



MEMO To The Branch 2184 Leadership Council, Sept. 13, 2022

Walt McGregory
Jackie McGregory
Darryl Clay
Mel MacDonald
Cathy Tondreau
Jim Powell
Phil Ashford
Tracy Mitchell
Gloria Warthen
Felicia Davis
Leonard Zawisa
Dave Reise
Erik Venzke
Joe Golonka
Kris Shaw
Mark Owen
Scott Russell
Ryan Zyngier
Bryon Hendricks
Jillian Hudgins
Symone Coleman
Yvonne Jackson
Karl Tamburro
Damon Green
Shaun Fowlkes
Marwan Ghotemi
Chanel Harrison
Lillian Bogosian
Scherrie Lacey
Scherkeira Wells
Scott Watts
Valerie Watkins
Elizabeth Bays
Tamara Bosman
Kristie Nelson
Diego Forshaw
Otis Barney
Keith Benedict
Victor Siemiesz
William Douglas
Jeffrey Webb
Nakia Whitfield
Katrina Jones
Ananias Epps
Ramon Robinson
Denise Viola
Paul Bordine
Mike Tredway
Danita Hill

This month's Leadership Council Memo begins with an administrative update concerning Branch 2184 matters. Our next membership meeting is scheduled for Wednesday, October 5 at 7:30 p.m. This meeting will be conducted online by use of WebEx. To participate, contact Branch Executive Vice President Jackie McGregory at (313) 412-0028, or ravier7498@gmail.com. Provide your name, the office you work at or retired from, and the email address you want to use for the WebEx link to log in. The link will be sent at least two days prior to the meeting. The Branch website (NALC2184.org) also has a telephone number and access code if you want to participate in the meeting telephonically.

Our convention delegates should be aware that the cycle of required membership meeting attendance for the purposes of funding requirements for next year's Michigan State Association of Letter Carriers convention is currently in progress. To be eligible for any convention funding, a delegate must attend at least 7 of the previous 10 regular membership meetings immediately prior to the convention, per Article XII, section 5(c) of our Branch Bylaws.

There will be a steward meeting on Tuesday, October 18 at 7:00 p.m. This meeting will also be conducted online by use of WebEx. Stewards should also be aware that attendance and participation in the Region 6 Training conducted by National Business Agent David Mudd's office will count as credit for October steward meeting participation. Finally, the October executive board meeting is scheduled for Monday, October 24 at 7:30 p.m. This is a week sooner than usual and is due to the occurrence of Halloween on Monday, October 31.

Despite sending a somewhat smaller delegation (23 delegates) to the NALC's 72nd Biennial Convention than was the case with other recent union National conventions, Branch 2184 actively participated in the proceedings and we left Chicago with extensive information and updates to assist our representation of letter carriers all areas of the job. Convention delegates will be utilizing our meetings and our publication to provide reports during the next few months about convention workshops they attended.

The NALC's 73rd biennial convention is scheduled to take place in Boston, Massachusetts on August 5 – 9, 2024. **Delegates attending this convention must be nominated at the time of our next nominations process for Branch officers, stewards, and delegates for the next (2024-2026) term of office.** This will take place at the regular membership meeting scheduled for Wednesday, October 4, 2023. An election of convention delegates will occur only if the number of delegates nominated exceeds the number allotted to Branch 2184.

Also at the recent National convention, longtime NALC President Frederic Rolando announced that he would not be seeking another term. Nominations were taken for all National officer positions and an election will take place for those positions which were contested. **All active and retired NALC members**

will be receiving a mail ballot for this election, and everyone is encouraged to participate.

Of additional note, our NALC Region 6 (Kentucky-Indiana-Michigan) National Business Agent David Mudd was unopposed for re-election and thus he will serve a four-year term of office as our NBA. Congratulations to David, and we in Branch 2184 look forward to continuing our long-established excellent working relationship with the NALC Region 6 office.

Plymouth steward and Formal Step A designee Tamara Bosman has been selected by the NALC National office to attend Dispute Resolution Process (DRP)/Dispute Resolution Team (DRT) Step B training, taking place from September 26-30 at the Bolger Center in Potomac, Maryland. Congratulations to Tamara! Her selection is a testament to her work and to Branch 2184's stellar Contract enforcement reputation. Taylor steward and Formal Step A designee Keith Benedict has also applied for DRT Step B training, and we look forward to his future selection.

As noted above, our NALC National Business Agent David Mudd and his two Regional Administrative Assistants Kyle Inosencio and Ronnie Roush will be conducting the annual Region 6 (K.I.M. Region) training next month. This will take place in Covington, Kentucky at the Northern Kentucky Convention Center on October 8 through October 10, the Columbus Day/Indigenous Peoples Day holiday weekend. Branch 2184 will be well represented at this valuable annual event as we will be sending 26 attendees. Registration and lodging arrangements at the Marriott Hotel RiverCenter in Covington have been made by the Branch for our attendees.

