

3. There was also a disagreement as to whether the Notice should inform the class members not to contact counsel for the Agency. The Notice need not contain such a provision. However, if any class member(s) contacts Agency Counsel, Agency Counsel shall have no communication with the class member(s) except to inform the class member(s) to contact Class Counsel.
4. All pending EEO complaints, involving an allegation of discrimination concerning AWARDS, at whatever stage in the administrative process, i.e., investigative, hearing or appellate, by members of the defined class (all African American employees, past and present, who have worked at the McGuire facility in Richmond, Virginia at any time from 1996 to the present) are subsumed into the class complaint and shall be held in abeyance pending the adjudication of the instant class complaint.¹
5. On or before November 14, 2005, the parties shall submit either an agreed upon Scheduling Order or their respective positions on those matters for which there is not an agreement.² A ruling on the disputed matters will be made based on the written submissions of the parties.
6. Class Counsel shall be permitted reasonable access to and/or use of Agency facilities for purposes of meeting with class members, as long as there is no undue disruption of Agency operations. Class Counsel may not use Agency resources and facilities in the preparation of the class case without obtaining the prior approval of Agency Counsel. Any such request for access to and/or use of Agency facilities must be made by Class Counsel to Agency Counsel. The Union is neither a member of the class nor a class representative.
7. All other instructions set forth in the First Status Conference Memorandum and Order remain the same.

It is so ORDERED.

For the Commission:


MARLIN D. SCHREFFLER
ADMINISTRATIVE JUDGE

¹ This includes Harrison-Gray's complaint, Agency No. 2004-2422, EEOC Case No. 120-2004-00253X, EEOC Appeal No. 01A54767.

² If there is a dispute as to any provision(s) of the Scheduling Order, the parties shall also submit a stipulation setting forth the matters on which they do agree.

CERTIFICATE OF SERVICE

For timeliness purposes, it shall be presumed that the parties received the foregoing **SECOND STATUS CONFERENCE MEMORANDUM AND ORDER** within five (5) calendar days after the date it was sent *via* first class mail. I certify that on November 10, 2005, the foregoing **ORDER** was sent *via* first class mail to the following:

Beverly L. Hatcher
6001 Zurich Drive
Richmond, VA 23224

Annmarie Harrison-Gray
530 Water Pointe Lane
Midlothian, VA 23112

Cathy A. Harris, Esq.
Kator, Parks & Weiser, PLLC
1020 19th Street, NW, Suite 350
Washington, DC 20036

Sent by FAX only to (202) 289-1389

Kathleen Keith Oddo, Esq.
Veterans Affairs
VA Regional Office
210 Franklin Road, SW
Roanoke, VA 24011

Sent by FAX only to (540) 857-2309



A. Viola Owens
Legal Technician