



M-01146

UNITED STATES POSTAL SERVICE
475 L'Enfant Plaza, SW
Washington, DC 20260

October 14, 1983

Mr. William Burrus
Executive Vice President
American Postal Workers
Union, AFL-CIO
817 14th Street, NW
Washington, D.C. 20005-3399

ARTICLE	19
SECTION	ELM
SUBJECT	OWCP

Re: M. Biller
Washington, D.C.
H1C-NA-C-74

Dear Mr. Burrus:

On October 5, 1983, we met to discuss the above-captioned national level grievance.

The American Postal Workers Union has maintained that the U. S. Postal Service is returning injured employees to duty under the OWCP Rehabilitation Program but, in doing so, is not complying with provisions of Section 341.1 of the Personnel Operations Handbook (P-11) which require that such assignments must be made ". . . in accordance with any collective bargaining agreement." In submitting this issue as an interpretive dispute at Step 4 of the grievance procedure, the union further maintained that Article 30 of the 1981 National Agreement permits locals to negotiate a number of items. The items specifically referenced in this instance are set forth in Article 30 as items numbered 15, 16 and 17, all of which pertain to light duty assignments.

During our discussion, you indicated that the union's purpose in submitting this matter to Step 4 was to raise the following question: Are limited duty employees covered by the collective bargaining agreement? As I indicated during our discussion, the answer to that question is set forth in Section 546 of the Employee and Labor Relations Manual (ELM). Specifically, 546.2 provides as follows:

Reemployment under this section will be in compliance with applicable collective bargaining agreements. Individuals so reemployed will receive all appropriate rights and protection under the applicable collective bargaining agreement.

In view of the foregoing, I do not believe that our respective organizations have a dispute over this issue. Where reemployment occurs under the circumstances described in Section 546, such reemployment must be in keeping with the provisions of any applicable collective bargaining agreements.

Sincerely,



George S. McDougald
General Manager
Grievance Division
Labor Relations Department