



National Association  
of Letter Carriers

William H. Young, President  
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# NALC Bulletin

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## Unwarranted Intrusion!

# NALC Files Suit Against OIG To Stop Invasion of Privacy In Obtaining Medical Files

## Demand for Confidential Employee Information Violates U.S. Constitution and Federal Laws

### APWU Joins in Legal Action in U.S. District Court in New York

NALC and the American Postal Workers Union (APWU) have filed a joint lawsuit against the Postal Service and the USPS Office of Inspector General (OIG) seeking to stop OIG agents from obtaining confidential medical information about employees without their knowledge or consent. Attorneys for the two national unions filed the suit in New York City on January 17 in the U.S. District Court for the Southern District of New York.

"This is a case of unwarranted intrusion by government agencies into the privacy of their employees' medical information, an intrusion that exceeds the agencies' statutory authority and violates federal law, regulations and the United States Constitution," the two unions said in their complaint filed with the court.

As the suit was filed, President Young said the NALC would continue to fight this illegal practice and abuse of power by the OIG.

**"I promised our members that the NALC will do everything in its power to reign in this outrageous conduct by the OIG," Young said. "This federal lawsuit is the first step. If more is needed, we will take further action."**

The controversy over the OIG's ex parte contacts with employees' personal physicians came to light in September, 2007 when NALC obtained a copy of a standard form letter used by the OIG agents when demanding that physicians and other health care providers disclose sensitive information to assist agents in their investigations of alleged employee misconduct. The standard letter expressly advises the physician not to inform the patient—the affected employee—of this disclosure.

"In particular, Defendants (USPS and OIG) have adopted a policy and practice of interviewing employees' physicians and other health care providers and reviewing their personal medical files, with no notice to the employees," the complaint states.

On September 27, President Young wrote to James Miller, chairman of the USPS Board of Governors (which supervises the OIG), demanding that the OIG be instructed to cease this practice. On November 2, the secretary to the Board of Governors issued a letter denying President Young's request.

Upon receipt of the Board of Governors' response, NALC investigated further and discovered numerous instances in which OIG agents have obtained private health information about employees from their medical care providers without the employee's knowledge or consent.

The NALC-APWU suit alleges that the OIG's practice violates federal statutes and regulations, as well as the U.S. Constitution.

The NALC and APWU asked the court to render a judgement:

- Declaring unlawful and unconstitutional the USPS and OIG policy and practice of obtaining and disclosing employees' protected health information without their knowledge or consent.
- Enjoining USPS and OIG, their agents, representatives and employees, from continuing such policy and practices.
- Granting such other relief as is just and proper.

## Second COLA Stands at \$312

The projected accumulation for the second regular cost-of-living adjustment (COLA) under the 2006-2011 National Agreement stood at \$312 following release January 16 of the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W) for December.

The second COLA for letter carriers will be based on inflation between July 2007 and January 2008 and will be payable in the second full pay period following release of the January 2008 index.

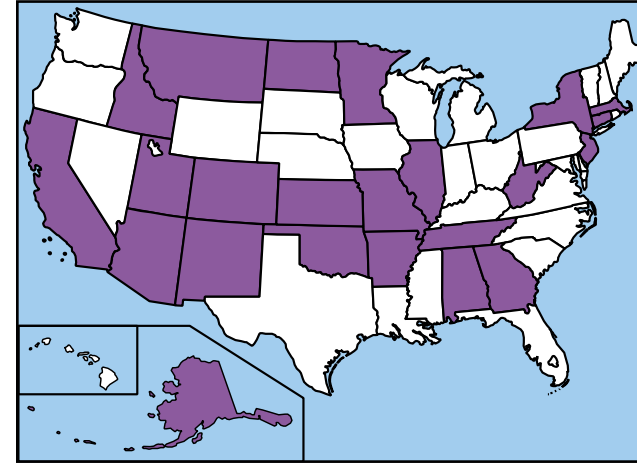
The \$312 annual accumulation equals 15 cents per hour or \$12.00 per pay period.

The accumulation toward the 2009 retiree COLA remained at 1.1 percent following release of the December CPI-W. The 2009 retiree COLA will be based on the increase in the average CPI-W between the third quarter of 2007 and the third quarter of 2008.

