

NOTICE OF CERTIFIED CLASS ACTION

Taylor, et al. v. Astrue, Commissioner, Social Security Administration

June 6, 2007

If you are an African-American female who is working, or has worked, in a GS 7-13 position at the United States Social Security Administration national headquarters in Baltimore, MD, at any time since December 9, 2000, and were denied any promotion since that date, there is a class action case which may affect your legal rights.

In accordance with a decision by the U.S. EEOC, you are hereby notified that you have been preliminarily identified as a member of the Class.

A class action case is pending in the Equal Employment Opportunity Commission ("EEOC"), Baltimore Field Office, titled *Taylor, et al. v. Astrue, Commissioner, Social Security Admin.*, EEOC Nos. 120-2003-0304X, 120-2003-0305X; Agency Nos. 03-0224-SSA, 03-0208-SSA. This notice is to inform you of the nature of the case and your potential claims, how you can participate in this proceeding and communicate with Class Counsel, and what you can do if your specific claims are not included in this case.

Who Is Part of the Case?

On May 5, 2006, the EEOC certified a class action complaint filed by the class representatives Paulette Taylor and Debra Harley and ordered the Social Security Administration (SSA or "Agency") to process the complaint in accordance with 29 Code of Federal Regulations 1614.204(e), *et seq.*

You may have received other notice of this lawsuit. This notice supersedes all previous notices. The EEOC ordered SSA to issue a new notice to clarify the claims to be heard in this Class Action. If you have not received other notices, do not be alarmed. This notice contains pertinent information regarding this case and your rights in regard to it. If you have questions regarding your rights, please contact Class Counsel (see page 3 for contact information).

The class is defined as follows:

all African-American females who were employed at the Agency's headquarters in Baltimore, Maryland, including employees working in the Security West and Metro West facilities, but excluding those in the Office of General Counsel and the Office of the Inspector General, in the general schedule grades seven through thirteen (GS-7 through GS-13), after December 9, 2000, who have not been promoted.

The name and location of the organization against which the Class Complaint was filed is the Social Security Administration Headquarters, 6401 Security Boulevard, Baltimore, MD 21235.

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If you are an African-American female employee at SSA's national headquarters in Baltimore who has been denied a promotion since December 9, 2000, you may be included. The certified class includes any such individual at the indicated grade levels who, at any time since December 9, 2000, was denied any promotion at SSA's headquarters, even if, during that time, she also received one or more other promotions.

You are NOT a Class Member in this case if:

- You are not an African-American female; or
- You worked at SSA's National Headquarters *only* in the Office of the General Counsel and/or the Office of the Inspector General since December 9, 2000; or
- You have not worked in a job in General Schedule grades 7 through 13 at SSA's headquarters at any time since December 9, 2000.

What Types of Claims Are Included In This Case?

This case covers all claims that the SSA denied promotions on the basis of race and gender to African-American women who have held jobs in GS 7 through 13 grade levels.

The EEOC's decision in this case, or any other resolution of the case, will be binding on all Class Members with regard to these promotion claims.

What Types of Claims Are Excluded From This Case?

The following claims are excluded from this proceeding:

- Any promotion claim alleging discrimination on any basis which was previously adjudicated or settled in another proceeding.
- Any claim of discrimination regarding an employment decision or action other than promotion.‡
- Any claims regarding denial of promotion on any basis other than race and/or gender.

Such claims are not a part of this case, and Class Counsel does not represent you with regard to them. However, you may continue to pursue those claims in a timely manner as described in 29 C.F.R. 1614. You may want to retain separate counsel to assist you in prosecuting such claims. If you pursue such a promotion claim in a separate proceeding and you *include* the basis of race and/or gender (as well as another basis, such as age, disability, or religion) in the separate proceeding, you cannot also pursue a

‡ In some situations, evidence of race and gender discrimination in matters such as training, awards, and performance appraisal that contributed to denials of promotions may be relevant. Class Counsel can explain this if you have questions.

