

American Postal Workers Union, AFL-CIO

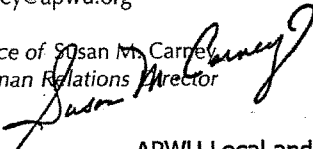
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Memorandum

1300 L Street, NW
Washington, DC 20005



From the Office of Susan M. Carney
Human Relations Director

TO:  APWU Local and State Presidents

DATE: January, 2007

SUBJECT: UPDATE: USPS National Reassessment Process (NRP)

In a meeting held on December 14, 2006 all postal unions and associations were informed by the Postal Service that their "National Reassessment Process" (previously called "Outplacement") was implemented nationwide effective November 6, 2006. The USPS estimates that 33,707 limited duty and rehab employees will be "reassessed". All USPS Districts are currently in *Phase 1* of this national expansion.

As you recall, the Postal Service piloted this program in three Postal Service Districts (Long Island, San Diego, and Western New York). According to information provided by the Postal Service a total of 1077 limited duty and rehabilitation employees were evaluated (308 belonged to APWU crafts). Of that number 168 were told that there was no longer any medically suitable work available for them, and they were referred to OWCP (42 belonged to APWU crafts). To our knowledge, all of these employees are receiving wage loss compensation from OWCP. We expect that most of them will eventually be placed in OWCP's vocational rehabilitation program for reemployment into another federal agency or most probably, the private sector.

As stated above, *Phase 1* of the NRP should currently be underway in all Postal Service Districts. The USPS has informed us that this initial phase consists basically of the following actions: establishing a light duty sop; identifying all limited duty/rehab employees; updating medical information as necessary (no blanket policy); and verifying that the current written job offer accurately reflects the work being performed. **It is important to note that the USPS states that no "make work"/ "necessary work" determinations are to be made during *Phase 1*.**

As Districts complete this *Phase 1* process, injury compensation personnel at the Postal Service Area level will review District action and verify, as appropriate, that all of the required *Phase 1* action has been completed. The Area personnel will then notify USPS Headquarters that a particular District is now ready to begin *Phase 2* of the NRP. The Postal Service informs us they are establishing an Area "roll out plan". They assert the APWU will be notified of the roll out, along with the details of the *Phase 2* implementation sometime in January. Based on what they've already explained, it is our expectation that a maximum of 3 Districts in each Area will simultaneously implement *Phase 2*, which would include evaluating "the necessity" of specific job duties, interviewing the partially recovered employee, and then either renewing their existing job offer, providing a new job offer or referring the employee to OWCP.

We expect that the District implementation in *Phase 2* will reflect the process which was established in the pilot programs:

- An ELM 546, "Reassignment or Reemployment of Employees Injured on Duty" Checklist will be completed by Postal Service operations personnel for each partially recovered employee. The craft which is indicated on the employee's Form 50 will be the craft which will first be reviewed for suitable employment.

- All rehab jobs will be reviewed by the Postal Service in order to determine if the employee is "properly" placed, i.e. in a rehab job which is medically suitable, in compliance with the restoration language in 5 CFR 353, the language in ELM 540 (especially the "pecking order" in 546.142) and EL 505, and, using what the APWU believes is an inappropriate criteria, whether the employee is performing "necessary" work.
- Postal Service personnel will make a decision as to whether to make a rehab job offer.
- An "interactive" interview will be held with the impacted employee. Each employee may bring someone with them to this interview.
- If a job offer is made, the partially recovered employee may be asked if there are additional duties which they believe they can perform. USPS operations personnel will be contacted regarding the possible addition of these duties. If no job offer is made, the partially recovered employee should identify for the record, duties which they can perform.
- In addition, if the employee has any non-work related medical restrictions, then medical documentation can be provided at this time in order to have these additional restrictions evaluated. (Ideally, employees would have already provided such non-work related medical restrictions when they updated their medical documentation earlier in the process.)
- An employee will have 14 days to accept or reject the job offer. If the employee wants the job offer to be reviewed by his or her treating physician, but such review cannot be completed in 14 days, then the employee should contact their supervisor and request an extension. Reasonable requests will be granted.
- The local union will have prior notification of the District's implementation of *Phase 2* of the NRP. Notification of the date of specific interviews will be provided to both the Local and the impacted employee approximately one week before the date of their interview.
- At the interview, employees who are not given job offers will be provided with a *CA Form 2a*, "Recurrence of Disability", a *CA Form 7*, "Claim for Compensation", and then they will be sent home.

APWU Local and State officers are asked to keep the APWU national office informed when *Phase 2* of this reassessment process is implemented in their USPS District.

Even though the Postal Service insists that this national reassessment process will not violate any contractual or handbook language, we are concerned that Postmasters and Supervisors will not make good faith efforts to find medically suitable employment as required and that seniority rights might be ignored when injured employees are reassigned. We are also concerned that the Postal Service's application of a standard commuting area may limit the availability of rehab jobs.

The Postal Service has also told us that under the protocols of their NRP, the new rehab job offers will consist only of "necessary" work, i.e. work for which there is an operational need. This position is inconsistent with the one which they advanced in a national arbitration case in 2002. In that case the Postal Service testified that rehab jobs are **not** intended to meet operational needs. We would expect that at some point this inconsistency will become an issue between the APWU and the Postal Service. In the referenced arbitration case (Das, E90-C- 4E C 95076238) the Postal Service argued that:

Creation of duty assignments is based on management's operational needs. The present [rehabilitation] assignment, in contrast, was only created because of the Postal Service's legal, contractual and regulatory obligation to reassign or reemploy an employee who is injured on the job. This assignment did not exist before the employee was injured and otherwise would not have been created by management, because no need for an Article 37 duty assignment existed... [and] When the injured employee vacates the assignment, it will no longer exist.

Arbitrator Das was persuaded by the Postal Service's argument and in his findings stated that:

The [rehabilitation] assignment in question consists of a number of clerk duties - a subset of duties included in the standard position description of General Clerk. That does not detract from the fact that it is uniquely created as a rehabilitation assignment. As the Postal Service stresses, this assignment would not have existed, but for the obligation to find work for the injured employee... The rehabilitation assignment in question was not created to meet the operational needs of the Postal Service.

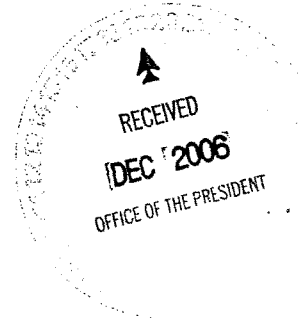
It is important to remember that all existing handbook and manual language still applies. No controlling language has been formally changed, and every assignment is supposed to be made on a case by case basis after an individualized assessment. We emphasize the fact that each decision regarding the availability of medically suitable employment must be based on the specific fact circumstances unique to each employee. Blanket or wholesale reassignments are clear violations of both applicable language and the Postal Service's stated position.

The Human Relations Department has prepared a reference document, "When a Limited Duty/Permanent Rehabilitation Assignment is Withdrawn", that should be useful in determining what action an injured employee and/or the local union can take if the Postal Service determines that there is no medically suitable work available for an employee. This document is available on the APWU website at "Human Relations / Federal Injury Compensation / USPS Reassessment Process / [Read More]."

LABOR RELATIONS



December 18, 2006



Mr. William Burrus
President
American Postal Workers
Union, AFL-CIO
1300 L Street, NW
Washington, DC 20005-4128

Dear Bill:

Enclosed is the information requested during the December 14 meeting on the National Reassessment Process (NRP). During this meeting, you were briefed on Phase 1 of the NRP. The Phase 1 implementation materials were also presented to you. All District Offices are now in Phase 1 of the initiative. A similar briefing will be conducted in the near future on Phase 2 of the NRP.

If you have any questions, please contact Zana Dakroub at 202-268-6170.

Sincerely,

A handwritten signature in black ink that appears to read "A.J. Johnson".

A.J. Johnson
Manager

Labor Relations Policy and Programs

Enclosure

PERFORMANCE CLUSTER SUMMARY

NAP October FY 2007

PFC	NAME	LTD	R	Total
A - NEW YORK METRO				
006	CARIBBEAN	43	34	77
070	NORTHERN NEW JERSEY	363	120	483
088	CENTRAL NEW JERSEY	171	72	243
100	NEW YORK	386	62	448
105	WESTCHESTER	98	37	135
110	TRIBORO	419	80	499
117	LONG ISLAND	257	51	308
B - NORTHEAST				
018	MASSACHUSETTS	238	130	368
020	BOSTON	204	76	280
028	SE NEW ENGLAND	337	91	428
030	NEW HAMP./VERMONT	93	72	165
040	MAINE	129	69	198
060	CONNECTICUT	181	110	291
120	ALBANY	236	79	315
140	WESTERN NEW YORK	96	71	167
C - EASTERN				
080	SOUTH JERSEY	241	77	318
150	PITTSBURGH	234	68	302
164	ERIE	80	22	102
170	CENTRAL PA	198	57	255
190	PHILADELPHIA	609	215	824
250	APPALACHIAN	122	48	170
400	KENTUCKIANA	218	89	307
430	COLUMBUS	151	108	259
440	NORTHERN OHIO	647	232	879
450	CINCINNATI	402	173	575
E - WESTERN				
590	BIG SKY	70	47	117
800	COLORODA/WYOMING	435	356	791
840	SALT LAKE	86	59	145
852	ARIZONA	140	162	302
890	NEVADA-SIERRA	139	40	179
970	PORTLAND	249	46	295
980	SEATTLE	470	197	667
990	SPOKANE	242	40	282
995	ALASKA	33	26	59
500	HAWKEYE	101	145	246
553	NORTHLAND	289	33	322
570	DAKOTAS	34	9	43
640	MID-AMERICA	124	175	299
680	CENTRAL PLAINS	72	144	216
L - HEADQUARTERS				
		14	0	14

PFC	NAME	LTD	R	Total
F - PACIFIC				
900	LOS ANGELES	720	118	838
913	SIERRA COSTAL	631	213	844
920	SAN DIEGO	391	338	729
926	SANTA ANA	652	199	851
940	SAN FRANCISCO	583	286	869
945	BAY VALLEY	780	162	942
956	SACRAMENTO	479	202	681
967	HONOLULU	37	20	57
G - SOUTHWEST				
870	ALBUQUERQUE	163	48	211
700	LOUISIANA	580	157	737
720	ARKANSAS	96	46	142
730	OKLAHOMA	101	333	434
752	DALLAS	1,374	239	1,613
760	FORT WORTH	457	118	575
770	HOUSTON	722	139	861
780	RIO GRANDE	404	95	499
H - SOUTHEAST				
300	ATLANTA	219	189	408
310	SOUTH GEORGIA	108	70	178
320	NORTH FLORIDA	231	112	343
327	CENTRAL FLORIDA	182	96	278
330	SOUTH FLORIDA	787	117	904
335	SUNCOAST	328	309	637
350	ALABAMA	142	164	306
370	TENNESSEE	326	148	474
390	MISSISSIPPI	54	46	100
J - GREAT LAKES				
530	LAKELAND	335	269	604
630	GATEWAY	233	168	401
460	GREATER INDIANA	224	277	501
480	SOUTHEAST MICHIGAN	631	79	710
481	DETROIT	326	147	473
493	GREATER MICHIGAN	139	92	231
600	NORTHERN ILLINOIS	364	197	561
604	CENTRAL ILLINOIS	346	39	385
606	CHICAGO	235	201	436
K - CAPITAL METRO				
200	CAPITAL	241	239	480
210	BALTIMORE	250	238	488
220	NORTHERN VA	147	150	297
230	RICHMOND	252	113	365
270	GREENSBORO	385	94	479
280	MID CAROLINAS	198	79	277
290	GREATER SO CAROLINA	78	57	135

NATIONAL SUMMARY 23,582 10,125 33,707

LABOR RELATIONS



December 12, 2006

Susan M. Carney
Director, Human Relations
American Postal Workers
Union, AFL-CIO
1300 L Street, N.W.
Washington, DC 20005-4128

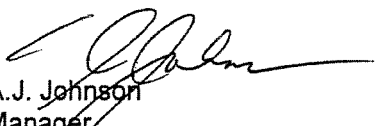
Dear Ms. Carney:

This is in response to your November 15 correspondence requesting information on the completed pilot phase of the National Reassessment Process (NRP).

Enclosed is the information you requested.

If you have any concerns, please contact Zana Dakroub at (202) 268-6170.

Sincerely,


A.J. Johnson
Manager
Labor Relations Policy and Programs

Enclosure

Western NY

<u>Craft</u>	<u>Evaluated Number</u>	<u>Referred to OWCP</u>
City Carriers	147	37
Clerks	123	22
Mail Handlers	34	1
Maintenance	13	0
Managers/Supervisors	2	0
MVS	1	0
Rural Carriers	24	7
VMF	5	0
Casuals	1	0
Unknown	<u>1</u>	<u>0</u>
Total	351	67

NY Metro

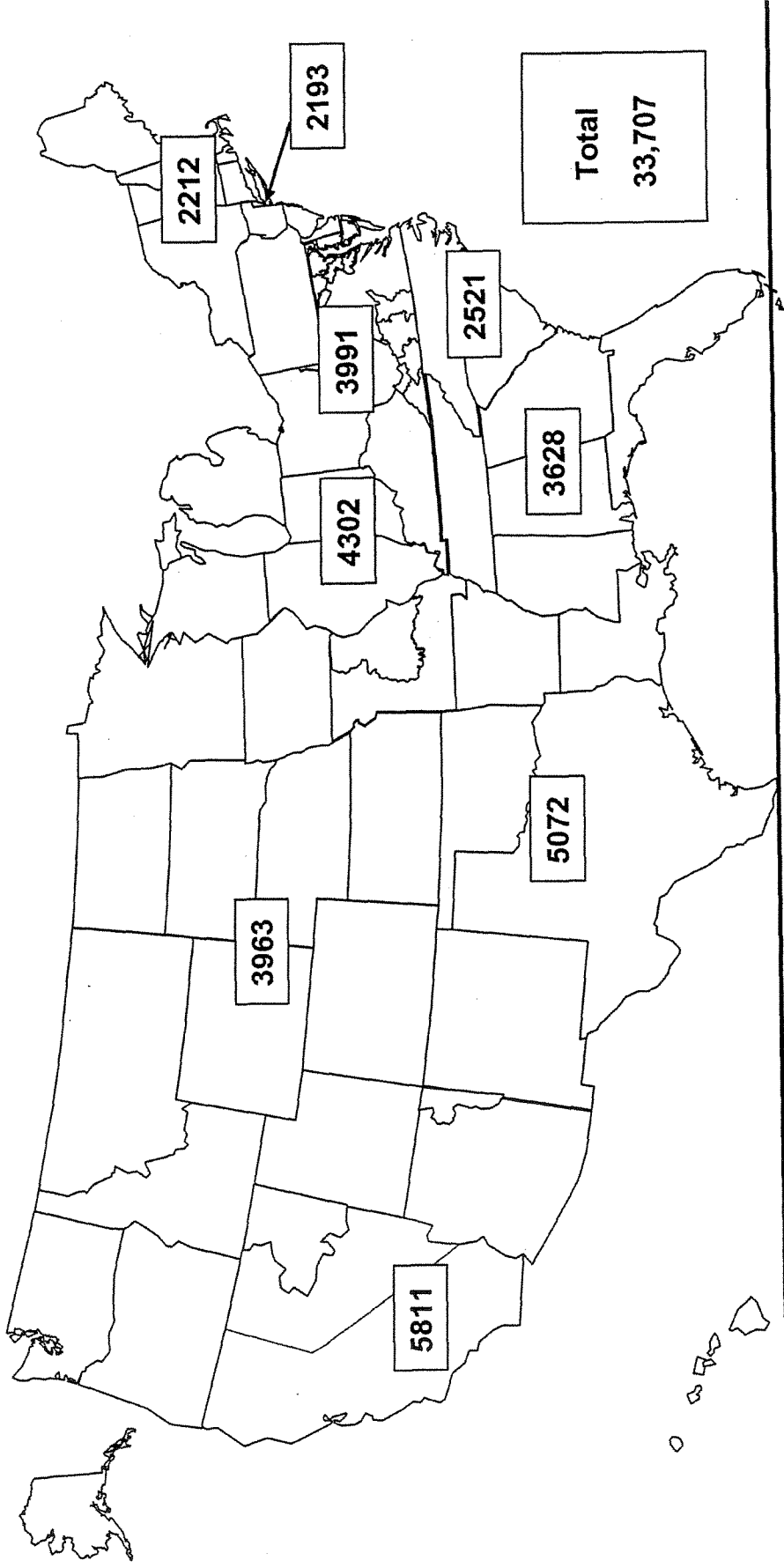
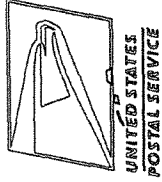
<u>Craft</u>	<u>Evaluated Number</u>	<u>Referred to OWCP</u>
City Carriers	327	54
Clerks	11	0
Mail Handlers	5	0
Maintenance	0	0
Managers/Supervisors	1	1
MVS	0	0
Rural Carriers	0	0
VMF	0	0
Casuals	0	0
Unknown	<u>0</u>	<u>0</u>
Total	344	55

San Diego

<u>Craft</u>	<u>Evaluated Number</u>	<u>Referred to OWCP</u>
City Carriers	197	22
Clerks	141	19
Mail Handlers	12	4
Maintenance	9	1
Managers/Supervisors	4	0
MVS	5	0
Rural Carriers	4	0
VMF	0	0
Casuals	3	0
Unknown	<u>7</u>	<u>0</u>
Total	382	46

U.S. Postal Service

Rehabilitation and Limited Duty



This slide and the slides that follow are graphical images of the regions that the slide describes.

NATIONAL REASSESSMENT PROCESS (NRP) PHASE 1 OVERVIEW

RESPONSIBLE TEAM MEMBER	ACTION	DESCRIPTION	OUTCOME
STEP 1 - DISTRICT INJURY COMPENSATION	Tab files	The District IC Specialists will tab all files of employees with medical restrictions capable of and/or currently working a rehabilitation position or limited duty assignment.	All limited duty and rehabilitation files have been tabbed and the Manager, IC (D) notifies the NRP area team leader the step has been completed.
STEP 2 - (AO) INJURY COMPENSATION SPECIALIST (NAP)	Transfer NAP workbook to NRP workbook	NAP Area IC team leader will transfer the NAP worksheets to the respective worksheets of the NRP workbook.	Once completed, the NRP_workbook.xls will be used as the active workbook for both the NAP and the NRP for monthly reporting .
STEP 3 - (AO) MANAGER, INJURY COMPENSATION, (AO) MEDICAL FUNCTION REPRESENTATIVE AND (AO) OPERATIONS TEAM LEADER	Meet with District senior management and present the National Reassessment Process (NRP) Phase 1	The Area Team (and HQ team for each area's first meeting) will meet with the senior management of each district and present the NRP Phase 1.	The senior management will have been briefed on the NRP Phase 1 process, the steps required to be accomplished by the district staff and the requirement for the light duty SOP and tracking.
STEP 4 - DISTRICT INJURY COMPENSATION	Identify limited duty and rehabilitation employee cases requiring a medical review	The District IC staff will review the most recent medical for every limited duty and rehabilitation employee and determine if a possible updated medical is required.	All IC files will have been reviewed by the IC staff and where necessary, on a case by case basis, the files identified as possibly requiring a medical update will have been referred to the district medical staff for review.
STEP 5 - DISTRICT MEDICAL AND INJURY COMPENSATION STAFFS	Review all files identified in step 4 and make a determination if a medical update is required	The medical staff must determine based on the treating physicians diagnosis, type of injury, etc. if a medical update is required. In conjunction with the Manager, IC, the "request for medical update" (NRP P1_p24 - limiteddutyupdate.doc) or (NRP P1_p27 rehabilitationupdate.doc) must be utilized to request the medical update.	All required updates for medical information will be initiated by the district medical and IC staffs.

NRP P1_overview final2.xls

11/10/2006

NATIONAL REASSESSMENT PROCESS (NRP) PHASE 1 OVERVIEW

RESPONSIBLE TEAM MEMBER	ACTION	DESCRIPTION	OUTCOME
STEP 6 - DISTRICT MEDICAL, INJURY COMPENSATION AND LABOR RELATIONS	Follow-up on medical update requests	Follow-up on all medical update requests, update NRP workbook when the new medicals are received. Send second requests and determine appropriate action to be taken for those who fail to comply.	A follow-up will be completed on all "requests for medical update" identified in step 5. Appropriate action will have been initiated on requests not yet returned.
STEP 7 - DISTRICT ASSESSMENT TEAM (OPERATIONS, INJURY COMPENSATION, MEDICAL)	Verify current job offer	The District Assessment Team (DAT) will verify the current job offer matches the tasks being performed. Form 50's need to be verified and must reflect the current assignment.	All job offers will have been verified as correct or adjusted. Form 50's will reflect current assignment.
STEP 8 - DISTRICT MEDICAL AND LABOR RELATIONS STAFF	Commence light duty SOP and tracking	The District Labor Relations staff will ensure a light duty SOP is in effect, if not, one must be implemented. The plan must include the action that all light duty decisions and medical documentation must be sent to the medical unit to be tracked.	Once this step is completed, all employees in the district working light duty will be identified and tracked.
STEP 9 - DISTRICT MEDICAL STAFF	Identify veteran preference eligible employees in light duty assignments	While performing step 8, the Medical staff should review the medical records of all identified light duty employees to further identify any veteran preference eligibility.	The Medical staff will have identified any veteran's preference employees working a light duty assignment.
STEP 10 - DISTRICT INJURY COMPENSATION STAFF	Update NRP workbook with veteran preference eligibility code	The District IC staff, using D254 and/or Form 50 information will research all limited duty and rehabilitation employees to determine their veterans preference eligibility code.	NRP workbook will be updated with all veteran preference code information.

NATIONAL REASSESSMENT PROCESS (NRP) PHASE 1 OVERVIEW

RESPONSIBLE TEAM MEMBER	ACTION	DESCRIPTION	OUTCOME
STEP 11 - DISTRICT INJURY COMPENSATION STAFF	Create NRP Activity files	Create a NRP Activity file for all limited duty and rehabilitation employees, ensuring all documents listed on the checklist are included in the file.	Manager, IC (D) must notify the Area IC team leader when all NRP Activity files have been created.
STEP 12 - AREA INJURY COMPENSATION TEAM	File review	Review both the IC file and the NRP Activity file for all limited duty and rehabilitation employees verifying the information in the NRP Activity file is complete and accurate in order for the team to accurately reassess this employee. The MMI date tabbed in the Injury Compensation file must be verified as the earliest date of MMI.	The District and Area assessment teams will have completed the NRP Phase 1.
STEP 13 - MANAGER INJURY COMPENSATION (AO)	NRP Phase 1 compliance and completion. HQ notification	The Area IC team will review the NRP Phase 1 action items for 100% compliance using the checklist. All aspects of the NRP Phase 1 must be verified as completed. Once verified, the Manager IC (AO) will notify the HQ team leader that the District has completed NRP Phase 1.	NRP Phase 1 has been completed and verified.

NATIONAL REASSESSMENT PROCESS

PHASE 1 - CHECKLIST

P.C.	Insert PC Name	Date	Initials
Step 1	All active Limited Duty and Rehabilitation files have been tabbed.	<input type="text"/>	<input type="text"/>
Step 2	NAP workbook has been transferred to NRP workbook	<input type="text"/>	<input type="text"/>
Step 3	Senior Management meeting		
	a. Area Operations TL and Manager Injury Compensation (AO) will schedule a meeting with the District Manager to discuss NAP and introduce NRP	<input type="text"/>	<input type="text"/>
	b. Meeting conducted as per NRP Pre-Implementation SOP	<input type="text"/>	<input type="text"/>
	c. After completion of meeting, the Memo to Managers has been sent	<input type="text"/>	<input type="text"/>
Step 4	Injury Compensation staff has reviewed files and indicated files requiring medical review	<input type="text"/>	<input type="text"/>
Step 5	Medical Updates		
	a. Medical has reviewed all files indicated in Step 4	<input type="text"/>	<input type="text"/>
	b. Medical and IC have sent letters to treating physician and employee respectively as required (medupdate.doc)	<input type="text"/>	<input type="text"/>
	c. NRP workbook has been updated indicating all updated medical requests initiated	<input type="text"/>	<input type="text"/>
Step 6	Follow-up on all update medical requests		
	a. NRP workbook has been updated on updated medicals that have been returned	<input type="text"/>	<input type="text"/>
	b. Second requests have been initiated on update medical requests not yet received	<input type="text"/>	<input type="text"/>
	c. Administrative action addressed on all failures to respond to second requests	<input type="text"/>	<input type="text"/>
	d. FINAL; All medicals requiring an update have been received	<input type="text"/>	<input type="text"/>
Step 7	DAT has verified all modified assignments/positions match: most current medical tasks being performed Form 50 information	<input type="text"/>	<input type="text"/>
Step 8	Light Duty SOP and tracking have been established	<input type="text"/>	<input type="text"/>
Step 9	All Light Duty veteran preference eligible and USERRA protected employees have been identified and the Light Duty tracking workbook has been updated	<input type="text"/>	<input type="text"/>
Step 10	All Limited Duty and Rehabilitation employee Veteran Preference Codes have been entered on the NRP workbook	<input type="text"/>	<input type="text"/>
Step 11	NRP Activity files have been created for all Limited Duty and Rehabilitation employees. The NRP Activity files are secured and stored in alphabetical order	<input type="text"/>	<input type="text"/>
Step 12	All IC and NRP Activity files have been reviewed by the Area Office and verified correct	<input type="text"/>	<input type="text"/>
Step 13	The Manager IC (AO) has notified HQ the NRP Phase 1 has been completed	<input type="text"/>	<input type="text"/>

United States Postal Service

National Reassessment Process

Phase 2

February 15, 2007

NATIONAL REASSESSMENT PROCESS (NRP) PHASE 2, SEARCH PROCESS

RESPONSIBLE TEAM MEMBER	ACTION	DESCRIPTION	OUTCOME
STEP 1 - HQ IC Team Leader	Meet with Area and first selected District NRP teams	Train the area and first selected District NRP teams on the phase 2 Search process of the NRP and also an overview of the entire Phase 2 process	Area NRP and first selected District NRP teams will be prepared to initiate the NRP phase 2 search process
STEP 2 - Area NRP Team	Meet with District senior staff	To introduce and initiate NRP Phase 2 and to confirm full support and District NRP team implementation	District Senior Management will have been briefed on Phase 2 Search and Job Offer processes
STEP 3 - District Senior Management; Area and District Injury Compensation Team Leaders, Operations Team Leaders and Managers Labor Relations	Schedule and hold a meeting with representatives of all unions associated with the district	To inform the unions the NRP Phase 2 will be initiated	All unions will have been briefed on the NRP process - Phase 2
STEP 4 - Area Injury Compensation Team Leader, (D) Injury Compensation staff	Update and adjust NRP workbook	Update and adjust the NRP workbook to have all MMI employees listed on the rehabilitation tab and the non-MMI employees listed on the limited duty worksheet	NRP workbook will be prepared for Phase 2 implementation of the NRP
STEP 5 - Area NRP Team	Conduct a meeting with District NRP team to cover the NRP Phase 2	Conduct a meeting with District NRP team to introduce the District NRP Operations team members to the NRP process. Necessary work will be defined and discussed	District Operations NRP team members will have canvassed all offices/facilities within their area of responsibility to identify and list all identified necessary work

NATIONAL REASSESSMENT PROCESS (NRP) PHASE 2, SEARCH PROCESS

RESPONSIBLE TEAM MEMBER	ACTION	DESCRIPTION	OUTCOME
STEP 6 - Area and District NRP Team	Prepare Local Commuting Area (LCA) documentation	The Area and District NRP teams will identify the LCA and prepare the LCA documentation for each installation.	Area and District NRP Teams will have determined the LCA for the installations of all MMI employees
STEP 7 - Area NRP Team	Meeting with district NRP team	Meeting to commence 546 searches for all (MMI less than one year) employees. Every reasonable effort must be made to identify potential rehabilitation modified positions for all MMI less than one year employees within the Local Commuting Area (within the district boundaries).	District NRP team members will have been introduced and conducted the 546 searches for all MMI less than one year employees within the LCA (within the district boundaries), following the 546.142 procedures.
STEP 8 - Area and District NRP Teams	Meeting with district NRP team	Meeting to commence 546 searches for all (MMI greater than one year) employees. Every reasonable effort must be made to identify potential rehabilitation modified positions for all MMI greater than one year employees within the local commuting area (within the district boundaries).	District NRP team members will have been introduced and conducted the 546 searches for all MMI greater than one year employees within the LCA (within the district boundaries), following the 546.142 procedures.
STEP 9 - Area and District NRP Teams	Conduct a meeting with all District Operations Team members	Hold a meeting to discuss the status of all MMI employees	The Search process of NRP Phase 2, within the District boundaries, will have been completed on all MMI employees

NRP Phase 2 - Search Step 1

RESPONSIBLE TEAM MEMBER(S):

- Headquarters Injury Compensation Team Leader

ACTION – Meet with the Area and first selected District NRP Teams to present and train the teams on all aspects of the NRP Phase 2 Search process. This step will be completed by the Area NRP Team in remaining Districts.

