



## SECOND CLASS NOTICE

**Date:** September 30, 2011

**To:** ALL EMPLOYEES OF THE UNITED STATES POSTAL SERVICE (POSTAL SERVICE) WHO HAVE HELD PERMANENT REHABILITATION POSITIONS DURING THE TIME PERIOD MARCH 24, 2000 TO THE PRESENT.

**Re:** EMPLOYMENT DISCRIMINATION CLASS COMPLAINT AGAINST THE POSTAL SERVICE, (*Edmond Walker, et al. v. Patrick R. Donahoe, Postmaster General U.S. Postal Service*, EEOC Case No. 320-A2-8390X; Agency Case No. CC-800-0359-03, 4E-800-0240-02).

### BACKGROUND OF THE CASE

On May 5, 2000, Edmond Walker (Walker), filed an individual complaint of discrimination against his employer, the Postal Service, claiming that the Postal Service discriminated against him on the basis of his alleged disabilities and permanent rehabilitation status when his duty hours were restricted to fourteen hours a week and he was denied the opportunity to work overtime. On August 19, 2005, a United States Equal Employment Opportunity Commission (the "EEOC" or "Commission") Administrative Judge certified Walker's complaint as a class action. This decision was affirmed by the Commission on March 18, 2008.

### CERTIFIED CLASS

The Commission certified a class in this case comprised of individuals with disabilities in permanent rehabilitation positions who had their duty hours restricted beginning March 24, 2000.

### ISSUES INVOLVED IN THIS CASE

The issue in this case is whether present or past employees of the Postal Service, who are disabled within the meaning of the Rehabilitation Act and who were assigned a permanent rehabilitation position anytime from March 24, 2000 to present, were discriminated against based upon their disability and permanent rehabilitation status when they had their duty hours restricted by the Postal Service.

### CLASS DEFINITIONS

For purposes of this litigation, the phrase "permanent rehabilitation employee" includes any rehabilitation program employee whose Postal Service employment records reflect an employee status code of LDC 69 and/or an employee status code of RC and/or RD.

The phrase "duty hours...restricted" includes: (1) restrictions limiting the number of hours generally worked; and (2) restrictions which allegedly resulted in the denial of overtime.

The term "disability" means, with respect to each individual: (1) a physical or mental impairment that substantially limits one or more major life activities of the individual; (2) a record of such an impairment; or (3) being regarded as having such an impairment. 29 C.F.R. §1630.2(g)(1)-(3).

### **WHAT ARE YOUR LEGAL RIGHTS?**

If you meet the criteria to be a potential member of the class, you are not required to do anything at this point in order to remain a part of the class. However, there are certain matters you should consider if you are a member of the class:

- this case will determine your legal rights as a class member; and
- any decision issued may have a binding effect upon you.

### **OPTING OUT**

**THE COMMISSION DOES NOT ALLOW ANY CLASS MEMBER TO “OPT OUT” OR CHOOSE NOT TO BE BOUND BY A CLASS COMPLAINT DECISION.**

A final Agency decision finding discrimination is binding on all members of the class and on the Postal Service. A finding of “no discrimination” is not binding on a class member’s individual complaint. While you may not exclude yourself from the class (“opt out”), you do not have to participate in this class complaint. If liability is found, you will have to file a claim to receive individual relief. In the event that liability is found, you will receive another notice on how and when to file such a claim.

### **SETTLEMENT**

Any class member will have the right to object to or challenge any proposed settlement of this case. You also may participate in any determination of individual relief if discrimination is found.

For additional information about this case, you may contact the Class Counsel. The following are the representatives of record for this class complaint:

John Mosby, Esq.  
Marilyn Cain Gordon, Esq.  
Elisa J. Moran, Esq.  
John W. Davis, Esq.

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### **REPRISAL**

Please note that the law prohibits discrimination, retaliation, threats, interference, intimidation and/or coercion against individuals who participate, testify, assist and/or are involved in the presentation or processing of this class complaint.