

No. 84-1656

Supreme Court, U.S.
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IN THE
Supreme Court of the United States
OCTOBER TERM, 1985

LOCAL 28 OF THE SHEET METAL WORKERS'
INTERNATIONAL ASSOCIATION and LOCAL 28
JOINT APPRENTICESHIP COMMITTEE,
Petitioners,

v.

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION, *et al.,*
Respondents.

On Writ of Certiorari to the
United States Court of Appeals
for the Second Circuit

**BRIEF AMICUS CURIAE OF THE
EQUAL EMPLOYMENT ADVISORY COUNCIL**

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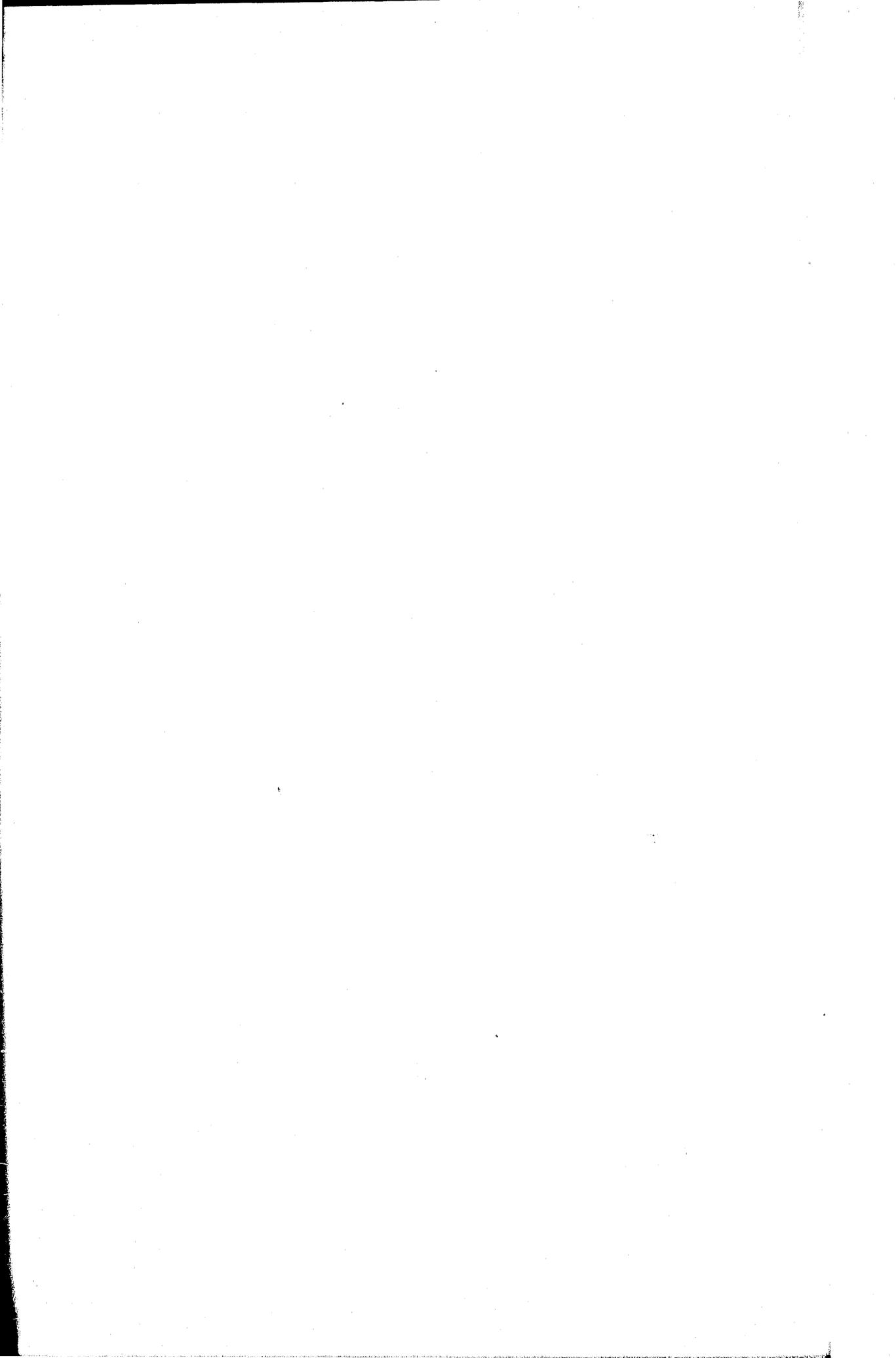


