

UNITED STATES CIVIL SERVICE COMMISSION  
FEDERAL EMPLOYEE APPEALS AUTHORITY

WASHINGTON, D.C. FIELD OFFICE  
WASHINGTON, D.C. 20415

IN REPLY PLEASE REFER TO

YOUR REFERENCE

REGISTERED

SEP 25 1978

Lee V. Gossick  
Executive Director for Operations  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

DECISION NUMBER DC713A80050

Dear Mr. Gossick:

This constitutes my recommendations under the provisions of section 713.604 of the Civil Service regulations for the acceptance or rejection of the class complaint filed on June 15, 1978, at the U.S. Nuclear Regulatory Commission by Dorothy Marie Slater.

On March 22, 1978, Ms. Slater first contacted an EEO counselor and made known her complaint. At that time, complainant alleged that proposed promotions for women in the agency resulted in audits of the job more frequently than when promotions for men were proposed and that promotions of women were denied more frequently than were promotions of men. Following counseling on this issue, complainant was given, on April 21, 1978, a notice of final interview and right to file a formal complaint.

Complainant again contacted an EEO counselor, on May 2, 1978, and indicated that she wished to expand her complaint to include all professional women who have been discriminated against in the areas of salary, promotions, length of time in grade, and training. Notice of final interview and right to file a formal complaint was given complainant following counseling on this issue on May 31, 1978. The complainant filed a formal complaint of discrimination on June 15, 1978.

Civil Service class complaint regulations require the agent for the proposed class to contact an EEO counselor within 90 days of the matter giving rise to the agent's allegation of individual discrimination. The agent must advise the counselor that she intends to file a class complaint and must submit the individual and class aspects of the complaint to counseling. If the counseling is unsuccessful, the agent has 15 days from her receipt of the notice of final interview in which to file a signed and written formal complaint. The formal complaint, together with subsequent submissions under section 713.604(d) of the Civil Service regulations must set forth specifically and in detail: (1) a description of the agency personnel management policy or practice giving rise to the complaint; and (2) a description of the resulting matter which adversely affected the

Rec'd Off. EEO

Date

Time

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The recommendations of the EEO Complaints Examiner contained in the decision become the final NRC decision unless NRC rejects or modifies them within ten calendar days of the receipt of the decision. That date is October 12, 1978.

Subsequent to the filing of the initial class complaint by Dorothy Marie Slater, the Commission indicated its desire to make all decisions relating to this class complaint. The NRC Staff is now in the process of developing recommendations for the Commission's consideration regarding whether to accept, reject or modify the Complaints Examiner's decision. These recommendations will be submitted to the Commission as soon as possible so that adequate time will be available for Commission consideration prior to the October 12 deadline.

