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11-26-74  
Rec'd 11-26-74 G. Alexander

11-26 1:05

Rec'd by Marcus Smith Jr  
John Ottina 11/26/74  
1:03 p.m.  
Rec'd EEO's Pat L. Olin 11-26

COMPLAINT OF DISCRIMINATION  
IN THE FEDERAL GOVERNMENT  
BECAUSE OF RACE, COLOR, RELIGION, SEX, OR NATIONAL ORIGIN

(FOR AGENCY USE)

(Please Type or Print)

1. WHAT IS YOUR (COMPLAINANT'S) FULL NAME? Arlene Roemer		2. WHAT IS YOUR TELEPHONE NUMBER INCLUDING AREA CODE IF YOU KNOW IT? HOME PHONE: 202-338-2644 WORK PHONE: 202-245-6121	
YOUR STREET ADDRESS (OR RD NUMBER OR POST OFFICE BOX NUMBER) 1553 33rd Street, N. W.		HOME PHONE:	
YOUR CITY STATE ZIP CODE Washington, D. C. 20007		WORK PHONE:	
3. WHICH FEDERAL OFFICE DO YOU BELIEVE DISCRIMINATED AGAINST YOU? (Prepare a separate complaint form for each office which you believe discriminated against you.) A. NAME OF OFFICE WHICH YOU BELIEVE DISCRIMINATED AGAINST YOU: Executive Secretariat/OS/DHEW B. STREET ADDRESS OF OFFICE: 330 Independence Avenue, S. W. C. CITY STATE ZIP CODE Washington, D. C. 20201 D. NAME AND TITLE OF PERSON(S) YOU BELIEVE DISCRIMINATED AGAINST YOU (if you know): David H. Lissy		4. ARE YOU NOW WORKING FOR THE FEDERAL GOVERNMENT? <input checked="" type="checkbox"/> YES (ANSWER A, B, C AND D BELOW.) <input type="checkbox"/> NO (CONTINUE WITH QUESTION 5.) A. NAME OF AGENCY WHERE YOU WORK: Executive Secretariat/OS/DHEW B. STREET ADDRESS OF YOUR AGENCY: (Same) C. CITY STATE ZIP CODE D. WHAT IS THE TITLE AND GRADE OF YOUR JOB? Special Services Supervisor, /GS-13	
5. DATE ON WHICH MOST RECENT ALLEGED DISCRIMINATION TOOK PLACE: MONTH DAY YEAR 11 15 74		6. CHECK BELOW WHY YOU BELIEVE YOU WERE DISCRIMINATED AGAINST. BECAUSE OF YOUR: <input type="checkbox"/> RACE OR COLOR. IF SO, SHOW YOUR RACE OR COLOR _____ <input type="checkbox"/> RELIGION. IF SO, SHOW YOUR RELIGION _____ <input type="checkbox"/> NATIONAL ORIGIN. IF SO, SHOW YOUR NATIONAL ORIGIN _____ <input checked="" type="checkbox"/> SEX. IF SO, STATE YOUR SEX. Female	
7. EXPLAIN HOW YOU BELIEVE YOU WERE DISCRIMINATED AGAINST (TREATED DIFFERENTLY FROM OTHER EMPLOYEES OR APPLICANTS) BECAUSE OF YOUR RACE, COLOR, RELIGION, SEX, OR NATIONAL ORIGIN. (You may continue your answer on another sheet of paper if you need more space.) Please see attached charge of reprisal pursuant to Federal Personnel Manual Section 713.262.B2. I believe this charge of abusive behavior toward me is directly related to the fact that I filed a formal complaint of sex discrimination. I believe that I am being harassed because I filed that complaint.			
8. I HAVE DISCUSSED MY COMPLAINT WITH AN EQUAL EMPLOYMENT OPPORTUNITY COUNSELOR (See instructions): <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO			
9. WHAT CORRECTIVE ACTION DO YOU WANT TAKEN IN YOUR BEHALF ON YOUR COMPLAINT? Please see attached. I request that steps be taken to stop this form of harassment to which I am being subjected.			
10. DATE OF THIS COMPLAINT MONTH DAY YEAR 11 21 74		11. SIGN YOUR (COMPLAINANT'S) NAME HERE: Arlene Roemer 11/21/74	



SEE REVERSE SIDE OF FORM FOR INSTRUCTIONS

November 21, 1974

MEMORANDUM TO THE EQUAL EMPLOYMENT OPPORTUNITY OFFICER

The following is a charge of reprisal pursuant to Federal Personnel Manual Section 713.262.32.

On October 23, 1974 I filed with HEW's Equal Employment Opportunity Officer a formal complaint of discrimination on the basis of sex. In the complaint I named the Executive Secretary David H. Lissy as a discriminating official.

On November 13, 1974 David H. Lissy told me that the Secretary's Special Assistant for External Affairs Nancy Porter would be calling me about the possibility of an assignment to which I might be detailed in her office. Then Ms. Porter's assistant Tom Donnelly called me, and I met with him on the morning of November 14. Mr. Donnelly said he did not know how long I would be working in his office; he said it might be 30, 60 or 90 days. Mr. Donnelly then enumerated several duties (see Attachment A) which I believe are far below my GS-13 grade in level of responsibility. Most of the duties he mentioned involve "helping" a GS-7 whose job is connected with speech invitations.

