

LABOR RELATIONS



Mr. William H. Young
President
National Association of Letter
Carriers, AFL-CIO
100 Indiana Avenue, NW
Washington, DC 20001-2144

RE: Q98N-4Q-C 00209240
Class Action
Washington, DC 20260-4100

Dear Mr. Young:


Recently, our representatives met in pre-arbitration discussion of the above-referenced grievance.

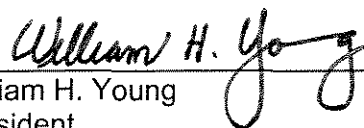
The grievance concerns 22 proposed revisions to Chapter 540 of Employee and Labor Relations Manual (ELM), *Injury Compensation Program*, as reflected in the ELM 16, August 2000 publication.

The parties agreed to resolve this case by adopting the revisions indicated on the attached list. It is acknowledged that the agreed to ELM 540 revisions which directly relate to wages, hours, and working conditions of bargaining unit employees must be promulgated in accordance with the provisions of Article 19 of the National Agreements.

Please sign and return the enclosed copy of this decision as your acknowledgement that this case has been settled, removing it from the pending national arbitration docket.

Sincerely,


A.J. Johnson
Manager
Labor Relations Policy
and Programs


William H. Young
President
National Association of Letter
Carriers, AFL-CIO

Date: 8-9-06

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(1) Section 543.21 (deleted language)

Management Instruction EL 540-91-1 titled Job-Related First Aid Injuries is currently under review and the union will be advised.

Add language to Section 544.111:

“(g) An employee must be fully informed of rights and responsibilities under FECA.”

(2) Section 542.23 (Formerly 543.33) – No change

Section 544.12–Insert bold print into existing language as indicated below:

The control office or control point is responsible for completing Forms CA-16... Control points at major postal installations may be given authority by the control office to manage and submit claims directly to OWCP. **The control office or control point must ensure that injured employees are aware of the obligation to provide prima facie medical evidence, which is medical evidence that is sufficient to indicate the employee is disabled as a result of an employment injury and thus cannot perform the job held at the time of the injury. The control office or control point must also ensure that injured employees are aware of their obligation to provide this medical evidence within 10 calendar days after claiming COP and that the lack of receipt of such evidence by the employing office within that time frame may serve as sufficient reason for termination of COP (subject to reinstatement upon receipt of such evidence).** The control office or control point must advise the employee whether COP will be controverted and whether pay will be interrupted...

(3) Section 543.4 (545.73)

No change to 543.4. In Section 544.12 insert at the end of the fourth full sentence, directly to OWCP. “The control office or control point ensures that the employee has been fully informed of rights and responsibilities as described in 543.”

(4) Section 543.41 (545.73)

Place old language in: “An employee may file a request for waiver of claim for erroneous payment (see ELM 437)

(5) Section 545.12 (545.14)

Language will be added similar to OWCP language to state as “soon as possible but not later than” – 20 CFR language. Add sentence to 544.212

- (6) Section 545.533 (deleted)
Restore deleted language to 545.75e, with privacy act exception: "The control office or point is authorized to furnish an employee, or the employee's beneficiary or representative, with a copy of any notice of injury, claim form, or other document pertaining to that employee that has been completed and submitted to the OWCP district office, pursuant to the Privacy Act and regulations thereunder."
- (7) Section 566.23(b) (formerly 546.23(a))
Language deleted prior to printing/publication - Issue is moot.
- (8) Section 545.61 (formerly 547.31)
Delete "Human Resources manager or designee" and delete "at any time".
- (9) Section 541.2 (d) (1)
The parties will jointly contact OWCP for clarification of 20 CFR 10.215 and the language will be modified, if necessary, to conform with OWCP's response.
- (10) Section 542.211, 212, 221, 222
Issue is moot.
- (11) Section 545.21 (formerly 545.212)
Replace last sentence: "The control office or control point is not required to issue a Form CA-16 more than one week after the occurrence of the claimed injury." with "Issuance of Form CA-16 is not required when notification on injury is more than one week after its occurrence, or when injury is reported timely and medical treatment is not needed prior to 1 week after date of injury."
- (12) Section 545.5
Insert "Completion of PS Form 2488 by the employee is voluntary" at end.
- (13) Section 545.51
Move entire Section 545.51 "Medical Report Requirements" ahead of second paragraph in Section 545.5 as separate paragraph.
- (14) Section 545.53 (formerly 545.61)
Reinsert old language: "Form CA-17 is used by the control office or point to obtain a medical report concerning an employee's duty status."
- (15) Section 545.812 (formerly 545.712)
Current ELM reflects correction, therefore issue is moot.
- (16) Section 546.122
Restore prior language: "Upon reemployment, all rights and benefits that an employee would have had or acquired in the former position had there been no injury or disability must be restored."
- (17) Section 546.622
Current ELM reflects correction, therefore issue is moot.

- (18) Section 545.52 and 545.53 (formerly 543.31)
Reinsert language "Medical unit" before "Postal Service personnel" in Section 545.53, first paragraph. Section 545.52 is moot.
- (19) Section 545.43 (formerly 545.12)
Delete current language to replace with: "A postal physician or contract equivalent who provides initial medical evaluation or initial medical treatment is not considered the employee's initial choice of physician. The employee may continue treatment with a postal physician or contract equivalent beyond initial emergency treatment or initial non-emergency treatment provided the employee selects the postal physician as his/her physician of choice and:
- a. Treatment complies with EL-806, Health and Medical Service, and with OWCP regulations and directives.
 - b. Form CA-16, Authorization for Examination and/or Treatment, must be completed in accordance with 545.2.
- (20) Section 546.612
Issue is moot.
- (21) Section 542.112
Replace language "immediately" with "as soon as possible".
- (22) Section 542.22
Replace language with new language: "The employee is responsible for ensuring a medical report from the attending physician is submitted directly to OWCP."

(The numbers indicated above are corresponding to the union's chart - "Analysis of 540 Changes".)