



OFFICE OF EXTERNAL CIVIL RIGHTS COMPLIANCE

WASHINGTON, D.C. 20460

April 16, 2024

In Reply Refer To:

EPA Complaint No. 01SD-24-R3

Darla Hicks
Director Human Resources
City of Manassas, VA 8500
Public Works Manassas, VA 20110
dhicks@manassasva.gov

Re: Notification of Rejection of Complaint No. 01SD-24-R3, City of Manassas

Dear Director Hicks:

This letter is to notify you the Environmental Protection Agency (hereinafter, "EPA"), Office of External Civil Rights Compliance (hereinafter, "OECRC") is rejecting for investigation an administrative complaint (EPA Complaint No. 01SD-24-R3) filed against the City of Manassas (hereinafter, "the City"), which OECRC received on December 22, 2023. The Complainant raised allegations of employment discrimination against the City on the bases of sex and disability, in violation of Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794, the Federal Water Pollution Control Act Amendments of 1972, Pub. L. 92-500 § 13, 86 Stat. 903 (codified as amended at 33 U.S.C. § 1251 (1972)), and EPA's nondiscrimination regulation, at 40 C.F.R. Part 7, when the City did not allow Complainant to work from home or return to work in-person following a job-related injury, replaced Complainant on a work project, and did not approve Complainant's "proper" compensation.¹ For the reasons identified below, OECRC is rejecting this complaint without prejudice and closing this case as of the date of this letter.

Pursuant to EPA's nondiscrimination regulation, OECRC conducts a preliminary review of administrative complaints to determine acceptance, rejection, or referral to the appropriate

¹ Complainant alleges employment discrimination against the City on the basis of religion, however, OECRC does not have subject matter jurisdiction to investigate discrimination based on religion.

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 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 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.

OECRC has determined that the complaint has met the jurisdictional factors described above. In general, OECRC will accept, reject, or refer a complaint after considering the jurisdictional factors above. However, if OECRC obtains information leading OECRC to conclude that an investigation is unwarranted for prudential reasons, OECRC may reject the complaint. In accordance with the Case Resolution Manual (CRM), OECRC may reject a complaint if “[t]he same complaint allegations have been filed, are currently pending, and/or are already resolved with...another Federal, State, or local agency, or through a recipient’s internal grievance procedures... and ECRCO anticipates that the agency will provide the complainant with a comparable resolution process.”²

During a February 1, 2024, conversation with the Complainant, OECRC learned that the Complainant filed the same allegations with the Equal Employment Opportunity Commission (EEOC). Therefore, OECRC has determined that, pursuant to the CRM, an investigation of the complaint filed with OECRC is unwarranted for prudential reasons. As such, OECRC is rejecting this complaint without prejudice as of the date of this letter.

The OECRC complaint is rejected without prejudice because OECRC’s CRM also provides that if OECRC’s rejection is based on the prudential factor that the same civil rights allegations were filed through another Federal, State, or local agency, OECRC may allow the complainant to refile the complaint with OECRC if the other agency’s action (in this case, EEOC’s action) “... does not resolve complainant’s civil rights allegations or provide complainant with a comparable resolution process.”³ As such, if the Complainant believes EEOC’s determination following its complaint process “does not resolve complainant’s civil rights allegations or provide complainant with a comparable resolution process,” the Complainant may refile their complaint with OECRC within 60 calendar days of the date of the EEOC’s decision. If the complaint is refiled, OECRC will conduct another preliminary review to determine acceptance, rejection, or referral.⁴ Note that OECRC generally anticipates adopting a decision issued by another federal agency regarding the same allegation. OECRC may evaluate whether any additional action by EPA is needed in this case, as a result of EEOC’s finding. Please note that the Complainant will need to provide material information that disputes the presumption that EEOC’s determination

² See U.S. EPA, OECRC Case Resolution Manual, Section 1.8 “Other Factors That May Be Considered Before Accepting a Complaint for Investigation,” p. 11 available at: https://www.epa.gov/sites/default/files/202101/documents/2021.1.5_final_case_resolution_manual_.pdf.

³ *Id.*

⁴ *Id.*

Darla Hicks, Director

following its nondiscrimination complaint process “does not resolve complainant’s civil rights allegations or provide complainant with a comparable resolution process,” respectively.

EPA’s regulation prohibits applicants, recipients, and other persons from intimidating, threatening, coercing, or engaging in other discriminatory conduct against anyone because they have either taken action or participated in an action to secure rights protected by the civil rights requirements that we enforce. See 40 C.F.R. § 7.100. Any individual alleging such harassment or intimidation may file a complaint with OECRC.

If you have any questions, please contact me by telephone at 202-564-7299 or by email at temple.kurt@epa.gov.

Sincerely,

Kurt Temple
Acting Director
Office of External Civil Rights Compliance
Office of Environmental Justice & External Civil Rights

cc:

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