I asked Mr. Donnelly if he would give me a position description or a functional statement about the job assignment. He asked me to find out what format should be used for this, and then suggested that I write it myself. He said not to bother with that for awhile. I told Mr. Donnelly I preferred to find out about the procedures concerning the temporary position description or functional statement before I started on the detail. He agreed and said that there was no rush. Then I called the OS Personnel Director Robert Eaglesome to ask about this matter. By the afternoon of November 15 Mr. Eaglesome and I had not yet had a chance to talk by phone. I was away from my office briefly prior to 3:00 pm on November 15, and I intended to call David Lissy when I returned at 3:00 pm to advise him of what the situation was, since I had not yet reached Mr. Eaglesome. However, waiting for me was a message that David Lissy had called in my absence.

David Lissy and I talked by phone at 5:30 pm. First he said that when he had talked to me on November 14 about the job detail, he did not realize that I would be "still considering it two days later". He sharply cut off my attempt to explain the situation. Then he subjected me to a vicious attack of verbal abuse. He seemed enraged, indeed not completely in control of himself. Some of his comments, spoken in loud terms, were:

"You don't have any choice!"

"You have no rights, no prerogatives in this matter!"

"As a manager, I can transfer you anywhere!"

"You don't have a choice! Do you understand? Do you understand? I want to make this very clear to you: You don't have any choice!"

"I order you to report there (i.e., to Ms. Porter's office) on Monday morning. I order you! I am ordering you! Do you understand?"

"I'm not interested in your explanations!"



Finally I could not endure this--I said "Please excuse me" and quietly hung up the phone. I went to the next office (the office of the Assistant Executive Secretary for Education Glenn Kamber) and told Mr. Kamber and his assistant Linda Boyd that I was extremely shaken by a "horrible" phone conversation with David H. Lissy. I stayed with them for about 20 minutes -- until I felt able to leave. While I was there, David H. Lissy made another call to me; Mr. Kamber answered the phone. I refused to talk with David Lissy again that evening. It would have been impossible for me to do so.

I believe that this abusive behavior on the part of David H. Lissy, and his attempt to detail me to an assignment below a GS-13 level, were in direct response to the fact that I filed a formal complaint in which he was named as a discriminating official.

I respectfully request that steps be taken to stop these forms of harassment to which I have been subjected.

*Arlene Roemer 11/21/74*  
*Arlene Roemer 11/21/74*  
Arlene Roemer



*Mr. Nasser*

July 24, 1975

Patricia S. Lindh  
Special Assistant to the President  
for Women  
The White House  
Washington, D. C. 20500

Dear Ms. Lindh:

We understand that Mr. David H. Lissy, Executive Secretary to the Department of Health, Education, and Welfare, is under consideration for appointment to the President's Domestic Council. As Federal employees who formerly reported to Mr. Lissy, we wish to protest this appointment because of what we consider to be Mr. Lissy's lack of responsibility in implementing the civil rights laws and executive orders.

Presumably the President and the Assistant to the President for Domestic Affairs are not aware of the formal complaints that have been filed, and the court action that is now pending against Mr. Lissy alleging serious charges of sex, race and age discrimination. Among the charges -- one case is now in the D. C. Court -- are allegations of abusive behavior toward women, denial of education and training opportunities, harassment of women and blacks, and discrimination in hiring and promoting minority group members. Complaints of age discrimination have also been made against him.

Enclosed are copies of two formal complaints, one court complaint and a charge of reprisal that have been filed against Mr. Lissy. Also enclosed is a Federal Times article concerning Mr. Lissy's abrupt cancellation of a job announcement which he posted, and for which blacks, women and persons over 40 years of age were top candidates. Mr. Lissy rejected these minority candidates and filled the job with a young white man who was not even eligible to apply for it.

We are concerned that the President, who has made major and positive commitments in behalf of women's rights and the



rights of other disadvantaged groups, would add to a prominent place on his staff an individual who has been cited more than once as a discriminating official.

We trust that you will express our point of view to the President and hope you will agree that he should have this information.

Sincerely,

*Vongie M. Colbert*  
Vongie Colbert  
208 56th Place, N. E.  
Washington, D. C. 20019

*Arlene Roemer*  
Arlene Roemer  
1558 33rd Street, N. W.  
Washington, D. C. 20007

*Louisa Stimpert*  
Louisa Stimpert  
6345 North 12th Street  
Arlington, Virginia 22205

cc: Honorable Bella Abzug  
Honorable Jamie Benitez  
Honorable Douglas Bennett  
Honorable James M. Cannon  
Honorable William Clay  
Honorable Fernando DeBaca  
Honorable Augustus F. Hawkins  
Honorable David H. Lissy  
Honorable Sara Massengale  
Honorable Patsy T. Mink  
Honorable Ron Nessen  
Honorable Kathleen Ryan  
Honorable Stanley Scott  
Civil Rights Commission  
Federal Women's Program, HEW  
Federally Employed Women, Inc.  
National Association for the Advancement  
of Colored People  
National Organization for Women  
President's Commission on International Women's Year  
Women's Action Program, HEW  
Women's Equity Action League



Federal Times, March 19, 1975

# GRAPEVINE

(From Page 2)

Barabba has been accused by Census employees of taking unnecessary trips to far away places, allowing politics to influence the outcome of Census studies and for favoring his private Los Angeles based polling firm — Decision Making Information Inc.

