this contract, unless such power of attorney is on file with RUS)

Acceptance

Subject to the approval of the Administrator, the Owner hereby accepts the Proposal of

for the Project(s) herein described for the Total Base Bid of $ and Alternate For:

Space Parts, Item(s)
$
Maintenance Tools, Item(s)
$
Alternate No. 1 (add) (deduct)
$
Alternate No. 2 (add) (deduct)
$
Alternate No. 3 (add) (deduct)
$
Alternate No. 4 (add) (deduct)
$
Alternate No. 5 (add) (deduct)
$
Alternate No. 6 (add) (deduct)
$
The total contract price is
$
By
Owner

President
Attest:

Secretary

Date of Acceptance

Specifications

Special Telephone Equipment

The Specifications listed below can be attached and made a part of this Contract. (The Owner will check the applicable Specification.)

RUS Form 397b, Trunk Carrier System Specifications

RUS Form 397c, Subscriber Carrier Specifications

RUS Form 397d, Design Specifications for Point-to-Point Microwave Radio Systems

RUS Form 397g, Performance Specifications for Line Concentrators

RUS Form 397h, Design Specifications for Digital Lightwave Transmission Systems

[End of clause]

Dated: February 9, 1998.

Inga Smulkstys,

Acting Under Secretary, Rural Development.

[FR Doc. 98–4320 Filed 2–19–98; 8:45 am]

BILLING CODE 3410–15–P

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Part 1614

RIN 3046–AA66

Federal Sector Equal Employment Opportunity

AGENCY: Equal Employment Opportunity Commission (EEOC).

ACTION: Notice of proposed rulemaking.

SUMMARY: The Equal Employment Opportunity Commission is proposing revisions to its federal sector complaint processing regulations to implement recommendations made by the Chairman's Federal Sector Workgroup. The Commission proposes to require that agencies establish or make available alternative dispute resolution (ADR) programs during the EEO pre-complaint process. The Commission proposes revisions to the counseling process, the bases for dismissal of complaints, and procedures for requesting a hearing. The Commission also proposes to provide administrative judges with the authority to issue dismissals and final decisions on complaints. The Commission proposes a number of changes to the class complaint procedures, including authorizing administrative judges to issue final decisions on class certification and requiring that administrative judges determine whether a settlement agreement is fair and reasonable. The Commission proposes changes to the appeals procedures to provide agencies the right to appeal an administrative judge's final decision, to revise the appellate briefing schedule, to establish different standards of review for agency final decisions and administrative judges' final decisions, and to revise the process for seeking reconsideration of a decision on appeal. Finally, the Commission proposes to amend the remedies section of the regulation to permit administrative judges to award attorney's fees and to provide for payment of attorney's fees for all services provided by an attorney throughout the equal employment opportunity (EEO) process, including counseling.

DATES: Comments on the notice of proposed rulemaking must be received on or before April 21, 1998.

ADDRESSES: Written comments should be submitted to Frances M. Hart, Executive Officer, Executive Secretariat, Equal Employment Opportunity Commission, 1801 L Street, N.W., Washington, D.C. 20507. As a convenience to commentators, the Executive Secretariat will accept comments transmitted by facsimile (''FAX'') machine. The telephone number of the FAX receiver is (202) 663–4114. (This is not a toll free number.) Only comments of six or fewer pages will be accepted via FAX transmittal. This limitation is necessary to assure access to the equipment. Receipt of FAX transmittals will not be acknowledged, except that the sender may request confirmation of receipt by calling the Executive Secretariat staff at (202) 663–4078 (voice) or (202) 663–4077 (TDD). (These are not toll free numbers.) Copies of comments submitted by the public will be available for review at the Commission's Library, room 6502, 1801 L Street, N.W., Washington, D.C. between the hours of 9:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: Nicholas M. Inzeo, Deputy Legal Counsel, Thomas J. Schlageter, Assistant Legal Counsel or Kathleen Oram, Senior Attorney, Office of Legal Counsel, 202–663–4669 (voice), 202–663–7026 (TDD). This notice is also available in the following formats: large print, braille, audio tape and electronic file on computer disk. Requests for this notice in an alternative format should be made to EEOC's Publications Center at 1–800-669–3362.

SUPPLEMENTARY INFORMATION:

Introduction

As part of an ongoing effort to evaluate and improve the effectiveness of the Equal Employment Opportunity Commission's operations, the Chairman established the Federal Sector Workgroup to review the federal sector equal employment opportunity process. The Workgroup was composed of representatives from offices throughout the Commission. The Workgroup focused on the effectiveness of the EEOC in enforcing the statutes that prohibit workplace discrimination in the federal government, namely: section 717 of Title VII of the Civil Rights Act of 1964, which prohibits discrimination against applicants and employees based on race, color, religion, sex and national origin; section 501 of the Rehabilitation Act of 1973, which prohibits employment discrimination on the basis of disability; section 15 of the Age Discrimination in Employment Act, which prohibits employment discrimination based on age; and the Equal Pay Act, which prohibits sex-based wage discrimination.

The Workgroup's review evaluated the Commission's administrative processes governing its enforcement responsibilities in the federal sector and developed recommendations to improve

its effectiveness. In addition, the review sought to implement the goals of Vice President Gore's National Performance Review (NPR), including eliminating unnecessary layers of review, delegating decision-making authority to front-line employees, developing partnership between management and labor, seeking stakeholder input when making decisions, and measuring performance by results.

