

**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
BALTIMORE FIELD OFFICE**

WILLIAM TSCHAPPAT, ET AL.	)	
A/K/A CHARLEY L., ET AL.	)	EEOC No. 531-2018-00316X
Complainants,	)	
	)	Agency No. 98-05-115
vs.	)	
	)	Administrative Judge
	)	Enechi A. Modu
R. ALEXANDER ACOSTA,	)	
SECRETARY,	)	<b>NOTICE TO CLASS</b>
U.S. DEPARTMENT OF LABOR	)	
Agency.	)	From: Naomi Barry-Peréz, Director
	)	Civil Rights Center

**Class Members:** Individuals over the age of 45 who applied for promotion to GS-018 Safety and Occupational Health Specialist and Safety and Occupational Health Manager positions at the GS-13 and/or GS-14 grade levels from 1994 to the present.

This notice is provided to you pursuant to 29 C.F.R. § 1614.204(e) as a prospective member of the Class as defined by the EEOC on January 27, 2004 and modified by stipulation of the parties in February 2006. Presently, the case is pending before Administrative Judge Enechi A. Modu.

This Class complaint was certified by an Administrative Judge in 2004 against the U.S. Department of Labor, Occupational Safety and Health Administration. The issue to be determined is whether you and/or other members of the Class were discriminated against because of age when you applied for a promotion to Occupational Safety and Health Specialist and/or Occupational Safety and Health Manager positions nationwide, at the GS-13 and GS-14 level from 1994 to the present.

As a Class member, you may not "opt out" of the Class; however, your active participation in the Class is not required and you do not have to file a claim for individual relief. A final decision on the merits or settlement, if any, will be binding on all members of the Class. All Class members will receive notice of any proposed settlement or merit decision, whether or not you participate in the case. All Class members who wish to participate in the Class will have the opportunity to object to any proposed settlement and to file a claim for individual relief in the event discrimination is found.


The Class Agent is William H. Tschappat, a former OSHA employee who is now retired. The attorneys for the Class Agent and the Class are:

Bruce B. Elfvin, Esq. and Stuart G. Torch, Esq.  
Elfvin, Klingshirn, Royer & Torch, LLC  
4700 Rockside Road, Suite 530  
Cleveland, Ohio 44131

Gary M. Gilbert, Esq.  
Gilbert Employment Law, P.C.  
1100 Wayne Avenue, Suite 900  
Silver Spring, MD 20910

Class Counsel have an informational website available:

<http://www.ekrtlaw.com/osha-class-action>. **Class counsel have asked: If you have not already done so, it is imperative that you go to the website and provide a personal email address so that the attorneys representing the class are able to contact you.** The website will be updated with orders and information related to this case. All questions that you have concerning this notice or the complaint of age discrimination should be directed to the attorneys for the Class Agent and Class. You should not contact Agency Counsel because the Class is represented by the attorneys identified above. Neither OSHA staff nor the Department of Labor's attorneys will respond to your inquiries.

  
NAOMI BARKY-PÉREZ  
Director  
Civil Rights Center