



**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**  
**Washington, D.C. 20507**

**NOTICE TO EMPLOYEES POSTED BY ORDER OF THE EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION**  
**An Agency of the United States Government**

This Notice is posted pursuant to an order by the United States Equal Employment Opportunity Commission dated March 9, 2018 which found that a violation of Section 501 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 791 et seq. has occurred at the United States Postal Service.

Federal law requires that there be no discrimination against any employee or applicant for employment because of the person's RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN, AGE, or PHYSICAL OR MENTAL DISABILITY OR GENETIC INFORMATION with respect to hiring, firing, promotion, compensation, or other terms, conditions or privileges of employment. The United States Postal Service reaffirms its commitment to comply with these statutory provisions.

The United States Postal Service supports and will comply with such Federal law and will not take action against individuals because they have exercised their rights under law.

The United States Postal Service was found to have discriminated against a class of injured-on-duty employees affected by the Commission's finding that, on the basis of disability, they were assessed under the National Reassessment Process and as a result were removed from their modified limited duty or rehabilitation assignments, subjected to disparate treatment and harassment, required to submit to an unlawful medical inquiry, and had their confidential medical information accessed by unauthorized persons.

The Commission has ordered that the Class Agent be retroactively reinstated to her former position, and that she be awarded back pay and other equitable remedies, compensatory damages and attorneys' fees. The Commission has also ordered the Agency to take appropriate corrective measures, including: training those charged with finding adequate work for injured-on-duty employees on their obligations to provide reasonable accommodations and keep medical information confidential under the Rehabilitation Act; ensuring that the procedures utilized to find adequate work for injured-on-duty employees make provision for offering reasonable accommodations and protecting confidential medical information. Finally, the Commission has ordered the Agency to notify class members of their entitlement to individual relief.

The United States Postal Service will ensure that officials responsible for personnel decisions and terms and conditions of employment will abide by the requirements of all Federal equal employment opportunity laws and will not retaliate against employees who file EEO complaints.

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.

Duly Authorized Agency Representative: \_\_\_\_\_

A handwritten signature in blue ink, appearing to read "J. Spawke", written over a horizontal line.

Date Posted: April 9, 2018

Posting Expires: June 8, 2018



March 29, 2018

AREA VICE PRESIDENTS  
AREA MANAGERS, HUMAN RESOURCES  
MANAGER, HUMAN RESOURCES (HQ)  
DISTRICT MANAGERS, HUMAN RESOURCES  
INSPECTORS-IN-CHARGE

SUBJECT: McConnell v. Brennan

I am writing to inform you about a recent decision by the Equal Employment Opportunity Commission (EEOC), Office of Federal Operations (OFO), in the case of *Sandra M. McConnell, et al. v. Megan J. Brennan, Postmaster General, United States Postal Service (McConnell)*. In its decision, the EEOC ordered the Postal Service to post a copy of the attached **Notice (Attachment A)**, at every Postal Service installation.

The *McConnell* case involves allegations that the Postal Service discriminated against a class of permanent rehabilitation and limited duty employees in violation of the Rehabilitation Act when it implemented the National Reassessment Process (NRP) from May 5, 2006, until July 1, 2011. The EEOC recently found in favor of the class, holding that the NRP resulted in employees losing their limited duty or permanent rehabilitation assignments, suffering from disparate treatment, harassment, or an unlawful disability-related medical inquiry, and/or having their confidential medical information accessed by unauthorized persons. The case is now processing through the EEOC's class complaint individual relief phase to determine what, if any, damages class members may be entitled to receive as a result of any alleged discrimination. The attached Notice informs Postal Service employees about the EEOC decision, the Postal Service's obligations under the decision, and employees' rights under the decision.