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claim for the same promotion on the basis of race and gender in this case. On the other hand, if you pursue such a promotion claim in a separate proceeding and you *exclude* the basis of race and/or gender in the separate proceeding, you can pursue a claim for the same promotion on the basis of race and gender in this case. However, you cannot recover twice for the same claim. (*Class Counsel can explain this if you have questions.*)

Who Represents Me in This Case?

The EEOC has appointed **Paulette Taylor** (410-965-4920) and **Debra Harley** (410-965-4891) as **Class Representatives**.

The EEOC has designated as **Class Counsel** the law firms of **Wiggins, Childs, Quinn, & Pantazis, PLLC**, and **Rose & Rose, PC** (collectively "Class Counsel").

If you have any questions regarding your eligibility or status as a Class Member, or whether your claims are included in this case, or how to proceed with your claims, please view Class Counsel's website at <http://www.SSAclassaction.com> and/or contact Class Counsel by telephone, e-mail, or letter. The Administrative Judge's decision certifying the Class, and the decision of the Office of Federal Operations affirming that decision on appeal, are both available on Class Counsel's website, as is the complaint and other pertinent information.

Class Counsel

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Class Counsel's Website: <http://www.SSAclassaction.com>

What Is Happening in the Case?

The case is pending before **Administrative Judge Enechi A. Modu**, at the Baltimore Field Office of the EEOC, 10 South Howard Street, 3rd Floor, Baltimore, MD 21201.

Currently, Class Counsel and the SSA are engaging in discovery, which is an exchange of potential evidence and information that may pertain to the trial. Both sides will be conducting depositions (*i.e.*, taking pre-trial testimony) of Class Members, SSA managers, experts, and others in the coming months.

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| <p style="text-align:center">NOTICE OF CERTIFIED CLASS ACTION <i>Taylor, et al. v. Astrue, Commissioner, Social Security Administration</i></p> |
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The Trial

The trial in this case is scheduled to begin **March 3, 2008, at 10 A.M.**, and may continue through March 31, 2008. The trial before Administrative Judge Modu will be held at the EEOC's Baltimore Field Office, 10 South Howard Street, Baltimore, MD 21201.

The central issue in the trial will be whether the SSA discriminated against the certified Class of African-African women in grades GS 7 – 13 in regard to denials of promotions. This type of hearing is typically called a "liability" trial. Many Class Members will be asked to testify at the trial. If you would like to testify, or if you have information that may be useful to the case, you may contact Class Counsel.

Depending on the outcome of the liability trial, the EEOC may schedule further proceedings to determine whether specific Class Members have been affected by discrimination and, if so, what back pay or damages they are due, if any. If such a second "damages" stage occurs, SSA will send you an additional notice will be sent to Class Members regarding your rights and responsibilities at that stage. Class Counsel would represent you during the "damages" stage of the case as well as during the "liability" stage.

How Can Class Members Participate?

Any Class Member may communicate freely with Class Counsel to obtain information about the litigation, to get answers to questions about her status as a Class Member, to provide evidence or information, or to discuss the case generally. Such communications are confidential and protected by the attorney-client privilege. You may also communicate with the Class Representatives, although you should understand that any such discussion may not be protected by the privilege.

Class Members are not required to do anything at this time to maintain Class Member status. However, Class Members may be requested or even required to testify, either in deposition during the current discovery phase or at trial in March 2008. Class Counsel can explain specifically how you can participate.

What Protections Do Class Members Have If They Participate In The Case?

Title VII makes it illegal for an employer to retaliate against anyone who participates in the case in any way, whether by testifying, providing information or evidence, or simply asking questions or encouraging or giving support to those who do. SSA takes its responsibilities in this regard seriously. Anyone who believes that he or she has been subjected to retaliation for participating in the class action case should bring the matter to the attention of the Office of Civil Rights and Equal Opportunity and/or to the attention of Class Counsel. (END)