



UNITED STATES POSTAL SERVICE
 Labor Relations Department
 475 L'Enfant Plaza, SW
 Washington, DC 20260-4100

Mr. Lawrence G. Hutchins
 Vice President
 National Association of
 Letter Carriers, AFL-CIO
 100 Indiana Avenue, N.W.
 Washington, DC 20001-2197-

November 16, 1988

Re: W. Rain
 Rochester, MN 55901
 H4N-4C-C 38635

Dear Mr. Hutchins:

On October 26, 1988, a meeting was held with the NALC Director of City Delivery, Brian Farris, to discuss the above-captioned grievance at the fourth step of our contractual grievance procedure.

The issue in this grievance is whether management violated the National Agreement when it used a locally developed form.

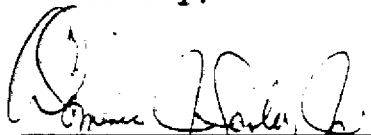
After reviewing this matter, we mutually agreed that no national interpretive issue is fairly presented in this case. We also agreed that the issuance of local forms, and the local revision of existing forms is governed by Section 374.12 of the Administrative Support Manual (ASM). The locally developed form was not promulgated according to ASM 324.12. Therefore, management will discontinue the use of the subject form.


Accordingly, we agreed to remand this case to the parties at Step 3 for further processing, including arbitration if necessary.

Please sign and return the enclosed copy of this letter as your acknowledgment of agreement to remand this case.

Time limits were extended by mutual consent.

Sincerely,


 Dominic J. Scola, Jr.
 Grievance & Arbitration
 Division


 Lawrence G. Hutchins
 Vice President
 National Association of Letter
 Carriers, AFL-CIO



National Association of Letter Carriers (AFL-CIO)

M-00887

APPEAL TO STEP 4

CERTIFIED MAIL # P-592-866-389

DATE: **November 17, 1987**

FROM: **NATIONAL BUSINESS AGENT**

Gene McNulty
NALC Region #7
312 Central S.E., Room 490
Minneapolis, MN 55414

TO: SENIOR ASSISTANT POSTMASTER GENERAL
EMPLOYEE AND LABOR RELATIONS
UNITED STATES POSTAL SERVICE
WASHINGTON, D.C. 20260

CARRIER	REGIONAL NO	GRIEVANT (OR CLASS)	POST OFFICE
"CAU"	C4N-4C-C-38635	W. Rain	Rochester, MN

DEAR SIR: SINCE [NALC] [USPS BELIEVE(S)] THIS CASE INVOLVES AN INTERPRETIVE ISSUE UNDER THE NATIONAL AGREEMENT (OR SOME SUPPLEMENT THERETO OF GENERAL APPLICATION), I AM APPEALING THE ABOVE-CAPTIONED CASE TO STEP 4 OF THE GRIEVANCE PROCEDURE, PURSUANT TO ARTICLE XV, SECTION 2, OF THE NATIONAL AGREEMENT

DATE STEP 3 DENIAL RECEIVED: **November 13, 1987**

STEP 3 DECISION RENDERED BY: **Mary Savage**

VIOLATION INCLUDING BUT NOT LIMITED TO: **Article 15**

CORRECTIVE ACTION REQUESTED: **Have Items #8, #9, & #10 deleted from the "Limited Duty Assignments" Form or rescind the entire form.**

DESIGNATED NALC REPRESENTATIVE AT STEP 4: **Contract Administration Unit, N.A.L.C.**

SINCERELY YOURS,

NATIONAL BUSINESS AGENT

CC: REGIONAL DIRECTOR FOR ELR
NATIONAL OFFICER, NALC
BRANCH PRESIDENT, NALC

NATIONAL OFFICE COPY



UNITED STATES POSTAL SERVICE
CENTRAL REGIONAL OFFICE

M-00887

Chicago, IL 60699

DATE: 11/13/87

C4N-4C-C 38635 10/07/87
W RAIN
ROCHESTER MN 55901-9998
87-917

OUR REF:

SUBJECT:

Step 3 Decision

TO:

Mr. Eugene McNulty
National Business Agent
National Association of letter Carriers
United Labor Center
312 Central Avenue, S.E.
Minneapolis, MN 55414-1025

Decision: *Denied*
Date: 11/13/87
Article Code:

Dear Mr. McNulty:

Pursuant to the terms and obligations as set forth in Article 15 of the 1984 National Agreement, management and union designees met at Step 3 of the grievance procedure. The results of that meeting on the above referenced case, are as follows:

No evidence has been submitted to demonstrate a violation of Chapter 540 of the ELM or any provision of the National Agreement.

Interpretive Issue
(circle)

Non-Interpretive issue
(circle)

[Signature]
Step 3 Management Designee
[Signature]
Received By

11/13/87
Received On

The Union's signature on this denial only indicates the date and time the decision was received.



