

**NOTIFICATION OF CERTIFICATION OF CLASS COMPLAINT BY  
THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
(EEOC), OFFICE OF FEDERAL OPERATIONS (OFO):  
Gerald Lewis v. Dept. of Transportation,  
EEOC No. 310-99-5861X, Agency No. 5-98-5097**

The EEOC has certified the following class action at the Federal Aviation Administration (FAA) Mike Monroney Aeronautical Center (Center), Oklahoma City, Oklahoma:

"Whether the Federal Aviation Administration (FAA) at the Mike Monroney Aeronautical Center (MMAC) in Oklahoma City, Oklahoma discriminated against African-American employees occupying permanent positions during the period of November 1, 1997 to present, who were denied competitive and/or noncompetitive promotion to a GS-5 or higher position due to the disparate impact of subjective promotion practices."

**Class Representative**

KATOR, PARKS & WEISER, P.L.L.C.  
Attn: Jeremy Wright, Esq.  
812 San Antonio St, Suite 100  
Austin, Texas 78701  
(512) 322-0600  
(512) 477-2828 (fax)  
e-mail: FAAclass@katorparks.com

If the issue certified above applies to you and you want to participate in the class, please contact the Class Representative.

**Procedural History**

The class complaint was filed in October 2000. Class certification was denied by the EEOC in August 2003. The Class Agent appealed the EEOC's denial of class certification to the EEOC's OFO. OFO reversed the EEOC decision and certified the class in September 2005. The FAA filed a Request for Reconsideration with the OFO. On November 29, 2005, the OFO denied the FAA's Request for Reconsideration and remanded the case for hearing to the EEOC Dallas District Office. The complaint has been assigned to an Administrative Judge in the EEOC Dallas District Office for further processing.

A copy of the OFO decision is attached.

**Binding Nature of Resolution of the Complaint**

Class members may not “opt out” of the defined class; however, they do not have to participate in the class or file a claim for individual relief. A final decision on the merits of the complaint will be binding on all members of the class. If discrimination is found following a hearing on the merits, the method for determining damages will be made known at that time. Any voluntary resolution of the complaint would be subject to the EEOC’s approval following a period of review and comment by class members. Class members will have the opportunity to object to any proposed settlement. All class member questions should be directed to the Class Representative identified above.

Attachment