Meeting Attendees / Area and District:

- Injury Compensation
- Operations
- Manager, Human Resources
- Legal
- Labor Relations
- Medical
- EEO

Train the Area and first District NRP Teams on the NRP Phase 2 Search process. An overview of the entire Phase 2 process will also be covered.

OUTCOME:

The Area and District NRP teams will be prepared to initiate the NRP Phase 2 Search process.

NRP Phase 2 - Search Step 2

RESPONSIBLE TEAM MEMBER(S):

- Area NRP Team

ACTION: Meet with District senior staff – schedule meeting with Senior District Management and District Assessment Team

1. The purpose of this meeting is to initiate NRP Phase 2 and to confirm full District NRP team implementation and commitment as identified in the HRM memo to Senior District Management.

- Cover the steps that will be taken during the Phase 2 Search and Job Offer processes.
- Discuss in depth, the senior staffs responsibility in the final decision and sign-off of the definition of necessary work and the job offer process. Provide copies of the necessary work worksheet and also the 546 sign-off document.
- Present the District Manager with the Memo to managers. Request the District Manager sign the Memo and send it to all Postmasters, Managers and Supervisors.
- Present the District Manager with the employee service talk and request that it be sent out to the field to be read and posted following the meeting with the unions (Step 3).

OUTCOME:

District Senior Management will have been briefed on Phase 2 Search and Job Offer processes.

XXXX PERFORMANCE CLUSTER
Necessary Work Identification Worksheet

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Part 1 – Installation Information

Installation Name / Tour / Pay Location	Zip Code	Installation Phone No.
Finance Number	Name of Supervisor Completing Worksheet (Please Print)	
Date Worksheet Completed/Signed	Signature of Supervisor Completing Worksheet	

Part 2 – Necessary Work Identification

<u>Duty/Task/Activity</u>	<u>Amount of Time</u>
(Ex.) Aux. Route 89	5 hours daily
(Ex.) Retail Services, cover lunches	2 hours Sat. only

Signature of Sr. Management / Date



Date:

MEMO TO ALL MANAGERS/SUPERVISORS

Subject: NATIONAL REASSESSMENT PROCESS (NRP) PHASE 2

As a follow-up to my Memo to you dated XX/XX/XXXX (insert date of first memo to Mgrs), our Performance Cluster (PC) is required to conduct a Limited Duty and Rehabilitation National Reassessment Process (NRP) review. This review is directed at ensuring injured employees are working in assignments that support the employee's recovery plan as well as fortify organizational goals. Over the next few months, a task force team consisting of Area and District subject matter experts will continue to conduct a comprehensive review of all rehabilitation and limited duty assignments in the PC (and other sites if applicable).

The involvement of operations management as the primary stakeholders is the key to the short and long term success of this process. PC team members include individuals from Injury Compensation, Medical, Labor Relations, and Operations. Attached is a list of the representatives of our Performance Cluster for this initiative.

The basis of this review is to ensure all Limited Duty and Rehabilitation employees have;

- a current medical and job offer on file
- tasks currently being performed match the job offer and are within the medical restrictions
- Form 50 is proper for the assignment

Our Performance Cluster has concluded Phase 1 of the process and will now be commencing Phase 2. We fully support this process by committing to make every effort at placing our employees in necessary assignments at every opportunity. In the event work within the Postal Service is not identified, employees will be referred to the Office of Workers' Compensation Programs (OWCP) for placement on the compensation rolls. While in this status, an employee may be placed in the OWCP Vocational Rehabilitation Program.

It is imperative that the message from all members of management regarding this process is informative and not inflammatory. Management is instructed not to make emotional statements such as, "Personally, I would like to accommodate you but...". This kind of message would be confusing and misleading to any employee. The message must be clear: the decision regarding all assignments is based on the work capabilities of each employee and the availability of necessary work.

I am confident this process will ensure that all rehabilitation and limited duty assignments now and in the future will be based on operationally necessary tasks while capitalizing on the work capabilities of our skilled injured employees. It is important as we proceed through Phase 2 that the NRP representatives from our Performance Cluster receive your full support, cooperation, and immediate action when required.

XXX
District Manager

Stand Up Talk – National Reassessment Process



Reassessment Process

Our district is now initiating the Postal Service's National Reassessment Process. This process is focused on reviewing all rehabilitation and limited duty assignments, task by task to ensure all assignments are operationally necessary.

As our operations become more automated, both in the plant and in customer services, it is becoming more difficult to provide productive and necessary work to employees with medical restrictions. A team of management members from operations, medical, labor relations, and injury compensation functions here in the cluster was established to complete the process of identifying such work and placing employees with medical restrictions in these assignments. All assignments are based on a review of current medical restrictions; strict adherence and compliance with Postal and Federal policy/regulations as well as the collective bargaining agreements.

In the event work within the Postal Service is not identified, employees will be referred to the Office of Workers' Compensation Programs (OWCP) for placement on the compensation rolls. While in this status, receiving compensation from OWCP, an employee may be placed in the OWCP Vocational Rehabilitation Program. However, these employees also have other options such as using sick leave or annual leave or possibly applying for disability retirement or regular retirement if they are eligible.

This process is currently addressing injured-on-duty employees who have reached maximum medical improvement or where their condition has been ruled to be permanent. The ongoing steps of the process will address injured-on-duty employees who do not yet have permanent conditions or where they have not yet reached maximum medical improvement (limited duty assignments).

As our staffing needs continue to change, we are increasingly experiencing situations where sufficient productive or necessary assignments to accommodate injured employees are more difficult to find. We take our responsibility to all employees very seriously and will work with these employees to ensure they are afforded all rights under the Federal Employees Compensation Act.

NRP Phase 2 – Search Step 3

RESPONSIBLE TEAM MEMBER(S):

Area and District Office

- District Sr. Management
- Manager Injury Compensation
- Injury Compensation Team Leader
- Operations Team Leaders
- Manager Labor Relations

ACTION – Immediately schedule a meeting with representatives of all unions associated with the district. Labor Relations determines who to invite from the unions (NBA, Local Presidents, etc.)

The purpose of this meeting is to inform all unions that the NRP, Phase 2 is being initiated in the Performance Cluster.

- Provide a copy of the signed Memo to Managers and also a copy of the employee service talk.

OUTCOME:

All designated unions will have been briefed on the NRP Search Process – Phase 2.

NRP Phase 2 -- Search Step 4

RESPONSIBLE TEAM MEMBER(S):

- District Injury Compensation staff
- Area Injury Compensation Team Leader

ACTION – Update and adjust the NRP workbook.

1. Update the NRP workbook and have all MMI employees listed on the Rehabilitation worksheet and the non-MMI employees listed on the Limited Duty worksheet.
2. This workbook will be provided to the HQ NRP Injury Compensation Team Leader.

OUTCOME:

The NRP workbook will be prepared for Phase 2 implementation of NRP.

NRP Phase 2 – Search Step 5

RESPONSIBLE TEAM MEMBER(S):

- Area NRP Team

ACTION – Conduct a meeting with the District NRP team to cover the NRP Phase 2 and discuss necessary work. Go over the Necessary Work worksheet and answer any pertinent questions on the definition of necessary work or the completion of the worksheet.

- Necessary Work is defined as any tasks that are determined by management as necessary for an operation and/or function. Necessary tasks are office or facility specific and must be approved by senior management.
1. Send an electronic copy of the Necessary Work worksheet to all District Operation team members.
 2. The District NRP Operations team members will then begin canvassing their respective offices/facilities/tours for necessary work.
 3. Within a one week timeframe, the District Operations team will complete the Necessary Work worksheet for all the offices/facilities within their area of responsibility.
 4. Obtain a sign-off on all Necessary Work determinations from District Senior Management
 5. Identify and set next meeting date.

OUTCOME:

District Operations team members will have canvassed all the offices/facilities within their area of responsibility to identify and list all identified necessary work.

NRP Phase 2 - Search Step 6

RESPONSIBLE TEAM MEMBER(S):

- Area NRP team – Injury Compensation
- District NRP team – Injury Compensation

ACTION - The Area and District NRP teams will start preparing the Local Commuting Area (LCA) documentation for the installations represented by all employees listed on the Rehabilitation Worksheet of the NRP workbook.

- This is a two step process that includes determining the LCA for a specific installation and then determining all the installations that fall within the LCA for a specific installation.
- A copy of the LCA by installation must be placed in the activity file for all employees with MMI who work in that respective installation.

OUTCOME:

Area and District NRP Teams will determine the LCA for the installations of all MMI employees.

NRP Phase 2 – Search Step 7

RESPONSIBLE TEAM MEMBER(S):

- Area NRP team

ACTION – Meeting with the District NRP Team – MMI less than one year

1) A meeting with the District NRP Team will be held to present the team with the activity files and to discuss and commence the 546 searches for all rehabilitation employees. Explain USPS Restoration Rights obligation: Up to Agency Wide Search

- The first part of the meeting will be used to discuss the 546.142 process and the required documentation. The 546 Sign-off sheet will be covered and discussed as a minimum documentation, with notes of all actions properly documented. Logs of any phone calls or emails must also be kept, listing who the call/email was with, date and response.
- Every reasonable effort must be made to identify a potential Rehabilitation Modified Position for all MMI less than one year employees within the local commuting area within the boundaries of the district. When a potential Rehabilitation Modified Position has been identified, proceed to number 2. of this step.
- The 546.142 search for MMI less than one year employees will take place in the following sequence over the next week.

MMI less than one year employee 546.142 process:

- | | | | |
|-----|--------------|-------------|---------------|
| • a | same craft | same tour | same facility |
| • b | change craft | same tour | same facility |
| • c | same craft | change tour | same facility |
| • d | change craft | change tour | same facility |

When going outside the facility, the search will expand to the LCA within the district boundaries, as determined by the LCA documentation in the shadow file determined in the prior step of this process.

- | | | | |
|-----|--------------|-------------|-----------------|
| • e | same craft | same tour | change facility |
| • f | change craft | same tour | change facility |
| • g | same craft | change tour | change facility |
| • h | change craft | change tour | change facility |

2) If a district is not successful in locating a Rehabilitation Modified Position for any employee in the MMI less than one year category, they must contact the Area and Headquarters NRP Team Leaders for assistance in expanding the search beyond the District boundaries.

NRP Phase 2 – Search Step 7

- 3) The Operations team member submits the Proposed Duties for Rehabilitation Modified Position worksheet to the employee's supervisor to identify a potential Rehabilitation Modified Positions.
 - The Operations team member will instruct the supervisor to complete the worksheet for a potential rehabilitation modified position and return it to the Operations team member as-soon-as-possible.
- 4) The worksheet must be completed by the supervisor listing the identified necessary tasks and the average approximate time for each identified task. The supervisor must include as much information as possible in order to assist the District NRP Team in completing the formal Rehabilitation Modified Position job offer.
- 5) The Operations team member verifies proposed duties against necessary tasks identified by the supervisor against installation/facility necessary tasks master list.
 - Operations team member makes changes to tasks based on the review and confirms this information with the employee's supervisor.
 - Injury Compensation verifies assignment is in accordance with the ELM 546
 - Medical verifies tasks are within current medical limitations
- 6) Operations team member confirms changes with the employee's supervisor providing an explanation of necessary tasks for that installation/facility.
- 7) Upon completion, proceed to NRP Phase 2, Job Offer, Step 1

OUTCOME:

All MMI less than one year employees will have an identified draft Rehabilitation Modified Position.

NRP Phase 2 – Search Step 8

RESPONSIBLE TEAM MEMBER(S):

- Area and District NRP Teams

ACTION – Meeting with District NRP Team – MMI greater than one year

1. A meeting will be held with the District NRP team to commence the 546 searches for all MMI greater than one year employees. Every reasonable effort must be made to identify potential rehabilitation Modified Positions for all greater the one year MMI employees. The search will continue within the local commuting area, within the district boundaries.
2. Instruct the District NRP Operations Team members that they will be commencing the 546.142 “pecking order” for all MMI greater than one year employees. Over they course of the next week; they will continue the search until completed. During each step of the 546.142 “pecking order”, every reasonable effort must be made to identify a potential Rehabilitation Modified Position expanding to the local commuting area, within the district boundaries. When a potential Rehabilitation Modified Position has been identified, proceed to #3 of this step. Upon completion of this step, NRP Operations Team members will be able to document that every reasonable effort was given in attempting to identify potential rehabilitation Modified assignments for all MMI employees greater than one year, within the LCA of the district boundaries.

- | | | | |
|-----|--------------|-------------|-----------------|
| • a | same craft | same tour | same facility |
| • b | change craft | same tour | same facility |
| • c | same craft | change tour | same facility |
| • d | change craft | change tour | same facility |
| • e | same craft | same tour | change facility |
| • f | change craft | same tour | change facility |
| • g | same craft | change tour | change facility |
| • h | change craft | change tour | change facility |

- 3) The Operations team member submits the Proposed Duties for Rehabilitation Modified Position worksheet to the employee’s supervisor to identify a potential Rehabilitation Modified Positions.

- The Operations team member will instruct the supervisor to complete the worksheet for a potential rehabilitation modified position and return it to the Operations team member as-soon-as-possible.

NRP Phase 2 – Search Step 8

- 4) The worksheet must be completed by the supervisor listing the identified necessary tasks and the average approximate time for each identified task. The supervisor must include as much information as possible in order to assist the District NRP Team in completing the formal Rehabilitation Modified Position job offer.
- 5) The Operations team member verifies proposed duties against necessary tasks identified by the supervisor against installation/facility necessary tasks master list.
 - Operations team member makes changes to tasks based on the review and confirms this information with the employee's supervisor.
 - Injury Compensation verifies assignment is in accordance with the ELM 546
 - Medical verifies tasks are within current medical limitations
- 6) Operations team member confirms changes with the employee's supervisor providing an explanation of necessary tasks for that installation/facility.
- 7) Upon completion, proceed to NRP Phase 2, Job Offer, Step 1

OUTCOME:

Within the guidelines of the 546.142 "pecking order", searches to identify potential Rehabilitation Modified Positions for all greater than one year MMI employees will have been completed, within the LCA District boundaries.

NRP Phase 2 – Search Step 9

RESPONSIBLE TEAM MEMBER(S):

- Area and District NRP Teams

ACTION – Conduct a meeting with all District Operations Team members.

Hold a meeting to discuss the 546.142 search process and to thoroughly discuss those employees where the District NRP team was unable to identify a potential rehabilitation Modified Position within the LCA for the facility within the district boundaries, for employees who have reached MMI.

- During this meeting, the Area NRP Team must verify all documentation was properly completed.

OUTCOME:

Search process of NRP Phase 2, within the district boundaries, will have been completed on all MMI employees.

NATIONAL REASSESSMENT PROCESS (NRP) PHASE 2 JOB OFFER PROCESS

RESPONSIBLE TEAM MEMBER	ACTION	DESCRIPTION	OUTCOME
<p>STEP 1 - Manager Injury Compensation (D) and District Operations team members</p>	<p>The Operations team member submits the DAT approved Proposed Duties for Rehabilitation Modified Position worksheet to the senior manager for approval</p>	<p>The Operations Team member submits the DAT approved Proposed Duties for Rehabilitation Modified Position worksheet to the Senior Manager for approval. The Senior Manager approves or modifies the worksheet and returns it to the Operations team member</p>	<p>A potential Rehabilitation Modified Position has been identified, submitted and approved by a senior manager</p>
<p>STEP 2 - District Injury Compensation staff and Operations Team Leads</p>	<p>Prepare formal Rehabilitation Modified Position offer and Rehabilitation Modified Position description</p>	<p>Complete the formal Rehabilitation Modified Position offer and the Rehabilitation Modified Position description</p>	<p>The formal Re-employment/Reassignment Rehabilitation Modified Position offer and position description has been completed</p>
<p>STEP 3 - District NRP Team members (Operations and Injury Compensation) and District Labor Relations Team Member</p>	<p>Prepare an interview schedule to present/discuss the proposed Re-employment / Reassignment Rehabilitation Modified Position offer</p>	<p>In conjunction with the NRP team members for the employee (Injury Compensation, Labor Relations and Operations) prepare a schedule to discuss and present the Rehabilitation Modified Position offer. Prepare and mail the employee and the Union notification letters</p>	<p>The interview schedule has been completed and the employee and the Union have been notified</p>
<p>STEP 4 - District NRP Team</p>	<p>Conduct Re-employment / Reassignment Rehabilitation Modified Position offer interview</p>	<p>As per the interview script for Rehabilitation Modified Position offers, complete interactive interview with the employee</p>	<p>The employee interview and presentation of a Re-employment / Reassignment Rehabilitation Position Offer has been completed</p>

NATIONAL REASSESSMENT PROCESS (NRP) PHASE 2 JOB OFFER PROCESS

RESPONSIBLE TEAM MEMBER	ACTION	DESCRIPTION	OUTCOME
<p>STEP 5 - District NRP Team members, Manager Injury Compensation, District NRP Labor Relations Representative</p>	<p>Track and follow-up to ensure response to Rehabilitation Modified Position offer</p>	<p>Two weeks after the interview, ensure the employee has responded to the Rehabilitation Modified Position offer</p>	<p>A follow-up has been conducted on the employee's acceptance or refusal of Rehabilitation Modified Position offer</p>
<p>STEP 6 - (D) Manager Injury Compensation</p>	<p>In coordination with the new job offer installation, Injury Compensation will complete and send the Report to Duty Notification 11.11a to the employee</p>	<p>When Rehabilitation Modified Position offer is accepted, Injury Compensation will coordinate with new installation head the appropriate reporting date and complete and send the employee the Report to Duty Notification 11.11a</p>	<p>Action has been initiated to formally place the employee in their new Rehabilitation Modified Position</p>

NRP PHASE 2 JOB OFFER, STEP 1

RESPONSIBLE TEAM MEMBER(S):

- Manager Injury Compensation (D)
- Operations team members

ACTION - The Operations team member submits the DAT approved Proposed Duties for Rehabilitation Modified Position worksheet to the senior manager for approval.

Senior managers are identified as direct reports to the District manager (POOM, Plant Manager, large city Postmaster, etc).

- If the senior manager approves the tasks assigned as necessary, the worksheet is signed as approved. The worksheet is returned to the operations team member for continuation of this process.
- If the senior manager does not approve the tasks assigned as necessary, those particular items are crossed out and the form is returned to the operations team member in order for the worksheet to be returned to the supervisor. The supervisor and the operations team member should again make every reasonable attempt to identify a new Rehabilitation Modified Position using additional necessary tasks.
- The Operations Team Member will provide the worksheet and all relevant documents to the Manager, Injury Compensation.

OUTCOME:

A Potential Rehabilitation Modified Position has been identified, submitted and approved by a senior manager.

NRP PHASE 2 JOB OFFER, STEP 2

RESPONSIBLE TEAM MEMBER(S):

- District Injury Compensation staff
- Operations Team Leaders

ACTION - Upon receipt of approved Proposed Duties for Rehabilitation Modified Position worksheet, the Injury Compensation staff will prepare a formal Re-employment / Reassignment Rehabilitation Modified Position offer.

1. Normally the Rehabilitation Modified Position offer would be used. There are some variables however, which could alter the requirements for initiating the Rehabilitation Modified position as proposed.

If the Rehabilitation Modified Position offer is dependent on any of the below listed variables, use the appropriate letter.

- Training Qualification: the proposed Rehabilitation Modified Position is contingent upon passing a required training/qualification.
 - Detail Backfill: this proposed Rehabilitation Modified Position is available as a result of a long-term detail assignment of another Rehabilitation Modified employee.
 - Training Qualification and Detail Backfill: this proposed Rehabilitation Modified Position is available as a result of a long-term detail assignment of another Rehabilitation Modified employee and is contingent upon passing a required training/qualification.
2. Injury Compensation must complete the formal Re-employment/Reassignment Rehabilitation Modified Position offer and position description with assistance from the Operations Team Leader.
 3. Injury Compensation must update the NRP workbook with the date the Re-employment / Reassignment Rehabilitation Modified Position offer was prepared.

OUTCOME:

The formal Re-employment/Reassignment Rehabilitation Modified Position offer and position description has been completed.



Date: (INSERT INTERVIEW DATE)

«NAME1» «NAME2»
«OFFICE»
«PAY LOC»

SUBJECT: Reemployment/Reassignment Offer

OWCP Claim number: «OWCPNo»
Date of Injury: «DOI»

Based on the results of your «Type_of_most_recent_med_doc» dated «Med_dated» and reassessment of available necessary tasks, we are offering you the following rehabilitation modified position:

«New_Craft»
«EmpStatus_Code_FT_PTF_PTR»

<u>«New Position Title»</u>	<u>«New LevelStep»</u>	<u>«Salary»</u>	
Title	Level/Step	Salary	
<u>«New Work Facility Name»</u>	<u>«Tour»</u>	<u>«Duty Hours»</u>	<u>«Days Off»</u>
Location	Tour	Time	Days Off

The duties of the proposed Rehabilitation Modified position are outlined on the attached position description and are in strict compliance with your medically defined work limitations. These limitations are noted below:

«Physical_Restrictions»

Additional Restrictions/Comments:

The proposed rehabilitation Modified position is presently available as of this date, «Interview_Day_Date». Please indicate your acceptance or refusal of this Rehabilitation Modified Position offer by signing in the appropriate space below and returning no later than fourteen (14) days following receipt of this letter, «JO_Due_Date_14_days_from_issue». A self-addressed return envelope is enclosed for your convenience.

Acceptance: If you decide to accept this position offer, you will continue to have the opportunity to bid to other positions, as well as apply for competitive selection positions that you believe you can perform the essential functions, with or without accommodation.

Refusal: If you refuse to accept this reemployment/reassignment offer, we will so advise the Office of Workers' Compensation Programs (OWCP) for whatever action they deem necessary. Further entitlement to compensation benefits may be affected.

Continued.....

Initial here _____

If you believe that this position is not a proper restoration, you may be entitled to appeal to the Merit Systems Protection Board (MSPB) as outlined in 5 C.F.R. § 353. Such an appeal must be submitted to the MSPB within 30 days after the date of this offer or 30 days after the date of reemployment/reassignment, whichever is later.

Should you have any questions before making a decision, you may contact me at the number below.

«Current_pl_Supvr_Name»
«Current__Supv_Title»
«Current_Supv_Ph»

Attachment: Position Offer Description

cc: IC File
OWCP District Office

I accept this job offer: _____ (Signature) _____ (Date)

I refuse this job offer: _____ (Signature) _____ (Date)

Reason/s for refusal of this job offer:



**Rehabilitation Program Position Description for
«NAME1» «NAME2»**

TITLE: «New_Position_Title»
LOCATION: «New_Work_Facility_Name»
TOUR: «Tour» («Duty_Hours»)

Duties to Be Performed

«Duties_to_Be_Performedtime_performed_1»

Physical Activity Required to Perform Duties

«Physical_Activity_Required_to_Perform_D»

Environmental Factors

«Environmental_Factors_118a»

Other Factors



Date: (INSERT INTERVIEW DATE)

«NAME1» «NAME2»
«OFFICE»
«PAY LOC»

SUBJECT: Reemployment/Reassignment Offer

OWCP Claim number: «OWCPNo»
Date of Injury: «DOI»

Based on the results of your «Type_of_most_recent_med_doc» dated «Med_dated» and reassessment of available necessary tasks, we are offering you the following Rehabilitation Modified position:

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<u>«New Position Title»</u>	<u>«New LevelStep»</u>	<u>«Salary»</u>	
Title	Level/Step	Salary	
<u>«New Work Facility Name»</u>	<u>«Tour»</u>	<u>«Duty Hours»</u>	<u>«Days Off»</u>
Location	Tour	Time	Days Off

The duties of the proposed Rehabilitation Modified position are outlined on the attached position description and are in strict compliance with your medically defined work limitations. These limitations are noted below:

«Physical_Restrictions»

Additional Restrictions/Comments:

The proposed position is presently available as of this date, «Interview_Day_Date» and is contingent upon you passing the following training/qualification: «Type_of_Training_Required». Please indicate your acceptance or refusal of this rehabilitation Modified position offer by signing in the appropriate space below and returning no later than fourteen (14) days following receipt of this letter, «JO_Due_Date_14_days_from_issue». A self-addressed return envelope is enclosed for your convenience.

Acceptance: If you decide to accept this position offer, you will continue to have the opportunity to bid to other positions, as well as apply for competitive selection positions that you believe you can perform the essential functions, with or without accommodation.

Refusal: If you refuse to accept this reemployment/reassignment offer, we will so advise the Office of Workers' Compensation Programs (OWCP) for whatever action they deem necessary. Further entitlement to compensation benefits may be affected.

Continued.....