OCT 6 1987

DATE 10-5-87 GRIEVANCE APPEAL TO 3

TO: REGIONAL DIRECTOR, EMPLOYEE AND LABOR RELATIONS UNITED STATES POSTAL SERVICE

FROM: BRANCH PRESIDENT

ROBERT J. RONNINGEN
P.O. Box - 6854
ROCHESTER, MN, 55901

BRANCH GR #	GRIEVANT'S NAME	GRIEVANT'S SS #	JOB CLASSIFICATION	STATION
87-917	CLASS ACTION	—	—	M.P.O. ROCHESTER, MN

PURSUANT TO ARTICLE XV, SECTION 2 OF THE NATIONAL AGREEMENT, WE HEREBY APPEAL TO STEP 3 THE DECISION AT STEP 2 OF THE POSTMASTER OR DESIGNEE ROBERT J. COLAIZY (S.P.O.) OF THE ROCHESTER, MN. INSTALLATION, RENDERED ON 9-25-87 AND RECEIVED ON 10-1-87

ATTACHMENTS (CHECK): STANDARD GRIEVANCE FORM STEP 2 DECISION UNION CORRECTIONS OR ADDITIONS TO STEP 2 DECISION (IF FILED)

THE FOLLOWING INFORMATION WILL HOPEFULLY ASSIST THE PARTIES IN QUICKLY RESOLVING THIS PROBLEM. TO DISCUSS THIS GRIEVANCE FURTHER, KINDLY CONTACT OUR NATIONAL BUSINESS AGENT GENE MC NULTY AT (ADDRESS) 312 - CENTRAL AVE. S.E. ROOM - 490 OR BY PHONE 612 - 378-3035 MPLS., MN 5544

VIOLATION: INCLUDING BUT NOT LIMITED TO NATIONAL (ART & SECT.) ART. 15 LOCAL (ART. & SECT.)
OTHER GROUNDS: FEDERAL EMPLOYEES COMPENSATION ACT + CHAPTER 540 OF THE EMPLOYEE & LABOR RELATIONS MANUAL

REASONS FOR APPEAL: SAME AS WHAT IS STATED ON THE STANDARD GRIEVANCE FORM.

CORRECTIVE ACTION REQUESTED: HAVE ITEM #8, #9 + #10 DELETED FROM THE ATTACHED FORM OR RESCIND THE ENTIRE FORM.

NATIONAL BUSINESS AGENT, NALC POSTMASTER

ROBERT J. RONNINGEN
BRANCH PRESIDENT/DESIGNEE
[Signature]
SIGNATURE

UNITED STATES POST OFFICE

Rochester, MN 55901-9998

DATE: September 30, 1987

OUR REF: RJC:mr

SUBJECT: Grievance Denial

TO: Robert Ronningen
NALC President
P.O. Box 6854
Rochester, MN 55903-6854


Grievant: Willard Rain
Location: Main Post Office
Rochester, MN 55901-9998
USPS: 0187-25
NALC: 87-917

This grievance concerns the limited duty assignment form that management requires employees to give to their physicians.

The NALC contends that this form is in violation of the Federal Employees Compensation Act and also chapter 540 of the Employee & Labor Relations Manual. NALC also contends that this form is nothing more than a laundry list which fails to fulfill the requirements as stated in the above.

It is Managements contention that this form is only used to serve as a basis for the physicians to help them determine what particular types of assignments the employee may perform in their limited duty statis.

I find no violation of the Federal Employees Compensation Act or the Employee & Labor Relations Manual, chapter 540. Therefore this grievance is denied.


Robert J. Colafzy
Supt. Postal Operations
U.S. Postal Service
Rochester, MN 55901-9996

cc: File

Received
10-1-87
JK



Pursuant to Article XV Section 2, this form must be used to appeal a grievance to Step 2.
 Received 9-18-87
 9.25.87
 M-00887

DATE	
NALC INITIALS	USPS INITIALS

STANDARD GRIEVANCE FORM

U.S.P.S. STEP 2 DESIGNEE (NAME & TITLE) BOB COLA'ZY		INSTALLATION ROCHESTER MN 55901	DATE 9.17.87	BRANCH GRIEV NO 87. 917	U.S.P.S. NO
FROM: BRANCH NO 440	BUSINESS ADDRESS BOX 6854 ROCHESTER MN 55903		PHONE - OFFICE 282. 3811	PHONE - OTHER 281 1097	
STEP 2 AUTHORIZED UNION REP BOB RONNINGEN			PHONE - OFFICE 282. 3811	PHONE - OTHER 281 1097	
STEP 1 MEETING: HELD ON (DATE/TIME) 9.9.87 0900	BETWEEN U.S.P.S. REPRESENTATIVE DENNIS SCRIPTURE	AND GRIEVANT CLASS WILLARD RAIN	STEWARD K.P. CARTHEY		
GRIEVANT'S NAME (OR CLASS) CLASS WILLARD RAIN			PHONE 282-3835		
HOME ADDRESS RR. 3 148		CITY ROCHESTER	STATE MINN	ZIP 55904	
JOB CLASSIFICATION CARRIER	CRAFT SENIORITY DATE 6.10.61	USPS SENIORITY DATE	DUTY HOURS 0630 - 1500		
STATION OR BRANCH ROCHESTER	SOCIAL SECURITY NO [REDACTED]		VETERAN YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		
OFF DAYS <input checked="" type="checkbox"/> ROTATING	FIXED - CHECK AS APPLICABLE	SA <input type="checkbox"/> SU <input type="checkbox"/> M <input type="checkbox"/> T <input type="checkbox"/> W <input type="checkbox"/> TH <input type="checkbox"/> F <input type="checkbox"/>	LEVEL 5	STEP 12	REG <input checked="" type="checkbox"/>
STEP 1 DECISION RENDERED ON (DATE/TIME) 9.9.87 9:15M	BY (NAME & TITLE) DENNIS SCRIPTURE		SUPERVISOR'S INITIALS (UPON REQUEST) [Signature]		

