



National Association  
of Letter Carriers  
Fredric V. Rolando, President  
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# NALC Bulletin

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## Settlement Reached On Medical Records

### Follows Union Lawsuit to Stop Coercion When Investigators Seek Information

### Tougher Restrictions for OIG Agents, Postal Inspectors

The NALC has entered into a settlement agreement with the Postal Service and the USPS Office of Inspector General (OIG) that imposes significant new restrictions on OIG agents and postal inspectors when they seek to obtain confidential medical information about employees from the employees' doctors or other personal health care providers.

The settlement follows months of intense negotiations by the parties' attorneys under the supervision of a U.S. magistrate judge.

NALC President Fred Rolando, who participated in the negotiations, said he was extremely pleased with the final outcome.

**"The restrictions imposed by this settlement should prevent OIG agents from intimidating and coercing doctors and other providers who would otherwise choose to maintain the confidentiality of sensitive information," Rolando said. "Even more significantly, the settlement will ensure that union advocates can prevent the Postal Service from using improperly obtained information as evidence against employees in arbitration cases."**

As previously reported (NALC Bulletin 08-01), the NALC and American Postal Workers Union filed a joint lawsuit against the Postal Service and OIG in January 2008 in federal court in New York City, seeking to stop OIG agents from obtaining confidential medical information about employees without their knowledge or consent during the course of investigations of alleged workers compensation or sick leave fraud.

NALC had discovered incidents in which health care providers were intimidated by OIG agents into turning over medical information about employees that had no relevance to any legitimate investigation of alleged misconduct.

The settlement agreement, which goes into effect 60 days after execution, recognizes that under federal law, OIG agents and postal inspectors may, under certain circumstances, seek to obtain relevant information from an employee's health care provider without the employee's consent as part of a legitimate investigation of suspected fraud or other misconduct. However, the agreement requires OIG agents and postal inspectors, before interviewing an employee's health care provider, to give the health care provider a form letter, negotiated by the parties, that explicitly states that the health care provider "is not required to speak" about the employee's health information to the agent or inspector.

The letter also tells the health care provider that he or she "may take as much time as necessary" to decide whether to discuss the employee's health information and may consult with whomever he or she chooses (other than the employee) in making that decision. The letter also requires the agent or inspector to identify, in writing, the specific information sought and to provide a written explanation of how that information is relevant and material to a legitimate law enforcement investigation.

The settlement further provides that any information obtained from a health care provider without complying with the stated requirements may not be used by the Postal Service for any purpose, including discipline or discharge of the employee, and will not be admissible as evidence in any arbitration involving the discharge or discipline of the employee.

## Deadline of June 10 Approaches For Amendments & Resolutions

### Also Final Day to Register as Delegate/Alternate

For delegates to the 67th Biennial Convention in Anaheim, Thursday, June 10 is a critical deadline day, the final day to register as a delegate or alternate and more.

Proposed amendments to the NALC Constitution to be considered at the convention must be received by Secretary-Treasurer Jane Broendel at NALC Headquarters by June 10. They will then appear in the July *Postal Record*.

Resolutions also must be received at NALC Headquarters by June 10 in order to be printed in the Resolutions and Amendments book provided to delegates. Any resolutions received after June 10, however, may still be considered at the convention.

All resolutions and amendments must conform to the provisions spelled out in Articles 12 and 19 of the NALC Constitution regarding form and method of endorsement.

## Illinois Carriers in Washington



President Rolando (top left) addresses the annual congressional reception of the Illinois Association of Letter Carriers May 20 in Washington about the importance of retaining six-day delivery. At top right, Illinois State Chair Ken Christy engages Reps. Janice Schakowsky (D-IL), center, and Deborah Halvorson (D-IL). In bottom left photo, Rep. Melissa Bean (D-IL) emphasizes her support for letter carrier issues, and, at right, Rep. Bill Foster (D-IL) explains his pro-worker positions to the gathering.

(Photos by Mike Shea)

## Food Drive Total to be Announced June 1

The national total poundage collected during the May 8 Letter Carriers National Food Drive, compiled on reports from more than 1,400 NALC branches across the nation, will be announced June 1.

Preliminary information inputted to a data base within days of the drive showed that the 2010 effort had pushed the 18-year total above the 1 billion-pound mark, confirming the drive's reputation as the largest one-day food drive in the United States, and suggesting that this year's total could reach or exceed last year's 73.4 million-pound record.

In all cities and towns, the effort was deeply appreciated by both those in need and those organizations and agencies that handle food distribution.

**"We are so blessed by this annual food drive, and we truly appreciate the cooperation of the letter carriers," said Alice Cordes, director of Churches in Mission in Mooresville, Indiana, to Indianapolis Branch 39 food drive coordinator Ollie Brown. "I hope they all fully realize the impact they have on this community and how much we appreciate the work that they do."**



Letter carriers and volunteers of Hagerstown, Maryland Branch 443 gather around their banner and food collected as they beam at the outpouring of support in the May 8 drive.

As the date for the announcement neared, branches were rushing to complete their collection of donation amounts, in some cases involving scores of different towns and cities. Many branches reported record amounts, especially among those that were using the added incentive of plastic bags delivered to homes in addition to the Campbell Soup-Postal Service postcards, as well as those areas where rural carriers provided unprecedented support with their union, the National Rural Letter Carriers' Association, on board this year as a national partner.

## Baseball Buses Run Only From 'Convention Hotels'

The shuttle buses that will operate on Tuesday night, August 10, to transport convention delegates and guests to and from Angels Stadium for NALC Baseball Night will operate from **only those hotels in the convention block**.

Delegates staying in other hotels will need to acquire other transportation on their own. Buses returning from the game will stop only at convention block hotels.

## Scoters, Wheelchairs, and Oxygen Available in Anaheim

Any delegate or guest who needs to rent a scooter or wheelchair for the Anaheim Convention can contact Scooter Village at (888) 956-2246. Be sure to mention that you are attending the 67th Biennial Convention of the National Association of Letter Carriers to receive a discount.

There is no charge for delivery or pick-up. Reservations may also be made online at <http://www.scootervillage.com/conventionschedule.htm>. It is encouraged that you reserve in advance.

Any delegate who requires oxygen refills while in Anaheim can also be assisted by Scooter Village. The prescription, diagnosis, amount of oxygen and type of equipment needed and type of payment (cash, credit card, check) will be required. It is suggested that you call a day ahead — although same-day service may be available. For oxygen patients, portable units and tanks are available. Call at least three days before arrival.

## Seventh COLA Still Has No Accumulation

The Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W) for April, released on May 19 by the U.S. Bureau of Labor Statistics, continued to reflect no accumulation yet for a cost-of-living adjustment during the seventh COLA period under the 2006-2011 National Agreement. The period runs from January to July of this year.

**The CPI-W stood at 637.316 in April, still below the 644.303 level attained in July 2008.**

There also has not yet been any projected accumulation toward the 2011 retiree COLA based on the April CPI-W.

The projected accumulation toward the 2011 COLA for Federal Employees Compensation Act (FECA) participants, which is based on the increase in the CPI-W between December 2009 and December 2010, increased to 1.1 percent through April.

**See June *Postal Record* for Reservation Form for Retiring Officers' Dinner**