



American Postal Workers Union, AFL-CIO

1300 L Street, NW, Washington, DC 20005

Initiate National Dispute

VIA FACSIMILE AND REGULAR MAIL

January 29, 2008

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

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

Re: APWU No. HQTG20082, Electronic PS Form 1769

Dear Mr. Tulino:

In accordance with the provisions of Article 15, Sections 2 and 4, of the National Agreement, the American Postal Workers Union is initiating a Step 4 dispute over the Employer's improper creation, handling and utilization of a new electronic PS Form 1769 for reporting accidents which includes confidential and restricted information such as social security numbers and employee's medical "diagnosis."

The record shows that, by letter dated October 16, 2007, the APWU raised several concerns in regard to the the new electronic PS Form 1769, including the failure of the Postal Service to notify the union of this new electronic form, the use of social security numbers and restricted medical information (diagnosis) on PS Form 1769 or similar electronic forms, and the proper requirements for the handling and disclosure of such information in accordance with the Privacy Act. It was also our understanding that some District managers were storing those forms electronically and that completed PS Forms 1769 were e-mailed to other people.

We believe that the data fields on the e-1769 form (and the PS Form 1769) for recording an employee's social security number and diagnosis are not necessary for the purpose of reporting an accident, and therefore are improper and should be removed. Moreover, pursuant to the collective bargaining agreement, the Employer has an obligation to discontinue the used of social security numbers and employee's medical diagnosis on the accident reports.

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Western Region Coordinator

In response to the APWU's request that employees' social security numbers and diagnosis be removed from the accident reports because they are not necessary, the Employer, in relevant part, responded as follows:

Please be aware that employee social security numbers and diagnosis have been utilized on the PS Form 1769 since 1991. It is unseemly for the APWU to dispute data fields on a postal form that has not changed in 17 years.

It is the APWU's position that absent a business need for the social security number, the Employer is obligated to replace the employee social security number with the employee's identification number in accordance with the parties agreement in the Memorandum of Understanding re: Removal of Social Security Number References incorporated in the 2006-2010 Collective Bargaining Agreement. In addition, the Employer has an obligation to remove the employee's diagnosis. Only medical personnel or postal personnel with a need to know have access to restricted medical information (an employee's diagnosis) in accordance with the requirements for handling and disclosure pursuant to the Privacy Act.

The new electronic PS Form 1769 permits the Postal Service to electronically store and transmit the data contained in the form. The union has repeatedly raised concerns regarding the electronic storage and transmittal of sensitive employee data such as social security numbers. The submission instructions for the new electronic PS Form 1769 instruct managers to send the form electronically to the "servicing safety office and your next higher level manager." The instructions do not include any procedures for securing sensitive employee data during transmission. Furthermore, instructions to "delete any and all electronic versions stored in your computer, including any eMail message(s) with this data" fails to address the fact that copies of the data will inevitably pass through and remain on network servers (including Internet servers not controlled by the Postal Service) during transmission. By needlessly requiring employee social security numbers on this form, the Employer violates its obligation under the Privacy Act to protect and ensure the security of employee social security numbers.

By letter dated October 16, 2007, the APWU requested, among other things, that the Employer put on hold the implementation of the new electronic PS Form 1769 and that the parties meet to discuss our concerns, and that the APWU be provided any documentation concerning the creation and implementation of the new electronic PS Form 1769. However, the Postal Service was non-responsive and elected not to provide the APWU with the requested information.

The APWU also requested the name, job titles and work location of any postal officials who stored, e-mailed or received any electronically completed PS Forms 1769, and a copy of all the affected PS Forms 1769. The Postal Service was non-responsive and elected not to provide the requested information.

Article 15 of the collective bargaining agreement provides that within thirty (30) days after the initiation of a dispute the parties shall meet in an effort to define the precise issues

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involved, develop all necessary facts, and reach an agreement. It is requested that you or your designee contact me at 202-842-4273 to discuss this dispute at a mutually agreed upon date and time.