Initial here _____

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«Current__Supv_Title»
«Current_Supv_Ph»

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cc: IC File
OWCP District Office

I accept this job offer: _____ (Signature) _____ (Date)

I refuse this job offer: _____ (Signature) _____ (Date)

Reason/s for refusal of this job offer:



**Rehabilitation Program Job Description for
«NAME1» «NAME2»**

TITLE: «New_Position_Title»
LOCATION: «New_Work_Facility_Name»
TOUR: «Tour» («Duty_Hours»)

Duties to Be Performed

«Duties_to_Be_Performedtime_performed_1»

Physical Activity Required to Perform Duties

«Physical_Activity_Required_to_Perform_D»

Environmental Factors

«Environmental_Factors_118a»

Other Factors

This reemployment/reassignment offer is contingent on passing the following training/qualifications: «Type_of_Training_Required»



Date: (INSERT INTERVIEW DATE)

«NAME1» «NAME2»
«OFFICE»
«PAY LOC»

SUBJECT: Reemployment/Reassignment Offer

OWCP Claim number: «OWCPNo»
Date of Injury: «DOI»

Based on the results of your «Type_of_most_recent_med_doc» dated «Med_dated» and reassessment of available necessary tasks, we are offering you the following Rehabilitation Modified position:

«New_Craft»
«EmpStatus_Code__FT_PTF_PTR»

<u>«New Position Title»</u>	<u>«New LevelStep»</u>	<u>«Salary»</u>	
Title	Level/Step	Salary	
<u>«New Work Facility Name»</u>	<u>«Tour»</u>	<u>«Duty Hours»</u>	<u>«Days Off»</u>
Location	Tour	Time	Days Off

The duties of the proposed Rehabilitation Modified position are outlined on the attached position description and are in strict compliance with your medically defined work limitations. These limitations are noted below:

«Physical_Restrictions»

Additional Restrictions/Comments:

The proposed position is presently available as of this date, «Interview_Day_Date». This assignment is available as a result of a long-term detail assignment of another rehabilitation modified employee. At the conclusion of the long-term detail, your assignment will end and you will be reassessed by the District Assessment Team for a position that is in compliance with your medically defined work limitations. Please indicate your acceptance or refusal of this rehabilitation modified position job offer by signing in the appropriate space below and returning no later than fourteen (14) days following receipt of this letter, «JO_Due_Date_14_days_from_issue». A self-addressed return envelope is enclosed for your convenience.

Acceptance: If you decide to accept this job offer, you will continue to have the opportunity to bid to other positions, as well as apply for competitive selection positions that you believe you can perform the essential functions, with or without accommodation.

Refusal: If you refuse to accept this reemployment/reassignment offer, we will so advise the Office of Workers' Compensation Programs (OWCP) for whatever action they deem necessary. Further entitlement to compensation benefits may be affected.

Continued.....

Initial here _____

If you believe that this position is not a proper restoration, you may be entitled to appeal to the Merit Systems Protection Board (MSPB) as outlined in 5 C.F.R. § 353. Such an appeal must be submitted to the MSPB within 30 days after the date of this offer or 30 days after the date of reemployment/reassignment, whichever is later.

Should you have any questions before making a decision, you may contact me at the number below.

«Current_pl_Supvr_Name»

«Current__Supv_Title»

«Current_Supv_Ph»

Attachment: Rehabilitation Modified Position Offer Description

cc: IC File
OWCP District Office

I accept this job offer: _____ (Signature) _____ (Date)

I refuse this job offer: _____ (Signature) _____ (Date)

Reason/s for refusal of this job offer:



Rehabilitation Program Job Description for «NAME1» «NAME2»

TITLE: «New_Position_Title»
LOCATION: «New_Work_Facility_Name»
TOUR: «Tour» («Duty_Hours»)

Duties to Be Performed

«Duties_to_Be_Performedtime_performed_1»

Physical Activity Required to Perform Duties

«Physical_Activity_Required_to_Perform_D»

Environmental Factors

«Environmental_Factors_118a»

Other Factors

Date: (INSERT INTERVIEW DATE)

«NAME1» «NAME2»
 «OFFICE»
 «PAY LOC»

SUBJECT: Reemployment/Reassignment Offer

OWCP Claim number: «OWCPNo»
 Date of Injury: «DOI»

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 «EmpStatus_Code__FT_PTF_PTR»

«New Position Title» Title	«New LevelStep» Level/Step	«Salary» Salary
«New Work Facility Name» Location	«Tour» Tour	«Duty Hours» Time
		«Days Off» Days Off

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Additional Restrictions/Comments:

The proposed Rehabilitation modified position is presently available as of this date, «Interview Day Date». This assignment is available as a result of a long-term detail assignment of another Rehabilitation Modified employee and is contingent upon you passing the following training/qualification: «Type_of_Training_Required». At the conclusion of the long-term detail, your assignment will end and you will be reassessed by the District Assessment Team for a position that is in compliance with your medically defined work limitations. Please indicate your acceptance or refusal of this Rehabilitation Modified position offer by signing in the appropriate space below and returning no later than fourteen (14) days following receipt of this letter, «JO_Due_Date_14_days_from_issue». A self-addressed return envelope is enclosed for your convenience.

Acceptance: If you decide to accept this job offer, you will continue to have the opportunity to bid to other positions, as well as apply for competitive selection positions that you believe you can perform the essential functions, with or without accommodation.

Refusal: If you refuse to accept this reemployment/reassignment offer, we will so advise the Office of Workers' Compensation Programs (OWCP) for whatever action they deem necessary. Further entitlement to compensation benefits may be affected.

Continued.....

Initial here _____

If you believe that this position is not a proper restoration, you may be entitled to appeal to the Merit Systems Protection Board (MSPB) as outlined in 5 C.F.R. § 353. Such an appeal must be submitted to the MSPB within 30 days after the date of this offer or 30 days after the date of reemployment/reassignment, whichever is later.

Should you have any questions before making a decision, you may contact me at the number below.

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«Current_Supv_Ph»

Attachment: Job Offer Description

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OWCP District Office

I accept this job offer: _____ (Signature) _____ (Date)

I refuse this job offer: _____ (Signature) _____ (Date)

Reason/s for refusal of this job offer:



Rehabilitation Program Job Description for «NAME1» «NAME2»

TITLE: «New_Position_Title»
LOCATION: «New_Work_Facility_Name»
TOUR: «Tour» («Duty_Hours»)

Duties to Be Performed

«Duties_to_Be_Performedtime_performed_1»

Physical Activity Required to Perform Duties

«Physical_Activity_Required_to_Perform_D»

Environmental Factors

«Environmental_Factors_118a»

Other Factors

This reemployment/reassignment offer is contingent on passing the following training/qualifications: «Type_of_Training_Required»

NRP PHASE 2 JOB OFFER, STEP 3

RESPONSIBLE TEAM MEMBER(S):

- District Assessment Team Members (Operations and Injury Compensation)
- District Labor Relations Team Member

ACTION - Prepare an interview schedule to present / discuss the proposed Re-employment / Reinstatement Rehabilitation Modified Position offer.

1. Two weeks prior to the scheduled interview, Injury Compensation must prepare and mail the employee notification letter to the employee via certified mail.
 - If the employee has a current Rehabilitation Modified Position, use the notification letter
 - If the employee has never been placed in a Rehabilitation Modified Position, and has a current Limited Duty Modified Assignment, use the notification letter
2. Two weeks prior to the scheduled interview, the NRP Labor Relations Team member should prepare and notify each craft union president of the interview schedule. The sample notification letter must be used.

NOTE: the two week notification is mandatory per the ELM, no exceptions.

OUTCOME:

The interview schedule and employee / union notifications have been sent.

Injury Compensation Office
XXXX Performance Cluster



Date:

Subject: Rehabilitation Modified Position Meeting

To Be Delivered by Supervisor

«OFFICE»

«PAY LOC»

To: «NAME1» «NAME2»

OWCP#: «OWCPNo»

As a part of the National Reassessment Process, all rehabilitation modified positions and limited duty modified assignments in the Performance Cluster have been reassessed. As a result of this reassessment you are scheduled to attend a meeting in the (INSERT LOCATION) on (INSERT DATE) at (INSERT TIME) to go over the status of your rehabilitation assignment. During this meeting the steps involved in the National Reassessment Process will be explained and discussed with you.

You have the right under the Collective Bargaining Agreement to have a union representative present during this meeting.

Sincerely,

NRP Operations Team Leader

INJURY COMPENSATION OFFICE
XXXXX Performance Cluster



Date:

Subject: Limited Duty Modified Assignment Meeting

To Be Delivered by Supervisor

<<OFFICE>>

<<PAY LOC>>

To: «NAME1» «NAME2»
OWCP#: «OWCPNo»

As a part of the National Reassessment Process, all rehabilitation modified positions and limited duty modified assignments in the Performance Cluster have been reassessed. As a result of this reassessment you are scheduled to attend a meeting in the (INSERT LOCATION), on (INSERT DATE) at (INSERT TIME) to go over the status of your limited duty modified assignment. During this meeting the steps involved in the National Reassessment Process will be explained and discussed with you.

You have the right under the Collective Bargaining Agreement to have a union representative present during this meeting.

Sincerely,

NRP Operations Team Leader

DATE: XXXXXXXXXX

SUBJECT: (ININSERT UNION) Interviews
 National Reassessment Program

MEMORANDUM: (ININSERT UNION PRESIDENT NAME)
 (ININSERT UNION) - President Branch xx
 (ININSERT ADDRESS)
 (ININSERT ADDRESS)

(ININSERT NAME),

Attached is the listing of the (insert craft) interviews scheduled for the Phase 2 National Reassessment Process.

As discussed at the beginning of the Phase 2 National Reassessment Process, employees are entitled to union representation at their interviews if they elect to have union representation.

Should you have any questions or concerns regarding this matter, please contact me as soon as possible at xxx xxx-xxxx.

XXXXXXXXXXXXXX
Labor Relations
XXXXXXXXXXXX District

NRP PHASE 2 JOB OFFER, STEP 4

RESPONSIBLE MEMBER(S):

- District NRP team

ACTION - Conduct Re-employment / Reinstatement Rehabilitation Modified Position offer interview to present a Re-employment / Reinstatement Rehabilitation Modified Position Offer to the employee

1. The interactive interview must be conducted exactly per the interactive interview script for job offers. The interview must be conducted by the team members with knowledge of the employee's claim and functional search process:
 - **Note Taking:** one member of the interview team must keep comprehensive notes of all questions asked by the employee and team responses on a copy of the proposed position offer
 - **Interview Team:** Injury Compensation representative; Operations Team member assigned to the function of each employee; and District NRP Labor Relations Representative
 - The team should be familiar with the script of the interview in advance of their first interview. If the team has any questions, they should be raised with the onsite Area Team representative.
 - A Union representative is permitted to attend the interview. It must be noted that the interview is to present the employee with a job offer and that the employee must be the focus of the interview. All non-employee issues must be discussed at a later time.
 - The interview must be interactive and the team should answer as many questions as possible for the employee. If a question is asked by the employee, the team member responsible for that particular segment of the search process must give an answer or inform the employee that they will get the answer and provide it to the employee.
 - Upon completion of the interview, the interview team spokesperson must remind the employee that the Rehabilitation Modified Position offer must be returned to the Manager, Injury Compensation within the stipulated 14 day timeframe.
 - **Number of Interviews:** for the presentation of a Re-employment / Reinstatement Rehabilitation Modified Position Offer:
 - **One interview:** if the employee does not ask any questions and wants to sign the Re-employment / Reinstatement Rehabilitation Modified Position Offer, then there is no need for a second interview.

NRP PHASE 2 JOB OFFER, STEP 4

- **Two interviews:** if the employee asks any questions or chooses to use the 14 day timeframe before signing the Re-employment / Reinstatement Rehabilitation Modified Position Offer, then there must be a second interview with the employee.

This second interview will be scheduled during the first interview (verbal notification given to the employee) and will be held in no less than 14 days (scheduling letter issued).

2. Injury Compensation must update the NRP workbook with the Interview Date upon completion of the interview.

OUTCOME:

The employee interview and presentation of a Re-employment / Reinstatement Rehabilitation Modified Position Offer has been completed or a second interview has been scheduled.

National Reassessment Process Employee Interactive Interview Process – Position Offer

Employee Interview Protocol

General Information:

- The individual conducting the interview should not take notes during the meeting. This task should be handled by one of the other interview team members. Detailed notes should include but not be limited to: names and titles of all meeting attendees; all questions asked by the employee and the teams responses, begin and end time of the interview, etc.
- At no time during the interview should the employee's medical diagnosis/condition be discussed. All conversations regarding medical documentation should pertain to the employee's medical restrictions as provided by the employees treating physician.

STEP 1

- ▲ Before starting the process, everyone in the room should introduce themselves to the employee.
- ▲ A team member should ask the employee if an accommodation is needed (hearing impaired interpreter, or any other reasonable accommodation requested by the employee). The meeting must be rescheduled if the team is unable to immediately provide an appropriate accommodation at this time.
- ▲ Inform the employee if at anytime during the interview they would like to ask a question, they are encouraged to do so.

Describe the Reassessment Process

- ▲ The interview leader should go over the following information as an introduction as to the purpose of the interview:
- ▲ All rehabilitation and limited duty assignments are being reviewed throughout the District
- ▲ The first groups reviewed are injured employees who have permanent medical restrictions also more commonly known as rehabilitation cases. Within the rehabilitation case category there are two types of cases where a Maximum Medical Improvement (MMI) decision was made by the employees treating physician. The first is when MMI has been made less than one year from the date of injury and the second type is when MMI is made in more than a year from the date of injury.
- ▲ If the employee asks about these two types of rehabilitation determination, inform them that this determination is in the 5 CFR (Code of Federal Regulations) Section 353.
- ▲ The first group of cases include employees in existing rehabilitation assignments as well as employees in limited duty assignments where the medical documentation indicates MMI in less than one year from the date of injury.

National Reassessment Process Employee Interactive Interview Process – Position Offer

- ▲ The second group of cases reviewed included rehabilitation and limited duty cases where MMI was reached in more than one year from the date of injury as well as limited duty cases with no determination of MMI.
- ▲ In all case reviews, the Postal Service is required to make every effort to identify an assignment as close to the employees' date of injury assignment, based on the medical restrictions provided by the employees treating physician (546 Process).

STEP 2

Employee case file review discussion

- ▲ Medical Update, show a copy of their most recent medical update, confirm that this medical documentation is the most current with the employee
- ▲ Rehabilitation Assignment, show a copy of their most recent assignment
- ▲ Describe the 546 process with the full intention of finding an assignment as close to the day of injury assignment as possible within their medical limitations
- ▲ Explain to the employee who was involved (functional assessment team leaders, etc.) in the identification of a new assignment (use the 546 signoff sheets for this step)

STEP 3

Presentation of New Assignment Job Offer

- ▲ Give the new Rehabilitation Job Offer and position description to the employee
- ▲ Give employee a few minutes to look these documents over
- ▲ When it is apparent that the employee has completed the review, ask the employee if they have any questions about the Job Offer or position description
- ▲ Explain that the assignment outlined in this job offer is available right now
- ▲ Explain that the employee will have 14 days from this date in which to either accept or refuse the job offer
- ▲ Explain that if the employee accepts the job offer, that they will receive notification regarding the official start date of the assignment
- ▲ Explain that if the employee accepts the job offer, the employee is still entitled to challenge the assignment in the arena of their choice (EEO, grievance, MSPB)
- ▲ Explain to the employee that if they refuse the job offer, OWCP will be notified so that they can make a suitability determination regarding whether further compensation will be continued or denied. Note: remind the employee that the job offer is based on the medical limitations provided by their treating physician

National Reassessment Process Employee Interactive Interview Process – Position Offer

- ▲ It is extremely important to discuss with the employee the reason (s) why they may be refusing the job offer:
 - For example, if the employee is refusing the job offer because they do not want to lose seniority, then we must let the employee know that they can challenge the seniority issue in the challenging arena of their choice, but they should accept the job offer and report to their new assignment. If they refuse the job offer then OWCP will be contacted to make an assignment suitability determination which may lead to further action by OWCP.
 - In another example, if the employee is refusing the job offer because they believe they can do more or less than what their treating physician has stated, then the employee must provide new medical documentation from their treating physician. All new medical documentation will be reviewed by the District Assessment Team and changes will be made in the assignment, if appropriate. A second interview must be scheduled with the employee to present the new job offer or findings of the District Assessment Team.

STEP 4

Interactive Process Questions

- ▲ Ask the employee if there are other tasks they can perform in their new assignment.
- ▲ Ask the employee if they have any suggestions regarding changes or modifications that may be necessary for them to perform the assignment?
- ▲ Document all statements/responses made by the employee on a copy of the rehabilitation position offer given to the employee. This copy must be kept with the activity file for this employee.
- ▲ Advise the employee that if they believe they can perform more tasks than described by their treating physician, then they must have their treating physician document any and all modifications to their work capacity levels on a new CA-17 and that the CA-17 should be submitted within the same 14 day period mentioned above. (make sure to have blank CA-17's available)

National Reassessment Process Employee Interactive Interview Process – Position Offer

STEP 5

Determination of the Number of Interviews Needed

- ▲ One interview: if the employee does not ask any questions and wants to sign the Re-employment / Reinstatement Rehabilitation Modified Position Offer, then there is no need for a second interview.

- ▲ Two interviews: if the employee asks any questions or chooses to use the 14 day timeframe before signing the Re-employment / Reinstatement Rehabilitation Modified Position Offer, then there must be a second interview with the employee.

This second interview will be scheduled during the first interview (verbal notification given to the employee) and will be held in no less than 14 days (scheduling letter issued).

CLOSING

- ▲ If you have any questions regarding any aspects of this meeting during the course of the next 14 days, please contact the Manager, Injury Compensation at the District Office.

NRP PHASE 2 JOB OFFER, STEP 5

RESPONSIBLE TEAM MEMBER(S):

- District NRP Team members
- Manager, Injury Compensation
- District, NRP Labor Relations Representative

ACTION – Tracking employee ensure response to Rehabilitation Modified Position offer.

1. Two weeks after the interactive interview, ensure the employee has responded to the offer.

- If the position offer is received and accepted with no comment:
 - Injury Compensation will coordinate a reporting date with the Operations Team Leader and Installation Head, proceed to Step 6. There is no need for a second interview.
- If no response is received from the employee:
 - Operations Team Member contacts the supervisor of the employee to determine why the employee has not responded to the position offer
 - If the supervisor of the employee has granted additional time to respond (e.g.; personal reasons, etc.), then the extension date must be tracked by the Manager, Injury Compensation
 - If the supervisor is informed by the employee that they are not going to respond, then the Operations Team Member will meet with the District NRP Labor Relations representative to determine if administrative action is necessary
- If the position offer is received and refused with or without comment:
 - With comment, schedule a second interview with the employee to respond / discuss the employee's comment
 - Without comment, schedule a second interview with the employee to attempt to determine the employee's reasons for refusal of the position offer
 - This second interview must be scheduled (scheduling letter issued)

2. Whether the employee accepts or refuses the Rehabilitation Modified Position offer, the NRP workbook must be updated, indicating the acceptance or refusal action

OUTCOME:

Employee's acceptance or refusal of Rehabilitation Modified Position offer and next action.

NRP PHASE 2 JOB OFFER, STEP 6

RESPONSIBLE TEAM MEMBER(S):

- Manager, Injury Compensation

ACTION - Complete and send the Report to Duty Notification 11.11a to the employee.

- Upon receipt of the reporting date from the Operations Team Leader, Injury Compensation will complete the Report to Duty Notification (11.11a).
 - Copies must be provided to the gaining facility/installation head and former facility/installation head (if the employee is changing installations), OPF personnel local services, and the NRP activity file
- Injury Compensation must update the NRP workbook with the dates of completion and issuance of the 11.11a to the employee.
- Injury Compensation must ensure that the Form 50 action is completed correctly, where appropriate RC or RD codes are placed in Box #29, and a copy of the Form 50 transaction must be placed in the NRP activity file for the employee.

OUTCOME:

Action has been initiated to formally place the employee in their new assignment and tracking is in place to ensure all transactions are completed timely / accurately.



Date:

To: «NAME1» «NAME2»
«OFFICE»
«PAY LOC»

RE: OWCP Claim No. «OWCPNo»
Employee ID

Subject: Report to Duty Notification

Dear «NAME1» «NAME2»:

This is in reference to your acceptance of the job offer presented on «JO_Issue_Date» under the provisions of the Rehabilitation Program.

We are pleased to advise you that your new/revised assignment becomes effective (insert effective date or effective date following qualification here). Please report to the supervisor at the location as indicated below:

Title: «New_Position_Title»
Reporting Time: «Reporting_Time»
Non-Scheduled Days: «Days_Off»
Pay Location: «New_Pay_Location»

Location: «New_Work_Facility_Name»
«New_Work_Facility_Street_Address»
«New_Work_Facility_City_St_Zip»
Phone: «New_Work_Facility_Phone_»

LDC: «New_LDC»
Occupation Code: «New_Occ_Code»
Des/Act Code: «New_Des_Act»
Employee Status Code: «EmpStatus_Code__FT_PTF_PTR»

If you have any questions or require clarification regarding this assignment, please contact the Manager Injury Compensation at (XXX) XXX-XXXX.

Congratulations on your reassignment!

Sincerely,

Manager Human Resources

DISTRICT OFFICE LETTERHEAD
XXXX PERFORMANCE CLUSTER

Cc: OWCP Claims Examiner
New Manager («New_Supv_Name»)(«New_Pay_Location»)
Current Manager «Current_pl_Supvr_Name» «Current_PL»
HR Local Services
Injury Compensation
Activity File

For Personnel:

Employee Name: «F_Name» «L_Name»

Employee ID Number:

NATIONAL REASSESSMENT PROCESS (NRP) PHASE 2 NWA PROCESS

RESPONSIBLE TEAM MEMBER	ACTION	DESCRIPTION	OUTCOME
<p>STEP 1 - Manager Injury Compensation (AO), Injury Compensation Team Leader (AO)</p>	<p>Meet with OWCP District Director</p>	<p>Have a meeting with the OWCP District Director to discuss NRP and present preliminary NWA list</p>	<p>OWCP will have been briefed on the NRP and a document flow process will be agreed upon between the USPS and OWCP</p>
<p>STEP 2 - Area and District NRP Teams</p>	<p>Review preliminary NWA list files and all Search documents</p>	<p>Area and District NRP Teams will review all NWA employee files and all Search documents for accuracy and thoroughness</p>	<p>The Area and District NRP teams will have reviewed all preliminary NWA employee files for proper and complete documentation</p>
<p>STEP 3 - Area and District NRP Team Leaders</p>	<p>Prepare sign-off packages and meet with District senior managers responsible for 546 and Light Duty Search sign-off packages to explain their responsibility and required actions</p>	<p>A meeting will be scheduled and held with the District Managers direct reports to give the status of the NRP and to discuss the required sign-offs to be completed by the senior managers</p>	<p>546 sign-off and Light Duty sign-off packages will have been prepared and a meeting will have been held with all senior managers covering the search process steps with the District boundaries</p>
<p>STEP 4 - Area NRP Team Leaders</p>	<p>Meet with the Manager, HR for all surrounding districts represented by the LCA information to discuss the completion of the sign-off packages</p>	<p>Schedule and hold a meeting with the Manager, HR for all surrounding districts represented by the LCA information to discuss the overall NRP and the District's responsibility in completing 546 and Light Duty Search and the completion of the sign-off packages</p>	<p>The surrounding districts will have been briefed on the NRP, and the 546 and the Light Duty Search sign-off packages will have been delivered and the process will have commenced</p>
<p>STEP 5 - District Injury Compensation staff and District NRP Operations Team Leader and members</p>	<p>Track and file all 546 and Light Duty Search packages as they are returned</p>	<p>All sign-off packages both from within the District and also the surrounding Districts within the LCA will be tracked and filed when they are returned</p>	<p>All 546 and Light Duty Search sign-off packages will have been returned and filed</p>

NATIONAL REASSESSMENT PROCESS (NRP) PHASE 2 NWA PROCESS

RESPONSIBLE TEAM MEMBER	ACTION	DESCRIPTION	OUTCOME
STEP 6 - District NRP Team	Prepare a schedule for all preliminary NWA interactive interviews.	Once all 546 and Light Duty Searches have been returned and verified, the Manager Injury Compensation will work with NRP Operations Team members and Labor Relations team members to prepare a schedule for the first interactive interview	A tentative schedule for the first interactive interviews will be completed
STEP 7 - Area NRP team	Inspection Service and OIG notifications	The Inspection Service and the OIG will be briefed on the NRP and NWA interviews	The Inspection Services and the OIG will have been briefed on the NRP process and NWA interviews; and will be prepared to assist
STEP 8 - Area NRP Team, District Labor Relations Team Member and District Operations Team Leader	Schedule and meet with Unions on preliminary NWA employees	Each local Union President will be invited to a meeting to present them with a list of ongoing interviews including preliminary NWA employees	The Unions will have been given a list of ongoing and preliminary NWA employee interviews
STEP 9 - District NRP Team	Prepare the District Employee Resource Guide (ERG) and meet with all local ERG representatives	The ERG will be prepared and the District NRP Team will meet with the required representatives listed on the ERG to discuss the final steps of the NWA process	The ERG will have been prepared and the District NRP team will have met with all employees listed on the ERG
STEP 10 - District NRP team	Prepare and send employee notification letters	Employee notification of interview will be prepared and sent to employees and at least 14 days in advance	All employees will have been notified of the first interactive meeting
STEP 11 - Area NRP Team	Meet with the District NRP Team to discuss the preliminary NWA interactive interviews	District NRP teams will be briefed on the interactive interview script and interview team leaders will be selected	All team members will be prepared for the preliminary NWA employee interactive interviews
STEP 12 - District NRP team, Area Operations Team Leader, Area Injury Compensation Team Leader	The District NRP Team will conduct the first interactive interviews with all preliminary NWA employees	All preliminary NWA employees will have their first interactive interview in compliance with the script of the first interactive interviews	Employee first interactive interviews will have been completed and the second interactive interview will have been scheduled

NATIONAL REASSESSMENT PROCESS (NRP) PHASE 2 NWA PROCESS

RESPONSIBLE TEAM MEMBER	ACTION	DESCRIPTION	OUTCOME
STEP 13 - District NRP Operations Team Leader or member	Notification to the installation heads of all preliminary NWA employees	The installation heads of all preliminary NWA employees will be notified of the upcoming second interactive interview	Installation heads will have been briefed on the second interactive interview
STEP 14 - District NRP team, Area operations Team Leader, Area Injury Compensation Team Leader	The District NRP team will conduct the second interactive interview with all preliminary NWA employees	The second interactive interview will be completed in compliance with the script for the second interview	The second interactive interview will have been completed
STEP 15 - District Injury Compensation staff and Operations Team Leader and members	Track all internal USPS activity for all NWA employees	The District NRP team must track and identify any internal USPS activity for all employees placed on the rolls of OWCP due to the result of a NWA determination	All internal activity due to NWA determinations will be tracked

NRP Phase 2 NWA, Step 1

Responsible Team Member(s):

- Manager Injury Compensation (AO)

1. Action - Meet with OWCP District Director

- Schedule a meeting with OWCP District Director to discuss NRP and present preliminary NWA list.

2. During the meeting the following items will be discussed:

- The entire NRP process
- Possible timeframe for OWCP activity
- Preliminary NWA list and any potential case issues (LWEC, Scheduled award, Third Party surplus)
- Request any closed claims be opened in advance
- Agree upon a process on how to handle claims for NWA employees (CA2A, CA7, CA7A, method of documentation delivery, etc)
- Determination of a primary contact for OWCP and the USPS

3. Present the OWCP District Manager with the preliminary NWA list and discuss the fact the list may change prior to the actual interactive interviews or during the interactive interview process. Periodic updates will be given to OWCP on the preliminary NWA list.

Outcome:

OWCP will have been briefed on the NRP and a documentation flow process will be agreed upon between the USPS and OWCP

NRP Phase 2 NWA - Step 2

Responsible Team Member(s):

- Area NRP Team (Operations Team Leader, Injury Compensation, and Medical)
- District NRP Team (Operations Team Leader, Injury Compensation, and Medical)

Action - Review preliminary NWA list files and prepare 546 Search and Light Duty Search documents for senior management. This step must confirm the file includes senior management 546 and Light Duty search sign-off within their area of responsibility..