The Federal Sector Workgroup issued a report entitled ''The Federal Sector EEO Process * * * Recommendations for Change'' in May 1997. The report contains numerous recommendations for changing the federal sector complaint process, including changes to the Part 1614 regulations, changes to EEOC's Management Directive 110 which contains additional guidance and instructions on the federal complaint process, and changes to EEOC's internal procedures.

The Commission proposes to amend Part 1614 to implement the regulatory recommendations. The proposed changes, which are discussed in greater detail below, address the continuing perception of unfairness and inefficiency in the federal sector complaint process. In addition, the proposals accomplish the National Performance Review goals of removing unnecessary layers of review and delegating decision-making authority to front-line employees.

EEOC spent over a year and a half in the development of the federal sector NPRM. During that time period, EEOC consulted extensively with all stakeholders in the federal sector process, very much including the other federal agencies. On April 22, 1996, prior to the development of any recommendations, the EEOC's Federal Sector Workgroup held a meeting with federal EEO and Civil Rights personnel organized by the President of the Council of Federal and Civil Rights Executives. At that time the Council supported EEOC's interest in making the administrative judge decisions final and eliminating agency final decisions following those decisions. The Council subsequently changed its view on this question. On May 21, 1996, then-Chairman Casellas wrote to the EEO Directors of all departments and agencies requesting their written comment on a number of subjects related to the federal sector complaint process. We received comments from 27 agencies, all of which were fully considered in developing the recommendations contained in the Workgroup's report. On September 26, 1997, the Workgroup held a briefing for EEO Directors on the Workgroup's recommendations.

The Commission coordinated this proposed regulation with all federal agencies pursuant to Exec. Order No. 12067 (1978). A number of comments were received from agencies, which included helpful suggestions to improve the proposed regulation as well as criticisms of essential elements of the proposals. The Commission has included a discussion of its proposal, the rationale for the changes, as well as the criticisms of the agencies, in this statement of Supplementary Information and has made certain changes to the proposal. It prefers to decide whether or how to make other changes to this proposal after the benefit of public comment. Federal agencies are, of course, the entities whose conduct would be regulated by these proposals and making decisions based only on their input, without having the opportunity to consider the input of other stakeholders, including complaining parties and their representatives, would be insufficient. The Commission will seriously consider the agency comments in conjunction with the public comments. The Commission will retain the comments received from the agencies during the coordination period in the rulemaking file and will consider and address those comments in the final rule.

In proposing these changes, the Commission seeks to serve two different yet intertwined purposes: first, to ensure that the process for federal employee complaints is fair and is perceived to be fair, and second, to make the process more efficient by eliminating unnecessary layers, dealing expeditiously with meritless claims and by delegating authority to front-line employees.

Alternative Dispute Resolution

The Commission proposes to amend section 1614.102 to require all agencies to establish or make available an alternative dispute resolution (ADR) program for the EEO pre-complaint process. The required pre-complaint ADR program would be in addition to the provisions in the current regulation that encourage the use of ADR at all stages of the complaint process. Agencies would be free to develop the programs that best suit their particular needs. While many agencies have adopted the mediation model as their ADR initiative, other resolution techniques would be acceptable, provided that they conform to the core principles set forth in EEOC's policy statement on ADR, which will be contained in Management Directive 110. Although ADR is believed to be most effective at the early stages of a dispute, agencies may continue their ADR efforts at any stage in the process, including after the formal complaint has been filed. An effective ADR program will serve both goals set out by the Commission. By resolving complaints early on, ADR will make the process more efficient. ADR will also serve to make the process fairer, by giving complainants an alternative to the counseling process that has been criticized by agency officials and employee representatives.

The Commission also proposes changes to section 1614.105, which covers pre-complaint processing, to require that counselors advise aggrieved persons that they may choose between participation in the ADR program offered by the agency and the traditional counseling activities provided for in the current regulation. If a matter is not resolved during ADR or during traditional counseling activities, the counselor will conduct a final interview and the aggrieved person may file a formal complaint. As noted above, agencies would be free to establish the type of ADR program they offer during the counseling period as long as it is consistent with the ADR program core principles set out by EEOC. Before aggrieved persons make a choice between counseling and ADR, they will have an initial counseling session in which counselors must fully inform them about their rights and the choice between the counseling process and the ADR program. Counselors must also inform aggrieved persons that if the ADR process does not result in a resolution of the dispute, they will receive a final interview and have the right to file a formal complaint. If the aggrieved person chooses to participate in the agency's ADR program, the role of the counselor would be limited to advising that person of his or her rights and responsibilities in the EEO complaint process, as set forth currently in section 1614.105(b). Counselors would not be required, in those instances, to attempt to resolve the dispute, but would not be precluded from doing so, if they believe a matter could be resolved quickly.

Many agencies who submitted comments on the draft revisions when it was coordinated under Exec. Order No. 12067 (1978) welcomed Alternative Dispute Resolution (ADR) at the pre-complaint process stating that ADR would result in an early resolution of many cases and create a positive view of the EEO process. A number of agencies suggested that not all cases are appropriate for ADR. Rather, these