

# Assaulted on the job?



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Card**

**A**s letter carriers, we spend more time in public spaces than just about any other worker. We witness the good, the bad, and everything in between. We are the eyes and ears of the neighborhoods we work in. While the good things we witness make the job enjoyable, letter carriers can also witness, or be victims of, violent crimes.

For the last year, NALC has been working with postal officials to address the safety concerns of letter carriers delivering in danger and darkness. In some offices, increased staffing levels and delivery schedules have made a difference. Yet even with these efforts, assaults on letter carriers continue.

Even the smallest crime can be a traumatic, life-changing experience. In

cases of assault and robbery, the trauma can be debilitating. These traumatic, on-the-job injuries are compensable under federal law. While federal law places the responsibility on injured workers for submitting the evidence required to prove a claim for compensation, traumatized victims of violent crimes often are incapable of carrying out normal daily life activities, let alone requesting and developing evidence needed for claim acceptance.

**Branch officers will need to assist members who are struggling by helping them file a claim and gather needed documentation.**

While the Postal Service does not have the right to actively participate in the claims adjudication process, the agency is responsible for submitting to OWCP all relevant and probative factual and medical evidence in its possession, or which it may acquire through investigation or other means. This does not always happen. This is where active involvement by branch officers can make the difference between claim acceptance and denial.

In a perfect world, postal supervisors would be compassionate to our traumatized members and happily provide any needed information. The fact is that an on-the-job injury creates an extra layer of work for all parties involved. Most supervisors, no matter how good they may be, are woefully uninformed about their responsibilities in the federal workers' compensation process.

Branch officers should request information directly from the Postal Service to make sure OWCP gets all the facts surrounding an injury. This may require the branch getting a signed release form from the employee. Requesting documentation need not be an adversarial process resulting

in grievances, as getting relevant documents into a claimant's file can expedite claim acceptance, provide needed medical treatment and hasten the injured worker's return to work. That's a benefit to the injured worker and the Postal Service.

**Every on-the-job injury generates mandatory accident and safety reports by the Postal Service.** Postal regulations in Section 820 of the *Employee and Labor Relations Manual (ELM)* detail management's responsibilities.

For any accident or injury, postal supervisors are required to file a PS 1769 accident report within 24 hours of an injury or accident. The form contains factual information about the who, what, when and where regarding the accident. The manager or supervisor must provide a copy of PS Form 1769 to the employee involved upon written request.

In addition to the PS 1769, the Postal Service has seven days to enter any work-related illness or injury in the OSHA 300 log. The Postal Service must provide a copy of the OSHA 300 log on request. Branch officers helping injured members should request copies of form PS 1769 and the OSHA 300 log. These documents help prove that the incident causing the injury actually occurred. Injured workers cannot count on the Postal Service forwarding these documents to OWCP.

Traumatic injuries that result from an assault or robbery generate additional reports from postal inspectors and local law enforcement agencies. Branch officers should request a copy of the inspector's Incident Report detailing the facts of the crime, and any additional information regarding the crime that the Inspection Service has in its possession.

If the incident was reported to local law enforcement agencies, branch officials will need to help the injured worker request copies of those reports, too. Disclosure laws vary by municipality; it may be necessary to help the injured worker communicate properly with local law enforcement agencies.

Once the claimant receives his or her claim number, all documentation should be sent directly to OWCP. The fastest way to get the documents into the claim file is through ECOMP, OWCP's web portal that allows documents to be uploaded directly to the claimant's file. For more information on how to use ECOMP, go to the "Injured on the Job" page at [nalc.org](http://nalc.org).

**Nobody should go to work expecting to get assaulted or robbed.** Helping our members who have been victims of violent crimes is an important service we can provide our members. Contact your national business agent's office for further assistance if needed.

Next month we will examine the information needed to file a successful emotional injury claim.