

1991 WL 202367

Only the Westlaw citation is currently available.
United States District Court, District of Columbia.

Carolee Brady HARTMAN, et al., Plaintiffs

v.

Bruce S. GELB, Defendant.

Civ.A. No. 77–2019–CRR. | Aug. 26, 1991.

Opinion

CLASS NOTICE TO FEMALE APPLICANTS TO ENTRY LEVEL FOREIGN SERVICE INFORMATION OFFICER/ENTRY LEVEL FOREIGN SERVICE OFFICER POSITIONS WITH THE UNITED STATES INFORMATION AGENCY FROM JANUARY 1, 1978 TO NOVEMBER 16, 1984

CHARLES R. RICHEY, District Judge.

*1 PLEASE TAKE NOTICE that, on November 16, 1984, the United States District Court for the District of Columbia found in this class action lawsuit that the United States Information Agency (USIA or the Agency), including the Voice of America (VOA), is liable for sex discrimination against female applicants for particular positions at the Agency. The USIA was also formerly known as the United States International Communication Agency (USICA). On January 19, 1988, the Court issued its Opinion ordering relief in a variety of forms to potential class members. Accordingly, this case is now in the remedial phase.

JOBS COVERED

Specifically, the Court has found that the Agency has discriminated against women in hiring in the following jobs:

- Electronic Technicians (Occupational Series 856)
- Foreign Language Broadcaster (Occupational Series 1048)
- International Radio Broadcaster (Other) (Occupational Series 1001)

Applicants for the USIA Foreign Service Examination in the years 1974, 1975, 1976, and 1977, as well as mid-level applicants from October 8, 1974—November 16, 1984, will be afforded relief under a different procedure from the one outlined here below.

You have been sent this Class Notice because you were listed as a test taker for at least one of the years 1978—1984. As a test taker during the years 1978—1984, you are presumptively entitled to participate in the reevaluation process and, therefore, to compete for a current position as a Foreign Service Officer with the Agency. However, specifically excluded from participation in this reevaluation are women who actually sought and were reevaluated under *Palmer v. Schultz*, Civil Action No. 76–1439, a case in which rejected female applicants to the Department of State from 1976–1983 were similarly invited to re compete for current positions as Foreign Service Officers with the Department of State. Therefore, if you participated in the *Palmer* class reevaluation, you will not be permitted to participate in the *Hartman* reevaluation.

RELIEF AVAILABLE

In order to provide a remedy for those women who sought positions as Entry Level Foreign Service Information Officers or Entry Level Foreign Service Officers with the USIA, the Court will set aside a number of positions to be filled by members of this portion of the class. By this Notice, you are invited to indicate your interest in recompeting for one of these positions set aside for class members.

RELIEF PROCESS

Class members who decide to recompute for a potential appointment as a Foreign Service Officer for the Agency and who are invited to recompute will not be required to take or to pass the written Foreign Service Entrance Examination. Rather, these recompeting candidates will be directly invited to attend the oral assessment stage of the selection process, at which time they will be reevaluated by reviewing panels. Those candidates who successfully complete the oral assessment will then be subject to the normal security and medical screening before being sent on to the Final Review Panel. During evaluation by the Final Review Panel, recompeting candidates will be reviewed only alongside other class members. Candidates who pass the evaluation process conducted by the Final Review Panel will be placed on a special register for appointments by a rank order. Each year, appointments will be made from this register until the number of positions ordered set aside by the Court have been filled.

REQUIRED STEPS TO PARTICIPATE

*2 By this Class Notice, you are invited as a class member to indicate your interest in attending the oral assessment process for reevaluation as a candidate for a position as a Foreign Service Officer with the Agency. If you are still interested in becoming a Foreign Service Officer with the Agency under these procedures, you must be reevaluated as explained above. To indicate your interest in participating, you must fill out the Foreign Service Officer Response Card attached to this Class Notice and return it by not later than December 1, 1991 to:

Bruce A. Fredrickson, Esq.

Webster & Fredrickson

1819 H Street, N.W.

Suite 300

Washington, D.C. 20006

Attorney for Plaintiff Class

If you fail to timely file notice indicating your interest, YOU WAIVE ANY AND ALL RIGHTS you may have had to seek a remedy for sex discrimination by the Agency as an Entry Level Foreign Service Officer candidate in the years 1978—1984 in this class action lawsuit.

Once the Foreign Service Officer Response Cards are collected, the Board of Examiners will issue invitations to re-evaluate as many class members as can be reasonably accommodated in order to fill all the positions designated for the class members in this lawsuit. Not all class members who indicate their interest and file the Response Card may be reevaluated. Class members who indicate their interest will be selected for reevaluation in descending order of scores, starting from the highest scores for each year 1978—1984.

UNANSWERED QUESTIONS

Hartman v. Gelb, Not Reported in F.Supp. (1991)

If you have any questions about this Notice, the procedures set forth, or your rights under the Court Order, you may write or telephone the attorneys for the Plaintiff class: Bruce A. Fredrickson and Susan L. Brackshaw, Webster & Fredrickson, 1819 H Street, N.W., Suite 300, Washington, D.C. 20006. Telephone number (202) 659-8515. You are not to write or contact the Court or the Clerk of Court.

ATTACHMENT

BRUCE A. FREDRICKSON, ESQ.

WEBSTER & FREDRICKSON

1819 H STREET, N.W.

SUITE 300

WASHINGTON, D.C. 20006

ATTENTION: HARTMAN CLASS ACTION

YES, I AM INTERESTED IN PARTICIPATING IN THE REEVALUATION PROCESS TO BE A FOREIGN SERVICE OFFICER FOR THE UNITED STATES INFORMATION AGENCY.

NAME: _____

(MAIDEN NAME/FORMER NAMES): _____

CURRENT ADDRESS: _____

ZIP CODE: _____

HOME TELEPHONE NUMBER: (_____) _____

WORK TELEPHONE NUMBER: (_____) _____

SOCIAL SECURITY NUMBER: _____

PLEASE POSTMARK YOUR RESPONSE BY DECEMBER 1, 1991.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *Praecipe* and Revised Class Notice to Female Applicants to Entry Level Foreign Service Information Officer/Entry Level Foreign Service Officer Positions with the United States Information Agency from

Hartman v. Gelb, Not Reported in F.Supp. (1991)

January 1, 1978 to November 16, 1984 was hand-delivered to William J. Dempster, Esq., Assistant United States Attorney, Room 4112, Judiciary Center Building, 555 4th Street, N.W., Washington, D.C. 20001, and to Lorie Nierenberg, Esq., Assistant General Counsel, United States Information Agency, Room 700, 301 4th Street, S.W., Washington, D.C. 20547, this 21st day of August, 1991.

*3 /s/Bruce A. Fredrickson # 933044

1819 H Street, N.W.

Suite 300

Washington, D.C. 20006

(202) 659-8510

Attorney for Plaintiffs