

Documentation for limited duty

For several years, the Postal Service has aggressively pursued a “little or no work available” policy regarding limited duty. Often that policy results in violations of the *ELM* 546.142 obligation (to make every effort toward assignment of limited duty).

This article discusses the *basic* documentation that should be included in every limited-duty grievance file that is sent to Step B.

The OWCP acceptance letter(s)—When OWCP accepts a claim, it does so for a specific diagnosis or multiple diagnoses. In some instances, OWCP initially accepts a claim for one diagnosis and then later, after further development, expands the claim to include additional diagnoses. In other cases, the grievant may have multiple accepted OWCP claims. As a matter of policy, OWCP copies the employing agency when it mails acceptance letters.

The current and prior CA-17s (or other medical documentation) showing medical restrictions—Medical restrictions may be indicated on CA-17s, OWCP 5Cs, medical provider forms, or in narrative reports from the attending physician, OWCP second opinion physicians, etc. In cases where OWCP has accepted multiple claims, there may be separate CA-17s or other forms for each claim.

The current and previous limited-duty and rehabilitation job offers—Prior job offers, if any, may constitute significant evidence. Limited-duty job offers normally are presented via PS Form 2499, but may exist in another format.

Current and selected PS Form 50s—The current PS Form 50 is important because it documents craft and position. Prior PS Form 50s may demonstrate past assignment to limited-duty or rehabilitation positions.

The Postal Service injury compensation file—The agency keeps copies of OWCP communications, forms and related documents regarding each OWCP claimant. These records are stored in an authorized system of records known as USPS 100.850 OWCP Record Copies, as detailed in the Postal Service’s AS-353. This file may contain many documents not material to the grievance, so shop stewards should review this file rather than copy, with a selective request for copies after the review.

The Postal Service medical records file—The agency keeps copies of medical records in an authorized system of records known as USPS 100.700 Medical Records. Since all medical documents containing a diagnosis must be maintained in this file, review often will uncover pertinent information such as CA-17s.

All Postal Service documentation of its efforts to search for work—*ELM* 546.142 requires the Postal Service to make every effort to assign compensably injured employees to limited duty. Shop stewards should request any and all documentation that the Postal Service has created to show what efforts were made.

The Article 17/31 information request to management might be phrased as follows:

In accordance with Articles 17 and 31 of the National Agreement, please provide the following information relevant to the issue of the *ELM* 546.142 obligation to provide Limited Duty to [grievant’s name]:

1. All OWCP letters copied to the Postal Service advising that claim(s) have been accepted or expanded.
2. All CA-17s, OWCP 5Cs, narrative medical reports and other documentation of physician-prescribed medical restrictions.
3. Complete copies of all previous limited-duty and/or rehabilitation job offers.
4. Current PS Form 50 and all previous PS Form 50s that reflect reassignment to limited-duty or rehabilitation jobs.
5. Review of USPS Systems of Records 100.850 OWCP Record Copies.
6. Review of USPS Systems of Records 100.700 Medical Records.
7. All Postal Service documentation of the efforts that it made toward assigning limited duty.
8. The name and title of the manager who decided that no work was available (or that less than eight hours of daily work was available).
9. Whether the Postal Service has determined if the grievant has reached Maximum Medical Improvement (MMI); if so, copy of the medical documentation establishing the date.
10. Whether the Postal Service has determined if the grievant is a qualified individual under the Rehabilitation Act; if so, what that determination is—yes or no.

The above list contains documents that should be requested in every *ELM* 546.142 case. It is just a starting point. Depending on the facts presented in a particular case, additional documents should be requested.

When the Postal Service does not fully comply with the Article 17/31 information requests, the grievance file should contain multiple written information requests and the issue statement should include whether the Postal Service has violated Article 19, *ELM* 546.142 and/or Articles 17 and 31 of the National Agreement. ☒