Several mid-level professional employees at the agency resigned in concert recently in an apparent protest of Barabba's activities, including the reorganization of the Census use division.

Meanwhile, *Grapevine* has learned that employees also have questioned Barabba's use of Census chauffeur-driven cars to attend private social gatherings and the use of bureau facilities and workers to make household repairs.

In response to an inquiry about this household refurbishing, an official said:

"On one occasion the director had a home machine tool repaired in the bureau. The suggestion originated with the engineering division which was pleased with his interest in their craftsmanship.

"It is rare in bureau history for a director to have an interest in machine tool craftsmanship. The repair was made without use of government material."

*Federal Times, Mar. 19, 1975*

**SECRETARY'S CHOICE** —David H. Lissy, executive secretary for management at the Department of Health, Education and Welfare, is not the most popular guy around headquarters right now.

Some relatively senior bureaucrats believe he is playing the buddy game there. The most recent accusation:

Some time ago his office advertised the position of assistant executive secretary at the GS14 or 15 level. Several careerists applied, five or six of whom made the best qualified list.

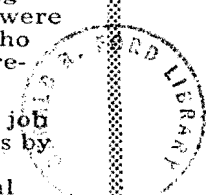
Not one was chosen.

Instead, Lissy announced that a man in his mid-20's by the name of Chip Broadhurst would be coming from California. Naturally there were angry rumblings from officials who say this was a blatant effort to pre-select an outsider for the job.

Lissy reacted by not filling the job at all. He tried to cover his tracks by saying the announcement about Broadhurst "conveyed a technical meaning which was not my intent."

Broadhurst, a GS12, is serving on Lissy's staff as a "communications coordination specialist," Lissy said.

The consensus among staffers who applied for the job is that it will be readvertised at a lower level, GS12 or 13, so that Broadhurst who has been specially brought on board will be able to qualify for it.

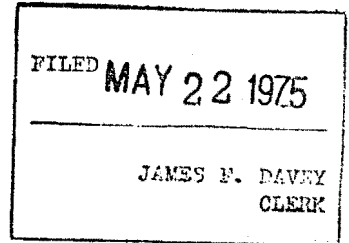


IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

PRATT, J.

ARLENE ROEMER )  
1558 33rd Street, N.W. )  
Washington, D.C. )  
v. )  
CASPER WEINBERGER, )  
Secretary, Department of Health )  
Education and Welfare )  
30 Independence Avenue, S.W. )  
Washington, D.C. 20201 )  
UNITED STATES OF AMERICA )

C.A. No. 75-1829



COMPLAINT FOR REMEDIES  
FOR DISCRIMINATION IN  
EMPLOYMENT ON ACCOUNT OF SEX

1. This is an action seeking relief under Title VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000e et seq.), as amended by the Equal Employment Opportunity Act of 1972 (P.L. 92-261, 86 Stat. 103), Executive Order 11478 (1969), 5 U.S.C. § 7151 and 7154, the Back Pay Act (5 U.S.C. § 5596(b)), and the Equal Employment Opportunity regulations of the Department of Health, Education and Welfare and the Civil Service Commission (5 C.F.R. part 713) for repeated and continuous discrimination in federal employment on account of sex, and for harassment.

Jurisdiction

2. This court has jurisdiction under 42 U.S.C. § 2000e-5(f)(3), 42 U.S.C. § 2000e-16(c), 28 U.S.C. 1343(4) and 28 U.S.C. § 1346(a)(2). Plaintiff's claim for back pay does not exceed \$10,000.

Parties

3. Plaintiff Arlene Roemer is a female employee (as defined in 42 U.S.C. § 2000e(f)) in the Office of the Secretary (O.S.) in the Department of Health, Education and Welfare (HEW). She is at the date of filing of this Complaint a management analyst, GS-13, in the Office of the Assistant Secretary for Administration and Management, O.S., HEW.





4. Defendant Weinberger is Secretary of HEW and is an executive agency within the meaning of Title VII, 42 U.S.C. §2000e-16(a). He is successor in office to Elliot L. Richardson Secretary of HEW from 1970 - 1972. Defendant is amenable to suit as provided in §717(c) of Title VII, as amended. The word "defendant" as used herein refers to this defendant, his agents and subordinates, and to defendant's predecessors, their agents and subordinates.

#### Facts

5. Plaintiff was first employed by HEW in May, 1969, as a GS-12 Education Program Specialist, Office of Education. On December 7, 1970, plaintiff was promoted to GS-13 as Assistant to the Supervisor of Special Services (SSS) in the Executive Secretariat (E.S.) E.S. is located in the Immediate Office of the Secretary (I.O.S.) which is a part of O.S. Plaintiff has remained a GS-13 in O.S. for 4 1/2 years.

6. In February 1971, plaintiff assumed the duties of her supervisor, a male GS-14, upon his transfer from E.S. Plaintiff's position description was not rewritten to reflect her additional responsibilities.

7. In December 1971, plaintiff became eligible for promotion to GS-14. She had been performing at a GS-14 level for at least 10 months. Plaintiff asked her supervisor, Donald Bliss, for a promotion. Her supervisor complimented plaintiff on her work and told her a promotion was under consideration; but plaintiff was not promoted.