- The teams will verify all required documentation (see NRP Activity file checklist) is located in the NRP Activity file
- The teams will ensure the Local Installation Search processes (Phase 2, Search Process, Step 2) have been properly conducted, documented and signed by the appropriate responsible individuals
- The 546 Light Duty search documents must be prepared by Injury Compensation in the following manner:
 - The top portion of both documents must be completed to include the employees OWCP number, Craft and Medical restrictions.
- Upon completion of the top portion, the search documents is completed the documents should be placed in the employees NRP Activity file. The NRP Activity files of all preliminary NWA employees should be kept together and in alphabetical order.
- The teams will review all notes taken by the Operations team member to ensure accuracy, thoroughness, and follow through is completed

Outcome:

The Area NRP team will have reviewed all preliminary NWA employee files, verified all documentation is completed properly, and prepared the 546 and Light Duty documents.

NRP Phase 2 NWA, Step 3

Responsible Team Member(s):

- Manager, Human Resources (D)
- Manager, Injury Compensation (D)
- Operations Team Leader (D)
- Operations team (D)

Action: Prepare 546 and Light Duty sign-off packages of all preliminary NWA employees and hold a meeting with senior managers to go over the steps of the sign-off process

- NRP team will prepare copies of the 546 and Light Duty search documents for all preliminary NWA employees. One package will be prepared for each senior manager (POOM, Postmaster, Plant Manager, etc) represented by the LCA information.
- These packages must be prepared for all senior managers, both within the district boundaries and also for the identified senior managers in the surrounding districts identified by the LCA information.
- Schedule and hold a meeting to discuss the required sign-off steps to be completed by the senior managers. Senior managers will be given a letter discussing the sign-off process, 546 and Light Duty search, and the Light Duty tracking list for their area of responsibility.
- The District NRP Operations Team Leader will establish a time frame when the sign-off packages are expected to be completed.
- Search Process Options:
 - Contact each subordinate manager individually
 - Contact all subordinate managers via telecom
 - Contact all subordinate managers via email
- Each preliminary NWA case must be covered on an individual basis.
- Regardless of the way the canvass is conducted, senior managers must document there is no work available within his/her area of responsibility for all NWA employees represented by the search documents. Notes of all conversations must be kept and search documents signed on the day the canvass of subordinate managers is completed.

Outcome:

546 sign-off packages will have been prepared and a meeting will have been held with all senior managers covering the search process steps within the District.

**546 Search LCA
XXX District Reassessment Process**

Date:

Craft:

OWCP #:

Medical Restrictions:

By signing either Section 1 or Section 2 of this document, I certify that every effort was made to identify tasks that could be performed by the employee identified by the OWCP # above in accordance with the ELM Section 546. A signature is required in either Section 1 or Section 2.

Section 1

I contacted facilities within my area of responsibility to determine if there were any tasks that could be performed by the employee identified by the OWCP # above. I have listed the tasks that can be performed and the name of the office/work location in the notes space provided below.

Area of Responsibility: _____
Ex: MPOO 1, MPOO2, Plant, City, etc.

Senior Management Official or designee name (print) _____

Signature: _____ Date: _____

Section 2

I contacted facilities within my area of responsibility to determine if there were any tasks that could be performed by the employee identified by the OWCP # above. I was unable to find tasks that can be performed by the employee identified by the OWCP # above.

Area of Responsibility: _____
Ex: MPOO 1, MPOO2, Plant, City, etc.

Senior Management Official or designee name (print) _____

Signature: _____ Date: _____

NOTES:

Use the other side of this page for additional information

**Light Duty Search
XXX District Reassessment Process**

Date: _____

OWCP Number: _____

Job Title: _____

Light duty applies to an off-the-job illness or injury where limited duty applies to an on-the-job illness or injury.

By signing either Section 1 or Section 2 of this document, I certify that every effort was made to identify tasks being performed by employees on light duty within my area of responsibility that could be performed by the employee identified by the OWCP number above. A signature is required in either Section 1 or Section 2

Section 1

I contacted facilities within my area of responsibility and identified tasks being performed by an employee on light duty (either on the attached light duty list dated xx/xx/xxxx or light duty employee not on the light duty list) that can be performed by the employee identified by the OWCP number above. I have listed the tasks that can be performed and the name of the office/work location in the notes space provided below.

Area of Responsibility: _____
Ex: MPOO 1, MPOO 2, Plant, City

Senior Management Official or designee name (print) and initials _____

Signature: _____ Date _____

Section 2

I contacted facilities within my area of responsibility and was unable to identify tasks being performed by employees on light duty (either on the attached light duty list or an employee not on the light duty list) that can be performed by the employee identified by the OWCP number above.

Area of Responsibility: _____
Ex: MPOO 1, MPOO 2, Plant, City

Senior Management Official or designee name (print) and initials _____

Signature: _____ Date _____

NOTES:

See attached Light Duty List. Use the other side of this page for additional information

(INSERT DATE)

Subject: National Reassessment Process
xxx District – 546 and Light Duty Sign Off Package

To:

As discussed, National Reassessment Process is entering the final documentation phase. This phase requires that a review of available necessary tasks be conducted by you in all offices within your area of responsibility to determine whether or not these tasks can be performed by employees' district wide. The steps that need to be followed and documented are outlined below.

Attached:

- 546 and Light Duty Search packages:
- Light Duty Case Listing for your area of responsibility

Action Steps:

- 1) Select one case for review. Each case contains two documents, one 546 Search and one Light Duty Search. Match the 546 Search and Light Duty Search documents by OWCP#.

546 Search

- 2) Review the Medical Restrictions for this case on the 546 Search document.
- 3) Complete either Section 1 (you have found tasks that can be performed by this employee in your area of responsibility) or Section 2 (you were unable to find tasks that could be performed by this employee in your area of responsibility).
- 4) Complete the Area of Responsibility section, sign and date the document.

Light Duty Search

- 5) Review the Light Duty Tracking List for your area of responsibility. You must contact each location in your area of responsibility that has an employee on the light duty list and identify the tasks that are being performed by this employee while on light duty.
- 6) Using the same Medical Restrictions used on the 546 Search document for this OWCP #, complete either Section 1 (you have found tasks being performed by an employee on light duty in a location within your area of responsibility) or Section 2 (you were unable to identify tasks being performed by employees on light duty in a location within your area of responsibility).
- 7) Complete the Area of Responsibility section, sign and date the document.
- 8) Repeat these steps for each employee identified by an OWCP#.

If you have any questions concerning this process or questions pertaining to an individual case (identified by OWCP #) please contact: XXX at (xxx) xxx-xxxx. This review must be completed and all documents signed and returned in the enclosed addressed envelope by close of business (day and date determined by the District NRP Operations Team Leader).

(Name)
(Title)

cc: District Manager

NRP Phase 2 NWA, Step 4

Responsible Team Member(s):

- Area NRP Team

Action - Meet with the Manager, Human Resources for all surrounding districts represented by the LCA information to discuss the overall NRP and the District's responsibility in completing 546 Search and Light Duty Search and completion of the sign-off packages.

- The meeting must be held with the Manager, Human Resources in a surrounding District, however the meeting can be held with the District senior staff and managers within the surrounding District responsible for the canvassing.
- The District NRP Operations Team Leader will establish a time frame for the completion of the sign-off documents with the Manager, Human Resources.
- The Manager HR will be briefed on the NRP and the required actions to be completed by the District Manager's direct reports. The Manager, HR will be given the cover letter outlining the sign-off process, the 546 and Light Duty search, and the Light Duty tracking list for their District.
- Search Process Options:
 - Contact each manager individually
 - Contact all managers via telecom
 - Contact all managers via email
- Each preliminary NWA case must be reviewed on an individual basis.
- Regardless of the way the canvass is conducted, managers must document there is no work available within his/her area of responsibility for all NWA employees represented by the search documents. Notes of all conversations must be kept and search documents signed on the day the canvass of managers is completed.

Outcome:

The surrounding districts will be briefed on the NRP and the 546 Search and Light Duty Search sign-off packages will have been delivered and the process will have commenced.

(INSERT DATE)

Subject: National Reassessment Process
xxx District – 546 and Light Duty Sign Off Package

To:

The National Reassessment Process is entering the final documentation phase in the XXX District. This phase requires that a review of available necessary tasks be conducted within the designated Local Commuting Area offices within your area of responsibility. The steps that need to be followed and documented are outlined below.

Attached:

- 546 and Light Duty Search packages:
- Light Duty Case Listing for your area of responsibility

Action Steps:

- 1) Select one case for review. Each case contains two documents, one 546 Search and one Light Duty Search. Match the 546 Search and Light Duty Search documents by OWCP#.

546 Search

- 2) Review the Medical Restrictions for this case on the 546 Search document.
- 3) Complete either Section 1 (you have found tasks that can be performed by this employee in your area of responsibility) or Section 2 (you were unable to find tasks that could be performed by this employee in your area of responsibility).
- 4) Complete the Area of Responsibility section, sign and date the document.

Light Duty Search

- 5) Review the Light Duty Tracking List for your area of responsibility. You must contact each location in your area of responsibility that has an employee on the light duty list and identify the tasks that are being performed by this employee while on light duty.
- 6) Using the same Medical Restrictions used on the 546 Search document for this OWCP #, complete either Section 1 (you have found tasks being performed by an employee on light duty in a location within your area of responsibility) or Section 2 (you were unable to identify tasks being performed by employees on light duty in a location within your area of responsibility).
- 7) Complete the Area of Responsibility section, sign and date the document.
- 8) Repeat these steps for each employee identified by an OWCP#.

If you have any questions concerning this process or questions pertaining to an individual case (identified by OWCP #) please contact: XXX at (xxx) xxx-xxxx. This review must be completed and all documents signed and returned in the enclosed addressed envelope by close of business (day and date determined by the District NRP Operations Team Leader).

(Name)
(Title)

cc: District Manager

NRP PHASE 2, STEP 5

Responsible Team Member(s):

- District Injury Compensation staff
- District NRP Operations Team Leader
- District NRP Operations Team members

Action - Track and file all 546 and Light Duty Search documents as they are returned.

1. Upon receipt of 546 Search and Light Duty Search sign-off packages both from within the District and surrounding Districts, the District NRP team must:
 - Verify documents for accuracy (signature and date)
 - Using the OWCP identifier, match the package with the employee
 - File the package in the employee's NRP Activity file
2. The District Injury Compensation staff must continually update the NRP workbook indicating the return date of the documents.
3. The District NRP Operations Team Leader must follow-up with management, both from within the District and surrounding Districts, who have not responded within the established time frame.

Outcome:

All sign-off packages both within the district and from the surrounding districts within the LCA will be tracked as they are returned.

NRP PHASE 2, STEP 6

Responsible Team Member(s):

- District NRP team

Action: Prepare schedule for preliminary NWA meetings.

1. Once all 546 Search and Light Duty searches have been returned and verified, the Manager, Injury Compensation will work with NRP Operations and Labor Relations Team members to prepare a schedule for the first interactive interviews for all preliminary NWA employees.
 - The schedule must be completed at least 3-4 weeks in advance of any interactive interviews, and must allow a 14 day employee notification period
 - When developing the interview schedule, the team will check with management in the installations to verify the employees work schedule (non-scheduled days, leave, etc.)
 - When preparing the schedule, all interactive interviews management teams must consist of a representative from:
 - Injury Compensation
 - Operations Team member assigned to the functional area of the employee
 - District NRP Labor Relations Specialist
 - There can be as many NRP teams as necessary to match the District Operations configuration
 - It is recommended that the first interactive interviews take place at central locations to minimize travel as much as possible
 - At least one hour should be planned for each of the interactive interviews.
2. A second interview should be scheduled during the first interview. This second interview will be held no less than 14 days after the first interview.
 - This time between interviews will allow time for all issues raised by the employee at the first interactive meeting to be properly researched, reviewed and for a proper course of action to be determined on the employee's assignment.

Outcome:

A schedule for the first interactive interviews will be completed.

NRP Phase 2 NWA, Step 7

Responsible Team Member(s):

- **Area NRP Team**

Action: Inspection Service and OIG notifications

The inspection service and OIG will be briefed on the NRP process, and scheduling of the first and second interactive interview processes. The Inspection Service will be requested to have an Inspector available and in the vicinity for all second interviews.

Outcome:

The Inspection Service and OIG have been briefed on the NRP and NWA interviews; and are prepared to assist.

NRP Phase 2 NWA, Step 8

Responsible Team Member(s):

- Area NRP Team
- District Labor Relations
- District Operations Team Leader

Action: Meet with Unions on preliminary NWA employees

Each local Union President will be invited to a meeting to present them with a list of ongoing interviews including preliminary NWA employees.

- The local Union President will be invited to attend a meeting to discuss the NRP and the preliminary NWA employee interactive interviews.
- The purpose of the first interactive interview will be discussed in depth using the script from the first interactive interview.

Outcome:

The Unions will have been given a list of ongoing and preliminary NWA employee interviews.

Xxxxxx DISTRICT



DATE: (insert Date)

SUBJECT: (insert Craft) Interviews
National Reassessment Process

MEMORANDUM: xxx
(insert Craft) - President Branch xx
xxx
xxxxxxx

xxxxxxx,

Attached is the listing of the (insert craft) interviews scheduled for the National Reassessment Process Phase 2 in the (insert) District.

As discussed at the beginning of the National Reassessment Process, employees are entitled to union representation at their interviews if they elect to have union representation.

Should you have any questions or concerns regarding this matter, please contact me as soon as possible.

xxxxxxxxxxxxx
Labor Relations
xxxxxxxxxxx District

NRP Phase 2 NWA, Step 9

Responsible Team Member(s):

- District NRP team

Action: Prepare the Employee Resource Guide (ERG) and meet with all local ERG representatives.

- District specific Employee Resource Guide (ERG) will be prepared by the District NRP team.
- The District NRP Team will meet with all employees who play a role in the ERG and possibly assisting the NWA employees. This meeting will be to update attendees on the NRP

Outcome:

The ERG will have been prepared and the District NRP team will have met with all employees listed on the ERG.

EMPLOYEE RESOURCE GUIDE

The following is a guide to some of the resources available to provide you with assistance

EMPLOYEE ASSISTANCE PROGRAM (EAP)

Free, Confidential service for employees and their family members. Employees who feel the need to talk to someone may contact their local EAP experts. District EAP Consultant: xxxx at xxx xxx-xxxx or 24 hours, 7 Days per week: 1-800-xxx-xxxx. There is also an EAP website, www.EAP4you.com

OPTIONAL OR DISABILITY RETIREMENT, HEALTH BENEFITS, LIFE INSURANCE AND THRIFT SAVINGS PLAN

If you have questions regarding Optional or Disability Retirement, Health Benefits, Life Insurance or your TSP Plan, contact the following:

US POSTAL SERVICE
PERSONNEL OFFICE
(insert address and contact numbers)

HOW TO FILE FOR WAGE LOSS (COMPENSATION)

Department of Labor Forms (CA FORMS) can also be accessed at www.dol.gov/esa

1. Complete Form CA7, Claim for Compensation (Recommended filing time every two (2) weeks)
2. Complete Form CA7A; Time Analysis Form should include a day-by-day breakdown of your work schedule for the period of claimed compensation. (Only submit with your first CA7, not with subsequent CA7's unless you are working intermittent hours for the USPS).
3. Complete Form CA2a, Notice of Recurrence
4. Complete PS Form 1199, Direct Deposit Form or you financial institutions Direct Deposit Form (Only submit this form with your initial CA7)

These forms can be completed today, mailed in the self-addressed envelope or delivered to the following address for additional processing and immediate forwarding to the department of labor:

USPS INJURY COMPENSATION OFFICE
(insert address and contact numbers)

For any additional CA7 Filing Questions call: (xxx) xxx-xxxx

RECEIPT OF CLAIMS, CLAIM STATUS, PAY STATUS OR VOCATIONAL REHABILITATION PROGRAM

Contact the US Department of Labor Office of Workers' Compensation Programs. Department of Labor Forms you might need i.e. CA7, 7a, etc. can be accessed via the USDOL/OWCP Website at www.dol.gov/esa. If you have questions regarding DOL receipt of claim, claim status, pay status or the Vocational Rehab Program call (xxx) xxx-xxxx. The US Department of Labor's mailing address is as follows:

US DEPARTMENT OF LABOR
DFEC CENTRAL MAILROOM
PO BOX 8300
LONDON KY 40742-8300

AUTHORIZATION FOR MEDICAL TREATMENT AND/OR BILLING QUESTIONS

Contact the US Department of Labor ACS Medical Bill Processing Unit at 866-335-8319 or 850-558-1818. Fax Number 800-215-4901

UNION REPRESENTATION

Contact your local Union Office

NRP Phase 2 NWA, Step 10

Responsible Team Member(s):

- District NRP team

Action: Prepare and send employee notification letters.

- At least 14 days prior to the scheduled interview, the employee notification letter will be prepared and sent to employee at their current work location, Certified Mail, Return Receipt.
- If the employee responds to the letter stating they are unable to attend the meeting as scheduled, the first interactive interview will be rescheduled after consulting with the entire team.

Outcome:

All employees will have been notified of first interactive interview.

Injury Compensation Office
XXXX Performance Cluster



Date:

Subject: Rehabilitation Modified Position Meeting

To Be Delivered by Supervisor
«OFFICE»
«PAY LOC»

To: «NAME1» «NAME2»
OWCP#: «OWCPNo»

As a part of the National Reassessment Process, all rehabilitation modified positions and limited duty modified assignments in the Performance Cluster have been reassessed. As a result of this reassessment you are scheduled to attend a meeting in the (INSERT LOCATION) on (INSERT DATE) at (INSERT TIME) to go over the status of your rehabilitation assignment. During this meeting the steps involved in the National Reassessment Process will be explained and discussed with you.

You have the right under the Collective Bargaining Agreement to have a union representative present during this meeting.

Sincerely,

NRP Operations Team Leader

INJURYCOMPENSATION OFFICE
XXXXX Performance Cluster



Date:

Subject: Limited Duty Modified Assignment Meeting

To Be Delivered by Supervisor
<<OFFICE>>
<<PAY LOC>>

To: «NAME1» «NAME2»
OWCP#: «OWCPNo»

As a part of the National Reassessment Process, all rehabilitation modified positions and limited duty modified assignments in the Performance Cluster have been reassessed. As a result of this reassessment you are scheduled to attend a meeting in the (INSERT LOCATION), on (INSERT DATE) at (INSERT TIME) to go over the status of your limited duty modified assignment. During this meeting the steps involved in the National Reassessment Process will be explained and discussed with you.

You have the right under the Collective Bargaining Agreement to have a union representative present during this meeting.

Sincerely,

Nrp Operations Team Leader

NRP Phase 2 NWA, Step 11

Responsible Team Member(s):

- Area NRP Team

Action: Meet with District NRP team to discuss preliminary NWA employee interactive interviews.

1. The interactive interview must be conducted exactly per the first interactive interview process and script. The interview must be conducted by the team members with knowledge of the employee's claim and functional search process:

- **Note Taking:** one member of the interview team must keep comprehensive notes of all questions asked by the employee and team responses on a document to be kept in the Activity File
- **Interview Team:** Injury Compensation representative; Operations Team member assigned to the function of each employee; and District NRP Labor Relations Representative
- The team should be familiar with the script of the interview in advance of their first interview. If the team has any questions, they should be raised with the onsite Area Team representative.
- A Union representative is permitted to attend the interview. It must be noted that the interview is to provide the employee with information concerning the search for an assignment within the employees' medical restrictions. This must be the focus of the interview. All non-employee issues must be discussed at a later time.
- The interview must be interactive and the team should answer as many questions as possible for the employee. If a question is asked by the employee, the team member responsible for that particular segment of the search process must give an answer or inform the employee that they will get the answer and provide it to the employee.
- Upon completion of the interview, the interview team spokesperson must remind the employee that the information provided during the interview is based on their current medical documentation and available necessary positions and unless additional or new information is received within the next 14 days, it is likely that the employee will be placed in a no work available status.

NRP Phase 2 NWA, Step 11

- Interviews

- First Interview: for the presentation of an overview of NRP and the most current information on the employee
- Second Interview: for the presentation of a no work available notification to the employee

This second interview will be scheduled during the first interview and will be held no less than 14 days

2. Injury Compensation must update the NRP workbook.

Outcome:

All District NRP team members will be prepared for the first interactive interviews and the second interview schedules will have been set.

NRP Phase 2 NWA, Step 12

Responsible Team Member(s):

- District NRP team
- Area Operations Team leader
- Area Injury Compensation Team Representative

Action: The District NRP Team will conduct the first interactive interview with all preliminary NWA employees.

1. The first interactive meeting with each employee will be monitored by the Area Injury Compensation Team member and the Area Operations Team representative will be available for any issues that arise.
 - Employee will have their first interactive interview in compliance with the script for the first interview.
2. The District NRP Team will address all issues/concerns raised by the employee and enable the team to plan a course of action prior to the second interactive interview. Possible course of actions to be taken:
 - Reassess the employee further
 - Reschedule the scheduled second interactive interview to allow proper time in investigate issues/concerns
 - Research issues/concerns to be able to properly address them at the second interactive interview
 - Schedule additional SMEs to be in attendance at second interactive interview
 - Schedule employee for a DRAC review
3. During the interview, the employee and the Union representative will be informed of the date of the second interactive interview which will be initiated in a letter.

Outcome:

Employee first no work available meeting and scheduling of second interview will have been completed. Preparation of responses regarding issues/concerns raised by the employee will have been initiated.

**Reassessment Process
Employee Interview Process – No Work Available
First Interview**

Employee Interview Protocol

General Information:

- The individual leading the interview should not take notes during the meeting. This task should be handled by one of the other interview team members. Detailed notes should include but not be limited to: names and titles of all meeting attendees; all questions asked by the employee and the teams responses, begin and end time of the interview, etc.
- At no time during the interview should the employee's medical diagnosis/condition be discussed. All conversations regarding medical documentation should pertain to the employee's medical restrictions as provided by the employees treating physician.
- If during the interview any individual makes reference to violence in the workplace (past incidents at a postal facility or makes a statement such as "...you are only doing this to me because of what happened at a postal facility", then the Inspection Service should be notified of the statement. All individuals participating in the interview will be asked to remain in the room for a few minutes until the Inspection Service arrives. The Inspection Service will then meet with the individual and have a discussion on the Postal Services policy pertaining to Zero Tolerance in the workplace. This meeting will not include interview team members.
- If during the interview any individual makes a threat of any kind, then the Inspection Service should be immediately notified and will enter the interview room to meet with the individual who made the threat. This meeting with the employee and Inspection Service will not include interview team members.

STEP 1

- Before starting the process, everyone in the room should introduce themselves to the employee.
- A team member should ask the employee if an accommodation is needed (hearing impaired interpreter, or any other reasonable accommodation requested by the employee). The meeting must be rescheduled if the team is unable to immediately provide the accommodation at this time.
- Inform the employee if at anytime during the interview they would like to ask a question, they are encouraged to do so.

Reassessment Process Employee Interview Process – No Work Available First Interview

Describe the Reassessment Process

The interview leader should go over the following information as an introduction as to the purpose of the interview:

- ▲ All rehabilitation and limited duty assignments are being reviewed throughout the District.
- ▲ The first groups reviewed were injured employees who have permanent medical restrictions also more commonly known as rehabilitation cases. Within the rehabilitation case category there two types of cases where a Maximum Medical Improvement (MMI) decision was made by the employees treating physician. The first is when MMI has been made less than one year from the date of injury and the second type is when MMI is made in more than a year from the date of injury.
- ▲ If the employee asks about these two types of rehabilitation determination, inform them that this determination is in the 5 CFR (Code of Federal Regulations) Section 353.
- ▲ The first group of cases include employees in existing rehabilitation assignments as well as employees in limited duty assignments where the medical documentation indicates MMI in less than one year from the date of injury.
- ▲ The second group of cases reviewed included rehabilitation and limited duty cases where MMI was reached in more than one year from the date of injury as well as limited duty cases with no determination of MMI.
- ▲ In all case reviews, the Postal Service is required to identify an assignment as close to the employees' date of injury assignment, based on the medical restrictions provided by the employees treating physician (546 Process).

STEP 2

Employee case file review discussion

Medical Update, show the employee a copy of their most recent medical update

- ▲ If an employee presents new medical documentation during the interview, the team should accept this documentation.

If the new medical restrictions are equal to or more restrictive than the most current medical documentation we have for this employee, the employee should be informed of this and the interview process will continue

If the new medical restrictions are less restrictive than or are different than the most current medical documentation we have for this employee, then the employee should be informed that the Reassessment Team will review the medical documentation and reassess the employees assignment based on the new medical documentation. The employee must be advised to remain on their current assignment until notified to report for an interview with the Reassessment Team. Continue this interview.

Reassessment Process
Employee Interview Process – No Work Available
First Interview

Employee case file review discussion (Continued)

- Remind the employee of the 546 processes.
- ▲ 546 Process: the Postal Service is required to identify an assignment as close to the employees' date of injury assignment, based on the medical restrictions provided by the employees treating physician. Section 546 of the Employee Relations Manual outlines the order of the steps that management must follow when identifying an assignment for injured employees.
- Explain who was involved in identifying tasks that need to be performed at each work location and how the medical restrictions of the employee are taken into consideration as to whether the employee can or cannot perform the identified necessary tasks.
- ▲ If the employee asks what tasks that need to be performed are or what is necessary work, explain to them that Operations Management determines what tasks are needed/necessary in each operation to move the mail or complete the assignment. Refer to the 546 (sign off sheets). This documentation should be available and shown to the employee if they ask to see it.

The Reassessment Process ensures that all assignments include necessary tasks and "make work" tasks are not to be assigned.

STEP 3

Current reassessment status for this employee:

- ▲ Explain to the employee that at this point in the Reassessment Process, the team has been unable to identify a position within the employees' medical restrictions. Therefore, the preliminary determination of the Reassessment Team is a no work available status.
- ▲ In two weeks another meeting will be scheduled with the employee to finalize the Reassessment Process.
- ▲ Advise the employee that if during the next two week period the employee presents new medical documentation to the Manager, Injury Compensation, the Reassessment Team will review this documentation and make a determination regarding position availability in accordance with interview, the team will review the new documentation and make a determination in accordance with the 546 Process.
- ▲ In the event that new medical documentation is not provided and a position is not identified within the employee's current medical restrictions, the next scheduled meeting will be to inform them of the final determination of no work available.

Reassessment Process
Employee Interview Process – No Work Available
First Interview

- ▲ Describe to the employee that a no work available determination initiates the following actions:
 - Placement in an Administrative Leave status for the remainder of that weeks scheduled work days, thereafter the work status will be changed to LWOP/IOD.
 - They will be given an opportunity a choice either to apply for compensation from OWCP or use Annual or Sick Leave (if available).

CLOSING

- When all of the above items have been discussed with the employee, the interview is over.
- Inform the employee once again the team has been unable to identify a position within the employees' medical restrictions. Therefore, the preliminary determination of the Reassessment Team is a no work available status and in two weeks another meeting will be scheduled with the employee to finalize the Reassessment Process.

NRP Phase 2 NWA, Step 13

Responsible Team Member(s):

- District NRP Operations Team Leader or member

Action – Notification to the installation heads of all preliminary NWA employees.

