

**BEFORE THE  
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
DALLAS DISTRICT OFFICE**

**In the Class Action  
Discrimination Complaint**

**Gerald A. Lewis, et al.  
and Margaret L. Finley, et al.  
Class Agents,**

**EEOC Case No. 310-99-5861X**

**vs.**

**Agency Nos. 5-98-5097 and 5-01-5076**

**Mary E. Peters, Secretary  
Department of Transportation  
Federal Aviation Administration  
Respondent Agency.**

**ORDER REGARDING REDEFINITION OF CLASS**

After reviewing and considering the parties' submissions regarding the redefinition of the class and the inclusion of the claims represented by Margaret L. Finley, the authorities cited and facts alleged by the parties, I have concluded that the Margaret Finley allegations should be consolidated with the Gerald Lewis class action, Ms. Finley is to serve as the class agent for the African-American applicants who are now included in the class and the class should be and hereby is redefined as follows:

"Whether the Federal Aviation Administration (FAA) at the Mike Monroney Aeronautical Center (MMAC) in Oklahoma City, Oklahoma. discriminated against African-American applicants during the period beginning 45 days before March 23, 2001 to the present and African-American employees occupying permanent positions during the period of November 1, 1997 to present, who were denied employment or promotion (either competitively or non-competitively) to a GS-5 or higher position due to the disparate impact of subjective promotion practices on the basis of their race."

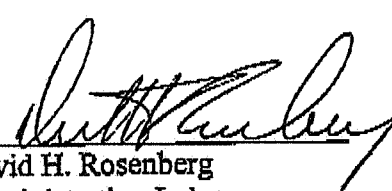
The other bases raised by Ms. Finley may be pursued by her individually at this time or she may await the adjudication of the class claim as now defined.

Respondent is directed to proceed with the notification required by 29 C.F.R. 1614.204(e) as to applicants for employment who are included in the class, as now defined.

Furthermore, the parties are directed to proceed with discovery as contemplated by 29 C.F.R. 1614.204(f) related to the class as now defined in addition to the pending discovery, motions concerning which will be decided in short order. Respondent is specifically authorized to undertake discovery regarding the facts surrounding Margaret L. Finley's denial of employment. Results of such discovery may then be used in a request to reconsider the propriety of Ms. Agent serving as the class agent or the change to the definition of the class as set forth herein.

FOR THE COMMISSION:

Dated this January 4, 2007



David H. Rosenberg  
Administrative Judge  
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