

More Dangers to Injured carriers

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The "National Reassessment Process" (NRP) is a national process developed with intent supposedly to properly place employees who have been injured on the job into positions within their medical limitations, and to maintain their productivity as employees while they recover from their job-related illnesses/injuries. However, the Postal Service intends to change its policy on providing limited duty work to employees who have partially recovered from work-related injury or disability via the NRP. Management intends to change from a traditional approach of providing "make work" to providing "necessary work only" as limited duty carriers, unilaterally tweaking the NRP. The terms "make work" vs. "necessary work only" are being used by management without clear definition.

If you're hurt, we don't want you.

There is currently a national level grievance regarding implementation of the NRP because of management's unilateral change in the definition of the Postal Service's obligation to provide limited duty work that is incorporated into the NRP. The union maintains that how management is administering the NRP is inconsistent and in conflict with section 546.142 of the Employees Labor-Relations Manual (ELM) as well as pertinent provisions of the EL-307 and EL-505 handbooks, and applicable laws and regulations. Another matter within the NRP the union disputes is that the NRP also involves the application of new criteria for selecting which employees will receive limited duty. Specifically, employees who reach maximum medical improvement (MMI) within one year of the date of their work-injury will be afforded a preference over employees who reach MMI after one year following the date of their work-injuries. This change has never been the subject of negotiation, and there is no basis for this new selection criterion in any of the applicable ELM provisions, or any other applicable provision of law or regulation.

The union also vehemently disputes the Postal Service's intent to remove employees who have non-work related injuries from existing light duty assignments in favor of employees who have been injured on the job. Any such policy would violate the National Agreement as well as a previous (binding) national level grievance settlement.

Information class for carriers

Recently our branch hosted and offered to many of our members two four-hour sessions on the NRP, its implementation, and how it would affect employees injured on the job. Basically, it was a "know your rights" meeting for limited duty employees, and it was taught by Ann Moore who is from San Diego NALC Branch 70. Ann just recently retired from her full-time union officer position in Branch 70 and was kind enough to spend three days in our branch preparing and giving the classes. Since the San Diego District was a pilot site for the NRP and Ann's union position specialized in OWCP (workers' compensation) issues, she is well-versed on the subject. She is rated by the national, state, and local levels of our union as one of the best OWCP representatives in the country. Our members enjoyed the information Ann shared and, on behalf of our branch, I thank her for taking the time to help our members out with the information she presented.

In the session, Ann shared her experiences dealing with management in the NRP. Her information was intended to educate our members to enable them to make sound decisions for themselves should NRP affect them. It usually begins when a limited duty (LD) carrier is requested by management, either in writing or verbally, to submit updated medical information pertaining to their work-related injury. Based on that information, management will re-evaluate that employee's job offer. In doing so, management is still obligated to comply with the ELM section 546.142a.

Can work up to four hours, or cannot

LD carriers who cannot work even up to four hours per day because of their medical limitations are placed on the rolls of OWCP for eight hours per day. One must be able to work at least four hours per day. Otherwise they become eligible candidates for vocational rehabilitation. Vocational rehabilitation is a program for
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job placement of permanent and stationery LD carriers who can no longer do work but are getting paid by the DOL/OWCP while on LWOP from the Postal Service. (DOL is the Department of Labor.) Those eligible are assigned a vocational rehabilitation counselor who will interview you, assess your qualifications for other jobs, and present you with opportunities for training in another field of employment. If you agree to go to training, you receive 75% of your pay tax-free for eight months and the DOL/OWCP pays the difference between your letter carrier salary and the salary of the “new” job/position you are training for.

Vocational rehab training can take place up to two years. Then you are placed in the job market for that vocation with “job leads”. But you must find your own job and you have up to ninety days from when you completed vocational training to find a job. If you are unable to find a job, then you are evaluated and assigned a “wage earning capacity” which is the amount of salary you may earn based on your training, what you are qualified to do and how much that occupation earns. If after training you do find a job in the field you were trained and your salary is less than what you were making as a carrier, the DOL/OWCP will pay you the difference in those salaries, but should you for any reason be separated from that “new vocational job” you will still only receive the difference in those salaries until you find another job in that job market. You will not be able to return to the Postal Service.

Vocational training or not

If vocational rehabilitation is not up your alley, your best scenario is to find as much work as you can do in the carrier craft. Keep a diary and document everything. Keep an eye out and document what work you can do in your office even if you are not currently doing that work (somebody else is). It is fine to have a job offer and work within your job offer, but you should also be aware of work that is being done by Transitional Employees (TE's), PTFs, and ODL carriers daily that you can also do because that work is within your medical limitations. Keep these daily observations at home recorded as specifically as you can in your diary. Also, see your doctor at least twice per year to keep your OWCP claim open. If management requires you to see your doctor more than that, complete a CA-7 for the time you spent at the doctor, but remember to have the doctor state when he would like to see you again. Your doctor dictates when you should be seeing him, not the Postal Service.

Disability retirement

LD carriers also become eligible for disability retirement when they can no longer do the job they were hired to do at all. In fact, if a LD carrier is on LWOP for one year, the USPS can issue to that carrier a letter to separate them from the Postal Service. If this happens, then that carrier should immediately file for disability retirement and indicate on the paperwork responding to the Postal Service that they still want to remain on the OWCP rolls and that they want to vie for OPM disability retirement. You could also file a grievance. One earns up to only 80% of your letter carrier salary per year, but you can still work another job and still qualify for disability retirement. Your salary in that other job should not put your earnings more than 80% otherwise you will be disqualified for the disability retirement.

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