8. In July 1972, plaintiff again asked her supervisor, Donald Bliss, for a promotion. Her supervisor replied that although plaintiff was doing a fine job he could not promote



her. During this period and thereafter, on information and belief, other male employees within I.O.S. were promoted to GS-14 or above.

9. Throughout 1971, 1972 and 1973 plaintiff repeatedly asked her superiors for a promotion. No action was ever taken on her requests although plaintiff continued to perform in a competent manner at all times and received several written and oral commendations from defendants, including a quality increase in 1970. After plaintiff began to submit requests for promotion, defendants' attitude towards plaintiff became less favorable. Defendants began to decrease plaintiff's GS-14 responsibilities. Duties which should logically have been hers and assignments which had been hers in the past were transferred to a male GS-14 in spite of the fact that plaintiff's performance at the GS-14 level had been competent and well received.

10. Defendants have repeatedly and continuously denied plaintiff promotion to GS-14 positions within O.S. for which she is qualified although plaintiff has continued to perform at a satisfactory level. Defendants have informed plaintiff that although plaintiff is qualified for promotion, she could not be promoted because she could not be spared from her duties. Defendants have cited irrelevant educational criteria as reasons denying plaintiff promotion to positions above the GS-13 level within O.S. for which she is qualified and have told plaintiff not to bother applying to GS-14 positions within E.S. In spite of plaintiff's repeated efforts to obtain a promotion, defendants have failed to inform plaintiff of GS-14 positions for which she was qualified; have told plaintiff that they were unaware she was interested in advancement and that certain positions at the GS-14 level and above within O.S. are not appropriate to women employees.



11. As of 1974, two thirds of the male employees within the Executive Secretariat were GS-14 or above, while only one third of the female employees were in that grade level. As of 1974, on information and belief, within O.S. male employees averaged 4.3 grade levels higher than O.S. female employees. At the end of 1974, on information and belief, 2092 GS level employees within O.S. in the Baltimore-Washington area were female while only 1703 such employees were male. But 714 male employees within O.S. in the Baltimore-Washington area were GS-14 and above while only 127 women employees were GS-14 and above.

12. Defendants have repeatedly and continuously denied plaintiff the opportunity to receive information on educational and training opportunities even after repeated requests by plaintiff for such information; have denied plaintiff the opportunity to attend staff meetings; have discouraged plaintiff from applying for further training, while encouraging and providing additional training for male employees, and have employed evaluation ratings in a discriminatory manner to prevent her promotion.

13. On April 15, 1974, plaintiff was directed by her superior, David H. Lissy, Executive Secretary to HEW, to leave her position within the Executive Secretariat. On August 15, 1974, all of plaintiff's work responsibilities were removed by David H. Lissy and she was threatened with reprisal for refusing to accept a lateral transfer elsewhere.

14. On September 11, 1974, David H. Lissy again ordered plaintiff to leave the Executive Secretariat, stating that he wanted her "slot" open.

15. On September 11, 1974, plaintiff consulted an EEO counselor for the purpose of lodging an informal complaint of sex discrimination for herself and other female employees of



I.O.S. against David H. Lissy, Donald Bliss, E.S. and I.O.S., and an individual complaint of harassment against David H. Lissy.

16. Informal conciliation efforts were unsuccessful and on October 9, 1974, plaintiff received a Notice of Final Interview and Notice of Right to File a Complaint within 15 days from EEO Counselor June Harrison.

17. On October 23, 1974, plaintiff filed a written formal Complaint of repeated and continuing discrimination on the basis of sex for herself and for all female employees within I.O.S. and an individual complaint of harassment and intimidation on the basis of sex against David H. Lissy. The Complaint was timely filed pursuant to 5 C.F.R. part 713.314. The Complaint alleged that defendants discriminated against plaintiff by repeatedly denying her promotion because of her sex. It further alleged that plaintiff, as a female employee had been subject to practices which had denied her equal employment opportunity for training and described the methods by which plaintiff had been discriminated against and harassed because of her sex and because of her efforts to obtain promotions. Defendants acknowledged receipt thereof on October 31, 1974.

18. On November 15, 1974, three weeks after plaintiff filed her formal complaint of discrimination and harassment, which named David H. Lissy as one of the discriminating officials and as the individual who unlawfully harassed her, David Lissy ordered plaintiff to commence a 30 day detail, working as an assistant to a GS-7. On November 26, 1974, plaintiff filed, pursuant to 5 C.F.R. 713.262(b), a reprisal charge against David H. Lissy as a result of his order of November 15. To date, in violation of Civil Service Commission regulations, plaintiff has not been served by defendants with a copy of the report of action taken



or her charge. On information and belief, plaintiff alleges that defendants have taken no action whatsoever to reprimand David Lissy for his reprisals against plaintiff or to ensure that such reprisals do not recur.

19. On November 26, 1974, EEO Counselor June Harrison completed a counselling report on plaintiff's Complaint of discrimination referred to in ¶15. Plaintiff received the report 3 weeks later, on December 16, 1974. That same day, December 16, Aaron Alexander, Director of Equal Employment Opportunity Staff for O.S., rejected plaintiff's individual Complaint of sex discrimination and harassment and refused to process plaintiff's allegations of repeated and continuing sex discrimination except as a third party complaint and only for the years 1973-1974, thus denying plaintiff the right to a hearing or to judicial review.

