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Lead Industries Association, Inc.

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Environmental Health Department

June 30, 1980

To: All Official Members of the Lead Industries Association
All Members of the LIA Environmental Health Committee

From: Jerome F. Cole

Enclosed is a letter prepared by our legal counsel, Mr. Standish F. Medina, of Debevoise, Plimpton, Lyons & Gates relating to EEOC's proposed or final Interpretive Guidelines on Employment Discrimination and Reproductive Hazards. We would request that these questionnaires be returned to Mr. Medina by July 25, 1980 so as to permit adequate time for compilation of the results prior to the next meeting of our Steering Committee on this subject scheduled for August 7, 1980.

Sincerely,

Jerome F. Cole
Director, Environmental Health

Enclosure

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DOMINIQUE BLANCO
 EUROPEAN COUNSEL

June 17, 1980

To: LIA's Environmental Health Committee
 From: Standish F. Medina, Jr.

Questionnaire re EEOC Guidelines

As you know, the Equal Employment Opportunity Commission has proposed Interpretive Guidelines on Employment Discrimination and Reproductive Hazards. (A copy of LIA's response to the proposal was distributed to you under cover of Don Lynam's letter of June 11.) If and when the Guidelines are issued in final form, the Guidelines may be challenged in court and, in any event, will be in issue during subsequent litigation and enforcement proceedings. In order to be prepared to participate or give assistance to its members in such litigation, LIA has asked its attorneys to obtain additional information. To that end, I am enclosing a questionnaire that we would appreciate your completing and returning to us as soon as possible. Neither the completed questionnaire nor the specific information contained therein will be disclosed to LIA or any of its other members without your prior permission.

To the extent that your response indicates the existence of written materials (such as training aids, acknowledgment forms, work practice rules) that are not confidential, we would appreciate receiving copies of such documents.

If you have any questions, please do not hesitate to call me or my associate, Nicole Gordon.


 S.F.M.

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Enclosure

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QUESTIONNAIRE

This questionnaire is being distributed by LIA's attorneys to enable LIA to be prepared to participate or give assistance to its members in litigation or enforcement proceedings involving the EEOC's proposed or final Interpretive Guidelines on Employment Discrimination and Reproductive Hazards. The completed questionnaire should be sent directly to LIA's attorneys, c/o Standish F. Medina, Jr., Esq., Debevoise, Plimpton, Lyons & Gates, 299 Park Avenue, New York, New York 10017. Neither the completed questionnaire nor the specific information contained therein will be disclosed to LIA or any of its other members without your prior permission. Any questions about the information sought should be directed to Mr. Medina or his associate, Nicole Gordon (212-752-6400).

A. Identification

1. Name and address of the Company and plant for which the information below is being provided: _____.
2. Name and title of the person responsible for completing the questionnaire: _____.

B. Employment Statistics

3. Approximately how many employees do you have who work at jobs involving air-lead levels (measured on an eight-hour, time-weighted basis) in excess of 50 ug/m³ ("lead exposed jobs")? _____.
4. Of these, approximately how many are women? _____.
5. Approximately how many applications do you have each year for lead exposed jobs? _____.
6. Of these, approximately how many are women? _____.

C. Hiring and Placement

7. Do you permit women to file applications for lead exposed jobs? Yes _____. No _____.

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8. Do you exclude any women from working in lead exposed jobs? Yes _____. No _____.
9. Which, if any, of the following categories of women does the Company permit to work in lead exposed jobs? (Check as many categories as are applicable to your Company.)
- a. All women in all exposed jobs? _____.
 - b. All women but only in low exposure jobs? _____.
 - c. All fertile women of child-bearing capability in all exposed jobs? _____.
 - d. All fertile women of child-bearing capability but only in low exposure jobs? _____.
 - e. Women over a particular age? _____. (If women over a particular age are not excluded from lead exposed jobs, what is the age? _____.)
 - f. Women, regardless of age, who are not capable of having children (e.g., because they have had a tubal ligation or hysterectomy)? _____.
 - g. Women, regardless of age, who are not married? _____.
 - h. Women, regardless of age or marital status, who represent to the Company that they do not intend to have children and are using birth control methods? _____.
10. Do you provide educational materials, training and/or some form of orientation concerning health hazards to persons applying for lead exposure jobs?
- a. Males? Yes _____. No _____.
 - b. Females? Yes _____. No _____.
 - c. Are women applicants provided with materials or training different from, or in addition to, that provided to men? Yes _____. No _____.
 - d. Are such materials, training and/or orientation provided before _____ or after _____ the applicant has actually been hired (or both _____)?

