



National Association  
of Letter Carriers

William H. Young, President

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# NALC Bulletin

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## NALC and Postal Service Reach Accord For Interim Route Adjustment Process

The NALC and the Postal Service entered into a Memorandum of Agreement April 7 on a Modified Interim Alternate Route Adjustment Process for 2009.

All delivery routes will be evaluated, adjusted, and revisited in 2009 pursuant to this process.

Routes in delivery units that were not evaluated/adjusted under the previous Interim Alternate Route Adjustment Process will be evaluated using a two-month review period of either March-April 2009, or April-May 2009. Routes in delivery units that were evaluated/adjusted under the previous Interim Alternate Route Adjustment Process will be evaluated using a one-month review period of either March, April, or May 2009 in order to revisit those evaluations/adjustments. The evaluations and adjustments for all routes will then be revisited in the fall using a one-month review period of either September, October, or November 2009.

All decisions regarding the evaluation and adjustment of routes will be made jointly by teams of NALC and USPS representatives after their review of selected data and input from the regular carrier.

The four-page Memorandum was signed by NALC President William H. Young and Doug A. Tulino, Vice President/Labor Relations, for the Postal Service.

**"It is critical in this time of economic uncertainty that the Postal Service function as efficiently and effectively as possible in order to maintain its position as the major communication agency in this nation," Young said. "At the same time, we want to ensure that the standards of the letter carrier craft are not diminished and that criteria for the amount of mail and the time allotted be appropriate for delivery in a professional manner, consistent with top-level service that the public has a right to expect."**

The text of the Memorandum is available on the NALC website: [www.nalc.org](http://www.nalc.org), and **additional information** will appear in the May issue of the *Postal Record* magazine. The NALC and the Postal Service are also near completion of a more detailed document which will provide the parties' mutual explanation under each provision in the Memorandum of Agreement. Upon completion, that document will also be available on the NALC website.

The initial joint training on the new process is scheduled on April 20 and 21 for the NALC National Business Agents and the USPS Area Managers Delivery Programs Support, who will serve as the Area/Regional Teams that will monitor the process and provide training in their respective Regions/Areas. After the training, questions regarding the process should be directed to your National Business Agent.

As with the previous Memorandum of Understanding, both parties maintain their rights under Section 271 of the M-39 Handbook regarding Special Route Inspections. As part of the new Memorandum, the parties have also agreed that the data from route inspections conducted pursuant to Section 271 of the M-39 Handbook will be forwarded to the appropriate Joint District Evaluation and Adjustment Team under the new process for adjustment.

## NALC, APWU Win Key Court Ruling In OIG Medical Information Case

NALC and the American Postal Workers Union (APWU) have won an important preliminary victory in their lawsuit against the Postal Service and the Office of Inspector General (OIG) over release of confidential medical information about employees.

In a ruling issued March 30, U.S. District Court Judge Denny Chin denied a motion by the defendants to dismiss the case. The lawsuit, which had been held in abeyance pending the decision on the motion, now proceeds for consideration of the merits.

NALC President William H. Young expressed pleasure with the ruling.

**"It will give us a chance to expose the lawlessness of an out-of-control OIG and to put a stop to the violation of our members' privacy rights," Young said.**

NALC and APWU filed their joint lawsuit against the Postal Service and the OIG on January 17, 2008 in the U.S. District Court for the Southern District of New York, seeking to stop OIG agents from obtaining confidential medical information about employees without their knowledge or consent.

The controversy over the OIG's unlawful practices came to light in September, 2007 when NALC obtained a copy of a standard form letter used by OIG agents when demanding that physicians and other health care providers disclose sensitive health information. This information is used 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.

The NALC-APWU suit alleges that the OIG's practice violates federal statutes and regulations, as well as the U.S. Constitution. The complaint seeks an injunction requiring the Postal Service and the OIG to cease and desist.

On June 6, 2008, the Postal Service and the OIG responded to the suit by filing a motion to dismiss the unions' complaint. They argued that the unions lacked "associational standing" to sue on behalf of their members whose rights had allegedly been violated. The defendants also argued that the unions' allegations failed to establish a violation of the law. In his ruling, Judge Chin rejected each of the USPS/OIG arguments and completely upheld the unions' position:

"The [unions'] claim adequately alleges that OIG exceeds its authority by requesting protected health information directly from employees' health care providers without their knowledge or consent. Furthermore, the "adverse effect" on the employees – necessary to state a Privacy Act violation... – is destruction of the confidentiality of the employees' protected health information and violation of the right to privacy..." the ruling said.