20. Plaintiff appealed the rejection of her Complaint to Samuel Hoston, Equal Employment Opportunity Staff Director, HEW.

21. On January 3, 1975, defendants ordered plaintiff's re-assignment as a GS-13 to the Office of the Assistant Secretary for Administration and Management, outside plaintiff's area of expertise and interest. For two months, plaintiff was compelled to perform clerical and stenographic duties. Plaintiff is still in that Office.

22. On February 25, 1975, Samuel Houston told plaintiff that defendants would render a final decision on her appeal of defendants' rejection of her Complaint no later than March 12, 1975. In fact, however, defendants failed and refused to issue a final decision on plaintiff's appeal, and have failed and refused to take any further action on her Complaint. On April 31, 1975,

180 days had passed since plaintiff's Complaint was received by defendants for processing.

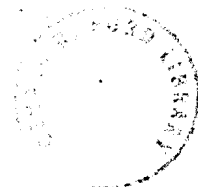
23. As of the date this Complaint is filed plaintiff has not yet been promoted to GS-14.

Causes of Action

24. Defendants' discriminatory refusal to promote plaintiff, or to provide her equal employment opportunities as described in ¶¶ 6-14 and 17-19, 21-23 constitute a violation of law, to wit: Title VII of the Civil Rights Act of 1964, as amended; the Fifth Amendment of the United States Constitution; Executive Order 11478; the Back Pay Act (5 U.S.C. §5596(b)); 5 U.S.C. §7151 and 7154, and Civil Service Commission and HEW regulations; and plaintiff is aggrieved thereby.

25. Defendants discriminatorily denied plaintiff promotion from GS-13 to GS-14 in December 1971 on account of sex and have since continued to deny plaintiff promotion on account of her sex.

26. Except for the discrimination against her on the basis of sex, plaintiff would have been promoted to GS-14 in December 1971, would have been eligible for promotion to GS-15 in December 1972, and would have reasonably expected to have been promoted to a GS-15 at that time or within a reasonable time after she became eligible. Defendants' discriminatory refusal to promote plaintiff on account of sex has deprived plaintiff of the difference in the pay she has received as a GS-13 and the pay of the grade or grades to which she should otherwise have been promoted, in violation of the Back Pay Act, (5 U.S.C. §5596(b)), and applicable Civil Service Commission regulations.



27. Defendants' initial refusal to accept plaintiff's Complaint of discrimination for processing and to take any further action on said Complaint, and defendant's failure to process plaintiff's reprisal charge according to Civil Service Commission regulations have deprived plaintiff of due process of law in violation of the Fifth Amendment to the United States Constitution, and are in violation of Title VII of the Civil Rights Act of 1964, as amended, 5 U.S.C. 7151 and 7154, E.O. 11478, 5 C.F.R. 713.211-231 and 262(b)(2) and applicable Agency regulations.

28. The actions taken by David H. Lissy, Executive Secretary of HEW, against plaintiff as described in ¶¶13-14, and 18 and by defendants as described in ¶¶18, 21 and 22 constitute unlawful harrassment on account of sex and reprisal in violation of Title VII of the Civil Rights Act of 1964, as amended; 5 U.S.C. §7151 and §7154 and applicable Civil Service Commission and Agency regulations.

29. Defendants' actions described in ¶22 constitute a failure to take final action on her Complaint with the Agency. Plaintiff is expressly authorized to file this action by §717(c) of Title VII.

#### Relief

30. Plaintiff requests this Court to

a) assign this case for hearing at the earliest practicable date and expedite this case in every way as provided in 42 U.S.C. §2000e-5(f)(5);

b) enter a declaratory judgment that the policies and practices complained of herein violate the Constitution, laws and regulations of the United States, the Civil Service Commission and HEW;



c) order plaintiff promoted to GS-14 and, above that level, to the highest level within O.S. to which the Court finds she would have attained absent the unlawful discrimination, and payment of two years back pay as provided in 5 C.F.R. 713.271(b);

d) order defendants to provide plaintiff full opportunity to participate in educational training programs and benefits on the same basis as other male employees;

e) order defendants to implement an affirmative action program within I.O.S. as required by law;


f) order defendants to cease from threatening plaintiff or engaging in any acts of harassment, reprisal or punishment against her because of her attempts to vindicate her rights;

g) direct defendants to issue a letter of reprimand to David H. Lissy, Executive Secretary to HEW, describing his harassment and reprisal of plaintiff, said letter to be placed in the appropriate performance folder and personnel files of David H. Lissy;

h) grant plaintiff her costs and reasonable attorneys' fees as provided in 42 U.S.C. §2000e-5(k) and 2000e-16(d).

i) retain jurisdiction of his case until defendants have taken all steps necessary to comply with this Court's Order.

