

The Burger Court Opinion Writing Database

Electrical Workers v. Robbins & Myers, Inc.

429 U.S. 229 (1976)

Paul J. Wahlbeck, George Washington University
James F. Spriggs, II, Washington University in St. Louis
Forrest Maltzman, George Washington University



✓

Supreme Court of the United States
Washington, D. C. 20543

✓

CHAMBERS OF
THE CHIEF JUSTICE

December 10, 1976

Re: 75-1264 International Union v. Robbins & Myers
75-1276 Guy v. Robbins & Myers

Dear Bill:

I join your proposed opinion dated November 30,
1976.

Regards,

WRB

Mr. Justice Rehnquist

cc: The Conference

✓ ✓
Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE WM. J. BRENNAN, JR.

November 30, 1976

RE: No. 75-1264 and 75-1276 International Union of
Electrical Workers, etc. and Guy v. Robbins &
Myers, Inc., et al.

Dear Bill:

Will you please add at the foot of your opinion the
following:

Mr. Justice Brennan agrees that the expanded 180 day
limitations period enacted by 86 Stat. 103 applied to
Guy's charge and would reverse the Court of Appeals
on that ground without addressing the questions dis-
cussed in Parts I and II of the Court's opinion.

Sincerely,

Bill

Mr. Justice Rehnquist

cc: The Conference

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE POTTER STEWART

✓

November 30, 1976

Re: No. 75-1264 and 75-1276,
Electrical Workers v. Robbins & Myers, Inc.

Dear Bill,

I should appreciate your adding my name
to Bill Brennan's statement at the foot of your
opinion.

Sincerely yours,

P.S.

Mr. Justice Rehnquist

Copies to the Conference

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE BYRON R. WHITE

December 17, 1976

Re: No. 75-1264 & 75-1276 - International Union
of Electrical, Radio and Machine
Workers v. Robbins & Myers, Inc.

Dear Bill:

Please join me.

Sincerely,



Mr. Justice Rehnquist

Copies to Conference

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

December 2, 1976

Re: Nos. 75-1264 and 75-1276 - International Union of
Electrical Workers, etc. and Guy v. Robbins &
Myers, Inc., et al.

Dear Bill:

Please join me in Brennan's concurrence.

Sincerely,

JM.
T.M.

Mr. Justice Rehnquist

cc: The Conference

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

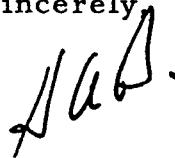
December 3, 1976

Re: No. 75-1264 - International Union v. Robbins & Myers
No. 75-1276 - Guy v. Robbins & Myers

Dear Bill:

Please join me.

Sincerely,



Mr. Justice Rehnquist

cc: The Conference

Supreme Court of the United States
Washington, D. C. 20543

November 30, 1976

J
CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

No. 75-1264 International Union v. Robbins
& Myers, Inc.
No. 75-1276 Guy v. Robbins & Myers, Inc.

Dear Bill:

Please join me.

Sincerely,

Lewis

Mr. Justice Rehnquist

1fp/ss

cc: The Conference

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

November 16, 1976

Re: Nos. 75-1264 and 75-1276 - International Union
v. Robbins & Myers; and Guy v. Robbins & Myers

Dear Chief:

My Conference notes are somewhat confused on this case. I show Byron, Harry, Lewis, me and perhaps you as wishing to reach all three issues in the case, and to decide what were referred to at Conference as issues (1) and (2) in favor of the respondent. I also show a sizable majority of the Court to decide issue (3) -- the revival of the claim after the enactment of the longer limitation period -- in favor of the petitioner.

If my understanding is correct, I can in good conscience write the opinion that way. If I am wrong, and you are not in agreement with what I understand to be the position of the other four mentioned, then it would be a futile labor for me to undertake the drafting of the opinion, because I am of the view that the claim arose upon the firing, and that the limitations period was not tolled by the initiation of the grievance procedure.

If I am wrong as to any of these points and should be advised, please let me know because then you should assign the opinion to someone else.

Sincerely,



The Chief Justice

Copies to the Conference

To: The Chief Justice
Mr. Justice Brennan
Mr. Justice Stewart
Mr. Justice White
Mr. Justice Marshall
Mr. Justice Blackmun
Mr. Justice Powell
Mr. Justice Stevens

From: Mr. Justice Rehnquist

Circulated: NOV 2 8 1976

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1st DRAFT

SUPREME COURT OF THE UNITED STATES

Nos. 75-1264 AND 75-1276

International Union of Electrical, Radio
and Machine Workers, AFL-CIO,
Local 790, Petitioner,
75-1264 v.
Robbins & Myers, Inc., et al.
Dortha Allen Guy, Petitioner,
75-1276 v.
Robbins & Myers, Inc., et al.

