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To: ALL CURRENT AND FORMER EMPLOYEES OF THE UNITED STATES POSTAL SERVICE WHO WERE SUBJECTED TO THE NATIONAL REASSESSMENT PROCESS FROM MAY 5, 2006 TO JULY 1, 2011

Re: EQUAL EMPLOYMENT OPPORTUNITY COMMISSION CLASS ACTION INVOLVING THE NRP AND ALLEGATIONS OF DISCRIMINATION (*Sandra M. McConnell, et al. v. Megan J. Brennan, Postmaster General, United States Postal Service*, EEOC Case No. 520-2008-00053X; Agency Case No. 4B-140-0062-06)

NOTICE TO EMPLOYEES BY ORDER OF THE EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION

This Notice is issued pursuant to an Order of the United States Equal Employment Opportunity Commission in the above-referenced case finding a violation of Section 501 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 501. The United States Postal Service was found to have discriminated against injured-on-duty employees who were assessed under the National Reassessment Process and, as a result, were either removed from their limited duty or permanent rehabilitation assignments, subjected to disparate treatment, harassment, and/or had their confidential medical information accessed by unauthorized persons.

Within thirty (30) days of receipt of notification of this decision, any class member who believes that he or she is entitled to individual relief must file a written claim with the Agency or with its EEO director. The claim must include a specific, detailed showing that the claimant was subjected to an evaluation under the National Reassessment Process between May 5, 2006, and July 1, 2011 (hereinafter referred to as the class period), as well as of the consequences of that evaluation: being returned to full duty; receiving no change in limited-duty or rehabilitation assignment; receiving a new limited-duty or rehabilitation assignment; receiving a total or partial no work available determination; and separating, resigning, or retiring during the period that the National Reassessment Process was in effect.

All those who were evaluated under the National Reassessment Process during the class period may put in a claim for damages to the extent they can provide a specific and detailed showing that they suffered compensable harm as a result of being subjected to an unlawful medical inquiry or having their confidential medical information accessed by unauthorized persons. All class members are eligible for relief under this provision.

Those who were evaluated under the National Reassessment Process during the class period and who wish to file a claim seeking relief from harassment, disparate treatment, or having their reasonable accommodations withdrawn must provide a specific and detailed showing that they were qualified individuals with disabilities at the time of the violation. Those who were evaluated before January 1, 2009 are subject to the definition of disability under the Rehabilitation Act as it existed prior to the enactment of the Americans with Disabilities Act Amendments Act. Those who were evaluated on or after January 1, 2009 are subject to the definition of disability under the Rehabilitation Act as amended by the Americans with Disabilities Act Amendments Act of 2008.

Those who were evaluated under the National Reassessment Process during the class period who wish to file a claim for damages resulting from unlawful harassment must provide a specific and detailed showing that they were qualified individuals with disabilities at the time of their evaluation and that they suffered compensable pecuniary or nonpecuniary harm as a result of the National Reassessment Process.

Those who were evaluated under the National Reassessment Process during the class period who present a specific and detailed showing that they were qualified individuals with disabilities at the time of their evaluation and that they were given a new limited-duty or rehabilitation assignment that resulted in a loss or harm to a term, condition, privilege or benefit of their employment with the United States Postal Service may put in a claim for additional damages and equitable relief to the extent such harm or loss was attributable to such new limited duty or rehabilitation assignment.

Those who were evaluated under the National Reassessment Process during the class period who present a specific and detailed showing that they were qualified individuals with disabilities at the time of their evaluation and who were given a total or partial no work available determination that resulted in being placed into OWCP, having reduced work hours, or otherwise suffering a loss or harm to a term, condition, privilege, or benefit of employment with the United States Postal Service may put in a claim for additional damages and equitable relief to the extent such harm or loss was attributable to receiving the total or partial no work available determination.

Those who were evaluated under the National Reassessment Process and separated, resigned, or retired during the class period, and who wish to file a claim for relief, must present a specific and detailed showing that they were qualified individuals with disabilities at the time of their evaluation and that they were constructively discharged as a result of that evaluation. To prevail, the claimant must establish the three elements established by the Commission to substantiate a claim of constructive discharge: (1) a reasonable person in the complainant's position would have found the working conditions intolerable; (2) conduct that constituted discrimination against the complainant created the intolerable working conditions; and (3) the complainant's involuntary separation, retirement, or resignation resulted from the intolerable working conditions.

After receiving an individual claim, the Agency will issue a final decision on that claim. That decision will include a notice of the right to file an appeal or a civil action within the applicable time limits. The United States Postal Service will not in any manner restrain, interfere, coerce, or retaliate against any individual who exercises his or her right to oppose practices made unlawful by, or who participates in proceedings pursuant to, Federal equal employment opportunity law.

Claims Must Be Mailed to the Following Address:

NEEOISO c/o MSI  
P.O. Box 3787  
Greenwood Village, Colorado 80155