



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

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



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

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.

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

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

Confirmation Report - Memory Send

Page : 001
Date & Time: 10-20-06 03:17pm
Line 1 :
Machine ID :

Job number : 509
Date : 10-20 03:15pm
To : 92683074
Number of pages : 003
Start time : 10-20 03:15pm
End time : 10-20 03:17pm
Pages sent : 003
Status : OK

Job number : 509 *** SEND SUCCESSFUL ***



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October 20, 2006

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Regional Coordinators
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Jim Burke
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Northeast Region

Frankie L. Sanders
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Omur M. Gonzalez
Western Region

Via Facsimile and First Class Mail
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United States Postal Service
475 L'Enfant Plaza, SW, Room 9014
Washington, DC 20260-4100

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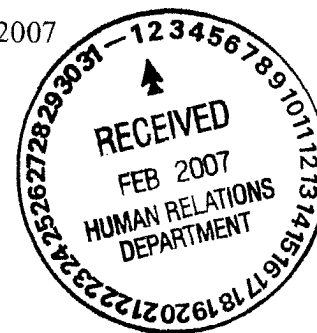
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Greg Bell, Director
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Initiate National Dispute

February 1, 2007

VIA FACSIMILE AND REGULAR MAIL



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

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Director, Maintenance Division

Robert C. "Bob" Pritchard
Director, MVS Division

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.

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

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.

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

Confirmation Report - Memory Send

Page : 001
Date & Time: 02-01-07 02:38pm
Line 1 :
Machine ID :

Job number : 908
Date : 02-01 02:37pm
To : 92686946
Number of pages : 003
Start time : 02-01 02:37pm
End time : 02-01 02:38pm
Pages sent : 003
Status : OK

Job number : 908

*** SEND SUCCESSFUL ***



American Postal Workers Union, AFL-CIO

1300 L Street, NW, Washington, DC 20005

Initiate National Dispute

February 1, 2007

VIA FACSIMILE AND REGULAR MAIL

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:

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

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Greg Ball, Director
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Greg Bell, Director
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May 7, 2007



Sent via Facsimile and US Mail
Mr. Doug Tulino
Vice President, Labor Relations
U.S. Postal Service, Room 9014
475 L'Enfant Plaza SW
Washington, DC 20260

National Executive Board

William Burrus
President

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Director, MVS Division

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

Dear Mr. Tulino:

This letter is to advise you that, due to a typographical error, all three
ELM citations in the above-referenced national dispute are in error.

The correct citation for all three ELM references is:

ELM Section 545.9.

A corrected copy of the dispute letter is attached.

Sincerely,

Greg Bell
Greg Bell, Director
Industrial Relations

Regional Coordinators

Sharyn M. Stone
Central Region

Jim Burke
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Elizabeth "Liz" Powell
Northeast Region

William E. "Bill" Sullivan
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Western Region

GB:LB:pjr
Opeiu#2,afl-cio

Enclosure



CORRECTED COPY

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
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Washington, DC 20005
202-842-4273 (Office)
202-371-0992 (Fax)

National Executive Board
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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 545.9, "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 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 one year.

Re: APWU #HQTG20076, Disability-Separation
April 27, 2007
Page 2

It is the position of the APWU, without prejudice to our position regarding the Postal Service's "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 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