

U.S. Department of Labor

Occupational Safety and Health Administration
Hartford Area Office
450 Main Street Room 613
Hartford, CT 06103
Telephone (860) 240-3152
Fax (860) 240-3155



April 8, 2010

Cahill, Goetsch & Maurer, P.C.
Charles Goetsch, Esq.
43 Trumbull Street
New Haven, CT 06510

Re: **National Railroad Passenger Corporation (Amtrak)/** /Case #

Dear Mr. Goetsch:

Thank you for your recent inquiry on March 31, 2010 about filing a whistleblower complaint against your client's employer or former employer. Your complaint could be investigated by the United States Department of Labor, Occupational Safety and Health Administration (OSHA), under several different laws, including: *The National Transit Systems Security Act (NTSSA); the Federal Rail Systems Act (FRSA); Section 11(c) of the Occupational Safety and Health Act (the OSH Act);*

If you elect to pursue your claim under either NTSSA or FRSA, you cannot file your retaliation complaint under any other law, because NTSSA and FRSA require an "election of remedies." Specifically, NTSSA and FRSA provide, "An employee may not seek protection under both this section and another provision of law for the same allegedly unlawful act" of the employer.

For this reason, it is necessary that you advise me under which law you wish your complaint to be investigated by OSHA. Please return the attached election of remedies form to me, or contact me by telephone to make your election, **within 10 calendar days of your receipt of this letter.** An investigation will not commence until we receive this information from you.

Fact sheets about the whistleblower protections available to you *The National Transit Systems Security Act (NTSSA); the Federal Rail Systems Act (FRSA); Section 11(c) of the Occupational Safety and Health Act (the OSH Act);* are enclosed, and are also available on OSHA's Whistleblower Protection Program Web site, <http://www.osha.gov/dep/oia/whistleblower/index.html>.

For additional information about the election of remedies form, or the whistleblower protection laws administered by OSHA, contact Kirk McGee at the Hartford, CT, OSHA Office:

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Hartford, CT 06103
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Please be advised that OSHA cannot provide you with legal advice, and we cannot give you an opinion as to which remedy is best suited to your particular case. If you need a legal opinion or advice, you will need to seek your own legal counsel.

Sincerely,

Kirk McGee, CPP
Investigator
Region 1, Whistleblower Protection Program

Enclosures

Election of Remedies Form
OSHA, NTSSA & FRSA Fact Sheets

U.S. Department of Labor
Occupational Safety and Health Administration

Election of Remedies Form

This form is provided for the assistance of any prospective complainant and is not intended to constitute the exclusive means by which an election of remedies may be made.

Printed Name of Person Filing Complaint:

Mr. _____

Printed Name of Employer, Company or Person Alleged to Have Violated the Acts:

National Railroad Passenger Corporation (Amtrak)

Check One:

[INSERT APPLICABLE CHOICES ONLY]

- I request an investigation by the U.S. Department of Labor, Occupational Safety and Health Administration (OSHA), under the National Transit Systems Security Act (NTSSA).
- I request an investigation by the U.S. Department of Labor, Occupational Safety and Health Administration (OSHA), under the Federal Rail Safety Act (FRSA).
- I request an investigation by the U.S. Department of Labor, Occupational Safety and Health Administration (OSHA), under **[INDICATE APPLICABLE LAWS EXCEPT NTSSA and FRSA]**.
- I request an investigation by the **[State Plan agency]** under **[State Plan OSH discrimination law and citation]**.

Signature

Date

Within 10 calendar days, you must advise OSHA of your election, either orally, by mail, or by fax, by contacting:

Kirk McGee, Investigator, USDOL/OSHA
450 Main Street Room 613
Hartford, CT 06103
Phone (860) 240-3152
Fax (860) 240-3155