Dated: May 22, 1975

  
WILLIAM A. DOBROVIR  
ANDRA N. OAKES  
2005 L Street, N.W.  
Washington, D.C. 20036  
(202) 785-8919

Attorneys for Plaintiff



TO: Director of Equal Employment Opportunity

FROM: Vongie Colbert

RE: Formal Complaint of Race and Sex Discrimination in Training Opportunities and in Promotion

I wish to file the following complaint of discrimination in training opportunities and in promotion on the grounds of sex and race against the Executive Secretariat and against the Immediate Office of the Secretary, and against the Office of the Secretary (OS), Department of HEW, and against all of the following officials:

David H. Lissy, Executive Secretary to the Department of Health, Education and Welfare

Donald T. Bliss, former Executive Secretary and Director of the Executive Secretariat

John Poore, Assistant Executive Secretary for Administration and Management, Executive Secretariat.

This complaint is made for myself and for all other blacks and for all other women who are past, present or future employees within the IOS. Since September of 1973, I have suffered repeated and continuous acts of discrimination, as evidenced by the following:

1. In October, 1972, I joined the Special Services Section of the Executive Secretariat as a GS-5 Clerical Assistant (Typing). The job was posted as a GS-5/6. I am a black woman. The person who had the job before me was white, GS-6. When I was interviewed



by the Special Services Section supervisor, Arlene Roemer, she told me if I got the job and if a year later my work was good, and if my duties rated a GS-6, she would recommend my promotion to GS-6.

2. In September, 1973, my supervisor, Arlene Roemer, recommended me for promotion to GS-6 to Donald T. Bliss, who was Executive Secretary to the Department at that time. He refused to approve my promotion, telling my supervisor that he was leaving. At about the same time, however, he promoted his white secretary, and two white male Assistant Executive Secretaries.

3. In December, 1973, my supervisor, Arlene Roemer, again recommended me for promotion to the new Executive Secretary, David H. Lissy. She gave him a list of duties I was performing, and had been performing for about 8 months (at a GS-6 level) to add to the position description so that it could be upgraded to GS-6. Again, no action was taken by him.

4. Several times between December, 1973, and April, 1974, my supervisor, Arlene Roemer, recommended to the Executive Secretary that I be promoted. No definite response was ever forthcoming to her requests.

5. In April, 1974, the Special Services Section was, in effect, abolished, and I was sent to work for John Poore, Assistant Executive Secretary for Administration and Management in the Executive Secretariat. At that time my supervisor, Arlene Roemer, asked the Executive Secretary, David H. Lissy, if I would have to prove myself all over again to my new supervisor, John Poore, before I could be considered for a promotion.



She told David Lissy she thought that would not be fair, as she had recommended me on the basis of the work I had done for the 1 1/2 years prior to April, 1974. David Lissy told her he "didn't think" I would have to prove myself again and said that he was "very positively inclined" toward approving my promotion, especially since I had plans to take additional education and training courses.

6. I was not promoted, however, and in May or June, 1974, I talked to Mr. Lissy's deputy, Stewart Tinsman about a promotion. Mr. Tinsman did not respond to my request, and said that he would get back to me in a couple of weeks. He said there were "several promotions pending" in the Executive Secretariat and a decision could not be made about mine yet. I never heard anything further from him.

7. I was never given a new position description when I assumed my new duties in April, 1974. I asked my supervisor, John Poore, for a position description, but he never wrote one. I asked him most recently on August 19, 1974. I still do not have a new position description.

8. I asked about a promotion most recently from Mr. Poore in August of 1974. I have never been given a definite response. In August, 1974, I asked that Julie Kisielewski, Federal Women's Program Coordinator for the Office of the Secretary, talk with my supervisor about a promotion. No results were

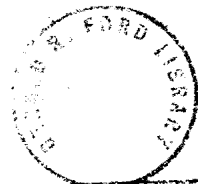


forthcoming from that talk, and Mr. Poore told Ms. Kisielewski that he could not do anything about my request for a promotion. In addition, Mr. Poore has decreased my level of responsibilities, and has refused to give me duties commensurate with the level at which I was previously working. He has also refused to permit me to take training courses toward my career goal.

9. At the beginning of August, 1974, Mr. Poore's secretary left and another woman in his office became his secretary, thereby creating a vacancy; I felt that I should have moved into that position, which was previously occupied by a GS-6. I learned, however, that the job now required shorthand. It had not required shorthand before. To my knowledge no other Assistant Executive Secretary in the Executive Secretariat requires two secretaries who know shorthand. (Mr. Poore's current secretary takes shorthand.) The vacancy to which I was not appointed has never been filled. The announcement that the job would not be filled occurred after I contacted the EEO counselor.

10. Ever since I joined IOS, as well as beforehand, at the Coast Guard, my performance has been repeatedly praised by my superiors. I have received an Achievement Award, high performance ratings and I have been complimented, both orally and in writing, by Mr. Poore for my attitude and my performance at work.

10. In September, 1974, Mr. Poore suggested to the Upward Mobility Counsellor, Ms. Holt, that my career development plan (which I had had for two years) be downgraded from "Administrative Officer" to "Administrative Aide/Administrative Assistant".



I was not included in this meeting. On September 30, 1974, I was denied permission to take Upward Mobility College courses. I have also been denied access to the training materials which the Office of Personnel and Training provides to the executive Secretariat for distribution to Executive Secretariat employees.