PURSUANT TO ARTICLE XV OF THE NATIONAL AGREEMENT, WE HEREBY APPEAL TO STEP 2, THE FOLLOWING GRIEVANCE
 VIOLATION: INCLUDING BUT NOT LIMITED TO NATIONAL (ART & SECT) **ART 15** LOCAL (ART & SECT)
 OTHER GROUNDS **FEDERAL EMPLOYEES COMPENSATION ACT - CHAPTER 540 OF THE EMPLOYEE & LABOR RELATIONS MANUAL.**

FACTS: WHAT HAPPENED **ON AUG 27-87 WILLARD RAIN WAS GIVEN THE ATTACHED FORM TO GIVE TO HIS PHYSICIAN FOR LIMITED DUTY ASSIGNMENTS.**

ADDITIONAL SHEET ATTACHED

UNION CONTENTIONS: REASONS FOR GRIEVANCE **FEDERAL EMPLOYEES COMPENSATION & POSTAL REGULATIONS PROVIDE THAT FORM CA-17 BE UTILIZED FOR THE PURPOSES OF IDENTIFYING MEDICAL RESTRICTIONS & THE AVAILABILITY OF LIMITED DUTY WORK & DO NOT AUTHORIZE AUGMENTATION OF THIS FORM WITH ANY OTHER. 20 F.E.C.A REGULATIONS & PARTICULARLY THE NEW REGULATION WHICH BECAME EFFECTIVE JUNE 1 87 REQUIRE WITH RESPECT TO LIMITED DUTY ASSIGNMENT THE IDENTIFICATION OF SPECIFIC ALTERNATIVE ASSIGNMENTS WHICH ARE AVAILABLE & THAT THE**

DOCUMENT IN QUESTION IS A LAUNDRY LIST WHICH FAILS TO SATISFY THAT REQUIREMENT. 3 ITEMS "8," "10" DO NOT CONSTITUTE APPROPRIATE LIMITED DUTY WORK. 4. ITEM "9" IS NOT APPROPRIATE LIMITED DUTY WORK & EMPLOYEES IN LETTER CARRIER CRAFT. (CORRECTIVE ACTION REQUESTED) HAVE ITEM "8" "9" "10" DELETED FROM ATTACHED FORMS OR RESCIND THE ENTIRE FORM.

ADDITIONAL SHEET ATTACHED

BRANCH PRESIDENT/DESIGNEE **ROBERT J. RONNINGEN** SIGNATURE **[Signature]**

UNITED STATES POSTAL SERVICE

Employee's Name _____

Date: _____

LIMITED DUTY ASSIGNMENTS

Listed below are limited duty assignments (modified positions) that are available if the physician finds you medically unsuitable to perform your regular assigned duties.

Please ask the physician to review these assignments and circle those you may perform.

1. Distribution of mail into a modified case which requires no reaching above the shoulder. Employee may sit in a straight-back chair, in a swivel chair with back support, or use a rest bar to accomplish this task.
2. Sort mail to a letter case - Sitting in a chair with back or leaning against a restbar. May stand/sit as required.
3. One hand limitations - Sort mail to regular or modified letter or flat case with right or left hand. Replenish case ledge by using one handful at a time. Answer telephone, stamp envelopes/routing slips, etc. Other sedentary work also available.
4. Replenish (load) case ledges with mail. Lifting handfuls of mail or, if able, trays of mail weighing 15-20 pounds. Walk 0-25 feet to obtain mail as required.
5. Sedentary work - Sit at a desk in a straight-back chair, answer the telephone, labeling and/or addressing mail, letters and magazines.
6. Collate mailings, stuff envelopes, addressing envelopes, stamp miscellaneous forms with rubber stamps.
7. Remove adhesive labels from cardboard trays. (Lifting 1-5 pounds.)
- * 8. Review Safety Films and Safety Talks. Sedentary - no lifting, bending, stooping, etc.
- * 9. Dust, washing/cleaning wash basins, toilet seats, stalls, mirrors, urinals, fire doors, and other custodial maintenance of offices, washrooms, lobbies, stairways in various areas of a postal installation, as needed. All areas and duties are modified to meet the required work restriction of the employee.
- * 10. Complete Accident Prevention Program. Sedentary - looking at book, placing check mark in appropriate box. Possibly reviewing safety film.
11. Any of the above limited duty jobs may be performed for 1, 2, 3, 4, 5, 6, 7, 8 hours.
(Please circle one)

PHYSICIAN'S SIGNATURE _____

DATE _____