11. Do you ask applicants or employees to sign acknowledgements or releases of any kind concerning the possible hazards of lead exposed jobs? Yes ____.
No ____.
12. Must all applicants be examined by a physician before the Company will hire them? Yes ____ No ____.
- a. Are women applicants given additional or different examinations by a physician from those given to the male applicants? Yes ____ No ____.
- b. Are women applicants for lead exposed jobs asked whether they are of child-bearing capacity? Yes ____ No ____.
13. If you have women employees in lead exposed jobs, do you have rules, regulations or work practices concerning where or how long women can work (e.g., in particular operations) or concerning the procedures they should follow (e.g., medical examinations, pregnancy tests, respirator use, etc.) which are not applicable to men? Yes ____ No ____.
14. Do you transfer and provide MRP for a female employee who advises you that she intends to have children but is not yet pregnant? Yes ____ No ____.
15. Do you transfer and provide MRP for a male employee who advises you that he and his wife intend to have children but his wife is not yet pregnant? Yes ____ No ____.

D. Medical Data

16. Do you maintain any records that would show the incidence of miscarriage experienced by women employees who work in lead exposed jobs? Yes ____ No ____.
17. Do you maintain any records that would show the incidence of miscarriages experienced by the wives of male employees who work in lead exposed jobs? Yes ____ No ____.
18. Do you maintain any records that would show the number of children born to employees (whether male or female) who work in lead exposed jobs. Yes ____ No ____.

LIAC3359

19. Do you maintain any records that would show the number of fetal injuries experienced by children born to women employees who work in lead exposed jobs? Yes _____. No _____.
20. Do you maintain any records that would show the incidence of reported male impotence or infertility, or related complaints, of male employees who work in lead exposed jobs? Yes _____. No _____.
21. Are you conducting, or do you have available, any nonpublic research or investigations concerning reproductive health hazards to employees who work in lead exposed jobs? Yes _____. No _____.

E. Alleged Discrimination

22. Has your Company ever been accused, in any of the following types of proceedings, of discriminating against an employee on the basis of sex because of actions taken by the Company for medical reasons related to potential health risks to the employee's reproductive capacity or potential fetus?
- a. Suit brought under Title VII? Yes _____. No _____.
 - b. Enforcement proceeding brought by EEOC? Yes _____. No _____.
 - c. Arbitration or labor grievance proceedings? Yes _____. No _____.
 - d. Other? Yes _____. No _____. (If yes, please specify: _____.)
23. If your answer to any of the subparagraphs of the preceding question is "yes",
- a. Did any of the proceedings result in a written opinion, decision settlement agreement or order? Yes _____. No _____.
 - b. Were any of the proceedings commenced by a governmental agency but then settled without fine or penalty? Yes _____. No _____.
24. Has any legal action ever been instituted against your Company alleging male impotency or infertility as a result of exposure to lead? Yes _____. No _____.

25. Has any legal action ever been instituted against your Company alleging that exposure of the mother or the father caused an injury to a fetus or child? Yes _____. No _____.

F. Written Statements

26. Does your Company have any documents (including rules, regulations, internal memoranda to department heads or hiring personnel, etc.) that describe in writing the Company's policy (if any) with respect to any of the following subjects:
- a. Hiring, placement, transfer or exclusion of fertile women of child-bearing capability? Yes _____. No _____.
 - b. Education, training or orientation with respect to possible reproductive health hazards (whether to parent or fetus) resulting from lead exposure? Yes _____. No _____.
 - c. MRP benefits related to prospective or actual parenthood? Yes _____. No _____.
 - d. Work practices or procedures applicable to women employees but not male employees? Yes _____. No _____.
27. If your answer to any of the subparagraphs of the preceding question is "yes", would your Company be willing to make copies of such documents available to LIA or its counsel on a confidential basis? Yes _____. No _____.
28. If LIA needs further information from your Company, what is the name, position and telephone number of the person whom it should contact? Name _____
_____. Position _____
_____. Telephone _____.

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