Sincerely,

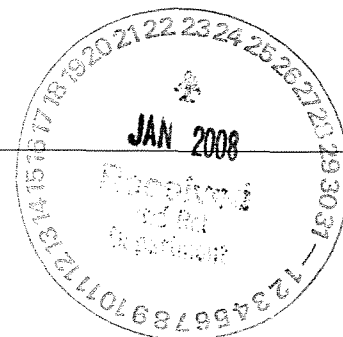

Greg Bell, Director
Industrial Relations

APWU #: HQTG20082
Dispute Date: 1/29/2008

Case Officer: Greg Bell
Contract Article(s): 19, Privacy Act
Regulations;

cc: Resident Officers
File

GB/LB



January 18, 2008

Mr. Greg Bell
Director, Industrial Relations Division
American Postal Workers Union
1300 L St NW
Washington, DC 20005-4128

CERTIFIED MAIL NUMBER:
7007 0220 0001 3712 1481

Dear Greg:

This is in response to your October 16, 2007, letter which was received by Doug Tulino, Vice President, Labor Relations. In your correspondence, you allege that the Kentuckiana District is using and storing electronic versions of the PS Form 1769, USPS Accident Report, also referred to in your correspondence as e-1769s. You allege that completed electronic versions are available on the Postal Service's Human Resources blue pages. Additionally, you write that social security numbers and restricted medical information are being utilized on these forms.

After further discussion with Headquarters Safety, Environmental, and Ergonomic Resources, it has been established that the e-1769 USPS Accident Report, has been in testing phase and that the e-1769 has not been released or placed on the Human Resources blue pages. Efforts have been made to ensure that safeguards have been incorporated in the e-1769 with regard to protecting employees' personal information and social security numbers.

In addition, your letter states:

We further believe that the data fields on PS Form 1769 for recording an employee's "social security number" and "diagnosis" are improper and not necessary for the purpose of reporting an accident and therefore should be removed.

Please be aware that employee social security numbers and diagnosis have been utilized on the PS Form 1769 since 1991. It is unseemly for the APWU to dispute data fields on a postal form that has not changed in 17 years.

However, so as this office may further investigate your claims, it is being requested that you provide copies of the supporting documents that the APWU relied upon when making these allegations. Please submit the following:

1. All copies of the e-1769, USPS Accident Report, which the APWU is alleging were emailed.
2. The website and/or link addresses, where the APWU alleges the e-1769 can be obtained.

3. The names, titles, and dates of the fifty people claimed to have received emails containing the completed e-1769 forms.

If you have any further concerns with regards to this matter, please do not hesitate to contact Clifton Wilcox, of my staff, at (202) 268-5916.

Sincerely,



for John W. Dockins
Manager
Contract Administration (APWU)



American Postal Workers Union, AFL-CIO

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Greg Bell, Director
Industrial Relations
1300 L Street, NW
Washington, DC 20005
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October 16, 2007

National Executive Board
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Southern Region

Omar M. Gonzalez
Western Region

Via Facsimile and First Class Mail

Mr. Doug A. Tulino, Vice President
Labor Relations
United States Postal Service
475 L'Enfant Plaza, SW, Room 9014
Washington, DC 20260-4100

Re: e-1769 USPS Accident Report

Dear Mr. Tulino:

It has been brought to my attention that the Postal Service has created and implemented a new electronic PS-1769 form for reporting accidents. I have also been informed that these forms which contain confidential and restricted information such as home address, date of birth, social security numbers and personal medical information are being electronically stored. In addition, it is my understanding that district managers in the Kentuckiana District are storing these forms electronically and, recently, completed PS Forms 1769 were e-mailed to as many as 50 people at a time. Moreover, these completed forms are being made available on the Postal Service Human Resources (HR) Blue pages to as many as 55 districts. We believe that the action taken is improper and privacy violations have occurred.

We have several concerns in regard to the use of social security numbers and restricted medical information (diagnosis) on PS Form 1769 or similar electronic forms, and the proper requirements for the handling and disclosure of such information in accordance with the Privacy Act.

We are seeking your assistance in ensuring that corrective action is taken to safeguard employees' personal information, including restricted medical information, and to ensure compliance with the requirements for handling and disclosure of such information in accordance with the Privacy Act. We further believe that the data fields on PS Form 1769 for recording an employee's "social security number" and "diagnosis" are improper and not necessary for the purpose of reporting an accident and therefore should be removed.