**At a status conference with the parties' attorneys on April 6, Judge Chin set a preliminary schedule for pre-trial discovery to be completed by July 10.**

The lawsuit is not a class action in which individual employees can join. No money damages are being sought.

## National Conference/Rap Session Set for Las Vegas April 25-26

Leaders of hundreds of branches and state associations from across the country are making final plans to attend the NALC National Training Conference and Rap Session April 25-26 in Las Vegas, Nevada. The meetings will occur at the Luxor Las Vegas hotel, 3900 Las Vegas Blvd, South.

The NALC Constitution calls for the President to convene a national conference in years when there is no National Convention.

NALC President William H. Young urged every branch to send at least one representatives to this important gathering, particularly in light of the severe economic crisis facing both the nation and the Postal Service.

**"Given the severity of the current economic situation and its impact both on the Postal Service and the letter carrier craft, it is essential that all branch leaders are up to date on the latest information and have an opportunity to openly discuss it with their national officers," Young said.**

Class sign-up will be open from 5 p.m. to 7 p.m. Friday, April 24, in Nile Chambers A & B at the hotel. A welcoming reception is also scheduled on Friday evening, from 6:30 pm to 8:30 pm in the hotel's Egyptian Ballroom.



The Atrium at the Luxor Las Vegas - site of the 2009 National Training Conference and Rap Session.

The National Training Conference to be held on Saturday, April 25 will feature four workshops in the morning, and then repeated in the afternoon to maximize the number who can take advantage of the training. Topics to be covered are the results of the Interim Route Adjustment agreement, the economic crisis and its impact on the Postal Service, the legislative campaign to rebuild the middle class through labor law and health care reforms, and NALC's Community Service agenda.

President Young will preside over a Rap Session on Sunday morning, April 26 that is scheduled to conclude by 12 noon.

**Information on hotel reservations, ground transportation, and other items are available by going to the NALC website: [www.nalc.org](http://www.nalc.org).**

### National Training Conference & Rap Session

#### Schedule of Events

##### Friday, April 24

5:00 pm to 7:00 pm – Class Sign-Up, Nile Chambers A & B

6:30 pm to 8:30 pm – Welcome Reception, Egyptian Ballroom

##### Saturday, April 25

9:00 am to 11:30 am – Workshops:

- The Interim Route Adjustment Process
- Contract Administration Unit Briefing
- NALC's Community Service Agenda
- The Economic Crisis and the Postal Service

11:30 am to 1:15 pm – Lunch (*on own*)

1:30 pm to 4:00 pm – Workshops

- The Interim Route Adjustment Process
- Contract Administration Unit Briefing
- NALC's Community Service Agenda
- The Economic Crisis and the Postal Service

##### Sunday, April 26

9:00 am – 12:00 pm – National Rap Session

### Bill Advances to Improve FERS, TSP Benefits

The House of Representatives approved legislation (H.R. 1804) on April 1 that addresses two long-standing disparities in treatment between workers in the Federal Employees' Retirement System (FERS) and those in the Civil Service Retirement System (CSRS).

The bill provides service credit to employees covered by FERS for unused sick leave when determining their retirement benefits – as under CSRS. It also gives FERS employees who leave federal service and withdraw their retirement contributions the same right CSRS employees have to "buy-back" their service credit by re-depositing their contributions if they return to federal service. Both changes are strongly supported by NALC.

H.R. 1804 also includes a number of measures affecting the Thrift Savings Plan that are backed by NALC.

Among these is a provision that makes enrollment of new employees in the TSP automatic with immediate matching contributions.

Under this provision, agencies will automatically deduct 2 to 5 percent of pay from new workers paychecks and direct the funds into the TSP's G Fund unless otherwise directed by the employees. This provision will ensure that no new employee misses out on the benefits of tax savings and matching contributions offered by the TSP – while retaining the worker's right to opt out of the program and/or to invest their savings in any of the TSP investment funds.

Additional information is available on the NALC website: [www.nalc.org](http://www.nalc.org).