can apply for Unemployment Insurance benefits (file a claim for benefits) if you have worked in New York or another state. In order to receive benefits, you must:

- Have lost employment through no fault of your own;
- Have enough prior earnings from employment to establish a claim;
- · Be ready, willing and able to work immediately; and
- Be actively seeking work and keep a record (online or written) of your efforts for each week you claim benefits.

What are some of the reasons I could be denied benefits?

You must meet the requirements set by law to receive Unemployment Insurance benefits. You cannot get benefits if you have less than the required work history and wages to establish a claim as discussed on pages 8 – 14: "How much will I receive in benefits each week?" Other reasons your claim could be denied include:

- **1. Voluntary quit and discharge:** You will be disqualified from receiving Unemployment Insurance benefits if we determine that:
 - You quit a job without good cause; or
 - You were discharged (fired) for misconduct.

If you are not sure if you are qualified to receive Unemployment Insurance benefits, you should still apply as soon as possible. We will determine if you are eligible.

^{*}To reach the Telephone Claims Center, please call (888) 209-8124. TTY/TDD users: call a relay operator at (800) 662-1220 and ask the operator to call (888) 783-1370. Video or other types of relay service users contact your relay operator and ask the relay operator to call (888) 783-1370.

EXHIBIT 3



RTR / Rate Confirmation for the position of Biologics Process Operator located at East Syracuse, NY – 13057 Job Code: 20348-1

(b) (7)(C	c) - Enforce	ement Privacy

Wed, Feb 22, 2017 at 5:07 PM

I just need to confirm few details from you.

- Availability for Interview?
- · Any Interview or offers lined up?
- How soon you can start with us?

Glad we got to speak over the phone. Please fill in your first name----- and last name ------

Please attach your updated resume also in the email.

In order to avoid any duplicate submittals of my resume, please acknowledge the following statements and send your confirmation.

I acknowledge the exclusive right of spectra force technologies to consider my profile for the position Biologics Process Operator located at East Syracuse, NY – 13057 Job Code: 20348-1.

i agree to work at 0 (7)(c) - Enforcement Privacy on w-2 for the **06 months** contract.

- i agree on the payment terms of Bi weekly basis.
- i will be available for an in-person/telephonic/ or Skype interview when the interview request occurs.

I further agree not to submit my resume through any other agency for this specific "Bristol Myers Squibb".

Note: as discussed, if you are selected for this position, you will be required to complete and pass a pre-employment background verification screening and drug test. If these pre-employment screenings are returned with unsatisfactory results based on spectraforce's policies and/or the client's policies, you may not be considered for the position applied for.

Here is the job description

Title: Biologics Process Operator Location: East Syracuse, NY – 13057

Duration: 06 months

Job Responsibilities:

- Operates control systems and processes in Biotechnology Pilot Plants as assigned.
 Prepares process buffers and reagents.
- Cleans equipment and maintain area in clean and orderly fashion.
- Recognizes and reports safety, maintenance and operational variances to area management.
- Communicates status of operations to area management in a timely manner.
- Follows detailed SOP's and batch records. Ensures compliance with cGMP and safety requirements.
- Maintains files, records and equipment. Records data, logs activities and monitors processes. Achieves and maintains proficiency through training.

Qualification:

- The successful candidate will have a high school diploma with a minimum of 5 years process operations experience A.A.S. or B.S. degree is preferred.
- Prior job related experience required along with demonstrated mechanical aptitude.
- Familiarity with general chemistry, mathematics, microbiology and cGMP clean room operations is a plus.
- The nature of the position demands keen attention to detail.
- Prior experience following and documenting written instructions is required.
- Committed team player prepared to work in and embrace a team based culture.
- Shift work and overtime required.

• Selected candidates will be required to enter a structured training program and successfully complete all modules including Biologics orientation training, general knowledge training and job function training and successfully complete training module evaluations at 1, 3, 6 and 12 month milestones.

Sincerely,

Thanks & regards,





Benefits Memo(2017).pdf

(b) (7)(C) - Enforcement Privacy

	ns on being selected for the position of Biologics Process Operator by our client, BMS. We are delighted to hav raforce team. My name is 1917/95 Encommentations and I am the Onboarding Specialist who will assist you through you.
	y questions or concerns during the onboarding process, please reach out to as we will be the be swer your questions as your employer. Please do not directly contact the client.
Please login to paperwork for complete your	
**Please note	that works best with Google Chrome.
Please login to Username : Password :	with the following User name & Password:
	Enforcement Privacy
(b) (7)(C) - These creden	Enforcement Privacy Itials Expire at Midnight on : 15-Jun-2017 at 23:59:59 In the state of the
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EXHIBIT 4

Opportunity with Bristol-Myer Squibb





I saw you applied with Bristol Myers Squibb to the Purification Process Operator Trainee position. I would like to discuss this opportunity with you. I would love to schedule some time with you to discuss (job number (1701815). You will phone interview with myself

Please click on the link below to schedule a time that is convenient for you: https://bms.recsolu.com/external/requisitions/LYxnZZuCPRvVUc05ZTmB9g

Looking forward to speaking with you.

Kind regards,



This message (including any attachments) may contain confidential, proprietary, privileged and/or private information. The information is intended to be for the use of the individual or entity designated above. If you are not the intended recipient of this message, please notify the sender immediately, and delete the message and any attachments. Any disclosure, reproduction, distribution or other use of this message or any attachments by an individual or entity other than the intended recipient is prohibited.

EXHIBIT 5

Bristol-Myers Squibb - Thank you for your interest

Bristol-Myers Squibb <hr-bms@invalidemail.com>

Tue 7/18/2017 8:57 AM



1 attachments (2 KB)

this_message_in_html.html;





Thank you for your interest in the Purification Process Operator Trainee (1701815) position at Bristol-Myers Squibb Company. Unfortunately, we are not able to move forward with your candidacy at this time. Your resume will remain active in our database.

We also invite you to visit our career site to learn more about career opportunities at Bristol-Myers Squibb, www.bms.com/careers.

Sincerely, Human Resources Bristol-Myers Squibb

Please do not reply to this message. Replies are undeliverable and will not reach the Human Resources Department.

Bristol-Myers Squibb - Thank you for your interest

Bristol-Myers Squibb

Tue 7/18/2017 1:19 PM



1 attachments (2 KB)

this_message_in_html.html;





Thank you for your interest in the Quality Assurance - Field Operations (1702713) position at Bristol-Myers Squibb Company. Unfortunately, we are not able to move forward with your candidacy at this time. Your resume will remain active in our database.

We also invite you to visit our career site to learn more about career opportunities at Bristol-Myers Squibb, www.bms.com/careers.

Sincerely, Human Resources Bristol-Myers Squibb

Please do not reply to this message. Replies are undeliverable and will not reach the Human Resources Department.

Bristol-Myers Squibb - Thank you for your interest

Bristol-Myers Squibb

Tue 8/22/2017 5:31 PM



1 attachments (2 KB)

this_message_in_html.html;





Thank you for your interest in the Training Document Control Coordinator (1702636) position at Bristol-Myers Squibb Company. Unfortunately, we are not able to move forward with your candidacy at this time. Your resume will remain active in our database.

We also invite you to visit our career site to learn more about career opportunities at Bristol-Myers Squibb, www.bms.com/careers.

Sincerely, Human Resources Bristol-Myers Squibb

Please do not reply to this message. Replies are undeliverable and will not reach the Human Resources Department.