The 2008 COLA for Federal Employees Compensation Act (FECA) participants will be 4.3 percent. The 2008 FECA COLA, which will be effective March 1, is based on the increase in the CPI-W between December 2006 and December 2007. FECA COLAs are applicable only in cases where death or disability occurred more than one year prior to the adjustment's effective date.

## Carriers Should Cast Their Ballots In 'Super Tuesday' Primary Voting

NALC members and their families should make every effort on Super Tuesday, February 5, to cast their ballots for the candidates of their choice in this year's presidential primary campaigns. It is anticipated that February 5 will be the most important day of the year in determining who will be the respective nominees of the Democratic and Republican Parties in the November 4 general election.



Super Tuesday States

President Young urged all NALC members to take the time and exercise their cherished right to vote in their important primary.

**"I urge you to make whatever special effort is required, and be sure to cast your ballot and voice your opinion in these crucial primaries and caucuses," Young said. "Letter carriers are a strong voice in America's governmental and political process and one of the most important ways is by voting on election day."**

After the South Carolina Republican primary and Nevada Democratic caucuses on January 19, South Carolina Democrats will hold a primary on January 26, followed by the Florida primary on January 29 and then the Maine GOP caucuses February 1-2.

Then comes Super Tuesday.

Voters in 24 states will go to the polls or hold caucuses or conventions that day to pick delegates for the respective candidates.

They are: Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Georgia, Idaho, Illinois, Kansas, Massachusetts, Minnesota, Missouri, Montana, Nevada, New Jersey, New Mexico, New York, North Dakota, Oklahoma, Tennessee, Utah and West Virginia.

**For further information, go to the union's website: [www.nalc.org](http://www.nalc.org) and the Postal Record magazine.**

## Transitional Employees' Q & A

The NALC and USPS have developed a joint document that provides the mutual understandings of the two national parties on issues related to NALC transitional employees.

The questions and answers document covers key aspects of the wages, hours and working conditions for transitional employees under the 2006-2011 National Agreement. This document is the only source for accurate information about the national parties' joint agreement.

The joint document, signed by NALC Executive Vice President Fredric V. Rolando and Alan S. Moore, manager, USPS Labor Relations Policy and Programs, is available on the NALC website: [www.nalc.org](http://www.nalc.org).

## 702 Branches Already Registered For 16th Annual NALC Food Drive



Hundreds of branches are still registering for the 2008 NALC National Food Drive on Saturday, May 10, eager to surpass last year's total and move the union closer to achieving a challenge set down by President Young—to eventually reach 100 million pounds.

Last year, over 70.7 million pounds of food were collected and delivered to local community food banks and pantries in the nation's largest one-day drive to help the hungry.

As the *NALC Bulletin* went to press, registration forms had been received from 702 branches.

**All branches must register again this year with updated information for the 2008 drive in order to receive the coordinator's packet and forms for postcards, posters, etc.**

To participate in the 2008 "Stamp Out Hunger" drive, branch presidents should fill out the registration form mailed to them in December and return it immediately. **Registration forms should be received back at NALC Headquarters by January 25.**

In February, registered branches will receive a Food Drive Coordinator's Kit, a new promotional DVD and other materials, including forms for obtaining FREE postcards sponsored by Campbell Soup and the U.S. Postal Service to alert postal customers of the drive.

Any questions should be directed to Drew Von Bergen, national coordinator of the food drive, at (202) 662-2489, by e-mail at [vonbergen@nalc.org](mailto:vonbergen@nalc.org), or by mail to NALC headquarters.



Dr. Martin Luther King, Jr. sought to forge the common ground on which people from all walks of life could join together to address important community issues. The NALC joins millions of Americans on January 21 to once again honor his legacy. In recognition of the 40th anniversary of Dr. King's assassination, the government's Corporation for National and Community Service is supporting a new initiative: "40 Days of Nonviolence: Building the Beloved Community." Under this initiative, the King 'Day of Service' will begin 40 days during which families, schools, faith communities, and other organizations will plan service projects and educational activities promoting Dr. King's message of nonviolence and social justice.