

Filing an employee claim

Letter carriers have the right to file a claim for the reimbursement of a loss or damage to personal property that is consequential to the duties of their position. Claims for compensation must be for at least \$10 and are governed by Article 27 of the National Agreement, which says:

Article 27, Employee Claims Subject to a \$10 minimum, an employee may file a claim within fourteen (14) days of the date of loss or damage and be reimbursed for loss or damage to his/her personal property except for motor vehicles and the contents thereof taking into consideration depreciation where the loss or damage was suffered in connection with or incident to the employee's employment while on duty or while on postal premises. The possession of the property must have been reasonable, or proper under the circumstances and the damage or loss must not have been caused in whole or in part by the negligent or wrongful act of the employee. Loss or damage will not be compensated when it resulted from normal wear and tear associated with day-to-day living and working conditions.

Claims should be documented, if possible, and submitted with recommendations by the Union steward to the Employer at the local level. The Employer will submit the claim, with the Employer's and the steward's recommendation, within 15 days, to the Step B Team for determination. An impasse on the claim may be appealed to arbitration pursuant to Article 15, Step B (d) of this Agreement.

A decision letter impassing a claim in whole or in part will include notification of the Union's right to appeal the decision to arbitration under Article 15.

The Step B Team will provide the National Business Agent a copy of the impasse referenced above, the claim form, and all documentation submitted in connection with the claim.

The Step B Team will also provide a copy of the impasse to the steward whose recommendation is part of the claim form....

Non-motorized bicycles may be claimed per the April 19, 2001, pre-arbitration settlement, M-01440:

We agree that non-motorized are not considered 'privately owned vehicles,' such as those excluded from Article 27 procedures. Therefore, a claim for loss or damage to non-motorized bicycles can be made and decided in accordance with the provisions of Article 27.

Claims involving motorized vehicles must be made under the Federal Tort Claims Act.

What can be claimed?—Excluding non-postal vehicles and the contents thereof, any personal property, including cash, jewelry or uniforms purchased through the USPS allotment that are worn or brought to work may be claimed. The claimant must show the possession was reasonable at work and the loss connected with their employment.

Employee negligence—The Postal Service is not obligated to pay a claim where the claimant did not exercise reasonable prudence or care in safeguarding the property.

Normal wear and tear—Loss or damage resulting from day-to-day living and working conditions will not be compensated.

14 days to file a claim—Article 27 requires a claim to be filed within 14 days after the loss or damage occurred.

Written claim—The PS Form 2146, Employee's Claim for Personal Property, is filed to document a claim. However, any written claim may be treated as a proper claim if it provides substantiating information.

Management cannot deny providing a PS Form 2146 per the 1977 Step 4 M-00435:

The employee should have been supplied with a Form 2146 whether or not management had determined the legitimacy of the claim.

Receipts—Submitting a receipt with the cost and the date the item was purchased will help the claimant obtain the proper amount of compensation. The claimant's own estimate of the value may not satisfy the requirement of proving the value of the item. Copies of receipts can often be obtained from the uniform vendor. Depreciation must be considered with any claim. Therefore, a dated receipt is the best documentation to use in support of a claim.

Appeal procedure—The claimant's steward and supervisor complete their sections of the PS Form 2146 with their recommendations. Management then submits the claim within 15 days to Step B. The Step B team may resolve, declare an impasse (in whole or in part), or remand the claim for specific information to resolve the claim.

If you have questions regarding the filing of an employee claim, see your shop steward or branch president. ✉