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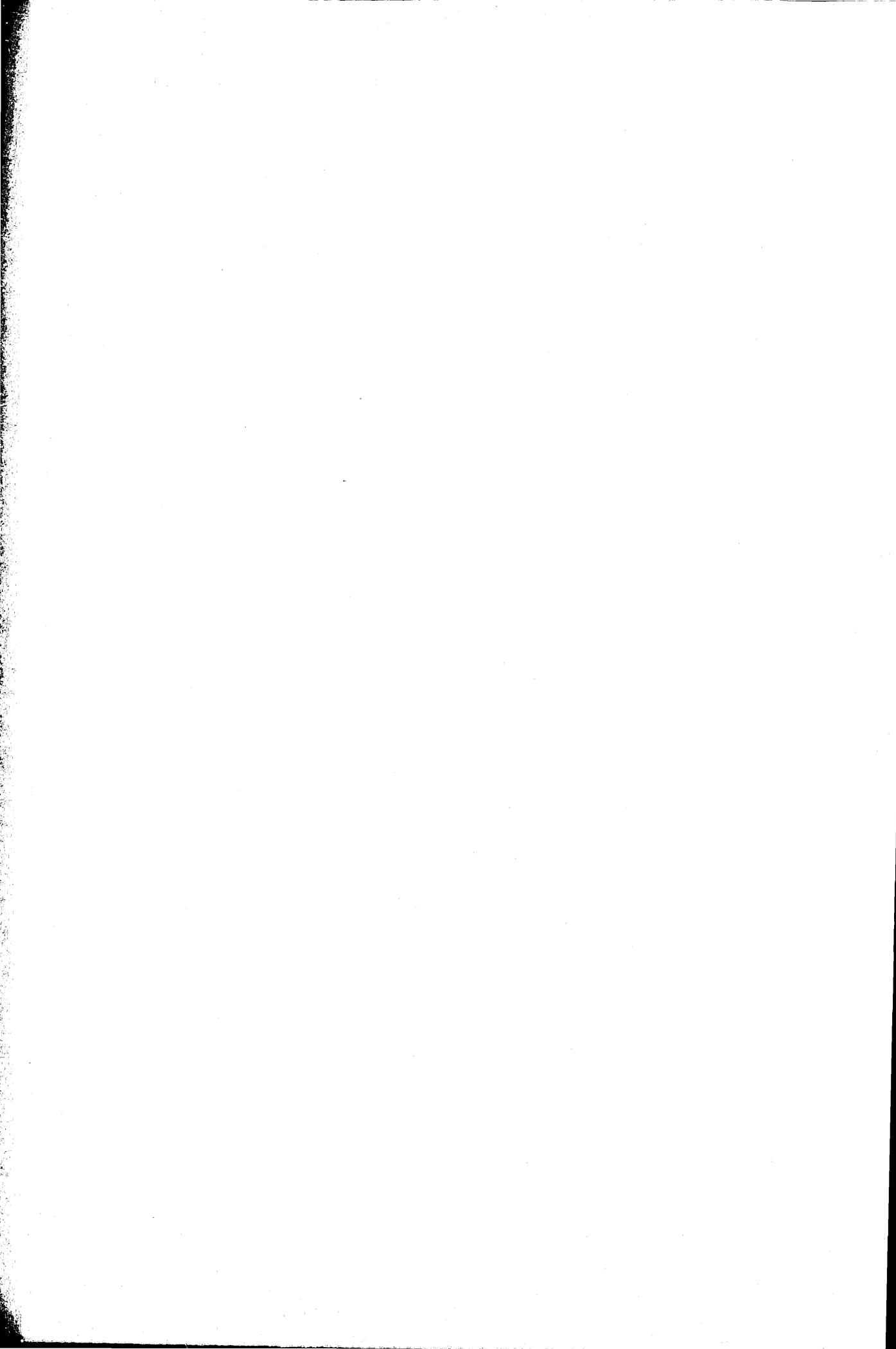
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**BRIEF AMICUS CURIAE OF THE
EQUAL EMPLOYMENT ADVISORY COUNCIL**

