



**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
St. Louis District Office**

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Andrea Niehoff
Administrative Judge
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CAROL CLOPTON)	
Complainant,)	
)	EEOC Case No. 280-A0-04324X
)	
and)	
)	
)	
STEPHEN L. JOHNSON,)	
ADMINISTERATOR,)	
ENVIRONMENTAL)	
PROTECTION AGENCY)	Date: 2/11/2008
)	
)	
)	
)	
Respondent Agency.)	

**ORDER REGARDING CERTIFICATION AND CLARIFICATION OF CLAIMS
OF CLASS COMPLAINT**

On February 7, 2008, a telephonic conference was held with the parties to clarify the issues in the complaint and resolve all pending issues regarding amendments. Class agent's February 2005 Motion to Amend is granted. The certified complaint with this amendment is specified as follows:

The class consists of all Region VII employees of the Environmental Protection Agency (hereinafter referred to as Agency), including current and former employees, who were at least

40 years of age (including a subclass of Black employees who were at least 40 years of age), and who were employed by the Agency at any time during the period of May 11, 1998, through August 31, 2007. The class consists of said employees who allege that they were not offered the same opportunities to participate in rotational opportunities that were provided to newly hired employees during this time period, who were not required to backfill their positions while on assignments. The class further alleges that as a result of not participating in these rotational opportunities, which were allegedly career enhancing, the Agency provided an undue advantage to the newly hire employees in such areas as, promotions, accelerated leave accumulation, within-grade step increases “out of time” and placement in higher leave earning categories without having to meet tenure requirements.

ORDER TO AGENCY TO ISSUE NOTICE

The parties will confer to create the notice to be sent to potential class members and present said notice to the undersigned as soon as possible, but before March 3, 2008. A telephonic conference will be held on March 3, 2008, at 10:00 a.m. CST to discuss a discovery calendar.

For the Commission:

Andrea Niehoff
Administrative Judge

CERTIFICATE OF SERVICE

I certify that this Order was sent by mail and email this date to the following:

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