

# 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,

W. B.

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 Brennnan 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

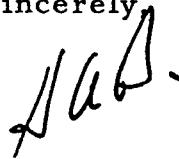
December 3, 1976

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

CHAMBERS OF  
JUSTICE LEWIS F. POWELL, JR.

November 30, 1976

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

Dear Bill:

Please join me.

Sincerely,



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 26 1976

Recirculated: \_\_\_\_\_

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 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

*✓*  
*✓*  
*WTR P-1264-1276*  
*Please file*  
*Brennan*  
*12/14*  
*JM*

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 30 1976  
Recirculated: \_\_\_\_\_

2nd 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 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

filed

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,

✓  
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