On Writ of Certio-
rari to the United
States Court of
Appeals for the
Sixth Circuit.

[November —, 1976]

MR. JUSTICE REHNQUIST delivered the opinion of the Court.

Petitioners seek review of a decision of the Court of Appeals for the Sixth Circuit holding that a claim brought by petitioner Dortha Guy under Title VII was barred by her failure to file a charge with the Equal Employment Opportunity Commission (EEOC) within the statutory limitations period. They present three contentions: the existence and utilization of grievance procedures postpones the date on which an allegedly discriminatory firing took place; the existence and utilization of grievance procedures tolls the running of the limitations period which would otherwise begin on the date of the firing; and the 1972 amendments to Title VII, Equal Employment Opportunity Act of 1972, 86 Stat. 103 (Mar. 24, 1972), extending the limitations period from 90 to 180 days, apply to the charge in this case.

I

Respondent terminated the employment of petitioner Guy on October 25, 1971, and assigned as its reason for doing

✓
✓
WHR
Please file with Brennan
120/14
JMY

To: The Chief Justice
Mr. Justice Brennan
Mr. Justice Stewart
Mr. Justice White
Mr. Justice Marshall
Mr. Justice Blackmun
Mr. Justice Powell
Mr. Justice Stevens

From: Mr. Justice Rehnquist

2nd DRAFT

Circulated: _____
NOV 30 1976
Recirculated: _____

SUPREME COURT OF THE UNITED STATES

Nos. 75-1264 AND 75-1276

International Union of Electrical, Radio
and Machine Workers, AFL-CIO,
Local 790, Petitioner,
75-1264 v.
Robbins & Myers, Inc., et al.

Dortha Allen Guy, Petitioner,
75-1276 v.
Robbins & Myers, Inc., et al.

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

[November —, 1976]

MR. JUSTICE REHNQUIST delivered the opinion of the Court.
Petitioners seek review of a decision of the Court of Appeals for the Sixth Circuit holding that a claim brought by petitioner Dortha Guy under Title VII was barred by her failure to file a charge with the Equal Employment Opportunity Commission (EEOC) within the statutory limitations period. They present three contentions: the existence and utilization of grievance procedures postpones the date on which an allegedly discriminatory firing took place; the existence and utilization of grievance procedures tolls the running of the limitations period which would otherwise begin on the date of the firing; and the 1972 amendments to Title VII, Equal Employment Opportunity Act of 1972, 86 Stat. 103 (Mar. 24, 1972), extending the limitations period from 90 to 180 days, apply to the charge in this case.

I

Respondent terminated the employment of petitioner Guy on October 25, 1971, and assigned as its reason for doing

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

75-1264

file

February 16, 1977

MEMORANDUM TO THE CONFERENCE

No. 75-836 - Valley Distributing Co. v. Davis was heretofore held for Nos. 75-1264 and 75-1276 - Electrical Workers v. Robbins & Myers, Inc., decided December 20, 1976.

Respondent Davis was discharged from his job with petitioner on October 31, 1971. On February 22, 1972 (114 days later), Davis filed a complaint alleging religious discrimination with the Arizona Civil Rights Commission, which rejected it as being filed outside of the state sixty-day statute of limitations. On March 14, 1972 (135 days later), Davis filed his religious discrimination claim with the EEOC. The EEOC referred this to the Arizona Civil Rights Commission on March 29, and it was returned by them on March 31 (152 days after the discharge) without taking any action. After an investigation, the EEOC found reasonable cause and notified Davis of his right to sue. On March 19, 1973, Davis commenced this action. Petitioner moved to dismiss the Title VII portion of the complaint for lack of jurisdiction. The District Court granted the motion. The Ninth Circuit reversed, holding that the date of filing with the EEOC should be deemed March 31, and that, on that date, Davis was entitled to the 180 day filing provision made applicable by the Equal Employment Opportunity Act of 1972, 86 Stat. 103, which became effective on March 24, 1972.

Whether or not the correct date of "filing" should be deemed March 31, as held by the Ninth Circuit, or March 14,

VV

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE JOHN PAUL STEVENS

November 30, 1976

Re: 75-1264, 75-1276 - International Union of
Electrical Workers, etc. and Guy v. Robbins
& Myers, Inc., et al.

Dear Bill:

Would you please join me in Bill Brennan's brief
concurrence.

Respectfully,



Mr. Justice Rehnquist

Copies to the Conference