12. My experience reflects the situation of women and blacks within the Executive Secretariat and within OS, in general. The average grade difference between blacks and whites in OS and ES\* is between four and five grades. Women are also discriminated against within OS, IOS,\*\* as well as in ES. They comprise approximately three fourths of the Office of the Executive Secretariat, for example, but only 14% are above GS-11, compared with 70% of the men. Both women and black people are denied the same opportunities for advancement as are offered to whites and/or males within OS, IOS and within ES, and both women and blacks must wait longer for promotions and are subject to discriminatory "prerequisites" for career-enhancing positions. OS, IOS and ES have also failed to implement an affirmative action program, failed to provide adequate training and counselling to blacks and to women or to afford minorities a real opportunity to participate in the Upward Mobility Programs.

12. I request the following relief:

Immediate promotion to GS-6 retroactive to October, 1973  
(with back pay);

\*=Executive Secretariat  
\*\*=Immediate Office of the Secretary



Priority consideration for any GS-7 position within the Department of Health, Education and Welfare, within my commuting distance, for which I qualify;

Enforcement of equal employment opportunity for women and blacks within IOS as well as in ES, including, but not limited to, improvements in the training and counselling of blacks and women; implementation of an effective affirmative action plan; adoption of goals and timetables to eliminate racial and sexual discrimination within IOS and ES and greater opportunity for all women and blacks, including myself, to participate in Upward Mobility programs.

10-23-74  
Date

Vongie M. Colbert  
VONGIE M. COLBERT



MEMORANDUM TO THE DIRECTOR OF EQUAL OPPORTUNITY, DHEW

This is an equal opportunity complaint for harassment and for continuous discrimination in hiring, in training opportunities and in promotion on the grounds of age and sex. The discrimination charge is brought for myself and for all female employees, and female employees between the ages of 40 and 64 within the Office of the Secretary, Department of Health, Education, and Welfare. The following offices are charged with discrimination on the grounds of sex and age: Office of the Secretary, DHEW; the Immediate Office of the Secretary; and the Executive Secretariat. In addition, I also charge the following official with discrimination on the grounds of sex and age and with harassment and coercion in connection with my efforts to obtain a promotion: David H. Lissy, Executive Secretary to the Department of Health, Education, and Welfare. Mr. Lissy has belittled me and has threatened and intimidated me in order to force me to take a lateral transfer out of the Executive Secretariat. As a result, I felt coerced into taking such a transfer which has a title and description of lower status. I also name Donald T. Bliss, former Executive Secretary, as a discriminating official.

I believe that most women in the Executive Secretariat and in the Office of the Secretary are objects of sex discrimination, and that older women are also subject to discrimination based on age. Whether this discrimination is intentional or not, the effects are the same. The following experiences form the basis of my charges of sex discrimination and harassment:



1. Discrimination in Hiring and Promotion

When I first applied to DHEW in 1971, I was told that I needed to take the FSEE, but not told about the Mid Management rating. Later I learned that I need not have taken the FSEE because of my high college rank (B.A. degree with 3.5 GPA). Men I know with similar backgrounds did not have to take the FSEE. In September 1973 I was given a Mid Management rating (GS-9/12) from the Civil Service Commission. Since then I have applied for approximately 15 positions at GS-9 or 11 within OS.

The OS Personnel office perpetuates job discrimination against women by pegging hiring salary to past salary, which in my case had been \$8,000 per year.

Four months after my hiring Ed Hicks, former director of OSPO, told me I was lucky to have a job at all and that I didn't need the money because I was married. This rationale was used to explain why, after being hired on March 24, 1971 as a temporary GS-7 I was converted to a career-conditional GS-4 clerk typist on July 24, 1971, and was forced to take a typing test.

During this time I performed the duties of a GS-9. <sup>with college degrees</sup> Other women/were also hired as GS-4 clerk typists. This did not happen to men with college degrees. In general women employees in ES and OS have a higher educational background and experience than men with comparable grades.

I was promoted to GS-7 in July, 1972. Since July 1973 I have repeatedly applied for positions at the GS-9 level and have asked for





promotions to GS-9 without success. To my knowledge, no man in OS with my education and experience is a GS-7. In 1973 Mr. Bliss promised me my choice of details to GS-9 writing positions but "forgot". Those positions were all given to younger persons from outside ES. On another occasion I was not selected for a writing position in ES because I was considered too "emotionally involved with HEW issues to be objective." Yet I have received commendations for my work, including a merit increase in 1972.

I have been discriminated against as an older woman by the OSPO in their not giving me proper credit for twenty years volunteer experience in civic work which is directly relevant to job vacancies for which I have applied, and by their refusal to correct processing mistakes. For example, in the summer of 1973 I was wrongly disqualified for a staff assistant position to the Secretary's Advisory Committee on the Rights and Responsibilities of Women. OSPO admitted the error but discouraged my seeking corrective action, telling me that to do so would hurt the winning candidate. I have thus been locked in to a trainee position for three and one half years.

Hiring and promotion freezes are used as excuses for not promoting women. During these periods, however, men are promoted. In 1972, for example, my supervisor recommended me for promotion. It was denied, allegedly because of a "freeze." I believe that men were promoted during that time. Also I was denied the opportunity for promotion through the Whitten waiver, but men were given that benefit. Women over age 40 in OS and ES (including myself) have often been passed over for challenging jobs in favor of younger persons.