The installation heads of all preliminary NWA employees will be notified via telephone of the upcoming second interactive interview and will be instructed on their role upon completion of the interview.

Outcome:

Installation heads will have been briefed on the second interactive interview.

NRP Phase 2 NWA, Step 14

Responsible Team Member(s):

- District NRP team
- Area Operations Team leader
- Area Injury Compensation Team Representative

Action: The District NRP Team will conduct the second interactive interview with all preliminary NWA employees.

1. The second interactive meeting with each employee will be monitored by the Area Injury Compensation Team member and the Area Operations Team Leader will be available for any issues that arise.

- Employee will have their second interview in compliance with the script for the second interview.

2. Upon completion of the second no work available interview, the employee will be given an opportunity to clear out his/her locker and work area of any personal possessions, asked to turn in their identification badge to the installation head, and will be escorted from the building.

Outcome:

Second interview will have been completed.

**Reassessment Process
Employee Interview Process – No Work Available
Second Interview**

Employee Interview Protocol

General Information:

- The individual leading the interview should not take notes during the meeting. This task should be handled by one of the other interview team members. Detailed notes should include but not be limited to: names and titles of all meeting attendees; all questions asked by the employee and the teams responses, begin and end time of the interview, etc.
- At no time during the interview should the employee's medical diagnosis/condition be discussed. All conversations regarding medical documentation should pertain to the employee's medical restrictions as provided by the employees treating physician.
- If at any time during the interview the employee states they want to return to work for the Postal Service, the employee should be informed that their request for restoration has been noted. Verbally inform the employee they must present new medical documentation to the Manager, Injury Compensation who will coordinate a review of the new medical documentation by the District Assessment Team (DAT). Injury Compensation will acknowledge the restoration request in writing to the individual and will work with the DAT in conducting a review of the restoration request.
- If during the interview any individual makes reference to violence in the workplace (past incidents at a postal facility or makes a statement such as "...you are only doing this to me because of what happened at a postal facility", then the Inspection Service should be notified of the statement that was made at the conclusion of the interview. All individuals participating in the interview will be asked to remain in the room for a few minutes until the Inspection Service arrives. The Inspection Service will then meet with the individual and have a discussion on the Postal Services policy pertaining to Zero Tolerance in the workplace. This meeting will not include interview team members.
- If during the interview any individual makes a threat of any kind, then the Inspection Service should be immediately notified and will enter the interview room to meet with the individual who made the threat. This meeting with the employee and Inspection Service will not include interview team members.

STEP 1

- Before starting the process, everyone in the room should introduce themselves to the employee.
- A team member should ask the employee if an accommodation is needed (hearing impaired interpreter, or any other reasonable accommodation requested by the employee). The meeting must be rescheduled if the team is unable to immediately provide the accommodation at this time.

Reassessment Process Employee Interview Process – No Work Available Second Interview

Describe the Reassessment Process

- The interview leader should go over the following information as an introduction as to the purpose of the interview:
- ▲ All rehabilitation and limited duty assignments are being reviewed throughout the District.
- ▲ The first groups reviewed were injured employees who have permanent medical restrictions also more commonly known as rehabilitation cases. Within the rehabilitation case category there two types of cases where a Maximum Medical Improvement (MMI) decision was made by the employees treating physician. The first is when MMI has been made less than one year from the date of injury and the second type is when MMI is made in more than a year from the date of injury.
- ▲ If the employee asks about these two types of rehabilitation determination, inform them that this determination is in the 5 CFR (Code of Federal Regulations) Section 353.
- ▲ The first group of cases include employees in existing rehabilitation assignments as well as employees in limited duty assignments where the medical documentation indicates MMI in less than one year from the date of injury.
- ▲ The second group of cases reviewed included rehabilitation and limited duty cases where MMI was reached in more than one year from the date of injury as well as limited duty cases.
- ▲ In all case reviews, the Postal Service is required to identify an assignment as close to the employees' date of injury assignment, based on the medical restrictions provided by the employees treating physician (546 Process).

STEP 2

Employee case file review discussion

- Medical Update, show the employee a copy of their most recent medical update
- ▲ If an employee presents new medical documentation during the interview, the team should accept this documentation.

If the new medical restrictions are equal to or more restrictive than the most current medical documentation we have for this employee, the employee should be informed of this and the interview process will continue

If the new medical restrictions are less restrictive than or are different than the most current medical documentation we have for this employee, then the employee should be informed that the Reassessment Team will review the medical documentation and reassess the employees assignment based on the new medical documentation. The employee must be advised to remain on their current assignment until notified to report for an interview with the Reassessment Team. This new interview should take place as soon as possible if an assignment has been found for the employee based on the new medical documentation.

**Reassessment Process
Employee Interview Process – No Work Available
Second Interview**

Employee case file review discussion (Continued)

- Remind the employee of the 546 processes.
- ▲ 546 Process: the Postal Service is required to identify an assignment as close to the employees' date of injury assignment, based on the medical restrictions provided by the employees treating physician. Section 546 of the Employee Relations Manual outlines the order of the steps that management must follow when identifying an assignment for injured employees.
- Explain who was involved in identifying tasks that need to be performed at each work location and how the medical restrictions of the employee are taken into consideration as to whether the employee can or cannot perform the identified necessary tasks.
- ▲ If the employee asks what tasks that need to be performed are or what is necessary work, explain to them that Operations Management determines what tasks are needed/necessary in each operation to move the mail or complete the assignment. Refer to the 546 (sign off sheets). This documentation should be available and shown to the employee if they ask to see it.

The Reassessment Process ensures that all assignments include necessary tasks and "make work" tasks are not to be assigned.

STEP 3

Presentation of Notification of no work available letter

- Give the Rehabilitation or Limited Duty Assignment Status letter to the employee
- Give the employee as much time as they need to read the letter and other documentation (Local Commuting Area List, CA Forms, Direct Deposit form, and Employee Resource Guide).
- Ask the employee if they have any specific questions about the contents of the letter or other documents.
- ▲ Respond to each of the employees questions, referring to the review of the letter content in the next section of this document.

Review of letter contents and other documents presented to the employee

- Explain that the employee is going to be placed in an Administrative leave status for the remainder of this day as well as for all regularly scheduled work days continuing through this (insert day and date).
- Explain that effective Saturday, (insert month and day) then employee will be placed in a LWOP-IOD pay status and should no longer report to work.

Reassessment Process
Employee Interview Process – No Work Available
Second Interview

Review of letter contents and other documents presented to the employee
(Continued)

- Explain that the employee may want to apply for compensation payments from OWCP while in the LWOP-IOD pay status in order to continue to receive pay. The forms needed to be submitted to OWCP for a claim for compensation should be completed by the employee today or sent to the Injury Compensation Office for immediate completion and forwarding to OWCP.
- ▲ If the employee wants to complete the forms today they may do so at the conclusion of the interview or the employee may choose to complete the forms at a later time then mail them to the Injury Compensation Office in the self-addressed envelope.
- ▲ OWCP Compensation: OWCP will determine the amount of pay the employee is entitled to receive based on the rate of pay the employee was earning while working. There are two primary calculations OWCP uses in determining the amount of compensation: (1) if the employee has dependents (e.g.: spouse or children) – they will receive 75% of pay tax free; or (2) if the employee does not have dependents – they will receive 66 2/3% of pay tax free
- Explain that the Direct Deposit Form will be processed by OWCP to expedite compensation payments directly to the employees' financial institution.
- If the employee wants to use annual or sick leave instead of filing for compensation from OWCP, they must be allowed to do so. PS Form 3971 will be available for the employee to complete for leave. The amount of annual or sick leave wishes to use is at their decision. It is recommended that leave be used in pay period increments, though not mandatory. The employee cannot be placed in a LWOP-IOD status until the requested annual or sick leave is ended by the employee.
- ▲ OWCP Claim for Compensation forms cannot be submitted by management to OWCP until the employee informs the Injury Compensation Office of the end date of personal leave.
- ▲ Personal leave choice by the employee: Remind employees that they can only request annual leave that has been earned versus was is stated on Employees Earning Statement. Personal leave should be for scheduled work days starting Saturday,(insert month and day). Even with the employees' choice to use personal leave (annual or sick leave), the employee is still to be placed on Administrative Leave from the conclusion of the interview through Friday,(insert month and day) for their regularly scheduled work days.
- ▲ The employee must be advised that any leave used during this period in lieu of LWOP-IOD is not eligible for a leave buy back at a later time.
- Briefly explain to the employee that in addition to looking for an assignment for the employee in accordance with 546, management also searched and was unable to identify an assignment within a 50 mile radius of the employees' facility. This 50 mile radius of the employees' facility has been determined as the Local Commuting Area.

**Reassessment Process
Employee Interview Process – No Work Available
Second Interview**

**Review of letter contents and other documents presented to the employee
(continued)**

- ▲ If additional information is requested by the employee on the Local Commuting Area, then the Area Injury Compensation representative in the interview will provide a more detailed explanation.
- Explain the Employee Resource Guide document to the employee. It has been included as an attachment in the event the employee would seek assistance from the listed Human Resource functions or topic areas.

CLOSING

- When all of the above items have been discussed with the employee, the interview is over.
- Inform the employee that they will be given an opportunity today to obtain personal items from the work area. A member of management will accompany the employee to obtain their personal items and will also collect the employees identification badge.

NRP PHASE 2, STEP 15

Responsible Team Member(s):

- District Injury Compensation staff
- District NRP Operations Team Leader
- District NRP Operations Team members

Action - Track all internal USPS activity for all NWA employees.

- The District NRP Team must track and identify any internal USPS activity for all employees placed on the rolls of OWCP due to the result of a NWA determination.
- The activity tracked must be verified quarterly and reported to the Area NRP Operations and Injury Compensation Team Leaders.

Outcome:

All internal USPS activity due to NWA determinations will be tracked.

NEA

LABOR RELATIONS



February 9, 2007

MANAGERS, HUMAN RESOURCES (AREA)
MANAGERS, LABOR RELATIONS (AREA)

SUBJECT: Light Duty Standard Operating Procedure

The attached *Light Duty Protocols* have been established as part of our National Reassessment Process (NRP). Effective administration of light duty, in a manner consistent with applicable collective bargaining agreements and LMOU provisions is an important part of the NRP. The Occupational Health Office will ensure timely and accurate data are available for managers who make decisions concerning requests for temporary or permanent light duty. These protocols are to be implemented in a manner consistent with collective bargaining agreements, applicable LMOU provisions, and Postal Service policy. The eRMS light duty enhancement, scheduled for release on February 20, 2007, will facilitate the use of this protocol in the local offices.

Please ensure that this information is disseminated to management personnel responsible for light duty administration in your area. If you have any questions concerning this matter, contact Zana Dakroub at (202) 268-6170.


A.J. Johnson
Manager

Labor Relations Policy & Programs

Attachments

bcc: Mr. Tulino
Mr. Johnson (LRPP2007-31)
Mr. Daigneault
Mr. Demarco
Mr. Dockins
Mr. Evans
Ms. Hayden
Ms. Martin
Mr. Rachel
Mr. Henderson
Mr. McGovern (Mgr Injury Compensation)
Mr. Anderson (Programs Mgr Resource Management)
Reading: ZDakroub

DocID:Dakroub:HQLDSOP11:mjt:02/09/2007

LIGHT DUTY PROTOCOLS

Existing Light Duty Assignments

The Installation Head or designee should identify all employees currently in Light Duty assignments in the office. If the employee's medical statement is not current the employee must provide a medical statement from a licensed physician or a written statement from a licensed chiropractor. This documentation should include, when possible, the anticipated duration of the convalescence period. Employees agree to submit to a further examination by a physician designated by the Installation Head, if that official so requests.

This documentation, along with the date of initiation of the Light Duty assignment, is to be forwarded to the Occupational Health Office for tracking and filing in the Employee's Medical File. Failure to submit updated medical information may result in denial of the continued Light Duty assignment.

The Occupational Health Office personnel should review all new medical documentation and benchmark the information against established occupational medicine standards. The Installation Head or designee, after working with the Occupational Health Office and ensuring compliance with Article 13 of the National Agreement and any Local Memoranda of Understanding, should initiate the appropriate action regarding the current assignment. The determination of approval or denial of Light Duty must be provided in writing to the employee. The expiration date of the Light Duty assignment should be incorporated in this document with instructions to the employee about the requirement to provide updated medical information to support continuation of Light Duty prior to the expiration date.

All employees in current Light Duty assignments should be entered into the District Light Duty tracking system. The supervisor, Installation Head or designee must provide the Occupational Health Office with the required information as indicated in the tracking sheet (Employee Name, Employee ID, Installation Name, Position Title, and Work Location/Tour). This tracking system should include the date of initiation of the Light Duty assignment, the expiration date, and the responsible supervisor's name and phone number.

New Requests for Temporary Light Duty Assignments

Every request for temporary Light Duty must be submitted in writing to the employee's Installation Head and must be accompanied by a medical statement from a licensed physician or a written statement from a licensed chiropractor with the anticipated duration, when possible, of the Light Duty assignment.

The Installation Head or designee must determine the availability of temporary Light Duty work within the office in accordance with Article 13 and Local Memoranda of Understanding requirements and provide a written response to the employee, either approving or denying the request. If approved, the response should outline the work assignment and duration of approved Light Duty. Denial letters should outline the reason for denial. Both letters must be signed by the Installation Head. The Supervisor is responsible for tracking the expiration date of each employee's Light Duty assignment and for notifying each employee of the expiration date.

All medical documentation along with the approval or denial letters is to be forwarded to the Occupational Health Office for tracking and placement in the Employee's Medical Folder (per Management Instruction EL-860-98-2). The Occupational Health Office will assist the supervisor, Installation Head or designee by reviewing the medical documentation to benchmark the request against established occupational medicine principles. If medical restrictions or duration of the request are questioned, the Occupational Medical personnel should submit questions to be addressed by the employee's treating provider and the employee should be informed that a determination about the request cannot be provided until such questions are answered. The occupational medical personnel may contact the employee's treating provider for clarification only after obtaining a written release from the employee. Light Duty assignments should be terminated if the employee fails to provide acceptable updated medical documentation.

The Occupational Health Office will establish a tracking process for all Light Duty assignments in the District, which includes both approved and denied requests. The supervisor, Installation Head or designee must provide the Occupational Health Office with the required information as indicated in the tracking sheet (Employee Name, Employee ID, Installation Name, Position Title, and Work Location/Tour). Approved requests should include the initial assignment date, expiration date, and responsible supervisor, Installation Head or designee with phone number. The tracking file report should be submitted to the Installation Head or designee at the end of each pay period.

When the Light Duty assignment expires the employee must return to regular duty or submit new medical documentation supporting the need for continuation of Temporary Light Duty. The employee's Light Duty assignment should be terminated if the employee fails to provide requested medical documentation. All requirements of written response by the Installation Head and review by occupational medical personnel continue to apply when continuation of Temporary Light Duty is requested.

District Reasonable Accommodation Committee (D-RAC)

If medical documentation indicates that the employee's medical condition mandates permanent restrictions or that the condition may be a qualifying disability under the Rehabilitation Act the Supervisor or Installation Head or designee should be notified so a referral to the District Reasonable Accommodation Committee (D-RAC) can be initiated.

New Requests for Permanent Light Duty Assignments

Employee requests for Permanent Light Duty must be submitted in writing and shall be accompanied by a medical certificate from a physician designated by the Installation Head giving full evidence of the physical condition of the employee, the need for reassignment, and the ability of the employee to perform other duties. The Installation Head or designee will determine the availability of Permanent Light Duty assignments within the office pursuant to the requirements of Article 13 of the National Agreement and Local Memoranda of Understanding. If the request is approved, the Installation Head or designee will provide a written response to the employee, outlining a task assignment. If the request is denied the Installation Head should initiate a discussion with the employee explaining options including a request for reasonable accommodation through referral to the District Reasonable Accommodation Committee (D-RAC) and provide a written denial response to the employee. The Installation Head must sign both letters.

All medical documentation and the approval or denial letter must be submitted to the Occupational Health Office for tracking and placement in the employee's medical file. The Occupational Health Office will assist the Installation Head or designee by benchmarking the submitted medical documentation against established occupational medicine principles. Permanent Light Duty assignments should be entered in the Light Duty tracking system.

02/08/2007

American Postal Workers Union, AFL-CIO

(202) 842-4271 Office
(202) 682-2528 Fax
E-mail: SCarney@apwu.org

Memorandum

1300 L Street, NW
Washington, DC 20005



From the Office of Susan M. Carney
Human Relations Director

Date: July, 2007
Subject: LIST OF USPS DISTRICTS CURRENTLY UNDER PHASE 2 OF THE NATIONAL REASSESSMENT PROCESS

The Postal Service continues to implement Phase 2 of the National Reassessment Process (NRP) in USPS Districts across the country. There is no set schedule which establishes a date when a particular District will begin Phase 2.

Every USPS District should have already implemented Phase 1 of the NRP, which is the information gathering phase. When a District completes this initial phase, they contact Postal Service Headquarters to seek approval to move forward into Phase 2, which is the interview and decision making phase.

If USPS Headquarters agrees that a District has successfully completed all of the requirements of Phase 1, they will validate the successful Phase 1 completion and authorize that District to begin the implementation of Phase 2. The Postal Service then notifies the APWU national office that Phase 2 implementation has been approved for that District.

The Postal Service has informed the APWU that they do not expect more than three Districts in a USPS Area to be in Phase 2 of the NRP at the same time.

Additional information regarding the NRP can be found on the APWU website under "USPS Unleashes National Reassessment Process (Phases 1 & 2)" and "USPS Reassessment Process Background".

Listed below are the USPS Districts which have been approved for the implementation of Phase 2:

<i>USPS District</i>	<i>Date of Implementation</i>
Dakotas	Mar. 08, 2007
New Hampshire/Vermont	Mar. 13, 2007
Westchester	Late April, 2007
Salt Lake City	Late April, 2007
San Diego (offices not in the NRP pilot)	Mid-May, 2007
South Georgia	Mid-May, 2007
Mid-America	May 24, 2007
Boston	Jun. 28, 2007
Caribbean	Jul. 09, 2007
Honolulu	Jul. 09, 2007
Cincinnati	Aug. 01, 2007

545.3

Employee Benefits
Injury Compensation Program

- d. Where injury to one eye has resulted in loss of vision, periodic examination of the uninjured eye to detect possible sympathetic involvement of the uninjured eye at an early stage.

545.3 **Return to Work Responsibility**545.31 **Control Office or Control Point Responsibility**

Upon authorization of medical care, the control office or control point advises the employee, in writing, of the obligation to return to work as soon as possible. The term *return to work* refers to work in the employee's bid assignment or work in other locations and positions. Notification to the employee must include the following:

- a. If a specific alternative position is available, the control office or control point must advise the employee in writing of the specific duties and physical requirements of the position.
- b. If no specific alternative position is necessary, the control office or control point should advise the employee of any change the agency can make to the employee's permanent assignment to accommodate the employee's limitations due to the injury.

545.32 **Suitable Work**

To be considered suitable by OWCP, the job offer must include the following:

- a. A description of the duties of the position.
- b. A description of the specific physical requirements of the position and any special demands of the workload or unusual working conditions.
- c. The organizational and geographical location of the job.
- d. The effective date of the position.
- e. The date the employee must accept or refuse the job offer.
- f. Pay rate information for the offered position.

The job offer may be made verbally, as long as a written job offer is provided to the employee within 2 business days of the verbal job offer.

545.33 **Employee Responsibility**

The employee is responsible for the following:

- a. Ensuring that the treating physician specifies work limitations and provides them to the control office or control point.
- b. Providing the treating physician with a description of any specific alternative positions offered.
- c. Ensuring a prompt response from the treating physician with an opinion on whether and how soon the employee can be expected to return to work in any capacity, either an offered position or offered modified duties.
- d. Seeking and accepting suitable work.

546.142

Employee Benefits
Injury Compensation Program

effects of the injury are considered permanent and/or the employee has reached maximum medical improvement. Persons in permanent rehabilitation positions have the same rights to pursue promotional and advancement opportunities as other employees.

546.142 **Obligation**

When an employee has partially overcome the injury or disability, the Postal Service has the following obligation:

- a. *Current Employees.* When an employee has partially overcome a compensable disability, the Postal Service must make every effort toward assigning the employee to limited duty consistent with the employee's medically defined work limitation tolerance (see 546.611). In assigning such limited duty, the Postal Service should minimize any adverse or disruptive impact on the employee. The following considerations must be made in effecting such limited duty assignments:
 - (1) To the extent that there is adequate work available within the employee's work limitation tolerances, within the employee's craft, in the work facility to which the employee is regularly assigned, and during the hours when the employee regularly works, that work constitutes the limited duty to which the employee is assigned.
 - (2) If adequate duties are not available within the employee's work limitation tolerances in the craft and work facility to which the employee is regularly assigned within the employee's regular hours of duty, other work may be assigned within that facility.
 - (3) If adequate work is not available at the facility within the employee's regular hours of duty, work outside the employee's regular schedule may be assigned as limited duty. However, all reasonable efforts must be made to assign the employee to limited duty within the employee's craft and to keep the hours of limited duty as close as possible to the employee's regular schedule.
 - (4) An employee may be assigned limited duty outside of the work facility to which the employee is normally assigned only if there is not adequate work available within the employee's work limitation tolerances at the employee's facility. In such instances, every effort must be made to assign the employee to work within the employee's craft within the employee's regular schedule and as near as possible to the regular work facility to which the employee is normally assigned.
- b. *Former Employees.* When a former employee has partially recovered from a compensable injury or disability, the Postal Service must make every effort toward reemployment consistent with medically defined work limitation tolerances. Such an employee may be returned to any position for which he or she is qualified, including a lower grade position than that which the employee held when compensation began.

Note: Placement priority for rehabilitation assignment is the same as for limited duty.

OWCP
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RETURNING INJURED EMPLOYEES
TO MODIFIED DUTY JOBS

Introduction

Service to the injured worker does not stop with the decision on the claim, payment of bills and compensation for wage loss. Service continues by providing the employee the full benefits of the Federal Employees Compensation Act. One of these benefits is vocational rehabilitation. Rehabilitation efforts are designed to re-enter the employee into a suitable employment position that restores the employee to a satisfying career. This seminar concentrates on the issue of reemployment of the injured employee to his previous federal employer.

Medical Evidence

Before we can discuss medical evidence we must have at least a limited understanding of (BURDEN OF PROOF).

- (1) The employee has the burden to provide prima facie evidence to establish the initial claim of a job related injury and disability. The cases in our discussion of reemployment have been accepted as having an injury sustained during federal employment and resulted in a period of total disability with continued medical restrictions. In these cases the burden of proof has shifted to the Federal Employees Compensation Program. The medical evidence must be clear to establish the employee's ability to work. The program must establish by weight of medical evidence the injured employee's current work tolerance level. Medical evidence must be conclusive and not speculative.
- (2) The employees over-all physical and mental condition must be considered. Conditions developed after the injury, conditions that pre-existed and the injury itself must be taken into consideration. Another way to say this is the whole person must be considered when making job offers.
- (3) Keeping all this in mind a medical report, whether from the treating physician, second opinion, or referee physician, must be comprehensive, non-equivocal, and based on a complete factual and medical background. The physician should examine the injured employee and assign specific work tolerance limitations.

BEFORE ANY ACTION IS TAKEN BY THE AGENCY TO SECURE W.T.L. THE AGENCY MUST:

- (1) DETERMINE IF OWCP HAS ALREADY SECURED WTL OR IS IN THE PROCESS OF DOING SO (THE REASON FOR THIS WILL BECOME OBVIOUS LATER IN THE TRAINING).
- (2) DETERMINE IF THE EMPLOYEE IS IN ACTIVE REHABILITATION TRAINING.

ONE QUICK WAY TO DETERMINE THIS IS TO USE THE SYSTEM AND REFER TO THE CLAIMS EXAMINER IDENTIFICATION (CEID). IF IT IS CE*, CF*, OR CG* THE CASE IS IN THE REHABILITATION OR OCM UNIT AND DEVELOPMENT IS ALREADY IN PROGRESS. IF THIS APPEARS THE AGENCY MUST CALL OWCP BEFORE REQUESTING W.T.L. FROM THE PHYSICIAN!

A. The first effort (after the above action) is to secure a current medical report from the treating physician. This report should contain all the information as described above. The treating physician's opinion carries great weight as the physician has the knowledge of medical and treatment history. The work tolerance limitations assigned by the treating physician not only carries a lot of evidentiary weight but there is less likelihood that the physician will change his opinion once a job is modified and offered to the employee.

1. In securing work tolerance limitations from the treating physician we recommend using form CA-17. Complete section (A) describing the physical requirements of the employees regular job. Have the treating physician complete the remainder of the form. If the treating physician gives the opinion that the employee cannot return to the regular position then see if your agency can modify the position by using the physician's opinion of the employees work tolerance limitations as given in section number 13 of the form CA-17. Once the job is modified, send the treating physician a description of the physical requirements of the modified position asking for final approval. This last step is not required but will strengthen the final job offer.

When our office requests work tolerance limitations from any physician we use a standard form (OWCP-5) asking for specific information on physical ability much like the CA-17.

✓ 2. If the treating physician does not reply or his report is equivocal or the objective findings do not support the restrictions assigned by the physician our office (only our office) may request a second opinion. The agency should never contact the second opinion physician. This action could compromise our offices effort to secure an independent opinion.

3. The second opinion report must meet the same standard as any other medical report. The second opinion physician will be instructed to perform an examination. This will include authorization for any non-invasive test and if requested, the functional capacity evaluation. Our office will evaluate the quality of the report and determine if the opinion carries the weight of medical evidence. If the weight of medical evidence is with the second opinion, these work tolerance limitations will be forwarded to the employer asking if a position can be modified and offered for the employee's reemployment.

4. If the second opinion does not carry the weight, but is adequate to establish a conflicting medical opinion with the treating physician, our office will set up a referee examination. Again the agency must not contact the physician and all reports must be evaluated by our office before any action is taken to reemploy the injured worker.

B. If our office determines the referee examination meets our requirements, the physician's opinion carries the weight of evidence and the agency must use these work tolerance limitations in designing modified job for the employee.

WHEN OWCP DETERMINES THE WEIGHT OF MEDICAL EVIDENCE, ONLY OWCP CAN CONSIDER NEW MEDICAL EVIDENCE AND DETERMINE WHEN THE WEIGHT OF EVIDENCE CHANGES.

JOB OFFERS

Our office will take immediate action to reduce or terminate benefits based on actual earnings whenever we receive notification that the claimant has either accepted a job offer or has actually returned to work. We will set a computer call up for 60 days from the return to work date to issue a formal LWEC decision. No further action needs to be taken until the call-up date, unless the employee stops work or the job is withdrawn.

Generally speaking, the fact that the claimant has performed the job for at least 60 days and is working the number of hours he/she is capable of working establishes that the job fairly and reasonably represents his/her wage earning capacity. Although we will require a copy of the job offer, we will not make a determination concerning validity or suitability in these situations.

However, if we receive a copy of a job offer and there is no evidence that the employee has accepted the job or has returned to work, we will review the offer and determine whether it is (a) a valid offer and (b) a suitable offer. We will consider first the criteria for a valid offer.