For those that have not been there, Covington is directly across the Ohio River from Cincinnati, Ohio. Travel time by car from the Branch 2184 office to Covington is about 4 hours, and is 255 miles from the Branch 2184 office. Although classes will be conducted on both Saturday and Sunday, October 8 and 9, the full slate of 14 class offerings is available on Sunday and thus our attendees are only required to be there on Sunday and Monday, October 9 and 10.

Branch 2184 injury compensation specialist Erik Venzke has requested that every active Branch 2184 officer and steward sign up for an ECOMP account, and to please do so ASAP. ECOMP (Employees' Compensation Operations and Management Portal) is available to every active USPS employee, and you do NOT need to have a current or past on the job injury claim to do so. In this manner, you will be familiar with the ECOMP portal and sign-up process and thus can more readily assist our members with doing so. Erik will speak more about this subject at the September steward meetings.

The Postal Service in many Branch 2184 offices as well as elsewhere often attempts to impose a "30-day rule" for medical updates with letter carriers have limited or light duty restrictions on their work due to on or off the job injuries or illnesses. Management also attempts to apply this policy in situations where a carrier has an 8-hour daily or 40-hour weekly work restriction. However, the basis for this is largely due to a misconception and it is even mythical in nature. NALC Regional Workers Compensation Assistant David Miller has composed a response to the "30-day" update requirement, which appears as an additional document accompanying this Leadership Council memo. Branch 2184 contract enforcers should read and then keep this information handy for use in grievances if and when necessary.

Management in one of our offices deleted a carrier's previously approved "no lunch" because the carrier went a few minutes into overtime. However, they had no contractual basis or other authority to do this. Stewards, always keep in mind that a carrier's request for a "no lunch" and its approval have nothing whatsoever to do with whether they work overtime on the day of the request. **Approval of an employee's "no lunch" is NOT conditional on the employee working only 8 hours on a given workday.** Any claims by management to the contrary should be immediately challenged through the grievance procedure.



Memo

To: Branch 2184 Stewards and Officers

From: Joe Golonka, Branch 2184 Contract Administration Unit

Date: 09/02/2022

Re: Medical Documentation Updates, Limited and Light Duty as well as 8/40 (no overtime)

Background: USPS management in many Branch 2184-represented offices as well as throughout the United States frequently tries to impose a mandatory "every 30-days" timeframe for medical updates with letter carriers that have medical restrictions on their work duties due to job related (limited duty) as well as non-job related (light duty) injuries or illnesses. This update mandate is also frequently imposed on letter carriers that have 8-hour daily or 40-hour weekly work restrictions from their physicians.

Although it is reasonable for the employer to require periodic medical updates, the "30-day" mandate is unsupported contractually, other than a long-existing misapplication of the Employee and Labor Relations Manual (ELM) section 865.2, which states that "When employees take intermittent or reduced schedule leave, management can request a return-to-work clearance for such absences up to once every 30 days **if reasonable safety concerns exist regarding the employee's ability to perform his or her duties due to the medical condition in issue.**" That language clearly limits 30-day updates to situations where legitimate safety concerns exist with reduced schedules or intermittent leave, and it is not basis for blanket update requirement of any specific timeframe.

NALC Regional Workers Compensation Assistant (RWCA) David Miller has composed a response to the "30-day" update policy, which follows. These arguments and accompanying citations should be used in grievances challenging the imposition of a 30-day medical update mandate on a letter carrier.

The "30-day rule" is a misconception or rather a myth.

There are really only a couple of requirements, in writing, that spell out the frequency that can or cannot be implemented for injuries. **For a work-related OWCP approved injury, 20 CFR 10.506 reads, "The employer may also contact the employee at reasonable intervals to request periodic medical reports addressing his or her ability to return to work."**

The question is, what is a reasonable interval? If the physician says that he/she wants to see you for an exam again in 6 months and your restrictions are good until then, the employer cannot require you to go to a doctor for updated restrictions until that appointment. The physician determines what intervals you should be examined and treated. If they do order you to go to a doctor, follow their instructions but file a grievance. I would request a cease and desist and even argue that the USPS should be responsible for the payment of the bill rather than OWCP, per EL-505 Section 6-8 that reads, in part:

The USPS pays medical bills for the following:

- First-aid cases treated by USPS contract medical providers.
- Management directed medical services, e.g., FFDs, consultative examinations, and tests.

If the USPS wants updated medical restrictions, they can contact your physician directly to request them. EL-505 provides in Section 6-3:

Contacting the Treating Physician — ICCO

* When the USPS medical provider or OHNA is unable to do so, contact the treating physician if additional information is needed because of inconsistencies relative to the employee's duty status or if there are incomplete medical reports. (ELM 545.62) The designated control point may contact the treating physician if clarification is needed following the initial examination.

***When making such contacts, ensure the following:**

- **USPS personnel and the staff of USPS contract medical providers are not interfering with the medical care prescribed by the employee's attending physician.**
- **Inquiries are limited to information regarding the medical condition of the employee, or the employee's ability to return to full or limited duty.**

*When communicating with the treating physician, professionally present the pertinent facts and request the treating physician's medical opinion.

