



**UNITED STATES OF AMERICA
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
NEW YORK DISTRICT
33 Whitehall Street, New York, NY 10004-2112**

**SANDRA N. McCONNELL, ET AL.,
a/k/a Velve B., Class Agent**

Complainant,

-v-

**LOUIS DEJOY, POSTMASTER GENERAL,
UNITED STATES POSTAL SERVICE,**

Agency.

**EEOC Hearing No.: 520-2010-00280X
Agency Case No.: 4B-140-0062-06
OFO Appeal Nos.: 07-2016-0006; 07-2016-0007
OFO Request Nos.: 05-2018-0094; 05-2018-0095**

ORDER

PLEASE TAKE NOTICE THAT the Agency's request for a Protective Order, to the extent that its May 25, 2022 letter is a request, is **DENIED**.

The Agency's arguments that a new protective order is needed are misplaced and unpersuasive. The disclosure of information the Postal Service has been ordered to provide during this phase are Postal Service records contained in the Postal Service's system of records, including but not limited to Sections 100.000; 100.700; 100.800; 100.850 and are subject to the Routine Use exception of the Privacy Act. Disclosure of these records to an authorized EEOC Administrative Judge when requested "in connection with the investigation of a formal complaint of discrimination filed against the Postal Service under 29 CFR Part 1614" meets the Routine Use exception and is therefore appropriate. The Agency has not identified any category of information requested by the Commission which does not fall within this exception. Once such records are disclosed, they become records subject to the EEOC's system of records designated as EEOC/GOVT-1 (Equal Employment Opportunity (EEO) in the Federal Government Complaint and Appeal Records). As provided in the EEOC/GOVT-1 system of records, access to and use of EEO complaint records are limited to those persons whose official duties require such access.

The Postal Service's concern that the records it provides during the damages phase may or will be disclosed in violation of the Privacy Act is without merit. Therefore, a protective order, especially one signed by a Federal District Court is unnecessary.

Notwithstanding the Agency's spurious arguments, a protective order issued by an EEOC AJ in 2008 already exists in this matter. It has not expired, and its provisions encompass the entirety of this litigation, i.e. liability and damages.

The Postal Service's request is **DENIED** and the dates for production remain June 15, 2022.

It is So **ORDERED**

DATE: June 10, 2022

/s/Monique J. Roberts-Draper

Monique J. Roberts-Draper

Administrative Judge

Redacted

CERTIFICATE OF SERVICE

For timeliness purposes, it will be presumed that this **ORDER** was received immediately upon electronic transmission. I certify this **ORDER** was sent to the following parties on June 10, 2022:

Agency Counsel

Redacted

Class Counsel

Redacted

Redacted

Redacted