

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION, et al.,)
)
Plaintiffs,) Civil Action No. 73-149
)
v.)
)
AMERICAN TELEPHONE AND TELE-)
GRAPH COMPANY, et al.,)
)
Defendants.)
_____)

AFFIDAVIT OF DAVID A. COPUS

DISTRICT OF COLUMBIA, SS:

David A. Copus, being first duly sworn, on oath deposes and says:

1. My name is David A. Copus, I am Acting Chief of the National Programs Division, Office of Compliance, Equal Employment Opportunity Commission, 2401 E Street, N. W., Washington, D. C. 20506 ("EEOC").

2. From October, 1970, to February, 1973, I directed the EEOC's investigation of, and litigation involving, American Telephone and Telegraph Company ("AT&T") and its associated Bell System operating companies ("the companies") named as defendants herein.

3. Beginning in December, 1970, when the EEOC intervened in the AT&T rate case before the Federal Communications Commission ("FCC"), a special Task Force was formed by EEOC to coordinate that effort, which I headed.

4. During its investigation the Task Force:
 - a. Assembled voluminous statistical data on the race/sex/ethnic composition of the Bell System workforce, by job title, wage level, company, facility, etc.;
 - b. Analyzed the recruitment, hiring, and promotion policies and patterns of the companies, including turnover, growth, past practices, and transfers;
 - c. Examined the companies' educational, testing, and experience requirements for all major job classifications;
 - d. Studied the wage and salary structure for all major job titles;
 - e. Analyzed the companies' training programs for management and non-management positions;
 - f. Retained numerous experts to examine the available data; and
 - g. Reviewed approximately 100,000 pages of Bell System documents relative to the employment practices of the company.

5. Based on this evidence, the EEOC concluded not only that a prima facie case of employment discrimination was reflected by the statistical data collected, but also that more than sufficient corroborating evidence was available to prove the allegations of what later became the government's Complaint herein. (Appendices II, III, IV and V to Plaintiffs'

Response to Defendant Intervenors' Petitions to Modify Consent Decree were originally developed as part of the Task Force's statistical data from information supplied by the companies in response to discovery requests.)

6. Beginning in October, 1972, EEOC, the Department of Labor and the Department of Justice began negotiations with AT&T (representing itself and the operating companies) in an effort to reach a settlement. These negotiations continued until early 1973, when they culminated in the Consent Decree and Memorandum of Agreement entered herein on January 18, 1973.

7. The relief provided in the Decree was the subject of extensive discussion and the product of the knowledge and expertise developed by the members of the Task Force and the other government representatives during the investigation referred to above. Other than the monetary relief (which is not an issue in the instant action), the major prospective relief provided by the Decree was the establishment of goals and timetables for the hiring and promotion of race/sex/ethnic groups which were previously discriminated against. The basic structure of the system of goals and timetables is based on an earlier agreement between AT&T and the General Services Administration ("GSA") and was designed to meet the procedural/administrative requirements of Executive Order 11246.

8. The Decree provides for the setting of goals for each appropriate race/sex/ethnic group for each of 15 affirmative action job classifications ("aajc") for each establish-

ment in the Bell System. The aajc's are groupings of jobs with functionally similar or related duties and wage levels or other connexities; an establishment is a defined geographic area usually corresponding to a particular labor market area and company administrative or service unit.

9. In deciding what the appropriate level of particular goals should be, the following factors, inter alia, were considered:

- a. race/sex/ethnic composition, utilization patterns, and unemployment rates in the labor market;
- b. the skill and educational requirements of the positions within each aajc;
- c. the training necessary and/or normally provided by the companies for certain positions;
- d. job descriptions for the major job titles;
- e. turnover and growth patterns;
- f. the race/sex/ethnic profiles for all major job titles;
- g. past hiring and promotion patterns;
- h. transfer and promotion "flow" patterns, and
- i. availability of persons in each race/sex/ethnic group both within and outside the companies, with the skills and education to perform the various jobs in each aajc.

10. Pursuant to Part B, III of the Decree, a Government Coordinating Committee (GCC) was established after the entry of the Decree, to coordinate monitoring and compliance review functions of the several government agencies involved.

11. Beginning in April, 1974, members of the GCC conducted statistical audits and on-site field reviews of each company to evaluate performance under the Decree during 1973. The procedures used for the reviews included:

- a. Detailed analysis of statistics to determine whether and to what extent race/sex/ethnic hiring and promotion shares were not being met;
- b. Examination of company employment office records (employment applications, test results, job requisitions, etc.);
- c. Examination of transfer bureau records (job requisitions, transfer requests, affirmative action override data, etc.);
- d. Interviews with EEO personnel;
- e. Interviews with employees who are members of certain race/sex/ethnic groups and who could be expected to possess information relevant to a company's compliance with the Decree;
- f. Observation of technical training facilities;
- g. Examination of management training programs;
- h. Examination of compliance monitoring techniques; and

- i. Analysis of the companies' explanations
for missed hiring and promotion objectives.

On the basis of this information, the GCC determined whether or not a company was in compliance with the Decree during 1973. If a determination of non-compliance was made the company was so advised by letter and a list of job classes and race/sex/ethnic groups for which the GCC found a "significant deficiency" was forwarded to the company. Factors considered in the decision of whether a missed target constituted a "significant deficiency" included the size of the original target, the size of the "miss", the proportion and availability of the particular race/sex/ethnic group in the workforce, the recruitment efforts (internal and external) of the company or establishment, and any other information brought to the attention of the GCC. Deficiencies were not assessed for every hiring and promotion share not met, and in some cases, the size of a deficiency was reduced because of company's "good faith efforts," or other special circumstances.

In addition, across-the-board reductions were made for deficiencies in some aajcs which were considered "non-traditional." Appendix A to the proposed Supplemental Order sets forth the methods employed in the reduction process.

District of Columbia, ss

DAVID A. COPUS

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Subscribed and sworn to before me this 20th day of June,
19 75.

Ann T. Doherty

NOTARY PUBLIC

My commission expires 31 October 1979