*Contact the treating physician when requesting a new CA-17, updating medical progress. Ensure that the following are accomplished:

- Document any change in duty status authorized by the treating physician.
- When duty status information is given, issue a new CA-17 with a cover letter, requesting the treating physician to confirm the information in writing.
- Send copies of such correspondence to the employee and to the OWCP district office, and forward copies of the physician's response to both, once it is received.

Additionally, there is a Step 4 Settlement (M-01437) pertaining to light duty (non-work-related injury) requirements to update medical documentation every 30 days that reads, "The parties agree that the local practice of requiring an automatic update of medical information every 30 days is contrary to the intent of Article 13 and, therefore, will be discontinued."

I believe this Step 4 clearly shows the intent of the parties is that a 30-day rule is inconsistent with the collective bargaining agreement.



RECEIVED

APR 6 2001

Mr. William H. Young
Executive Vice President
National Association of Letter
Carriers, AFL-CIO
100 Indiana Avenue, NW
Washington, DC 20001-2144

CONTRACT ADMINISTRATION UNIT
N.A.L.C. WASHINGTON, D.C.

SON-SC-C 89452
Re: H90N-4H-C 96029235
Class Action
Sarasota, FL 34230-9998

Dear Mr. Young:

Recently our representatives met in prearbitration discussions of the above-referenced grievance.

The issue in this grievance is whether a local "blanket policy" requiring an update of medical information every 30 days to continue in a light-duty assignment is a violation of Article 13 of the National Agreement.

After reviewing this matter, we mutually agreed that while no national interpretive issue is fairly presented in this case, the issue is resolved as follows:

The parties agree that the local practice of requiring an automatic update of medical information every 30 days is contrary to the intent of Article 13 and, therefore, will be discontinued. Consistent with the provisions of Article 13.4.F. of the National Agreement, an installation head may request an employee on light-duty to submit to a medical review at any time: *The installation head shall review each light duty reassignment at least once each year, or at any time the installation head has reason to believe the incumbent is able to perform satisfactorily in other than the light duty assignment the employee occupies. This review is to determine the need for continuation of the employee in the light duty assignment. Such employee may be requested to submit to a medical review by a physician designated by the installation head if the installation head believes such examination to be necessary.*

Please sign and return the enclosed copy of this decision as your acknowledgment of your agreement to settle this case, removing it from the national arbitration listing.

Sincerely,

Doug A. Tulino
Manager
Labor Relations Policies
and Programs

William H. Young
Executive Vice President
National Association of Letter Carriers,
AFL-CIO

Date: 4-09-2001

- Data analysis, route evaluation and adjustment, jointly conducting all carrier consultations and ensuring all resulting data is properly recorded and unit records are updated. Carrier consultations may be conducted in person, via video communications or telephonically.
- Immediately refer to the district lead team any issue the route evaluation and adjustment team is unable to resolve.
- Forwarding to the district lead team copies of all data and adjustments. Copies should be electronic when available.
- Ensuring the evaluation and adjustments are completed within prescribed time limits.

Local Office Contacts - Local office contacts will be selected by Delivery Operations at Headquarters, in consultation with the District Manager or designee, and by the Branch President or designee. The local office contacts will be provided information on their duties and responsibilities and will discuss these tasks with their assigned route evaluation and adjustment team prior to performing local office contact tasks.

The local office contacts are responsible for providing the route evaluation and adjustment team the following information:

- Local issues relevant to route evaluation and adjustment.
- Completed Local Office Contact Pre-Evaluation Questionnaire.
- A current seniority list.
- Current or anticipated vacancies and information regarding replacement carriers.
- Potential data integrity issues regarding Management Operating Data System (MODS) code entries, modifying time clock entries in TACS, auxiliary assistance tracking, work hour transfers, etc.
- Where appropriate, reasons why the selected review periods may not be valid for evaluation.
- Notification, as far in advance as practicable, when either local office contact will not be available to perform his/her responsibilities, including the name of his/her replacement.
- All PS Form 3999 data when requested.
- Designated back-up representatives.

Local office contacts are also responsible for the following:

- Reading and becoming familiar with all agreements related to the process.
- Jointly informing the route evaluation and adjustment team on the progress of the completion of valid and representative PS Forms 3999 when requested by the route evaluation and adjustment team.
- Ensuring the PS Form 3999 process is followed at the local level.

- Assisting the route evaluation and adjustment team with territory adjustments. The local office contacts may also jointly select someone with knowledge of the territory to provide this assistance.
- Providing carriers their routes' evaluated time, prior to the adjustment consultation.
- Providing carriers copies of any amended PS Form(s) 1840 Reverse if changes were made after the adjustment consultation by the route evaluation and adjustment team.

The district lead team may, by mutual agreement, assign additional tasks to a specific pair of local office contacts, on an individual, case-by-case basis.

Issue Resolution

The issue resolution process will be used to resolve issues related to the Technology Integrated Alternate Route Evaluation and Adjustment Process. Team members at all levels should consult this document prior to elevating any unresolved issue. The steps and time frames for elevating unresolved issues are as follows:

