

PS Form 2488—do not patronize

The USPS recently made changes to PS Form 2488, Authorization for Medical Report, June 1987. Ostensibly, these changes were made to comport with the Health Insurance Portability and Accountability Act (HIPAA). HIPAA requirements are set forth at 45 C.F.R. 164.508c. In addition, the revised form has been renamed Authorization to Use or Disclose Protected Health Information.

Historically, PS Form 2488 has had one major function—to obtain medical information from applicants for employment in the Postal Service. Generally, the NALC has no standing with respect to the hiring process.

The completion of PS Form 2488 by current employees is totally voluntary. The form states that its completion is voluntary on the part of the employee in the “Privacy Act Statement” on the form’s bottom. In addition, the NALC has a national level pre-arbitration decision (M-1441) dated April 19, 2001, stating that PS Form 2488 is voluntary.

It should be understood that there could be a negative consequence for not providing the USPS with medical information the USPS has the legal and/or contractual right to obtain. However, the fact that the Postal Service may have an interest in acquiring an employee’s private medical information does not automatically translate into a legal or contractual right to demand or obtain it.

The NALC has written numerous articles over the years concerning this form, including Contract Talk November 2000, Contract Talk December 2002 and in the *NALC Activist* March 2008, “Protecting Medical Privacy.” A letter carrier should review the aforementioned articles before releasing any individually identifiable personal medical information to the USPS.

On this page is a copy of the recently updated PS Form 2488. One concern is that management may attempt to expand the use of the form. Management may attempt to use this form to gain access to an employee’s medical records when virtually any issue that involves the employee’s medical condition arises. Under Section I, the portion titled “Applicant/Employee Personal Infor-

mation,” there are a number of check boxes. Excluding the “New Hire Candidate Physical” box, which is not applicable to current employees, there is never a reason why a letter carrier should check any of those boxes or sign this form. Once an employee signs the PS Form 2488, they are agreeing to release all of their individually identifiable personal medical information held by a physician that the doctor believes relates to that issue.

For example, if an employee releases information for a specific medical condition for FMLA approval, under PS Form 2488 they have given permission to their physician to determine which medical information is pertinent and which is not. Conversely, if the employee directs their doctor as to what specific medical information is necessary to provide the Postal Service, they have control over which medical information is released.

We need to educate our membership to not sign PS Form 2488 under any circumstances and NALC officers and stewards should review Management Instruction EL-860-98-2, which replaces Chapter 2 of Handbook EL-806, Health and Medical Services. This management instruction provides specific guidelines for handling and security of employee medical records. Remember, do not patronize PS Form 2488.