

Federal Sector Circulation List Resolution

SECTION 1. Effective upon approval of this Resolution of the Equal Employment Opportunity Commission, the Director of the Office of Federal Operations (OFO) is authorized to issue all federal sector decisions prepared by OFO, with the following exceptions, which shall be reviewed and acted upon by the Commission:

(a) Decisions that present policy or significant legal issues where the Commission has: (1) not adopted a position through regulation, policy guidance, Commission decision, or compliance manuals; (2) addressed recently modified or adopted Commission policy; or (3) changed a previously adopted Commission policy or position;

(b) Decisions that address priority issues as set forth in the Strategic Enforcement Plan and the Federal Sector Complement Plan that the Director of OFO reasonably believes to be appropriate for submission for Commission consideration;

(c) Decisions that the Director of OFO reasonably believes to be appropriate for Commission consideration because of their likelihood for public controversy or because they may be of particular interest to the Commission;

(d) Decisions where the Commission is the respondent agency;

(e) Decisions to deny class certifications and decisions on the merits of class action complaints;

(f) Decisions reversing an initial appeal decision and decisions reversing an AJ's determination of discrimination;

(g) Decisions on enforcement of final Commission decisions pursuant to 29 C.F.R. 1614.503(e) and (f); and,

(h) Decisions on the merits involving Section 304 of Government Employee Rights Act respondents;

SECTION 2. Appeals that are resolved on procedural grounds do not require circulation unless the appeal meets one of the criteria above.

SECTION 3. The Director of OFO shall report, in a quarterly briefing to the Commission, on implementation of the power delegated to OFO by this Resolution. Such reports shall include a description of the cases circulated to the Commission and an explanation of why the case fell within an exception to the delegated power.

SECTION 4. The Resolution shall be modified as necessary at the request of the Commissioners or the Office of Federal Operations.

APPROVED BY THE COMMISSION

DATE