Valid Offers

To be considered valid, the offer must

- be in writing
- describe the duties to be performed
- describe the physical requirements of the job
- state the location of the job
- state the date the job is available
- state the date by which employee must respond to job offer
- rate of pay
- work hours
- in some cases must indicate moving expenses will be paid (see MOVING EXPENSES)

The physical requirements of the job should be described in concrete terms, even in psychiatric cases. The description should state specifically what the incumbent would be required to do.

For example, a valid offer would state the claimant is required to lift up to 10 lb., Reach above shoulder level intermittently up to one hours per day, etc.

An offer that uses vague terms such as "no heavy lifting," "some reaching above the shoulder," etc., will not be considered valid, since this type of description explains what the employee will not be required to do and does not clearly explain what the employee will be required to do.

Additionally, offers that state the job is sedentary, with no physical requirements, are not considered valid. Every job has some physical requirements.

Remember, if the job offer does not clearly show what the employee will be required to do, it is not possible to arrive at a conclusion as to whether the employee could do the job.

The second decision that must be made when reviewing an offer of employment is whether the offer is suitable for the claimant.

Suitable Offers

To find an offer of employment suitable:

- (1) We will compare the duties and physical requirements of the job offer to the medical limitations in file. We will take the physical requirements of the job and compare them directly with the completed OWCP-5, work limitation evaluation form which OWCP has determined has the weight of medical evidence. Although we can rely on the expert opinion of the RS/RC, it is the responsibility of the Claims Examiner in our office to assure that the opinions and findings of the RS/RC are consistent with the facts of the case.

In psychiatric cases this process of comparison may be more complex. The work limitations may not be described as clearly as needed. Since the limitations are not physical, we will use a special form designed for psychiatric/psychological limitations. If we do not have work limitations on the current form (OWCP-5a), we will consult the narrative sections of current medical reports for descriptions of work limitations.

The examiner will list all work limitations mentioned using the language in the reports. Then will list all requirements of the proposed job and look for any conflicts. If the examiner is not certain whether the job demands are within the employee's emotional abilities, the examiner will request the attending physicians (if an appropriate specialist) to review the job offer before making a final determination on suitability.

- (2) Determine whether the claimant is vocationally capable of performing the job. The Claims examiner will decide, for example, whether the claimant has appropriate education and experience for the job – unless the RS/RC has already done so. If the RS/RC has made the determination already, the claims examiner will rely on it.

Information about the employee's skills and experience will usually be sufficiently detailed in an SF-171 (or other job application form) which is often a part of the file.

If such a form is not in file, there are other ways to arrive at a reasonable conclusion regarding suitability. Often we have enough information from the employee and/or agency as to the type of jobs held prior to the work injury to determine suitability.

Even if that type of information is not contained in the file, often the job being offered is very much in line with the kind of work the employee was doing when injured. This is, of course, true when the agency is offering a modified job. It's basically the same job with greater restrictions.

If another job is offered, we will consider whether the type of work the employee was doing at the time of the injury would have given the employee the skills and knowledge necessary to do the job offered. For example, it is reasonable that a mail carrier has the skills to work in mark-up section which repairs damaged mail.

DISQUALIFYING FACTORS

- (3) Verify that none of these four disqualifying situations apply. The job must be judged unsuitable, if any one situation is present.
- If the employee can work four or more hours per day, yet the job is for less than four hours per day.
 - If the job is temporary, unless the employee was a temporary employee when injured and the job reasonably represents the claimant's WEC. However, a temporary job will not be considered suitable if it will end in fewer than 90 days.

- If the job is for permanent seasonal employment (unless the employee was a seasonal or temporary employee when injured, or resides in an area where jobs are scarce)

- If the employee is disabled from the offered job due to a condition which has arisen since the injury, even if this later condition is not work-related.

What to do when a job offer is
neither valid nor suitable

If the offer does not meet the necessary requirements WE WILL WRITE OR CALL THE EMPLOYING AGENCY and advise them of the problems. If they can modify and/or make corrections to the offer so it can be ruled valid and suitable, they will ask the agency to do so and FAX a corrected copy to our office.

What to do when a job offer is valid and suitable

When the claims examiner determines that the offer is valid and suitable and the employee has neither accepted the job nor returned to work, we will take these steps.

- (1) Phone the agency and confirm that the job is still available. Document our conversation in the file.

- (2) Write to the employee. The letter will contain the following information:
 - a. The job has been determined to be suitable.
 - b. The job remains open for the employee.
 - c. The employee will be paid compensation for the difference (if any) between the pay of the offered job and the pay of the date of injury job.
 - d. The employee has 30 days from the date of the claims examiner's letter to either accept the job or provide an explanation of the reason(s) for refusal. Otherwise the employee will be penalized with loss of compensation. To satisfy the requirement of due process, our office must quote 5 USC 810 c (2) in our letter to the employee.
 - e. The employee can accept the job without penalty within the 30 day period.

The employee will either accept or refuse the offer of employment. There may be valid reasons for refusing an offer.

What to do if the claimant responds to the initial notice that a job is valid and suitable, but declines the offer

(1) We will evaluate whether the reason(s) presented for refusal are considered valid.

Acceptable Reasons For Refusal

(this list is not all inclusive and any reason presented must be evaluated on its merits)

- (A) a medically documented worsening of the employee's condition to the point of disabling him/her for the offered position.
- (B) the employee finds other work which fairly and reasonably represents his/her wage earning capacity.
- (C) the offered position is withdrawn.
- (D) the treating physician advises the employee not to take the position and provides medical rational by the physician. (requires further development)
- (E) medical evidence establishes the employee is unable to travel to the job.

The following are additional reasons for employees that are no longer on the agency employment roll.

- (F) the employee has moved and medical condition of either the employee or family member prevents the employee from moving back to the area.
- (G) the position is temporary and will not afford health insurance coverage for the employee. [PM Chapter 2.814.5.b(1)]
- (H) the employee is already working, and the job fairly and reasonably represents his or her WEC, whether or not a formal rating is in place.

(2) If the reasons for refusal are not valid:

- a. we will contact the agency to make sure the job is still available.
- b. we will write the employee and advise him/her that the reason for refusal is not acceptable.
- c. we will advise the employee he/she has 15 days in which to accept the offer without the penalty of compensation loss.
- d. we will advise the employee that no further arguments/evidence will be considered during the 15 day period.

3. If the employee continues to decline the offer, we will issue the final decision finding that the employee is not entitled to further compensation benefits. (Compensation includes compensation for wage loss and schedule award of compensation.) This does not affect payment of related medical expenses, so entitlement to medical benefits for the accepted condition will continue. In this situation (i.e. the employee has refused an acceptable job) we are terminating benefits under the provision of 5 U.S.C. 8106, and we do not need to provide pre-termination notice. Our letters concerning suitability and our response to any interim submission of evidence satisfy the due process requirement

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However, if we receive a copy of a job offer and there is no evidence that the employee has accepted the job or has returned to work, we will review the offer and determine whether it is (a) a valid offer and (b) a suitable offer. We will consider first the criteria for a valid offer.

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- be in writing
- describe the duties to be performed
- describe the physical requirements of the job
- state the location of the job
- state the date the job is available
- state the date by which employee must respond to job offer
- rate of pay
- work hours
- in some cases must indicate moving expenses will be paid (see MOVING EXPENSES)

The physical requirements of the job should be described in concrete terms, even in psychiatric cases. The description should state specifically what the incumbent would be required to do.

For example, a valid offer would state the claimant is required to lift up to 10 lb., Reach above shoulder level intermittently up to one hours per day, etc.

An offer that uses vague terms such as "no heavy lifting," "some reaching above the shoulder," etc., will not be considered valid, since this type of description explains what the employee will not be required to do and does not clearly explain what the employee will be required to do.

Additionally, offers that state the job is sedentary, with no physical requirements, are not considered valid. Every job has some physical requirements.

Remember, if the job offer does not clearly show what the employee will be required to do, it is not possible to arrive at a conclusion as to whether the employee could do the job.

The second decision that must be made when reviewing an offer of employment is whether the offer is suitable for the claimant.

Suitable Offers

To find an offer of employment suitable:

- (1) We will compare the duties and physical requirements of the job offer to the medical limitations in file. We will take the physical requirements of the job and compare them directly with the completed OWCP-5, work limitation evaluation form which OWCP has determined has the weight of medical evidence. Although we can rely on the expert opinion of the RS/RC, it is the responsibility of the Claims Examiner in our office to assure that the opinions and findings of the RS/RC are consistent with the facts of the case.

In psychiatric cases this process of comparison may be more complex. The work limitations may not be described as clearly as needed. Since the limitations are not physical, we will use a special form designed for psychiatric/psychological limitations. If we do not have work limitations on the current form (OWCP-5a), we will consult the narrative sections of current medical reports for descriptions of work limitations.

The examiner will list all work limitations mentioned using the language in the reports. Then will list all requirements of the proposed job and look for any conflicts. If the examiner is not certain whether the job demands are within the employee's emotional abilities, the examiner will request the attending physicians (if an appropriate specialist) to review the job offer before making a final determination on suitability.

- (2) Determine whether the claimant is vocationally capable of performing the job. The Claims examiner will decide, for example, whether the claimant has appropriate education and experience for the job – unless the RS/RC has already done so. If the RS/RC has made the determination already, the claims examiner will rely on it.

Information about the employee's skills and experience will usually be sufficiently detailed in an SF-171 (or other job application form) which is often a part of the file.

If such a form is not in file, there are other ways to arrive at a reasonable conclusion regarding suitability. Often we have enough information from the employee and/or agency as to the type of jobs held prior to the work injury to determine suitability.

Even if that type of information is not contained in the file, often the job being offered is very much in line with the kind of work the employee was doing when injured. This is, of course, true when the agency is offering a modified job. It's basically the same job with greater restrictions.

If another job is offered, we will consider whether the type of work the employee was doing at the time of the injury would have given the employee the skills and knowledge necessary to do the job offered. For example, it is reasonable that a mail carrier has the skills to work in mark-up section which repairs damaged mail.

DISQUALIFYING FACTORS

- (3) Verify that none of these four disqualifying situations apply. The job must be judged unsuitable, if any one situation is present.
- If the employee can work four or more hours per day, yet the job is for less than four hours per day.
 - If the job is temporary, unless the employee was a temporary employee when injured and the job reasonably represents the claimant's WEC. However, a temporary job will not be considered suitable if it will end in fewer than 90 days.

- If the job is for permanent seasonal employment (unless the employee was a seasonal or temporary employee when injured, or resides in an area where jobs are scarce)

- If the employee is disabled from the offered job due to a condition which has arisen since the injury, even if this later condition is not work-related.

What to do when a job offer is
neither valid nor suitable

If the offer does not meet the necessary requirements WE WILL WRITE OR CALL THE EMPLOYING AGENCY and advise them of the problems. If they can modify and/or make corrections to the offer so it can be ruled valid and suitable, they will ask the agency to do so and FAX a corrected copy to our office.

What to do when a job offer is valid and suitable

When the claims examiner determines that the offer is valid and suitable and the employee has neither accepted the job nor returned to work, we will take these steps.

- (1) Phone the agency and confirm that the job is still available. Document our conversation in the file.

- (2) Write to the employee. The letter will contain the following information:
 - a. The job has been determined to be suitable.
 - b. The job remains open for the employee.
 - c. The employee will be paid compensation for the difference (if any) between the pay of the offered job and the pay of the date of injury job.
 - d. The employee has 30 days from the date of the claims examiner's letter to either accept the job or provide an explanation of the reason(s) for refusal. Otherwise the employee will be penalized with loss of compensation. To satisfy the requirement of due process, our office must quote 5 USC 810 c (2) in our letter to the employee.
 - e. The employee can accept the job without penalty within the 30 day period.

The employee will either accept or refuse the offer of employment. There may be valid reasons for refusing an offer.

What to do if the claimant responds to the initial notice that a job is valid and suitable, but declines the offer

(1) We will evaluate whether the reason(s) presented for refusal are considered valid.

Acceptable Reasons For Refusal

(this list is not all inclusive and any reason presented must be evaluated on its merits)

- (A) a medically documented worsening of the employee's condition to the point of disabling him/her for the offered position.
- (B) the employee finds other work which fairly and reasonably represents his/her wage earning capacity.
- (C) the offered position is withdrawn.
- (D) the treating physician advises the employee not to take the position and provides medical rational by the physician. (requires further development)
- (E) medical evidence establishes the employee is unable to travel to the job.

The following are additional reasons for employees that are no longer on the agency employment roll.

- (F) the employee has moved and medical condition of either the employee or family member prevents the employee from moving back to the area.
- (G) the position is temporary and will not afford health insurance coverage for the employee. [PM Chapter 2.814.5.b(1)]
- (H) the employee is already working, and the job fairly and reasonably represents his or her WEC, whether or not a formal rating is in place.

(2) If the reasons for refusal are not valid:

- a. we will contact the agency to make sure the job is still available.
- b. we will write the employee and advise him/her that the reason for refusal is not acceptable.
- c. we will advise the employee he/she has 15 days in which to accept the offer without the penalty of compensation loss.
- d. we will advise the employee that no further arguments/evidence will be considered during the 15 day period.

3. If the employee continues to decline the offer, we will issue the final decision finding that the employee is not entitled to further compensation benefits. (Compensation includes compensation for wage loss and schedule award of compensation.) This does not affect payment of related medical expenses, so entitlement to medical benefits for the accepted condition will continue. In this situation (i.e. the employee has refused an acceptable job) we are terminating benefits under the provision of 5 U.S.C. 8106, and we do not need to provide pre-termination notice. Our letters concerning suitability and our response to any interim submission of evidence satisfy the due process requirement

American Postal Workers Union, AFL-CIO

(202) 842-4271 Office
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From the Office of Susan M. Carney
Human Relations Director

Memorandum

1300 L Street, NW
Washington, DC 20005



USPS Withdrawal of a Limited Duty/Permanent Rehabilitation Assignment

As the Postal Service's "Reassessment Process" expands across the country, we expect that a growing number of limited duty and/or rehabilitation jobs will be withdrawn. At the national level the APWU will continue to monitor each phase of the reassessment process. Local and State Organizations are encouraged to keep us informed, as we are paying special attention to the way that the USPS implements their program at each site. At the moment our particular concerns are whether management is making a good faith effort in finding work for these injured employees, and whether seniority rights are being adhered to when these reassignments are made.

At the local level, if management determines that there is no medically suitable work for an employee, they will inform the employee of their decision, and the employee will be sent home. When this occurs there are normally two basic actions which the employee and the Union should consider.

Filing a Claim with OWCP

First, an injured employee who has a limited duty/rehabilitation job withdrawn, and who wants to claim wage loss compensation from OWCP, should file a **Form CA-7, Claim for Compensation**. In addition we suggest that **Form CA-2a, Notice of Recurrence**, be filed. Specifically, the recurrence of disability (inability to work) in these cases is the result of a work stoppage caused by the Postal Service's withdrawal (for reasons other than misconduct) of a specific limited duty/rehab assignment which was created specifically for the injured employee.

The employee should indicate in Block #16 on OWCP **Form CA-2a** that the recurrence claim is for "Time Loss From Work", and indicate in Block #21 that the recurrence is the result of work stoppage caused by the Postal Service's withdrawal of the limited duty/rehabilitation assignment.

We suggest that if the employee has a copy of the original limited duty/rehab job offer they attach it to the **Form CA-2a**. Also, ask the Postal Service to document in writing the withdrawal of the rehab job and to provide a copy to the employee. This should also be attached to the **CA-2a**. If refused, a written statement from the employee and/or union should suffice. The employee should submit **Forms CA-7** and **CA-2a** to the USPS, retaining a copy of each for their personal records. The USPS must also provide the employee completed copies of these forms and submit them to OWCP in a timely manner.

Conditions previously accepted by OWCP are not automatically approved Recurrence claims. Generally, if the employee has returned to work for a period of 90 days following a compensable injury, OWCP requires updated medical documentation. We expect that in almost all cases OWCP will authorize payment of wage loss compensation if the current medical documentation establishes that the injured employee continues to suffer from residual restrictions caused by their accepted injuries. After OWCP accepts the recurrence of disability we expect that OWCP will place these employees into their vocational rehabilitation program in an effort to find them medically and vocationally suitable work in the private sector.

Filing a Grievance

Second, the specific fact circumstances in each case should be developed by conducting a grievance investigation. The fundamental obligation of the Postal Service is to make every effort to provide medically suitable employment to employees who have partially recovered from compensable disabilities. In making such assignments the USPS should minimize any adverse or disruptive impact on these employees (see specific references below).

Since these are contract grievances the Union has the burden to provide specific fact information in order to prove that such medically suitable work exists and to detail the specific duties which the injured employee is capable of performing. Normally, the first place to look would be to the job the employee was performing before the implementation of the "Reassessment Process". (Sample questions: Where did the work go? Will anyone else be performing the work? Is the work still medically suitable, etc?)

As part of a grievance investigation the steward should request the "546 Worksheet" (copy enclosed). This Postal Service worksheet should be generated by management during their search for a rehab job for the impacted employee. All details relating to the search should be requested: all supervisors contacted, offices searched, and dates of contact. Also, interview, as appropriate, the supervisors who indicated on the worksheet that there was no medically suitable work available in their area of responsibility. (Sample questions: What efforts were made to reasonably accommodate the employee with medically suitable work? Did the Postal Service meet their obligation to minimize any adverse or disruptive impact on the employee? Did their search for medically suitable work include all facilities?)

It may also be useful to examine the record of clock rings/move reports of the impacted employee over a period of time. This might be used to document the work which the rehab employee had been performing. If moves (labor distribution codes) were not used to track the actual duties performed by the employee, the employee should provide a written statement detailing this information.

Keep in mind that the Postal Service's obligation is to provide medically suitable work. There is no language in applicable Article 19 handbooks and manuals that requires such jobs to consist of "productive" or "necessary" work. Normally, rehabilitation jobs are uniquely created assignments which consist of a subset of duties which are included in a standard position description. They are assignments which "would not have existed, but for the [Postal Service's] obligation to find work for the injured employee", and are assignments "not created to meet operational needs of the Postal Service, but to fit medical restrictions of the injured employee with minimum disruptive impact on the employee" (Shyam Das, E90C-4E-C95076238).

The remedy which would normally be requested in this type of grievance would be to provide medically suitable employment as required by the ELM, EL 505, *Injury Compensation*, and the Code of Federal Regulations (See references below). Because the employee was ready, willing and able to continue working and the USPS withdrew the available work, the make-whole remedies should include: returning the employee to pay status, paying for lost work hours, restoring annual and sick leave.

References

ELM 546.11 "The USPS has legal responsibilities to employees with job-related disabilities under 5 USC 8151 and the Office of Personnel Management's (OPM) regulations..." [See **CFR 353.306** cited below for OPM regulations.]

ELM 546.142 a. "When an employee has partially overcome a compensable disability, the USPS must make every effort toward assigning the employee to limited duty consistent with the employee's medically defined work limitation tolerance. In assigning such limited duty the USPS should minimize any adverse or disruptive impact on the employee."

ELM 546.142 a.(4) "An employee may be assigned limited duty (rehabilitation assignment) outside of the work facility...only when there is not adequate work available...at the employee's facility..." *The ELM does not limit the search to find medically suitable work to the commuting area.* Therefore, it is our opinion that the USPS must conduct a search agency wide when work is not available in the employee's facility, making every effort to assign the employee to work within the employee's craft, schedule, and as near as possible to the regular work facility to which the employee is normally assigned.

ELM 546.65 and EL 505, *Injury Compensation*, Chapter 11-6. Both of these cites establish in detail that if management refuses to accommodate a partially disabled employee, then that employee must be provided with a copy of Postal Service Headquarters' final concurrence of such refusal, be notified in writing of the USPS refusal to accommodate, and also be notified of their right to appeal to the Merit System Protection Board (MSPB). (See also **EL 546.3** and **546.4**).

EL 505, *Injury Compensation* Chapter 11. "Procedures." "It is the policy of the USPS to make every effort to reemploy or reassign IOD employees with permanent partial disabilities..."

EL 505, *Injury Compensation* Chapter 11.7 "Identifying a Modified Job Assignment." A current employee who "is capable of performing his or her core duties with only minor modifications" is not considered to be in a modified job assignment. Therefore, in our opinion, these employees should not be subject to the Reassessment Process.

CBA, Article 3, "Management Rights" directs that the application of management rights must be "consistent with applicable laws and regulations." The applicable regulation is **Part 353.306 of Title 5, Code of Federal Regulations (CFR)**, which states that "agencies must make every effort to restore, according to the circumstances in each case, an employee or former employee who has partially recovered from a compensable injury and who is able to return to limited duty."

CBA, Article 21.4, "Benefit Plans" establishes that employees are covered by the **Federal Employees Compensation Act (i.e., subchapter I of chapter 81 of Title 5)** and that the USPS will promulgate (publish officially) regulations which comply with the applicable regulations of OWCP. The applicable regulation is **Part 10.505 of Title 20, CFR** which states:

"What actions must the employer take?... (a) Where the employer has specific alternative positions available for partially disabled employees, the employer should advise the employee in writing of the specific duties and physical requirements of those positions. (b) Where the employer has no specific alternative positions available for an employee who can perform restricted or limited duties, the employer should advise the employee of any accommodations the agency can make to accommodate the employee's limitations due to the injury".

CBA, Article 2, "Non-Discrimination and Civil Rights" states that "In addition, consistent with the other provisions of this Agreement, there shall be no unlawful discrimination against handicapped employees, as prohibited by the Rehabilitation Act. [See **EL 307, *Reasonable Accommodation*** (January, 2000), which states, for example: "In other words, the Rehabilitation Act requires the employer to look for new or innovative ways to alter, restructure, or change the ways of doing a job in order to allow a qualified person with a disability to perform the essential functions of a particular job".]

CBA, Article 5, "Prohibition of Unilateral Action" establishes that "the employer will not take any actions affecting wages, hours and terms and conditions of employment as defined in Section 8 (d) of the National Labor Relations Act which violate the terms of this agreement or are otherwise inconsistent with its obligations under law."

CBA, Article 34, "Work and/or Time Standards" establishes in "Part B" that "the employer agrees that any work measurement systems or time or work standards shall be fair, reasonable, and equitable". Article 34 then goes on to describe in "Part B" through "Part I" the detailed process that must be followed if the USPS intends to change current, or institute new, work measurement systems, or work or time standards. The USPS at the Headquarters' level has not given the APWU any notification, nor have they even suggested that they intend to create a specific standard of "productivity" for injured employees in rehab positions. The current applicable work standard for all employees is cited in "Part A" of Article 34: "The principle of a fair day's work for a fair day's pay is recognized by all parties to this agreement."

In support of the argument that a partially disabled employee working in a rehabilitation job is in compliance with the principle of "a fair days work" we refer to the **ELM, Chapter 546.21, "Compliance"** which states that: "Reemployment or reassignment under this section must be in compliance with applicable collective bargaining agreements. Individuals so reemployed or reassigned must receive all appropriate rights and protection under the newly applicable Collective Bargaining Agreement". We argue, then, that just like any other bargaining unit employee, a rehab employee is protected by Article 34 language from arbitrary work measurement systems or work or time standards.

Grievance Summary

When the USPS withdraws a limited duty and/or a permanent rehabilitation job the Union should argue, as appropriate according to the specific fact circumstances of the case, that such action:

- (1) Violates Clear CBA and handbook language;
- (2) Is inconsistent and noncompliant with USPS obligations under applicable law and regulations;
- (3) Contravenes the long standing criteria which has been applied consistently and uniformly by both the USPS and OWCP when making rehabilitation assignments, *i.e.* not whether an assignment is "necessary" or "productive", but whether the job assignment is medically suitable or appropriate;
- (4) Is inconsistent with clear and unambiguous controlling language and a longstanding mutually recognized practice;
- (5) Is arbitrary and capricious in that "productive" and "necessary" are not contractually established work measurement standards;
- (6) Violates Article 34 protection against arbitrarily created and selectively applied work measurement systems, or work or time standards;
- (7) May give the appearance of violating **ELM 542.33, "Penalty For Refusal to Process Claim"** because if the USPS denies medically suitable employment to partially disabled employees, such behavior may induce and/or compel injured employees to forego filing claims because they observe the employer taking what appears to be retaliatory and punitive action against an employee who has an accepted OWCP claim.

Other Options

Light Duty Assignment

An employee whose limited duty/rehab job has been withdrawn should consider requesting a light duty assignment under Article 13 of the CBA. Normally, an employee who has medical restrictions resulting from a

workplace injury would not request a light duty job since the language of 546 of the *ELM* and of *EL 505* provide greater protection than Article 13. However, light duty assignments are available to "full-time regular or part-time flexible employees who through illness or injury are unable to perform their regularly assigned duties". The language does not make a distinction between medical conditions resulting from on duty or off duty incidents. If the limited duty/rehab job has been withdrawn, employees who want to exercise all of their contractual options might want to pursue a light duty assignment by writing to the installation head and requesting a light duty assignment. The installation head must "show the greatest consideration", and reassign the requesting employee "to the extent possible in the employee's office."

If a light duty request is refused, the installation head must notify the employee "in writing, stating the reasons for the inability to reassign the employee". Of course, if an investigation reveals that the refusal violated Article 13, then a grievance could be filed. It is worth noting that with light duty assignments the installation head determines the type and area of assignment, hours of duty, etc. Obviously, any employee thinking about making a light duty request should become familiar with the language of Article 13, "Assignment of Ill or Injured Regular Workforce Employees".

Since light duty assignments are available for employees who sustain injuries on duty, applying for light duty would not be an indication that the medical condition was not work related.

Unemployment Compensation

The Unemployment Compensation for Federal Employees Program (UCFE) is administered by the states under separate agreements with the US Secretary of Labor. Requirements for unemployment compensation benefits vary from state to state in accordance with each state's employment security law. An employee who has a limited duty/rehab job withdrawn, and who wants to apply for unemployment compensation, should ask the Postal Service to provide them with form *SF 8*, "Notice to Former Employee About Unemployment Insurance." The use of the term "Former Employee" in the title of the form does not mean that if you receive the form you are no longer a Postal Service employee. If the Postal Service has withdrawn your medically suitable job, you are still on the roles of the Postal Service, but they have "unemployed" you. However, you remain both able to work and available for work.

Keep in mind that if an employee receives unemployment for a period of time, and then eventually receives OWCP compensation for the same period of time, the state unemployment compensation will probably have to be repaid to the state. Check the rules for your state. However, OWCP will not offset their wage loss compensation payment as a result of simultaneous payment of unemployment compensation.

Appeal to the Merit System Protection Board (MSPB)

The Code of Federal Regulations at **5 CFR 353**, "**Restoration to Duty from Uniformed Service or Compensable Injury**", permits individuals with accepted compensable injuries to appeal to MSPB (whether the individual is a preference eligible veteran or not) the Postal Service's failure to restore, improper restoration, or failure to return an employee following a leave of absence.

When the USPS separates, grants LWOP, restores or fails to restore an employee because of a compensable injury, they are required to notify the employee of his or her rights and obligations, including any appeal and grievance rights. However, regardless of notification, an employee is still required to exercise due diligence in ascertaining his or her rights.

When an employee has partially recovered from a compensable injury the Postal Service must make every effort to restore the employee and return them to limited duty. At a minimum, this would mean treating the employee substantially the same as other handicapped individuals under the Rehabilitation Act.

A partially recovered employee may appeal to MSPB for a determination of whether the USPS acted arbitrarily and capriciously in denying restoration. Ordinarily, an agency's failure to comply with their own rules and regulations would indicate that they acted in an arbitrary and capricious manner.