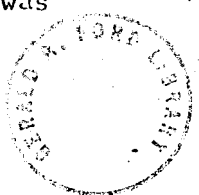
ES fails to give women temporary promotions during details to higher grade positions. For example, from January-April 1972 I performed GS-13 duties as supervisor of message and letter writing functions in Special Services Section of ES; and from April 10-August 9, 1974 I performed GS-14 duties as Federal Women's Program Coordinator for SRS. In neither case was I given proper temporary promotion for time in higher grades. In August 1974 Mr. Lissy promised to write a note for my record saying that I had worked above the GS-7 level in ES, but he has not yet done so despite a reminder memorandum from me.

Mr. Lissy told me on several occasions that there would be "almost certainly no opportunity for promotion in ES." Yet recently a GS-9 correspondence assistant job in ES was posted. Mr. Lissy surely knew about this position when he asked me to leave ES.

The behavior of ES management suggests a prejudiced and preconceived idea about women's potential. For example, when I asked John Poore, Assistant Executive Secretary for Management, if he would recommend a certain graduate level computer survey course for managers for my training, he said, "No, it would be too hard for you," without first asking about my background in mathematics.

2. Segregation of Jobs by Sex; Discrimination in Compensation on the Basis of Sex.

Jobs in ES as a rule are segregated into "women's" and "men's" categories. The latter have the higher grades. I was never encouraged to seek a "man's" position in ES, nor was any other women in ES that I know of. When I repeatedly asked for more responsibilities I was told that I was "needed where I was"--in a dead end position.



Other women also experience this treatment. There was room to move up in the Executive Secretariat through gradual assumption of duties, but men were often hired from outside ES to fill positions that women might have assumed.

When men and women perform the same work in OS, men are paid more than women. For example, when other women and I wrote messages we were GS-4, GS-8, and GS-5 respectively. When men did the same work they were GS-14 and GS-15.

Both ES and OS tie the grade levels of the assistants and clerical staff to that of their supervisors. Thus when women work for women (such as I have done) they are paid less than when they work for men, or than men who work for other men are paid. In addition, it is difficult for women (including myself) to break out of clerical jobs to move to more career-enhancing positions, because they are not given credit for substantive experience in clerical positions.

### 3. Lack of Training and Counseling, and Equal Opportunity for Advancement

In December 1972 I sought career counseling in OSPO and was told to return the following July. When I returned, I was given no counseling. In January 1974 I again appealed for counseling and was not given it. Adequate counseling for older women and for college trained women does not exist in OS.

Because my supervisor was not adequately trained and because most other ES supervisors have not received the required 80 hours of supervisory training, their lack of ability to evaluate and counsel employees and to follow EEO regulations is aggravated. This lack of training has the effect of impeding the advancement opportunities of women (including me) in OS.




Training information is not adequately distributed within ES, thus depriving many women of knowledge about training opportunities. Training funds in OS go predominantly to upper grade men. I did not learn about training opportunities until months after I had been hired, and only then through my local public library. Moreover, women in ES are not given the same training opportunities as men. A young man in ES was sent to Harvard shortly before I was denied long-term training toward my career goal (November 1973) and was later denied short term training (January 1974). Mr. Lissy said he could not see any relevance to ES in having me take Women Studies/Management.

Women supervisors in ES are not invited to staff meetings, nor are their staffs. Male supervisors and their staffs are. Thus women are isolated from opportunities for professional growth. The "women's units" in ES--CCU, SSS, regulations office, and typing pool--were physically and psychologically isolated in ES and were considered dead-end areas.

No up to date Affirmative Action Plan has been implemented within OS or ES, nor does OS publicize the names of EEO counselors or instruct women in their rights under the law.

Responsibility for preparing an AAP for ES was placed in a man instead of a women member of the Women's Committee of ES. The AAP which the women of the Committee had been working on for the previous 9 months (since March 1973) was summarily discarded. Mr. Lissy's AAP was never distributed to ES women. Other attempts on my part to emphasize equal opportunities for women have also been shut off by Mr. Lissy.



4. Harassment

In the afternoon of August 15, 1974 Mr. Lissy told me that he "strongly urged" me to leave ES and "get a job of my own." He chastized me about not leaving ES and asked me how he could explain to people why I had remained in ES so long. When I explained that I had applied for jobs without success he told me "you are shooting too high."

Thus I was coerced into accepting a lateral transfer to another GS-7 position which I had originally refused because it was the same grade level as that with which I had entered Federal service 3½ years previously.


I request the following remedial relief:

- Immediate promotion to the highest grade for which I would have been eligible had it not been for the unlawful discrimination against me; and back pay, retroactive to the time I should have become eligible for a GS-9 (July 24, 1972).
- Tuition for the courses I have taken and those I need to finish my training in Women Studies/Management at George Washington University.
- Full time educational leave to finish the above training.
- Distribution and implementation of the DHEW Affirmative Action Plan for 1977.
- Revision of the OS Merit Promotion Plan to remedy the unlawful discrimination against women in the Office of the Secretary.

I also request all court costs and attorneys' fees that may be involved in the processing of this complaint.

Formally filed with Julia Kisielewski  
October 23, 1974

Retyped with some dates added and some  
minor editorial corrections  
October 24, 1974

  
Louisa Stimpert