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First, as you may recall, by letter dated June 3, 2003, you notified the APWU that the Postal Service was implementing the eight-digit employee identification (EID) number to replace social security numbers for employee. According to your letter, "*Absent a business need for the social security number, the employee identification number will replace the social security number in all postal systems, beginning with the Time and Attendance System (TACS) in late June.*"

In addition, the parties memorialized their mutual understanding and agreement concerning the removal of social security numbers references in our collective bargaining agreement. Accordingly, pursuant to the Memorandum of Understanding Re; Removal of Social Security Number References:

The parties agree that the Postal Service intends to strive to remove social security numbers from all bid-related forms (e.g., PS Forms 1717 and 171A), PS Form 1723, Notice of Assignment, and any other form where the social security number is not necessary to the form's processing. In such cases, the Employee Identification Number (EIN) will be substituted.

The Postal Service is required to record occupational injuries and illnesses in OSHA Form 300, *Log of Work-related Injuries and Illnesses*, and to maintain a supplementary record, OSHA Form 301, *Injury and Illness Incident Report* (employee social security numbers are not recorded). OSHA permitted the Postal Service to use any form which contains all the items found on the OSHA Form 301 as a substitute form. If the alternative record did not contain all the items found on OSHA's Form 301, it could be supplemented by adding those items. The Postal Service elected to utilize PS Form 1769, *Accident Report*, in lieu of the OSHA's Form 301.

The only OSHA Form 301 data field that is missing on the PS Form 1769 is the employee's home address. Additionally, given the heavy dependence of coded information on the PS Form 1769, OSHA permitted using the "Narrative" block to record the employee's home address and the full circumstances of the accident (the "who, what, when, where, why, and how" that explain the cause of injury or illness).

There is no business need for the use of an employee's social security number on PS Form 1769 or similar electronic forms. It is requested that corrective action be taken to eliminate the use of employees' social security numbers, and that the Postal Service use the employee's EID number instead of social security numbers.

Second, OSHA requirements to record occupational injuries and illnesses in OSHA Form 300, *Log of Work-related Injuries and Illnesses*, and to maintain a supplementary record, OSHA Form 301, *Injury and Illness Incident Report*, does not require the recording of restricted medical information such as "diagnosis." In addition, notwithstanding the requirements in regard to

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handling and disclosure of employee's personal information on accident records in accordance with the Privacy Act, there are additional Privacy Act protections and requirements concerning the handling and disclosure of restricted medical information. It appears that the retention of the data field for "diagnosis" on PS Form 1769 may have been an oversight.

As you know, restricted medical information (including "diagnosis") is highly confidential and has the most limitations placed on both its access and disclosure. In addition, there have been numerous court decisions regarding improper handling and disclosure of restricted medical information.

All records containing restricted medical information must be marked "RESTRICTED MEDICAL" and filed in locked cabinets. Keys must be kept by medical personnel unless otherwise directed by the national medical director. These records may be reviewed or released only under specific conditions and authority.

Only medical personnel or postal personnel with a need to know have access to restricted medical information (an employee's diagnosis) in accordance with the requirements for handling and disclosure pursuant to the Privacy Act. Every request for review or release of restricted medical records must be submitted in writing to the records custodian and filed in the employee medical folder (EMF). Postal officials who are provided restricted medical information upon proper request are responsible for the security of such records, for protecting such records, and for restricting its use and availability to other persons in accordance with the Privacy Act.

However, we do not believe that it is the purpose or intent of accident reporting to have restricted medical information recorded on PS Form 1769 (or any other similar form) or in administrative medical records (documents that may contain medical information and have limitations placed upon their access or disclosure). Therefore, it is requested that corrective action be taken to eliminate the recording and retention of the employee's "diagnosis" on PS Form 1769 or any similar forms (e.g. electronic forms).


Third, the APWU has no record of receiving notice from the Postal Service of its intent to implement a new method of recording PS Form 1769. It is requested that the Postal Service put on hold the implementation of the new electronic PS Form 1769 and that the parties meet to discuss our concerns and the corrective action that we believe should be taken. In addition, it is requested that the APWU be provided any documentation concerning the creation and implementation of the new electronic 1769 Form.

Moreover, it is also requested that the APWU be provided the name, job titles and work location of any postal officials who stored, e-mailed or received any electronically completed PS Forms 1769. We are also requesting a copy of all the affected PS Forms 1769.

Mr. Doug A. Tulino, Vice President
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I am seeking your assistance in looking into this matter, and in taking the necessary corrective action to immediately discontinue the above-referenced practice. I look forward to meeting with you or your designee to discuss this subject matter.

Sincerely,


Greg Bell, Director
Industrial Relations

GB/LB:jm
OPEIU#2
AFL-CIO