Individuals who would like to learn more about MSPB appeals can go to MSPB's website: www.mspb.gov. Also, the APWU Store has two booklets for sale regarding MSPB: "Merit Systems Protection Board: The Hearing", and "Merit Systems Protection Board: Principles & Procedures".

EEO Complaints

The **Rehabilitation Act of 1973, as amended, Sections 501, 504, and 505** prohibits employment discrimination on the basis of disability. Discrimination is prohibited in all aspects of employment against persons with disabilities who, with reasonable accommodation, can perform the essential functions of a job.

The Equal Employment Opportunity Commission protects qualified applicants and employees with disabilities from discrimination in hiring, promotion, discharge, pay, job training, fringe benefits, classification, referral, and other aspects of employment on the basis of disability. It requires that covered entities provide qualified applicants and employees with disabilities with reasonable accommodations that do not impose undue hardship.

Any Postal Service employee who believes that he or she has been illegally discriminated against can contact an EEO counselor at (888) 336-8777. This counseling request must be made within 45 calendar days of the alleged discriminatory act. The counselor will attempt to help the parties agree on a resolution. The Postal Service may offer mediation as part of the EEO process. If the matter is not resolved the EEO counselor will advise the employee of the procedures for filing a formal complaint.

Disability Retirement

Interested employees should request individual pre-retirement counseling. This counseling is conducted by a Postal Service official who can provide detailed information on retirement health benefits and life insurance programs, and provide basic annuity estimates. OPM makes the final decision regarding disability retirement. They will determine if the permanent medical condition has resulted in a deficiency in the employee's performance, conduct, or attendance, or is otherwise incompatible with useful or efficient service. Application for disability retirement must be received by OPM within one year after the date of separation. (See the attached documents prepared by the APWU Retirees Department.)

Separation-Disability

Reference: **ELM 365.34**

Separation-Disability is an administrative action that can be taken by the Postal Service. It is not a retirement program and should not be confused with disability retirement. An employee who suffers a job-related illness or injury for which OWCP compensation is being paid should be granted LWOP for an initial period of up to one year from the date OWCP compensation begins. If an employee is unable to return to work at the end of one year of continuous LWOP, and is not likely to return to work within the next six months, the Postal Service may remove the employee from Postal Service rolls by issuing a separation by disability. This separation action should be initiated only after permission has been received from Postal Service Headquarters. Employees should not be separated for disability until given a written notice of the proposed action. Eligible employees have one year from separation to file for disability retirement or their rights will lapse. If a separated

employee recovers either partially or totally, he or she can request that the Postal Service restore them to duty. If the Postal Service refuses, the employee may appeal to MSPB (see above: "Appeal to MSPB").

OWCP's Vocational Rehabilitation Program

If the Postal Service does not provide medically suitable work to an injured employee, OWCP will offer vocational rehabilitation services to such employees in an effort to find them work in another federal agency or in the private sector. OWCP will assign a rehabilitation counselor, who is under contract to OWCP, to that employee in order to provide services such as counseling and guidance, vocational testing, training programs, and placement help. These placement services may be provided for up to ninety days. If the counselor determines that there are at least two jobs within commuting distance which the employee can perform, the employee will be notified, and will be expected to acquire that job. Whether an employee gets a job or not, OWCP compensation will be reduced by the earnings, or potential earnings, of that position. A voc-rehabbed employee remains eligible for the Federal Employees Health Benefit Program as long as they receive one dollar of wage loss compensation from OWCP. It is our opinion that employees should not be involuntarily separated from Postal Service employment while they are receiving vocational rehabilitation services. (See "Separation-Disability").

October, 2006

Example
(THIS IS A "US POSTAL SERVICE" DOCUMENT)

Date: _____

Facility: _____

Injured Employee Name: _____

Date of Injury _____

Postal Manual Reference: ELM 546.142

When an employee has partially overcome the injury or disability, the Postal Service has the following obligation:

Current Employees. When an employee has partially overcome a compensable disability, the Postal Service must make every effort toward assigning the employee to limited duty consistent with the employee's medically defined work limitation tolerance (see 546.611). In assigning such limited duty, the Postal Service should minimize any adverse or disruptive impact on the employee. The following considerations **must be made** in effecting such limited duty assignments:

- (1) To the extent that there is adequate work available within the employee's work limitation tolerances, within the employee's craft, in the work facility to which the employee is regularly assigned, and during the hours when the employee regularly works, that work constitutes the limited duty to which the employee is assigned.

I certify that every effort was made to identify an assignment for this employee with either a limited duty or rehabilitation assignment (if appropriate) in the employee's regularly assigned craft, facility and tour, and that no such assignment was available.

Postmaster/Manager or designee name (print) and initials _____
Signature: _____

- (2) If adequate duties are not available within the employee's work limitation tolerances in the craft and work facility to which the employee is regularly assigned within the employee's regular hours of duty, other work may be assigned within that facility.

I certify that every effort was made to identify an assignment for this employee with either a limited duty or rehabilitation assignment (if appropriate) in the employee's regularly assigned facility and tour, and in all available crafts within this facility, and that no such assignment was available.

Postmaster/Manager or designee name (print) and initials _____
Signature: _____

- (3) If adequate work is not available at the facility within the employee's regular hours of duty, work outside the employee's regular schedule may be assigned as limited duty. However, all reasonable efforts must be made to assign the employee to limited duty within the employee's craft and to keep the hours of limited duty as close as possible to the employee's regular schedule.

I certify that every effort was made to identify an assignment for this employee with either a limited duty or rehabilitation assignment (if appropriate) in the employee's regularly assigned facility within a different tour, and that no such assignment was available.

Postmaster/Manager or designee name (print) and initials _____
Signature: _____

Example
(THIS IS A "US POSTAL SERVICE" DOCUMENT)

(4) An employee may be assigned limited duty or outside of the work facility to which the employee is normally assigned only if there is not adequate work available within the employee's work limitation tolerances at the employee's facility. In such instances, every effort must be made to assign the employee to work within the employee's craft within the employee's regular schedule and as near as possible to the regular work facility to which the employee is normally assigned.

NOTES: Please provide details of your search outside of employee's facility. These details should include all the facilities called, dates facilities called, who spoke you with about limited duty opportunities, etc. . . .

The Manager/Postmaster conducting the search must include this information in the space below (attach additional pages if necessary).

I certify that every effort was made to identify an assignment for this employee outside of my facility. I contacted facilities within the local commuting area (e.g.; other post offices, stations, or plant supervisors in the area considered a reasonable commute for the employee) and was unable to identify an assignment for this employee within their current work tolerances. I then notified my superior Name: _____ (e.g.; MPOO, MDO, etc.) in order to identify either a limited duty or rehabilitation assignment (if appropriate) for this employee.

Postmaster/Manager or designee name (print) and initials _____
Signature: _____

Other Management name, title and initials contacted and involved in the determination of task availability (e.g.; MPOO, MDO, etc.) _____

DISABILITY RETIREMENT FERS

Eligibility:

1. 18 months Federal civilian service which is creditable under FERS.
2. Become disabled, while employed, from disease or injury for useful and efficient service in current position.
3. Disability must last more than year.
4. Employer must verify that is unable to accommodate your disabling medical condition.
5. Must apply before separation or within one year thereafter.
6. You must apply for Social Security disability benefits when you apply for FERS disability. If you withdraw you Social Security disability application, OPM will dismiss the FERS disability retirement application.

Required Criteria:

OPM considers the documentary evidence you, your physician, and your agency provide. Your claim can be allowed only if the evidence established that you meet all of the following criteria:

1. A medical condition, which is defined as a health impairment resulting from a disease or injury, including a psychiatric disease.
2. Disability must last more than one year.
3. Become disabled while serving under FERS.
4. A deficiency in service with respect to performance, conduct or attendance, OR in the absence of service deficiency, show that your medical condition is incompatible with either useful service or retention in the position.
5. Your medical condition has caused a service deficiency.
6. Your employer is unable to reasonably accommodate your medical condition.
7. The absence of another available position, within the employing agency and commuting area at the same grade or pay level and tenure for which you are qualified for reassignment.

Required Forms:

1. SF 3107 – Application for Immediate Retirement with associated forms.
2. SF 3112 – Application for Disability Retirement including 5 parts, Schedules A, B, C, D, and E.

DISABILITY RETIREMENT FERS

Once OPM has received your application, you will receive an acknowledgement letter with information and a claim number (beginning with letters "CSA"). Receipt on a CSA number means that your application has been received and will be reviewed to determine your eligibility for disability retirement. OPM will review the application and contact you or the employer, if necessary, before a final opinion is rendered. If disallowed, you will also be given information about requesting reconsideration.

Annuity Computation:

Disability benefits under FERS are computed in different ways depending on the retiree's age and amount of service at retirement. In addition, FERS disability retirement benefits are recomputed after the first 12 months and again at age 62, if the annuitant is under age 62 at the time of disability retirement.

1. If at disability retirement you are already 62, or you meet the age and service requirements for immediate retirement, you will receive your "earned" annuity based on the general FERS formula:

1% of your "high-3" average salary multiplied by your years and months of service.

(However, if you are at least 62 years old at retirement and have completed at least 20 years of service your annuity will be computed with a 1.1% factor)

2. If at disability retirement you are under age 62 and are not eligible for voluntary retirement, you will receive the following benefit:

- a) For the first 12 months ---
60% of your "high-3" average salary minus 100% of your Social Security disability benefits for any month in which you are entitled to SS benefits.
- b) After the first 12 months ---
40% of your "high-3" minus 60% of your Social Security benefits for any month in which you are entitled to SS benefits.

DISABILITY RETIREMENT FERS

It is important to realize the amount of your OPM annuity will be reduced by a percentage of your Social Security benefits if approved. Do not overlook this and find later that you owe a large amount to OPM.

3. When you reach age 62 ---

Your annuity will be recomputed using an amount that represents the annuity you would have received if you had continued working until the day before your 62nd birthday. The total years used in the computation will be increased by the amount of time you have received a disability annuity.

Medical Recovery:

If you are a disability retiree under age 60, OPM may require periodic reevaluations of your medical condition to determine if you have recovered from your disability. If OPM finds you recovered your disability payments will stop one year from the date of the medical examination showing your recovery or on the date you are reemployed in Federal service, whichever occurs first.

Restoration of Earning Capacity:

If you are a disability retiree under age 60, there is a limit on the amount you can earn from wages and self-employment and still be entitled to your annuity. Each year OPM will send you a questionnaire to complete and return in order to determine your earning for the previous calendar year. If your earnings in any calendar year equal at least 80% of the current salary rate of the position from which you retired, your earning capacity will be restored. After you turn age 60, there is no restriction on the amount of wages or earning from self-employment you may receive.

Receipt of Benefits from OWCP:

The approval of a claim for benefits by OWCP, US Dept of Labor, for work related injury or illness, does *not* automatically entitle an employee to FERS disability retirement. A claim for FERS disability retirement must also be filed with the Office of Personnel Management. If you are approved for disability retirement and elect to provide survivor benefit protection, you will protect the rights of your eligible survivors to receive annuity benefits after your death. In addition, this will protect your own annuity rights in the event you lose entitlement benefits from OWCP.

DISABILITY RETIREMENT CSRS

Eligibility:

1. 5 years creditable civilian service
2. Become disabled, while employed, from disease or injury for useful and efficient service in current position.
3. Disability must last more than year.
4. Employer must verify that is unable to accommodate your disabling medical condition.
5. Must apply before separation or within one year thereafter.

Required Criteria:

OPM considers the documentary evidence you, your physician, and your agency provide. Your claim can be allowed only if the evidence established that you meet all of the following criteria:

1. A medical condition, which is defined as a health impairment resulting from a disease or injury, including a psychiatric disease.
2. Disability must last more than one year.
3. Become disabled while serving under CSRS.
4. A deficiency in service with respect to performance, conduct or attendance, OR in the absence of service deficiency, show that your medical condition is incompatible with either useful service or retention in the position.
5. Your medical condition has caused a service deficiency.
6. Your employer is unable to reasonably accommodate your medical condition.

Required Forms:

1. SF 2801 – Application for Immediate Retirement with associated forms.
2. SF 3112 – Application for Disability Retirement including 5 parts, Schedules A, B, C, D, and E.

Once OPM has received your application, you will receive an acknowledgement Letter with information and a claim number (beginning with letters "CSA"). OPM will review the application and contact you or the employer, if necessary, before a final opinion is rendered. If disallowed, you will also be given information about requesting reconsideration.

Annuity Computation:

If the "earned" annuity is less than the guaranteed minimum, the minimum becomes the basic annuity. The guaranteed minimum is not a fixed amount but varies from one employee to another, depending on age, service and average salary. It is the lesser of the following:

1. 40% of the employee's 'high-3' average salary, or

DISABILITY RETIREMENT CSRS

2. The amount obtained under the general formula after increasing the actual creditable service by the time remaining from the commencing date of annuity to the date of the employee's 60th birthday

A redeposit must be made if previous service retirement deductions were refunded and you want to guarantee all that service time is credited.

A deposit must be paid for service performed on or after October 1, 1982, during which retirement contributions were not withheld from pay, if the service is to be used in the computation of the annuity. If contributions are not paid under this time, the annuity is reduced by 10% of the amount of unpaid deposit for service before October 1, 1982.

Medical Recovery:

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EQUAL EMPLOYMENT OPPORTUNITY IS THE LAW

Federal law requires the Postal Service™ to afford equal employment opportunity to employees and applicants for employment regardless of race, color, religion, national origin, sex, age (40+), or physical or mental disability. Employment discrimination or retaliation for engaging in an EEO-protected activity is prohibited.

How to Begin the EEO Process

Who If you are a Postal Service employee or an applicant for Postal Service employment, and you feel that you have been discriminated against because of race, color, religion, national origin, sex, age (40+), physical or mental disability, or in retaliation for engaging in an EEO-protected activity, you must consult an EEO counselor before filing a complaint of discrimination.

When You must bring individual and class action complaints to the attention of the EEO office by requesting counseling within 45 calendar days of the date of the alleged discriminatory act; within 45 calendar days of the date you knew or reasonably should have known about the discrimination; or if a personnel action is involved, within 45 calendar days of its effective date. If you bring an individual complaint and later believe that your case has class-action implications, you may move for class certification at any reasonable point during the processing of your original complaint.

How Request EEO counseling by calling one of these TOLL-FREE numbers:

888-EEO-USPS (888-336-8777)

TTY: 800-877-8339 (Federal Relay Service)

You will be asked to provide the following information: your name, Social Security number, address, telephone number, finance number, and office location.

What Will Happen A package of EEO information and forms will be sent to you. After you complete and return the applicable forms to the address provided, an EEO professional will contact you. The EEO professional will look into your problem and try to help the parties reach a resolution within 30 days. If the parties are unable to agree on a resolution, and you agree to extend the time period, the precomplaint processing period will be no longer than 90 calendar days.

As an alternative to traditional counseling, the Postal Service may offer mediation as a part of the EEO process. If the matter is not resolved by the conclusion of the counseling process, or if the matter is mediated without resolution, the EEO professional will advise you of the procedures for filing a formal complaint.

You may request that your name not be disclosed during the counseling portion of the EEO complaint process.

Injury Compensation for Federal Employees



U.S. Department of Labor
Alexis M. Herman, Secretary

Employment Standards Administration
Bernard E. Anderson,
Assistant Secretary for Employment Standards

CA-810
Revised January 1999

Vocational Rehabilitation Services

The FECA at 5 U.S.C. 8104 provides for vocational rehabilitation services to assist disabled employees in returning to gainful employment consistent with their physical, emotional, and educational abilities. An employee with extended disability may be considered for rehabilitation services if requested by the attending physician, the employee, or agency personnel. In addition, OWCP will routinely consider a case for rehabilitation services if the agency cannot reemploy the employee.

A. Services Provided.

An OWCP Rehabilitation Specialist will contact the employee for an initial interview. The employee will then be referred to a state or private Rehabilitation Counselor for development of a rehabilitation plan. A plan may include one or more of the following: selective placement with the previous employer, placement with a new employer, counseling, guidance, testing, work evaluations, training, and job follow-up. Each employee is provided the services most suitable for him or her, and not every service will be included in a given plan.

B. Advice to Employee. When suitable jobs are identified, OWCP will advise the employee that it appears that he or she has a wage-earning capacity of a specific dollar amount which will likely determine future compensation entitlement; that he or she is expected to return to work in a job similar to the one identified; that partial compensation based on the wage-earning capacity of the indicated job will probably be paid at the end of this effort; and that when he or she has completed any necessary training or other preparation, OWCP will provide 90 days of placement services.

C. Benefits Payable.

An employee in an approved vocational rehabilitation program may be paid an allowance in connection with this program not to exceed \$200 per month. The employee is also entitled to compensation at the rate for total disability during the rehabilitation program (payment of a schedule award meets this requirement).

When the employee returns to work, OWCP will reduce compensation to reflect the wage-earning capacity if the new job pays less than the old. If reemployment is at the same or higher pay rate than the job held at time of injury, OWCP will terminate compensation benefits. Even if the employee does not return to work, compensation will in all likelihood be reduced.

D. Penalties.

Should an employee refuse to participate in an OWCP rehabilitation program or refuse to make a good faith effort to obtain reemployment, OWCP may reduce or terminate compensation depending on the circumstances of the refusal.

E. Constructed Positions.

In some situations, reemployment does not occur despite the best efforts of the employee and OWCP. When this happens, OWCP may determine the employee's wage-earning capacity on the basis of a position which the medical evidence indicates the employee can perform and which is available in his or her commuting area. OWCP will determine the suitability of the position in accordance with the following factors:

- (1) **The nature of the injury;**
- (2) **The degree of physical impairment;**
- (3) **The usual employment;**
- (4) **The employee's age;**
- (5) **Qualifications for other employment, including education, previous employment, and training.**

OWCP will issue a formal decision, including appeal rights, in any case where the benefit level is affected.

F. Continued Disability Payments.

Only after careful medical and vocational development will OWCP determine that an employee has no current wage-earning capacity, and should therefore be carried on the long-term compensation rolls at the rate for total disability.

8-6.

Assisted Reemployment

OWCP may reimburse an employer who was not the employer at the time of injury for part of the salary of a reemployed worker. This wage subsidy is intended to assist in reemploying workers who have been difficult to place with their former employers. It is available to other Federal employers as well as to State and local governments and the private sector.

A. Eligibility.

To be eligible, the agency cannot have been the worker's employer at the time of the injury, as identified by OWCP chargeback billings, appropriations account number and agency hiring authority. Intra-departmental salary reimbursements are limited to agencies with a separate appropriation number from that of the original employing agency. It is not proper to use assisted reemployment where an employee is transferred within the agency, or where an agency uses more than one appropriation number but hiring is controlled at a higher organizational level.

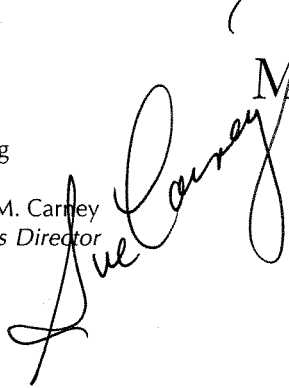
B. Conditions of Participation.

The rate of reimbursement may not exceed 75 percent of the employee's gross wage. The actual rate of reimbursement available is decided on a case-by-case basis by OWCP and the agency.

American Postal Workers Union, AFL-CIO

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From the Office of Susan M. Carney
Human Relations Director



Memorandum

1300 L Street, NW
Washington, DC 20005



INFORMATION REGARDING THE MERIT SYSTEMS PROTECTION BOARD

If the Postal Service fails to restore an individual to employment because of compensable injury, that employee may file a grievance and also appeal to the Merit Systems Protection Board (MSPB). An employee does not have to be "preference eligible" to go to MSPB on the issue of restoration rights. An employee who is partially recovered from a compensable injury may appeal to MSPB for a determination of whether the Postal Service is acting arbitrarily and capriciously in denying restoration.

In the opinion of the APWU, an employee with a compensable injury who appeals to MSPB does not fall under the CBA language found in Article 16.9, "Veterans' Preference". Therefore, the employee does not have to make a choice between MSPB and the grievance process after Step 3. Such an employee may pursue both avenues of appeal without contractual limit.

An employee making an appeal to MSPB should become thoroughly familiar with the procedures as explained on their website: www.mspb.gov. This website provides the appeal form (MSPB FORM 185) and contact information for their regional offices and the areas of jurisdiction. It also provides access to MSPB's "Judges' Handbook", a very technical, but necessary, guide to MSPB procedures.

MSPB has strict time limits! An appeal must be filed before the end of the 30th calendar day after the effective date of the action or decision being appealed, or on the 30th calendar after the date the employee received the decision, whichever is later. A late appeal may be dismissed as untimely.

(THIS IS NOT AN OFFICIAL DOCUMENT. IT IS OFFERED AS A POSSIBLE GUIDE TO BE USED BY A PARTIALLY RECOVERED EMPLOYEE WHO IS APPEALLING TO MSPB THE POSTAL SERVICE'S FAILURE TO PROVIDE RESTORATION RIGHTS)

PROCEEDINGS BEFORE
(name of administrative judge)
of
THE MERIT SYSTEMS PROTECTION BOARD
_____ **REGION, in the matter of:**
(appellant's name) v. **United States Postal Service**
MSPB Docket Number: _____

Appellant's Statement of Facts and Issues
and
Offer of Exhibits

Factual Background

My name is _____. I am currently a *(career full time regular/part time flexible/fulltime flexible)* bargaining unit employee of the United States Postal Service (USPS). The American Postal Workers' Union (APWU) is my exclusive bargaining representative. My service seniority date is _____. I am a member of the _____ craft, and I am assigned to the *(USPS installation)*. **Exhibit A.** (Form 50)

The medical condition which the Office of Workers' Compensation Programs (OWCP) accepted as having been *(caused, or aggravated, or accelerated, or precipitated)* by my work activity is _____. **Exhibit B.** *(OWCP acceptance letter)*

I accepted my most recent medically suitable (limited duty) Postal Service job offer on _____. **Exhibit C.** *(written job offer)*

On *(date of the first USPS National Reassessment Process (NRP) interview)*, the Postal Service notified me that they were withdrawing my medically suitable job. On *(date of second NRP interview)*, I was required to surrender my Postal Service identification, was escorted from the facility, and placed in a leave without pay (LWOP) status without time limitation. **Exhibit D.** *(“Notice of No Work Available” letter)*

I completed and submitted to the USPS OWCP Form **CA-2a**, “Notice of Recurrence” and OWCP Form **CA-7**, “Claim for Compensation”. **Exhibit E.** and **Exhibit F.**

Applicable Rules and Regulations

The Postal Service’s personnel manual, the *Employee and Labor Relations Manual (ELM)* at Chapter 540, *Injury Compensation Program*, establishes the procedures that they must follow when administering the injury compensation program as established by the Federal Employees’ Compensation Act and the Code of Federal Regulations.

Specifically, ELM Chapter 546.142 describes the obligation that the Postal Service has when a current employee has partially overcome his or her injury or disability:

When an employee has partially overcome a compensable disability, the Postal Service must make every effort toward assigning the employee to limited duty consistent with the employee’s medically defined work limitation tolerance... In assigning such limited duty, the Postal Service should minimize any adverse or disruptive impact on the employee.

It is worth noting that, in effect, Article 19 of the Collective Bargaining Agreement (CBA) between the APWU and the USPS gives the ELM language the same weight as contract language. Article 19 states that:

Those parts of all handbooks, manuals and published regulations of the Postal Service, that directly relate to wages, hours or working conditions, as they apply to employees covered by this agreement, shall contain nothing that conflicts with this Agreement, and shall be continued in effect except that the Employer shall have the right to make changes that are not inconsistent with this Agreement and that are fair, reasonable, and equitable.

Title 5, Part 353 of the Code of Federal Regulations establishes the procedures to be followed for restoration to duty from a compensable injury.

With regard to employees who have partially recovered, Part 353.301(d) states that:

Agencies must make every effort to restore in the local commuting area, according to the circumstances in each case, an individual who has partially recovered from a compensable injury and who is able to return to limited duty. At a minimum, this would mean treating these employees substantially the same as other handicapped individuals under the Rehabilitation Act of 1973, as amended.

Argument

The record establishes that previous to this recent action the Postal Service had been meeting their obligation to provide me with medically suitable employment. However, when their newly created "National Reassessment Process" was implemented in my Postal Service installation, they withdrew this job from me, and told me that they no longer had any limited duty work available for me. Since by this action they have "disabled" me, I (*have applied for/am receiving*) OWCP wage loss compensation.

As part of the NRP the Postal Service has made a unilateral decision that all restoration assignments (limited duty/permanent rehabilitation) may now consist only of work which they have identified as "necessary and productive", "operationally necessary", and/or meeting the Postal Service's "operational needs".

The creation and application of these new criteria are inconsistent not only with the Postal Service's long standing practice of creating limited duty assignments based simply on the employee's work limitation tolerances, but also contravene the clear language of ELM 546.142(a) and 5 CFR 103(d).

This controlling language does not grant the Postal Service the discretion to limit restoration only to jobs that are "necessary and productive", etc. In their use of these new and unilaterally created criteria the Postal Service has materially altered the meaning and effect of the above cited language.

By limiting their restoration obligation to jobs that fit their self-serving criteria, they have not only violated their own personnel policy, but they have also violated both my contractual and legal rights. They have improperly denied my restoration rights and have failed to "minimize any adverse or disruptive impact".

It is my understanding that the Board has previously held that when an agency is bound by agency policy, regulation, or contractual provision requiring them to offer limited duty, but they fail to do so, such action constitutes a *prima facie* demonstration of an “arbitrary and capricious” denial of the employee’s restoration rights.

Conclusion

It is my belief that the facts of my case establish that the Postal Service violated their own personnel policy, violated federal regulations, and violated the CBA when they refused to provide me with medically suitable employment. Therefore, their failure to restore me to employment as a partially recovered employee with a compensable injury is “arbitrary and capricious”, and I request that you order the Postal Service to restore me to medically suitable employment.

Respectfully submitted,

(appellant’s name)

(date)

4. Practical Considerations in Weighing Medical Evidence. The purpose of this paragraph is to describe the steps a CE should take to weigh medical evidence.

a. In weighing medical reports, the CE should ask the following questions with respect to each report:

(1) Is the physician a specialist in the appropriate field? The opinions of physicians who have training and experience in a specialized medical field have greater probative value concerning medical questions pertaining to that field than the opinions of other physicians. An extension of this criterion would be whether the physician is Board-certified, an acknowledged author or expert in the field, or a faculty member of a medical school.

(2) Is the physician's opinion based upon a complete and accurate medical and factual history? An incomplete or inaccurate history reduces the probative value of medical opinions based on that history. The lack of any history in a report also diminishes the value of the report. However, in such cases it is appropriate to ask the physician to state the history upon which the opinion is based.

(3) What are the nature and extent of findings on examination? Generally, greater probative value is given to a medical opinion based on an actual examination. The value of this criterion may change with the issue being addressed. For example, actual examination would be of greater importance in determining permanent impairment than in rendering an opinion on causal relationship.

Other things being equal, the probative value of an opinion increases when the physician reports specific detailed findings, based on a full and careful physical examination, X-ray studies, appropriate laboratory and clinical tests, and use of consultants. Opinions not supported by medical findings, or otherwise indicative of cursory examinations, carry little weight compared to opinions based on detailed examinations and findings. Further, the opinions and conclusions reached by the physician should be consistent with the examination and test results.