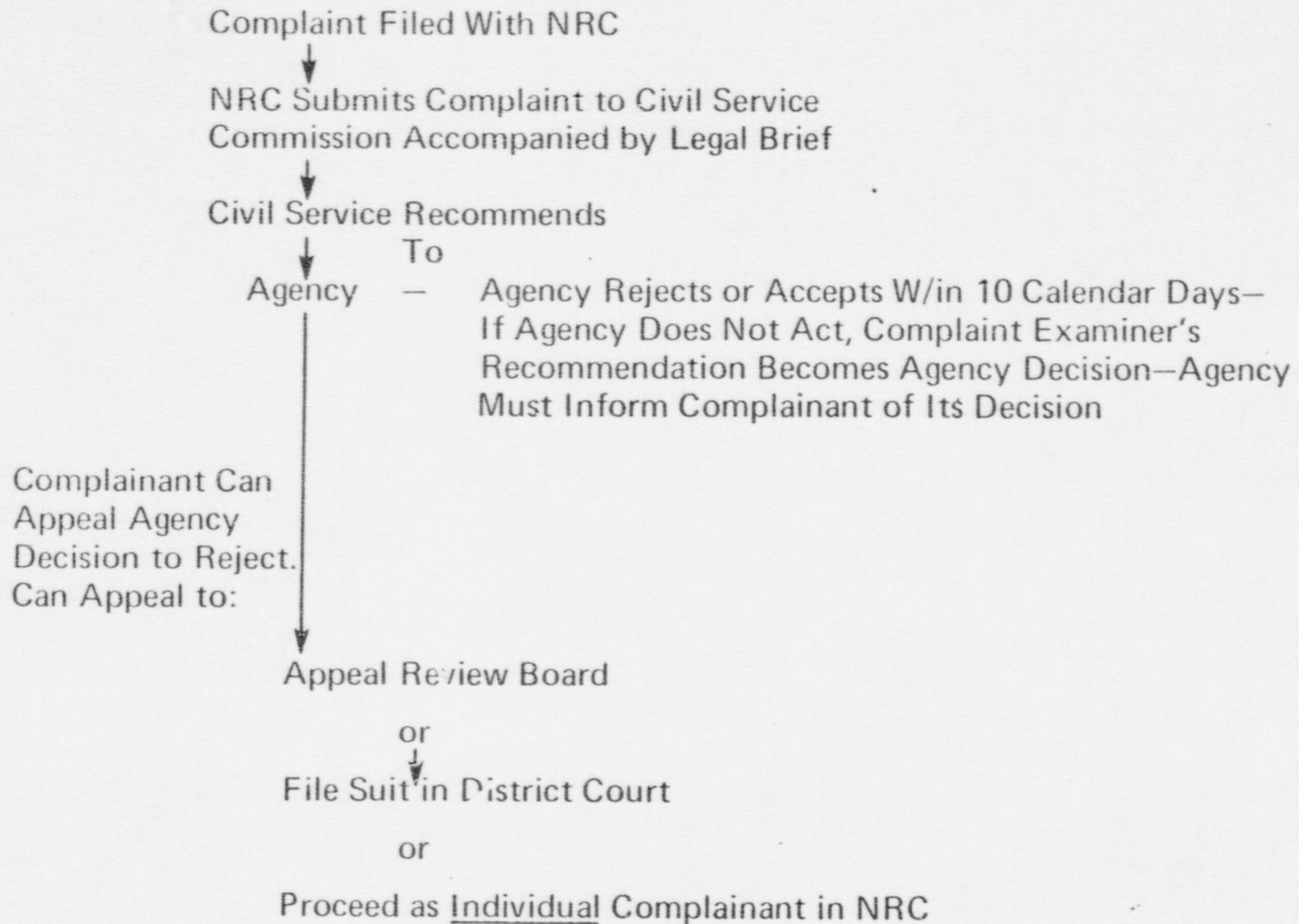
(Signed) T. A. Rehm *for Durkin*

Lee V. Gossick  
Executive Director  
for Operations

Attachment

cc:  
SECY  
PE  
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## CLASS ACTION PROCEDURE





## **CLASS ACTION PROCEDURE (CONT.)**

If Agency Accepts Class Complaint:

- 1) Within 15 Calendar Days Agency Shall Notify All Class Members of Existence of Class Complaint. Must Use Means That Can Reasonably be Expected to Reach All Class Members. See 713.605. Class Members Who Do Not Wish to Be Included in The Suit May "Opt Out."
- 2) Discovery Proceeds in Preparation for Hearing Before CSC Examiner
- 3) Hearing Held—Followed by Submission of Examiner's Recommendation and Findings
- 4) Agency Has 30 Days to Issue a Decision on the Merits

## CLASS ACTION PROCEDURE (CONT.)

If Agency Decision is That Discrimination Against Class Has Been Found:

- 1) Agency Must Eliminate or Modify Policy or Practice Out of Which Complaint Arose
- 2) Each Individual Class Member Must File a Claim Against the Agency in Order to Obtain Relief. The Claimant Has the Burden of Establishing That He/She (1) is a Member of the Class; (2) Filed the Claim on a Timely Basis After the Agency's Decision; and (3) That the Alleged Injury Suffered by Claimant as a Result of the Discriminatory Policy or Practice Occurred Not More Than 135 Calendar Days Prior to the Filing of the Class Complaint.
- 3) If Agency and Claimant Cannot Agree on Appropriate Relief for the Claimant, Matter is Referred to an FEAA Complaints Examiner. A Hearing May be Held. Examiner Issues Recommendation to Agency on Disposition of Individual Claim.
- 4) Agency Issues Decision on Individual Claim for Relief.