

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



July 29, 2020

Ms. Tinika S. Warren
4675 Bill Gardner Parkway
Locust Grove, GA 30248

Re: City of Greensboro HUD / Warren /Case # 4-3750-20-124

Dear Ms. Warren:

This letter acknowledges receipt of the whistleblower complaint filed under the whistleblower provisions of Section 11(c) of the Occupational Safety and Health Act (OSH Act), 29 USC. §660(c), which you filed on July 15, 2020, against the City of Greensboro Housing Urban Development (HUD) (Respondent). In brief, you allege that you were retaliated on July 1, 2020, for reporting Section 8 and HUD violations in regards to the Fair Housing Act.

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, finds that you have not engaged in any protected activity covered by the OSH Act and issues the following findings:

Secretary's Findings

Complainant alleges she is being retaliated against in reprisal for reporting issues pertaining to complaints referencing the Fair Housing Act with Section 8 programs. Complainant alleges that she complained to the Respondent and other agencies such as the U.S. Department of Justice and Housing Urban Development regarding concerns of keeping her and her family homeless. Complainant explained she was forced to relocate since the demolition of her house in North Carolina and mentioned and in accordance with Section 8 policy she is entitled to housing relocation assistance. As this complaint was filed within 30 days of the alleged adverse action, it is deemed timely.

Respondent is not a person within the meaning of 29 USC. §652(4).

Complainant is not an employee within the meaning of 29 USC. §652(6).

Respondent did not employ Complainant. Complainant and Respondent are, therefore, not covered by the Act.

Section 11(c) provides in general that no person shall discharge or in any manner discriminate against any employee because the employee has: (a) Filed any complaint under or related to the Act; (b) Instituted or caused to be instituted any proceeding under or related to the Act; (c) Testified or is about to testify in any proceeding under the Act or related to the Act; or (d) Exercised on his own behalf or on behalf of others any right afforded by the Act. Any employee who believes that he has been discriminated against in violation of section 11(c) of the Act may, within 30 days after such violation occurs, lodge a complaint with the Secretary of Labor. In order to establish a prima facie filing, Complainant must be able to establish: (a) he or she engaged in protected activity, (b) Respondent had knowledge of the protected activity; (c) Complainant suffered an adverse action as a result of the protected activity, and (d) a nexus, or causal connection between the protected activity and the adverse action.

On July 28, 2020, Complainant was informed via telephone that she is not a covered employee and that she has not engaged in any protected activity covered under the jurisdiction of OSHA. Consequently, this complaint is dismissed as Complainant has not been subject to any adverse action by Respondent.

This case will be closed unless Complainant files an appeal either by sending an email response to RFR@dol.gov or by sending a letter to:

Director - DWPP
US Department of Labor-OSHA
Directorate of Whistleblower Protection Programs
200 Constitution Ave NW, Room N4618
Washington, DC 20210

To be considered, an appeal must be postmarked within 15 calendar days of receipt of this letter. If this finding is appealed, the Directorate of Whistleblower Protection Programs will review the case file to ascertain whether the investigation dealt adequately with all factual issues, and the investigation was conducted fairly and in accordance with applicable laws. The outcome of an appeal is either the return of the case to the Investigator for further investigation or denial of the appeal, after which the case is closed.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Matthew E. Robinson', with a stylized flourish extending to the right.

Matthew E. Robinson
Regional Supervisory Investigator