

LABOR RELATIONS



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

Re: Q01N-4Q-C 04213981  
Class Action  
Valley Stream, NY

Dear Bill:


By letter dated September 28, 2004, the NALC brought three issues identified in the above-cited case to the national level to determine if the parties had an interpretive dispute over the application of Employee & Labor Relations Manual Section 546.

After discussion on several occasions between our representatives, the Postal Service responded with its position on the three issues by letter dated August 19, 2005.

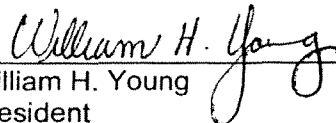
We mutually agree that the issues raised by the NALC are not interpretive. This case is therefore remanded through the National Business Agent's office to the Step B team who are to resolve the case in accordance with the attached August 19, 2005 correspondence. If the Step B team is unable to resolve the dispute, it is suitable for regular arbitration.

It is further agreed that the local parties are to handle the cases held pending a decision in Q01N-4Q-C 04213981 in the same manner.

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

  
A.J. Johnson  
Manager  
Labor Relations Policy and Programs  
U.S. Postal Service

11/22/05

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

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EXEC. VICE PRESIDENT'S OFFICE  
NALC. HDQTRTS., WASHINGTON, D.C.

August 19, 2005

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OFFICE of the PRESIDENT  
NALC. HDQTRTS., WASHINGTON, D.C.

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

Certified Mail Number:  
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Dear Bill:

This is in response to your September 28 correspondence regarding Valley Stream, New York "Limited Duty Grievances" and whether they raise three interpretive issues pursuant to Article 15.2 Step B(e) of the National Agreement. The Postal Service does not believe the grievances raise any interpretive issues. The following is our response to the three concerns raised by the NALC.

First, the NALC is concerned that "...management appears to assert that it has no duty to provide limited duty to an injured letter carrier if the carrier cannot deliver mail, even though the employee is capable of performing casing and other letter carrier duties in the office."

The Postal Service makes no such assertion. The Postal Service may provide casing duty and other city letter carrier duties to city letter carriers suffering a job-related illness or injury when it is available within the employee's medical limitations on record. When this occurs, it does not preclude, based on medical documentation, the Postal Service from offering the employee a duty assignment the essential functions of which the employee can perform. All assignments will comply with the Employee and Labor Relations Manual (ELM) Section 546 and the Rehabilitation Act, if appropriate, based on individual circumstances.

Second, the NALC is concerned that "...it appears to be management's position that it has no duty to provide limited duty if available work within the employee's limitations is less than 8 hours per day or 40 hours per week."

The Postal Service makes no such assertion. The Postal Service may provide work of less than eight hours a day or forty hours a week to city letter carriers suffering a job-related illness or injury when it is available within the employee's medical limitations on record. When this occurs, it does not preclude, based on medical documentation, the Postal Service from offering the employee a duty assignment, the essential functions of which, the employee can perform. All assignments will comply with the Employee and Labor Relations Manual (ELM) Section 546 and the Rehabilitation Act, if appropriate, based on individual circumstances.

Third, the NALC is concerned that "...it appears to be management's position that there is no obligation to provide limited duty when the employee's treating physician indicates that the employee is unlikely to fully recover from the injury."

The Postal Service makes no such assertion. If an employee reaches maximum medical improvement and can no longer perform the essential functions of the city letter carrier position, the Postal Service is obligated to seek work in compliance with ELM Section 546 and, if applicable, the Rehabilitation Act.

We do not believe these issues to be interpretive, nor do we believe we have a dispute on the application of ELM Section 546 or the Rehabilitation Act.

If you wish to discuss this matter further, please contact Charles Baker at (202) 268-3832.

Sincerely,



A. J. Johnson  
Acting Manager  
Labor Relations Policies and Programs

- \_\_\_\_\_ **WHY**
- \_\_\_\_\_ **JW**
- \_\_\_\_\_ **GHM**
- \_\_\_\_\_ **JEB**
- \_\_\_\_\_ **JK**
- \_\_\_\_\_ **FVR**
- \_\_\_\_\_ **BEH**
- \_\_\_\_\_ **MW**
- \_\_\_\_\_ **THY**
- \_\_\_\_\_ **DTS**