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EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
BALTIMORE FIELD OFFICE
CITY CRESCENT BUILDING
10 South Howard Street, 3rd Floor
Baltimore, Maryland 21201

PAULETTE L. TAYLOR
DEBRA L. HARLEY, et al.,

CLASS AGENTS,

v.

JOANNE B. BARNHART,
COMMISSIONER,
SOCIAL SECURITY ADMINISTRATION

AGENCY.

NOV 20 2006

EEOC CASE NOS.:
120-2003-00304X
120-2003-00305X

AGENCY CASE NOS.:
03-0224-SSA
03-0208-SSA

OPTIONAL FORM 99 (7-93)

FAX TRANSMITTAL	# of pages ▶	
	From	<i>F.S. Medin</i>
	Dept./Agency	<i>Timothy Fleming, Esq.</i>
	Fax #	<i>410-202-467-4489</i>
	Phone #	

GENERAL SERVICES ADMINISTRATION
5036-101
NSN 7540-01-317-7389

MEMORANDUM AND ORDER

A status conference was held on November 15, 2007. Present were the representatives for the Class Agents, David L. Rose and Timothy B. Fleming; Agency representative, Daniel F. Callahan; and the undersigned Administrative Judge.

Joint Statement

At the status conference, the joint statement prepared by the parties on October 25, 2006 was discussed. The parties were directed to file a joint statement every month detailing their progress during that month and any matters to be adjudicated. The monthly statements must be jointly prepared and are due on the 15th of every month. The first monthly statement is due on December 15, 2006.

Notice to Class Members

On May 5, 2006, the Commission upheld provisional certification of a class of all African-American females who were employed at the Agency's headquarters in Baltimore, Maryland, including employees working in the Security West and Metro West facilities, but excluding those in the Office of General Counsel and the Office of the Inspector General, in general schedule grades seven through thirteen (GS-7 through GS-13), who have not been

promoted during the period of time beginning on December 9, 2000 and continuing to the date a final determination is rendered on the class complaint claim. As a result of the certification decision, the Agency was required to send notice to class members within those GS levels, who had not been promoted from December 9, 2000 and continuing. Counsel for the class pointed out that the Agency neglected to send notice to class members, within the GS-7 through GS-13 level, who had received at least one promotion for the period of time beginning on December 9, 2000 and continuing. The Agency did not dispute the contention by Class Counsel and explained that it simply interpreted the class differently from Class Counsel.

After hearing the arguments of the parties, the Agency is directed to send notice to class members that it excluded. Specifically, the Agency must send notice to all African-American females who were employed at the Agency's headquarters in Baltimore, Maryland, including employees working in the Security West and Metro West facilities, but excluding those in the Office of General Counsel and the Office of the Inspector General, in general schedule grades seven through thirteen (GS-7 through GS-13), who have not been promoted during the period of time beginning on December 9, 2000 and continuing to the date a final determination is rendered, notwithstanding whether any of these women had received at least one promotion during the relevant time period. While some of these class members may have obtained a promotion during the relevant time period, that promotion does not automatically render them unable to join the class. These African-American females who had received at least one promotion may also have been denied other promotions that may render them eligible for relief, should a favorable ruling be made for the class.

Adequacy of Class Counsel

In the Commission's Decision of July 18, 2006 in which the Agency requested reconsideration, the Commission determined that certification shall remain provisional "until the administrative judge examines and approves the adequacy of class counsel with the addition of the affiliated law firm." The parties were aware of this provisional certification before the matter was upheld by the Commission's Office of Federal Operations.

On June 28, 2006, Counsel for Class filed Complainant's Notice of Filing Declarations Of Class Counsel Regarding Adequacy of Class Representation. In its filing, Counsel for Class informed the Commission that it had become affiliated with the law firm of Wiggins, Childs, Quinn & Pantazis. The Agency did not challenge the adequacy of class representation. Thus, class certification will no longer be deemed provisional. After reviewing the submission from Class Counsel regarding Wiggins, Childs, Quinn & Pantazis, I conclude that Class Counsel now has the ability to manage, organize and properly litigate this case on behalf of the class.

Status Conferences

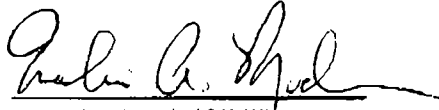
Status conferences are scheduled for February 28, 2007, May 17, 2007 and July 18, 2007. They will begin at 2:00 p.m. These conferences will occur, in person, at the Commission's Baltimore Field Office located at 10 South Howard Street, Baltimore, Maryland 21201.

Hearing

The hearing in this matter is scheduled to begin on March 3, 2008 and end on March 31, 2008. The hearing will commence at 10:00 a.m. in the Baltimore Field Office.

It is so ORDERED.

For the Commission:



ENECHI A. MODU
ADMINISTRATIVE JUDGE

CERTIFICATE OF SERVICE

For timeliness purposes, it shall be presumed that the parties received the foregoing **MEMORANDUM AND ORDER** within five (5) calendar days after the date it was sent *via* first class mail. I certify that on November 20, 2006, the foregoing **ORDER** was sent *via* first class mail to the following:

Paulette L. Taylor
5 Caitlins Court
Baltimore, MD 21244

Debra Harley
125 Clarence Avenue
Severna Park, MD 21146

Timothy B. Fleming, Esq
WIGGINS, CHILDS, QUINN &
PANTAZIS, PLLC
7 Dupont Circle, NW, Suite 200f
Washington, DC 20036

Mailed & faxed to (202) 467-4489

David M. Watchel, Esq.
ROSE & ROSE
1320 19th Street, NE, Suite 601
Washington, DC 20036

Mailed & faxed to (202) 331-0996

Daniel F. Callahan, Esq
Office of General Counsel/SSA
Post Office Box 26430, Suite 56
Baltimore, MD 21207

Mailed & faxed to (410) 597-0071



A. Viola Owens
Legal Technician