The Equal Employment Advisory Council ("EEAC") respectfully submits this brief amicus curiae, pursuant to the written consents of the parties.¹

INTEREST OF THE AMICUS CURIAE

EEAC is a voluntary nonprofit association organized to promote the common interest of employers and

¹ Their consents have been filed with the Clerk of the Court.

the general public in sound government policies, procedures and requirements pertaining to nondiscriminatory employment practices. Its membership consists of a broad segment of the employer community in the United States, including both individual employers and trade and industry associations. Its governing body is a Board of Directors composed primarily of experts and specialists in the field of equal employment opportunity (EEO) whose combined experience gives the Council a unique depth of understanding of the practical and legal considerations relevant to the proper interpretation and application of EEO policies and requirements.

Substantially all of EEAC's members, or their constituents, are employers subject to the provisions of Title VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000e, *et seq.*), as well as other equal employment statutes and regulations. In addition, nearly all of EEAC's members are subject to the affirmative action requirements under Executive Order 11246, 30 Fed. Reg. 12319 (1965), as amended by 32 Fed. Reg. 14303 (1967) and 43 Fed. Reg. 46501 (1978). Finally, many of EEAC's members are signatories to collective bargaining agreements, Title VII settlements, conciliation agreements, consent decrees and other voluntary plans or programs which provide varying forms of remedial relief or affirmative action benefiting persons or groups covered by Title VII and other federal and state equal employment statutes, regulations and orders.

Most of EEAC's member representatives are charged with corporate responsibility for compliance with federal, state and local nondiscrimination laws. As equal employment officers, they must attempt to determine not only their companies' nondiscrimina-

tion and affirmative action obligations, but also the nature and extent of any remedial relief which may be necessary as well as the potential liability which these obligations might create to nonminority employees and applicants.

EEAC has participated in numerous other cases involving issues relating to the nature and scope of the equal employment and affirmative action obligations of employers. See, e.g., *Firefighters Local Union No. 1784 v. Stotts*, 104 S.Ct. 2576 (1984); *Boston Firefighters Union, Local 718 v. Boston Chapter, NAACP*, 103 S. Ct. 2076 (1983); *Minnick v. California Dept. of Corrections*, 452 U.S. 105 (1981); *Fullilove v. Klutznick*, 448 U.S. 448 (1980); *United Steelworkers of America v. Weber*, 443 U.S. 193 (1979); *County of Los Angeles v. Davis*, 440 U.S. 625 (1979); *Regents of the University of California v. Bakke*, 438 U.S. 265 (1978); *Int'l Brotherhood of Teamsters v. United States*, 431 U.S. 324 (1977).

STATEMENT

EEAC takes no position on the merits of this particular case. EEAC is aware, however, that this case and *Local Number 93 v. City of Cleveland*, Supreme Court No. 84-1999, are being briefed and argued in tandem. The purpose of this filing is merely to advise the Court that EEAC's views on the appropriate scope of relief that is available (after trials on the merits and in consent decrees) under Section 706(g) of Title VII, 42 U.S.C. § 2000e-5(g), and under this Court's decisions in *Firefighters Local Union No. 1784 v. Stotts*, 104 S.Ct. 2576 (1984), and *United Steelworkers of America v. Weber*, 443 U.S. 193 (1979), are fully set forth in its amicus curiae brief

filed in *Local Number 93 v. City of Cleveland*, Supreme Court No. 84-1999. EEAC accordingly is serving a courtesy copy of its brief in No. 84-1999 on all parties in this case.

Respectfully submitted,

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