#### **District and Headquarters Human Resources (HR) Managers**

You will play a critical role in ensuring that the attached Notice is properly posted in our installations and that we have written confirmation of compliance with the EEOC decision's posting requirements. To that end, you will need to provide copies of the attached **Notice and Verification of Posting (Verification) (Attachment B)** to the installation head for each postal installation within your District or at Headquarters or Headquarters installations located in the Field. For District HR Managers, this includes any branches, stations, or other postal installations classified within a single installation. For the Headquarters HR Manager, this includes any installation in the Field that houses Headquarters Field units, such as the Law Department, Sales, Inspection Service, or Office of the Inspector General. You should instruct each installation head to post a copy of the attached Notice in their facility in "all places where notices to employees are customarily posted" by no later than **April 9, 2018**, and to remove the attached Notice no earlier than **June 8, 2018** (according to the EEOC decision, the attached Notice must remain posted for 60 consecutive days).

Please note that the Notice may be posted prior to April 9, 2018, but may not be removed prior to June 8, 2018. You will need to secure completed, signed copies of the Verifications (**Attachment B**) from each installation head. You must track the Verifications that you receive from your

installation heads in the attached **Excel file (Attachment C)**. Within the Excel file, you must provide the following information: (1) name and address for each installation; (2) the name of each installation head; (3) the title for each installation head; (4) the email address for each installation head responsible for posting the Notice; and (5) the date of posting for each District or Headquarters installation, which shall be no later than April 9, 2018. You will also be required to complete and sign the attached **District or Headquarters Declaration (Attachments D or E)**, depending on which is applicable, no later than April 20, 2018, attesting that you have coordinated the posting of the attached Notice at all installations within your District or at Headquarters or Headquarters installations in the Field that are occupied by Headquarters employees, in compliance with the EEOC decision.

*District HR Managers* – once you have completed the attached Excel file and completed the attached District Declaration, you will need to email both documents to your respective Area HR Manager for his/her safekeeping. This task should be completed by no later than April 20, 2018. Please copy William Coutu, Manager, EEO Compliance and Appeals, on your email to your respective Area HR Manager. Mr. Coutu's email address is: [william.c.coutu@usps.gov](mailto:william.c.coutu@usps.gov). Finally, you will need to maintain copies of the completed Verifications indefinitely, once they have been sent to you by the installation heads within your District.

*Headquarters HR Manager* – you will need to maintain your completed Excel file and completed HQ Manager Declaration indefinitely, once they are done, as proof of the Postal Service's compliance with the EEOC decision. Also, please send copies of your completed Excel file and completed Headquarters HR Manager Declaration to William Coutu, Manager, EEO Compliance and Appeals at: [william.c.coutu@usps.gov](mailto:william.c.coutu@usps.gov). Finally, you will need to maintain copies of the completed Verifications indefinitely, once they have been sent to you by the Headquarters installation head and the installation heads for any installation in the Field in which Postal Service Headquarters employees are domiciled.

#### **Area HR Managers**

You will play an important role in monitoring the Notice postings and ensuring that they are completed in a timely manner. To that end, you must work with your District HR Managers to ensure: (1) that the attached Notice is posted in all District installations by the April 9, 2018, deadline; and (2) that the Notice remains posted for the requisite 60 consecutive days in all installations within your respective Areas. Please communicate with your District HR Managers regarding this posting obligation as soon as possible to ensure that you receive all signed District Declarations and completed Excel files by the April 20, 2018, deadline. Once you receive these documents, you must complete and sign the attached **Area HR Manager Declaration (Attachment F)** by April 27, 2018, attesting that you coordinated the posting of the attached Notice at all installations within your Area in accordance with the EEOC's decision in *McConnell*. You must also email your Area Declaration to William Coutu, Manager, EEO Compliance and Appeals, at email address: [william.c.coutu@usps.gov](mailto:william.c.coutu@usps.gov) by no later than April 27, 2018. Your Area HR Manager Declarations will form the basis of our filing with the EEOC verifying that we have complied with its decision. You must retain the District HR Manager Declarations and Excel files indefinitely, as further proof of the Postal Service's compliance with the EEOC decision.

If you have had any turnover in your District HR Manager positions within the last month or two, please ensure that this email message is forwarded to the current permanent or acting District HR Manager. The same goes for any current District HR Managers who will be leaving before this process is complete. Please ensure that in their absence, a high-ranking official within the District receives this email and is designated to oversee posting of the Notice at all facilities within his/her District.