4. Practical Considerations in Weighing Medical Evidence. (Continued)

(4) Is the physician's opinion rationalized? A rationalized opinion is of greater probative value than an opinion which is not rationalized. The physician should generally explain the basis for the opinion. This is of particular importance where the question involves a difficult medical problem, or where there is conflicting opinion.

(5) Is the opinion speculative or equivocal? Such opinions are frequently couched in terms such as "might be," "could be," or "may be." Medical opinions which are speculative or equivocal in character have little probative value. Terms such as "probably" or "most likely" need not constitute a speculative opinion, depending upon the context of usage. Such words may mean that the physician believes that the medical condition is related to employment with reasonable certainty, as opposed to absolute certainty. If the physician's meaning is in question, he or she should be asked to explain the basis for any doubt, and to state with reasonable certainty whether or not the disability is related to employment.

b. In weighing medical evidence, the CE must determine to his or her satisfaction the merit of each opinion. The value of the evidence cannot be established by making a "checklist" or counting the "pros" and "cons" for each criterion. No individual factor standing alone necessarily determines the weight of medical evidence.

c. Once all opinions are evaluated, they must be compared. For example, two reports are submitted: both reports are from Board-certified surgeons; both reports are based on an accurate medical and factual background; and both are rationalized. However, they offer differing opinions as to causal relationship: one physician physically examined the claimant while the other did not. Based on the overall comparison of the reports, the weight of the opinions is equal, and there is a conflict of opinion requiring resolution by referral to an impartial specialist.

4. Practical Considerations in Weighing Medical Evidence. (Continued)

The fact that one physician examined the claimant while the other did not is insufficient to tip the scale either way. However, had the opinion of the physician who examined the claimant not been rationalized, the opinion of the physician who had not examined the claimant would have represented the weight of the medical evidence since it was rationalized. In a particular case, the fact that the physician had not examined the claimant may be mitigated by the fact that the issue of causal relationship is frequently not one that requires physical examination.

5. Sources of Medical Evidence. The purpose of this paragraph is to describe the sources of medical reports likely to be found in the case file. While this list is not exhaustive, most medical reports will fall into one of the following categories. Regardless of the source of the report, the CE must consider all medical reports in file when weighing the medical evidence.

a. Hospital or Emergency Facility. Hospital in-patient reports, such as the admission history and physician examination, the doctors' progress notes and the discharge summary, along with emergency and out-patient reports, are frequently valuable in documenting the time of injury and associated factual circumstances bearing on job-relatedness (from the date and time of admission and the history recorded), the nature and extent of injury, and the duration of disability anticipated. However, it is usually not possible to obtain opinions if needed to clarify whatever reports and physicians' and nurses' notes are submitted.

b. Claimant's Physician. The attending physician is the primary source of medical evidence in most cases. That physician usually sees the claimant soon after the injury or the onset of symptoms. He or she may also be familiar with the claimant's medical history and therefore may know of any preexisting condition which may be responsible for the symptoms, or which may have been temporarily aggravated by the incident or employment factor claimed. The CE should carefully study reports for discrepancies in the history given by the claimant to the physician and reported on Form CA-1 or CA-2.

The quality of attending physicians' reports will vary greatly. Sometimes reports are lacking in detail because the physician is unaware of the type of information required to meet our needs in a given case. If reports from the

Part 2 - Claims

5. Sources of Medical Evidence. (Continued)

claimant's physician lack needed details and opinion, the CE should always write back to the doctor, clearly state what is needed, and request a supplemental report. A copy of the CE's request to the physician should be sent to the claimant (and to any representative) for informational purposes. Alternatively, if an RN is involved in the case, the CE may ask the RN to make the contact with the claimant's physician and request the information needed by the CE.

c. District Medical Adviser (DMA). Furnishes opinions, guidance and advice based upon review of the case file and familiarity with FECA requirements.

d. Second Opinion Specialist. At the request of the Office, provides examination, indicated diagnostic testing, and rationalized medical opinion when a detailed, comprehensive report and opinion is needed from a specialist in the appropriate field.

e. Referee Specialist. Examines claimant, arranges diagnostic tests and furnishes rationalized medical opinion to resolve conflicts between a claimant's physician and a physician of the United States where the weight of medical evidence is equally balanced.

6. Content of a Medical Report. The purpose of this paragraph is to describe the elements which a medical report should ordinarily contain.

a. History.

(1) A medical opinion is only as good as the "frame of reference" on which it is based. In other words, the record must show whether the history obtained by the doctor is substantially in accord with the facts of the accident or accepted employment conditions.

(2) Sound judgment and common sense must be applied. If Form CA-1 shows concurrence of the employer with a report of fractured ankle due to falling off a ladder, and this history is repeated in the emergency room report of treatment soon after the time of injury, there is no need to question a subsequent attending physician's report which fails to record a history.

6. Content of a Medical Report. (Continued)

(3) It is also essential that the history given a hospital or physician agree with the substantive facts. For example, the attending orthopedist records a history of lifting a 100 pound sack at work, with positive medical findings to support a low back strain, and concludes that the disability resulted from the lifting incident. The opinion is of diminished value if the factual evidence shows that the sack weighed 25 pounds. In this case, the history given the physician was not accurate, and it is quite possible that the claimant injured his back in some other activity, not necessarily in Federal civil employment.

b. Findings. The value of a medical report is no greater than the scope of the examination, which is revealed by the findings in the report. The scope of findings reported will vary with the type of medical problem and the existence of any diagnostic problem. Adjudicatory needs requiring a detailed report of findings also will vary. Only minimal findings need to be reported for a traumatic amputation of a finger, but the doctor should be required to set forth a detailed account of the findings where the nature of injury, causal relationship to employment and extent of disability is not so apparent, as in many low back or occupational disease claims. The three general classes of findings are:

(1) Physical findings, which are noted by the doctor's visual inspection, palpation and manipulation of the body. They include readings of temperature, pulse, respiration, blood pressure, etc.

(2) Laboratory findings such as blood tests, urine and tissue samples, etc.

(3) Diagnostic procedures such as X-rays, computerized axial tomography (CAT), magnetic resonance imaging (MRI), electrocardiograms (ECG or EKG), electroencephalograms (EEG), electromyogram (EMG), audiograms, treadmill stress tests, cardiac catheterization, intravenous pyelogram, and similar techniques of visualizing or recording physiological conditions.

6. Content of a Medical Report. (Continued)

Tests requiring cooperation by the patient, such as visual, hearing and pulmonary function tests, should be accompanied by a comment from the person administering the test on the extent of patient cooperation, to estimate the validity of the results.

c. Evaluation. To be acceptable as medical evidence, a laboratory test or diagnostic procedure must be performed by or under the supervision of a person licensed to perform it in the state or local jurisdiction where it was done. Reports of such tests and procedures must contain the patient's name, date of the test, the objective data obtained, and the signature of the person responsible for performance of the test or procedure.

Where appropriate, reports should include the physician's interpretation of laboratory tests and diagnostic procedures. Tests for which such interpretation is necessary include, but are not limited to, X-rays, EKG, EEG, EMG, cardiac and pulmonary stress tests, pulmonary function tests, biopsy or surgical specimen pathology reports, ultrasound, visual field, echocardiograms, intravenous pyelograms, MRIs, and CAT scans.

d. Medical Opinion with Rationale.

(1) Not all medical opinions require rationale. In a simple traumatic injury, such as a knife cut which is reported to and seen by the physician promptly, there is no need to obtain a rationalized explanation of causal relationship.

(2) When the relationship is not obvious or when there may have been an intervening non-occupational cause, it is essential that the physician give his or her medical reasons for relating the condition to the history obtained. A rationalized opinion is also necessary, and should be requested, when disability appears to last beyond the time frame anticipated for an injury of the type accepted (see the OWCP Medical Matrices, PM Chapter 4-100).

6. Content of a Medical Report. (Continued)

(3) A medical opinion couched in such terms as "might be," "could be," or "may be" does not have as much probative value as an opinion stated unequivocally. However, if a sound medical reason is also given for the opinion, these expressions may sometimes represent the physician's mode of expression and should not be taken as reflecting a lack of conviction, whether for or against the claim.

Some physicians adhere more strongly than others to scientific methodology and prefer to use qualified terminology. The word "probably" can nearly always be taken as a redundancy, e.g. "probably related" means "related" and "probably preexisting" means "preexisting." If there is any doubt, the District Medical Adviser should be consulted, and clarification should be sought from the report physician if needed.



American Postal Workers Union, AFL-CIO

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Initiate National Dispute

February 1, 2007

VIA FACSIMILE AND REGULAR MAIL



National Executive Board

William Burrus
President
Cliff "C.J." Guffey
Executive Vice President

Terry R. Stapleton
Secretary-Treasurer

Greg Bell
Industrial Relations Director

James "Jim" McCarthy
Director, Clerk Division

Steven G. "Steve" Raymer
Director, Maintenance Division

Robert C. "Bob" Pritchard
Director, MVS Division

Mr. Doug Tulino
Vice President, Labor Relations
U.S. Postal Service, Room 9014
475 L'Enfant Plaza
Washington, D.C. 20260

Re: APWU No. HQTG20071, Reassignment of a Partially Recovered Employee Limited to Local Commuting Area

Dear Mr. Tulino:

In accordance with the provisions of Article 15, Section 2 and 4, of the Collective Bargaining Agreement, the American Postal Workers Union is initiating a Step 4 dispute.

The issues and facts involved in this dispute are as follows:

On May 5, 2006, Ms. Susan Carney, APWU Human Relations Director, wrote to the Postal Service expressing our belief that the reassignment of an injured Postal Service employee who partially recovers more than one year from the date eligibility for compensation begins should not be limited to the local commuting area. Such reassignment should also be made available agency wide.

On July 26, 2006, the Postal Service responded stating that OPM's restoration regulations specifically state that the Postal Service "must make every effort to restore in the local commuting area, according to the circumstances in each case, an individual who has partially recovered from a compensable injury and who is able to return to limited duty." It was further stated that the Postal Service considers this regulatory language to be mandatory and not permissive.

There is no disagreement that 5 CFR 353.301(d) requires the Postal Service to make every effort to restore a partially recovered employee to a medically suitable job in the local commuting area. This regulatory language establishes the action that the Postal Service, at a minimum, is required to take.

Regional Coordinators

Sharyn M. Stone
Central Region

Jim Burke
Eastern Region

Elizabeth "Liz" Powell
Northeast Region

William E. "Bill" Sullivan
Southern Region

Omar M. Gonzalez
Western Region

It is the position of the APWU, without prejudice to our position regarding the Postal Service "Reassessment Process," that the Postal Service has promulgated Article 19 handbook and manual language which establishes a binding obligation which exceeds the minimum required by federal regulation. In Chapter 546.142 of the ELM, the Postal Service establishes a policy which exceeds the requirements set forth in 5 CFR 353.301(d). Also, unlike the cited CFR language, the Postal Service policy makes no distinction between employees who have partially recovered within one year and those whose partial recovery took more than one year.

The cited ELM language obligates the Postal Service to "make every effort" to assign partially recovered employees to jobs which are consistent with their medically defined work limitation tolerances. There is no language which limits the required "effort" to specific geographic areas. Furthermore, the Postal Service clearly anticipates that their effort to find medically suitable work can extend beyond the work facility to which the employee was regularly assigned. The only geographic limitation established by this ELM language is that such out-of- facility assignments must be as close as possible to the original work facility. There is no language which limits such assignments to the local commuting area.

Also, the language of ELM 546.142 obligates the Postal Service to minimize any adverse or disruptive impact on the employees who are experiencing this reassignment process. By unilaterally applying a standard ("commuting area") that necessarily limits the area of the reassignment effort, the Postal Service has not only failed to minimize any adverse or disruptive impact on the employee, but has actually created the potential for such impact. If this new standard causes the Postal Service to be unable to find a medically suitable assignment, the employee will experience further negative impacts as a result of the eventual loss of their Postal Service employment.

Please contact Sue Carney, case officer, to discuss this dispute at a mutually scheduled time.

Sincerely,


Greg Bell, Director
Industrial Relations

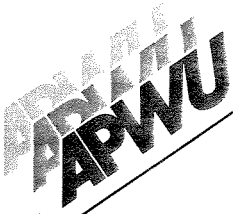
APWU #: HQTG20071

Dispute Date: 2/1/2007

cc: Resident Officers
File

Case Officer: Sue Carney

Contract Article(s): 5; 15; 19; ELM 546,
Reassignment of Partially Recovered
Employees



American Postal Workers Union, AFL-CIO

1300 L Street, NW, Washington, DC 20005

Initiate National Dispute

VIA FACSIMILE AND REGULAR MAIL

April 27, 2007

Greg Bell, Director
Industrial Relations
1300 L Street, NW
Washington, DC 20005
202-842-4273 (Office)
202-371-0992 (Fax)

National Executive Board

William Burrus
President

Cliff "C.J." Guffey
Executive Vice President

Terry R. Stapleton
Secretary-Treasurer

Greg Bell
Industrial Relations Director

James "Jim" McCarthy
Director, Clerk Division

Steven G. "Steve" Raymer
Director, Maintenance Division

Robert C. "Bob" Pritchard
Director, MVS Division

Regional Coordinators

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Central Region

Jim Burke
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Elizabeth "Liz" Powell
Northeast Region

Frankie L. Sanders
Southern Region

Omar M. Gonzalez
Western Region

Mr. Doug Tulino
Vice President, Labor Relations
U.S. Postal Service, Room 9014
475 L'Enfant Plaza
Washington, D.C. 20260

Re: APWU No. HQTG20076, Separation-Disability before the
Expiration of One Year of Continuous LWOP/IOD

Dear Mr. Tulino:

In accordance with the provisions of Article 15, Section 2 and 4, of the Collective Bargaining Agreement, the American Postal Workers Union is initiating a Step 4 dispute.

The issues and facts involved in this dispute are as follows:

On November 16, 2006, Ms. Susan Carney, APWU Human Relations Director, wrote to the Postal Service expressing the union's belief that the Employee and Labor Relations Manual (ELM) Section 549.5, "Managing Extended Leave Cases," does not permit the Postal Service to initiate a Separation-Disability before the expiration of one year of continuous LWOP/IOD.

On February 7, 2007, the Postal Service responded by stating that if an employee on the rolls of OWCP is placed in non-postal employment as a result of participating in the OWCP Vocational Rehabilitation Program, the Postal Service will initiate a Separation-Disability in accordance with Section 549.5 of the ELM.

We take this to mean that an employee placed in non-postal employment as described above will automatically be issued a Disability-Separation whether or not that employee has been in continuous LWOP/IOD for one year.

It is the position of the APWU, without prejudice to our position regarding the Postal Service's "National Reassessment Process," that Section 549.5 of the

Re: APWU #HQTG20076, Disability-Separation

April 27, 2007

Page 2

ELM does not permit initiation of a Disability-Separation if an employee has not been in continuous LWOP/IOD for one year.

Please contact Sue Carney, case officer, to discuss this dispute at a mutually scheduled time.

Sincerely,


Greg Bell, Director
Industrial Relations

APWU #: HQTG20076

Dispute Date: 4/27/2007

Case Officer: Sue Carney

Contract Article(s): ELM, Disability-
Separation/Extended Leave Cases;

cc: Resident Officers
File

GB/LB



American Postal Workers Union, AFL-CIO

Greg Bell, Director
Industrial Relations

Industrial Relations Department
1300 L Street, NW, Sixth Floor
Washington, DC 20005
Tel: 202-842-4273 Fax: 202-371-0992

FAX COVER SHEET

Date: April 27, 2007 Time:
To: DOUG TULINO, VICE PRESIDENT
Labor Relations
U.S. Postal Service
Recipient's Fax Number: 202-268-3074
From: Mr. Greg Bell Fax Number: (202) 371-0992
Number of Pages Transmitted (Including This Page):

COMMENTS:

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Job number : 326
Status : OK
Pages sent : 003
End time : 04-27 02:07pm
Start time : 04-27 02:06pm
Number of pages : 003
To : 912022683074
Date : 04-27 02:06pm
Job number : 326

Page : 001
Date & Time : 04-27-07 02:07pm
Line 1 :
Machine ID :



American Postal Workers Union, AFL-CIO

Greg Bell, Director
Industrial Relations

Industrial Relations Department
1300 L Street, NW, Sixth Floor
Washington, DC 20005
Tel: 202-842-4273 Fax: 202-371-0992

FAX COVER SHEET

Date: April 27, 2007 Time:

To: DOUG TULINO, VICE PRESIDENT
Labor Relations
U.S. Postal Service

Recipient's Fax Number: 202-268-3074

From: Mr. Greg Bell Fax Number: (202) 371-0992

Number of Pages Transmitted (Including This Page): _____

COMMENTS:

The information contained in this facsimile message is confidential and may be information protected by attorney-client privilege and/or the attorney/work product privilege. It is intended only for the use of the individual named above and the privileges are not waived by virtue of this having been sent by facsimile. If you are not the intended recipient, you are hereby notified that any use, dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone and return the original message to us at the above address via mail.

DRAFT

April 24, 2007

Mr. Doug Tulino
Vice President, Labor Relations
U.S. Postal Service
475 L'Enfant Plaza, SW, Room 9014
Washington, D.C. 20260

Re: Issuance of a Separation-Disability before the Expiration of
One Year of Continuous LWOP/IOD

Dear Mr. Tulino,

In accordance with the provisions of Article 15, Sections 2 and 4 of the Collective Bargaining Agreement, the American Postal Workers Union is initiating a Step 4 dispute.

The issues and facts in dispute are as follows:

On November 16, 2006, Ms. Susan Carney, APWU Human Relations Director, wrote to the Postal Service expressing our belief that the Employee and Labor Relations Manual (ELM), Section 549.5, "Managing Extended Leave Cases", does not permit the Postal Service to initiate a Separation-Disability before the expiration of one year of continuous LWOP/IOD.

On February 7, 2007, the Postal Service responded stating that if an employee on the rolls of OWCP is placed in non-postal employment as a result of participating in the OWCP Vocational Rehabilitation Program, the Postal Service will initiate a Separation-Disability in accordance with Section 545.9 of the ELM.

We take this to mean that an employee placed in non-postal employment as described above will automatically be issued a Disability-Separation whether or not that employee has been in continuous LWOP/IOD for a year.

It is the position of the APWU, without prejudice to our position regarding the Postal Service "National Reassessment Process", that Section 545.9 of the ELM does not permit initiation of a Disability-Separation if an employee has not been in continuous LWOP/IOD for a year.

Please contact Sue Carney, case officer, to discuss this dispute at a mutually scheduled time.

Sincerely,

American Postal Workers Union, AFL-CIO

(202) 842-4271 Office
(202) 682-2528 Fax
E-mail: SCarney@apwu.org

Memorandum

1300 L Street, NW
Washington, DC 20005



*From the Office of Susan M. Carney
Human Relations Director*

April 24, 2007

To: Greg Bell, Industrial Relations Director
Subject: Step 4 Draft: Issuance of a Separation-Disability before the
Expiration of One Year of Continuous LWOP/IOD

Please review the attached draft for possible Step 4 grievance.

Thank you.

SMC:rae



American Postal Workers Union, AFL-CIO

1300 L Street, NW, Washington, DC 20005

Greg Bell, Director
Industrial Relations
1300 L Street, NW
Washington, DC 20005
202-842-4273 (Office)
202-371-0992 (Fax)

October 20, 2006

National Executive Board
William Burrus
President

Cliff "C.J." Guffey
Executive Vice President

Terry R. Stapleton
Secretary-Treasurer

Greg Bell
Industrial Relations Director

James "Jim" McCarthy
Director, Clerk Division

Steven G. "Steve" Raymer
Director, Maintenance Division

Robert C. "Bob" Pritchard
Director, MVS Division

Regional Coordinators

Sharyn M. Stone
Central Region

Jim Burke
Eastern Region

Elizabeth "Liz" Powell
Northeast Region

Frankie L. Sanders
Southern Region

Omar M. Gonzalez
Western Region

Via Facsimile and First Class Mail
Mr. Doug Tulino, Vice President
Labor Relations
United States Postal Service
475 L'Enfant Plaza, SW, Room 9014
Washington, DC 20260-4100



Dear Mr. Tulino:

In accordance with the provisions of Article 15, Sections 2 and 4, of the Collective Bargaining Agreement, the American Postal Workers Union is initiating a Step 4 dispute.

The issues and facts involved are as follows:

On May 5, 2006, Ms. Susan Carney, APWU Human Relations Director, wrote to the Postal Service expressing our belief that an employee's seniority should be an integral part of the Postal Service's "Reassessment Process". Specifically, the decision making process regarding the availability of medically suitable employment for groups of injured employees should be conducted by order of seniority (from most senior to least senior).

Your letter of July 26, 2006, informed Ms. Carney that OPM restoration regulations do not allow certain employees to be considered as having more of a priority for restoration over a less senior employee. We disagree with the Postal Service's position that OPM regulations specifically prohibit any application of employee seniority when making modified assignments.

Actually, OPM regulations state that every effort should be made to restore partially recovered individuals "according to the circumstances in each case". It is the position of the APWU, without prejudice to our position regarding the Postal Service "Reassessment Process", that if two or more partially recovered employees are undergoing reassessment in the same time period, then an employee's seniority is a legitimate circumstance for consideration when making a job offer.

Mr. Doug Tulino, Vice President
October 20, 2006
Page 2

Also, it is well established that when accommodating employees with medical restrictions agencies should avoid violating seniority provisions of a collective bargaining agreement.

In the APWU/USPS Collective Bargaining Agreement (CBA) the principles of seniority are established in the craft Articles (except as specifically provided in Article 12), and these craft Articles establish that the seniority rules apply to all employees when a guide is necessary for filling vacant assignments and for other purposes.

Section 546.21 ("Compliance") of the *Employee and Labor Relations Manual (ELM)* states that reassignment or reemployment of employees injured on duty must be in compliance with applicable collective bargaining agreements, and that individuals so reassigned or reemployed must receive all appropriate rights and protection under the collective bargaining agreement.

It is the position of the APWU, without prejudice to our position regarding the Postal Service "Reassessment Process", that when two or more employees who have been injured on duty are being considered for reassignment or reemployment during the same time period, the Postal Service, in order to be in compliance with the CBA, must conduct the interactive evaluation and job offer process in order of seniority (most senior to least senior).

Article 15 provides that within thirty days after initiation of a dispute the parties shall meet in an effort to define the precise issues involved, develop all necessary facts and reach an agreement.

Please contact Susan Carney, case officer, to discuss this dispute at a mutually scheduled time.

Sincerely,


Greg Bell, Director
Industrial Relations

GB/SC:ee
OPEIU#2
AFL-CIO

cc: Sue Carney, Director, Human Relations

Initiate National Level Dispute

September 14, 2006

VIA FACSIMILE AND REGULAR MAIL

Mr. Douglas Tulino
Vice-President, Labor Relations
U.S. Postal Service
475 L'Enfant Plaza
Room 9100
Washington, D.C. 20260

Re: APWU No. _____, Medically Suitable vs Necessary Work

Dear Mr. Tulino,

In accordance with the provisions of Article 15, Section 2 and 4, of the Collective Bargaining Agreement, the American Postal Workers Union is initiating a Step 4 dispute.

The issues and facts involved in this dispute are as follows:

Your letter of August 4, 2006 informed Susan Carney, APWU Director of Human Relations, that it is the position of the Postal Service that they are obligated to try and place employees with workplace injuries into assignments with necessary tasks versus make work assignments. Your letter also stated that in order to avoid any conflict with FECA or an appearance of disability discrimination the Postal Service is placing injured employees into assignments with necessary tasks.

Under the provisions of Article 19 those parts of all handbooks, manuals, and published regulations of the Postal Service, that directly relate to wages, hours, or working conditions shall be continued in effect except that the Postal Service shall have the right to make changes, and notice of such proposed changes will be furnished to the APWU at the national level.

Additionally, under the provisions of Article 5 the Postal Service will not take any actions affecting wages, hours and other terms and conditions of employment which violate the terms of this agreement.

It is the opinion of the APWU that the current Postal Service policy of placing employees who have partially overcome their injury or disability only into assignments which the Postal Service has determined consist of "necessary" (or productive, or operationally required) tasks, violates Article 5 and Article 19; the clear language of Chapter 546 of the *Employee and Labor Relations Manual* and

Chapters 7 and 11 of EL 505, *Injury Compensation*; and is also inconsistent with accepted rules of contract construction.

The referenced handbook and manual language establishes that when an employee has partially overcome an injury or disability the Postal Service must make every effort to assign the employee to a job consistent with the employee's medically defined work limitation tolerance, and mandates that the Postal Service minimize any adverse or disruptive impact on the employee. The referenced language does not require that this assignment consist of "necessary tasks". It only requires that the assignment be medically suitable.

In your August 4, 2006 letter you rely on the Federal Employees' Compensation Act (FECA) and the Rehabilitation Act to support your position that the Postal Service is required to place partially recovered employees into assignments which consist only of necessary tasks. You also state that to do otherwise could place you in conflict with FECA and/or the Rehabilitation Act. However, neither of these federal laws states that limited duty and/or rehabilitation jobs comprise only "necessary tasks".

Article 15 provides that within thirty days after initiation of a dispute the parties shall meet in an effort to define the precise issues involved, develop all necessary facts and reach agreement.

Please contact Sue Carney, case officer, to discuss this dispute at a mutually scheduled time.

Sincerely,

Draft Carney to Bell for Step 4 Dispute Consideration

American Postal Workers Union, AFL-CIO

(202) 842-4271 Office
(202) 682-2528 Fax
E-mail: SCarney@apwu.org

Memorandum

1300 L Street, NW
Washington, DC 20005



From the Office of Susan M. Carney
Human Relations Director

To: Greg Bell
Date: June 16, 2006
Subject: Contractual Issues Regarding the USPS Reassessment Process

We are requesting some input from the Industrial Relations Department in regard to two questions which were recently raised regarding the Postal Service's Reassessment Process.

First, can a persuasive argument be made that Article 6 applies when the Postal Service makes a determination that they do not have medically suitable work for an injured employee? Article 6 defines a "lay off" as the separation of employees in the regular work force "because of lack of work or other legitimate, non-disciplinary reasons." And, of course, the phrase "protected status" refers to an employee who is "protected against any involuntary layoff or force reduction."

When the Postal Service determines that there is no medically suitable work available for an employee (whether it is "necessary" work or not), and considers referring that employee to OWCP for placement into the Vocational Rehabilitation Program, should we be arguing that such action meets the definition of a lay off and that they must comply with the language of Article 6?

Our second concern relates to the number of grievances that are going to be generated by the Reassessment Process. Under the current grievance-arbitration system for contract disputes we can anticipate a significant time lag between the filing of the initial grievance and the receipt of an arbitrator's award. A favorable arbitrator's award will find most of these employees already working in the private sector, and reinstatement will require significant personal and administrative adjustments.

Would it be appropriate to discuss with the Postal Service the possibility of allowing Reassessment Process disputes to be appealed directly from Step 2 to arbitration (like disciplinary grievances), and scheduled and heard by the District Level Arbitration panels that have been established for removal cases and suspensions of more than 14 days? Or would it be better to pursue the idea of creating a dispute resolution process specifically designed to hear Reassessment Process disputes?