

Custodial Employees to Share in Long-Awaited Remedy **Union Wins \$48 Million Settlement In MS-47 Handbook Grievance**

The APWU and the Postal Service finalized a \$48 million payout Jan. 29 to “remedy” the USPS violation of staffing procedures for custodial employees. The settlement will be in the form of lump-sum payments of \$2,700 to more than 17,000 employees occupying custodial positions. Payment will be made by April 18, 2008.

The settlement is the culmination of a Nov. 16, 2006, arbitration victory in which Shyam Das ordered the USPS to rescind *Handbook MS-47, Housekeeping Postal Facilities*, issued in 2001, and to reinstate the 1983 version. The 2001 handbook had revised custodial staffing procedures.

Arbitrator Das remanded discussion of the remedy for the violation to the parties, and the \$48 million settlement is the result.

“The 2006 award was the third in a series of national-level awards since 2002 that have helped us to better

protect the custodial workforce,” said Maintenance Division Director Steve Raymer. “But we were frustrated in our efforts to secure an appropriate remedy for our members for the improper staffing policies that management instituted via the defunct 2001 handbook. Finally, after more than a year of intense negotiations, we have achieved our goal.”

In October 2001, the APWU filed a national-level grievance protesting the revised MS-47, which eliminated the use of staffing standards based on cleaning frequencies and implemented a staffing policy based upon budget considerations. Previously used staffing documents were replaced with budget worksheets.

“We were extremely gratified by the original arbitration award, which was critical to the job security of custodial employees,” said APWU President William Burrus. “And I commend Maintenance Craft Director Steve Raymer for aggressively pursuing this substantial remedy.”

Unions Sue USPS, Inspector General Over Invasion of Medical-Records Privacy

The APWU and the National Association of Letter Carriers have filed suit against the Postal Service and the Office of Inspector General for systematic and widespread intrusions into the medical records of postal employees.

The complaint, filed in U.S. District Court for the Southern District of New York on Jan. 17, asserts that, beginning in 2006, the USPS Office of Inspector General (OIG) began surreptitiously seeking and obtaining the medical records of postal workers directly from doctors and hospitals that had provided medical services to postal employees. The practice continues, with the OIG claiming that it has a right to review the records as part of oversight or investigatory activities.

The suit alleges that the OIG has routinely instructed medical providers that they must submit records to the OIG, and that the OIG asks that the medical providers refrain from notifying affected employees that the records have been requested.

The lawsuit asserts that these practices constitute an unlawful invasion of privacy and extend beyond the authority of the OIG. Such practices also violate postal workers’ constitutionally protected right to privacy and amount to unreasonable searches and seizures in violation of the Fourth Amendment of the U.S. Constitution.

In support of the suit, the unions also cite the Health Insurance Portability and Accountability Act of 1996 (HIPAA). That legislation, which was intended to streamline medical recordkeeping, also established strong privacy rights protecting Americans from the invasion of their medical records.

“I am outraged that OIG would use the tactics of a police state to investigate workers compensation or sick-leave cases,” said APWU President William Burrus.

“The OIG has no legitimate business investigating routine personnel matters. The use of these methods demands the strongest possible response.”