

USPS Kicks Rehab, Limited Duty, and Light Duty Carriers to the Curb by Frank Salazar, Branch 2902 President

The Postal Service under severe economic distress has seemingly used the current economic crisis to jettison its injured employees in an attempt to save hours. As we have described for months, management had unilaterally concocted the National Reassessment Process (NRP). This process was developed to supposedly follow all applicable laws, rules, regulations, and contractual provisions protecting injured employees. Basically, the Postal Service asserted that it was trying to match injured employees with work within their defined medical restrictions.

However, the exact opposite is happening. Injured carriers are being given less work and are being sent home in less than 8 hours or not worked at all. Under the NRP, injured carriers who are permanent and stationary (reached maximum medical improvement- MMI), are being sent a letter with the subject: Rehabilitation Modified Position Meeting. The letter states: *As part of the National Reassessment Process, all rehabilitation modified positions and limited duty assignments in the Sierra Coastal District have been reassessed. As a result of this reassessment you are scheduled to attend a meeting at the [specified location at specified date and 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.*

When the day arrives, a Union representative meets the injured carrier at the office. The meeting is scheduled for 1 hour and in attendance are the NRP Operations Team Leader, the Manager/Specialist of Health & Resource Management (HARM for short), and the Manager/ Specialist of Labor Relations. The NRP Team briefly explains the NRP to the injured employee, gives them some rights, and informs the employee that they can file a grievance, MSPB, EEO, etc., if they so choose. Then the team presents the injured employee with a copy of their current medical restrictions, and then offers the employee a new job offer. And, this is where the problems begin. Some employees are lucky and they get the same job offer they currently have. In this situation, it's usually an injured carrier working his/her own assignment (route) within his/her defined medical restrictions. In the other scenario, the injured carrier is given less than an 8-hour assignment. In this situation, the carrier is given anywhere from 1-6 hours, and told to bill OWCP using form CA-7 & CA-7a. Of course, carriers get upset and, rightfully so! In some instances, injured carriers have been doing the same accepted job offer for over 10 years, day in, day out, 8 hours a day, 40 hours per week. Don't worry about your job. You're not fired or laid-off, although it may feel like it. Please be aware that OWCP pays only once a month at 66% (no dependents) or 75% (with dependents) of your pay. The harm is obvious. When using LWOP, a carrier loses annual and sick leave benefits. In addition, those on long term LWOP lose FERS benefits, and can't make payments into TSP just to mention a few problems. Whatever you do, do not reject the job offer if it's within your defined medical restrictions. Rejecting the offer may subject you to a loss or denial in compensation benefits from OWCP.

If this wasn't bad enough, the Postal Service has developed a new pilot project called the Limited-Duty Pilot Program, which was introduced in the Los Angeles, Santa Ana, and Sierra Coastal Districts out here in California and in one district out in New Hampshire. The Postal Service probably thought that their NRP was too slow. You know it takes time to try and follow the rules and do things right, which you know Management can't do. In response, it seems the Service developed this unilateral process to circumvent their other unilateral process, the NRP. The Limited Duty Pilot Program works something like NRP, but Management is violating all of a carrier's rights. First of all, Management is denying the injured carrier a right to have a Steward attend. If this happens to you, contact your Steward to file a grievance. Second, Management is issuing new job offers without any prior notice. If Management offers you a new job offer, even if it's for less than 8 hours, do not reject the offer if it's within your defined medical restrictions. Rejecting a suitable job offer may have an adverse impact on any compensation you're entitled to. Instead, accept the job offer under protest and request to see or contact your shop steward a.s.a.p.. Management is requesting that carriers sign the job offer on the spot. Failure to do so will result in withdrawal of the offer, and the carrier will be sent home. Again, do not refuse the offer if it is within your defined medical restrictions, and contact your Shop Steward a.s.a.p.. Third, if you are being sent home early or not allowed to work, beware of using annual or sick leave. If you are granted any type of leave after your claim has been accepted, you are not allowed to buy it back. Only leave used before your claim is accepted is allowed to be bought back. Fourth, Management should provide you with a form CA-7 and CA-7a. They should also be able to assist you on filling the forms out. If Management fails to provide you the forms or fails to assist you in filling them out, ask to see a Shop Steward or call the union office. Fifth, write a detailed statement listing everything you've done on a daily basis for whatever period of time. Give us a copy of all your job offers back to your first. Sixth, keep a daily diary of everything you have done or could do. Get fellow employees to tell you what work is available. Please provide all this information to your Stewards.

