

Explaining letter carrier duties



Assistant to the President
for Workers' Compensation
Kevin Card

Over the past couple of years, the Office of Workers' Compensation Programs (OWCP) leadership has been slowly refocusing the agency toward a customer service model. While this is welcome news for injured workers, some OWCP employees have struggled to adapt, resulting in a higher-than-normal turnover in personnel, particularly at the claims-examiner level.

Due to the high turnover, OWCP is in the process of hiring 200 new claims examiners. A claims examiner's job requires extensive knowledge of the Federal Employees' Compensation Act, as well as OWCP regulations and procedures. It is not a job one can learn overnight.

Claims examiners also have to learn the occupations of the injured workers filing claims. As letter carrier injuries represent a large percentage of OWCP claims, the new claims examiners need to learn the work duties unique to the letter carrier craft.

Claims examiners get information on letter carrier work duties from two sources: the injured worker and the Postal Service. Often, in the rush to file a claim for a traumatic injury, injured workers hurriedly write brief statements explaining how an injury happened.

Now that we can file claims electronically via the ECOMP web portal, injured workers have ample room to write detailed descriptions of injuries and work duties. Writing a concise description of the events surrounding an injury is essential to getting a claim accepted. When writing an explanation of a traumatic injury, you should think like a newspaper reporter and describe the who, what, when, where and how of the incident.

Detailed work descriptions are particularly important in occupational disease claims. The "Injured on the Job" page at on the NALC website (nalc.org/workplace-issues/injured-on-the-job) has directions on how to write a job description for filing a CA-2 for an occupational disease claim.

OWCP claims examiners will also contact the Postal Service requesting a letter carrier position description. The Postal Service standard position description for a letter carrier reads like a legal description of our duties and responsibilities and fails to accurately describe the physical nature of letter carrier work.

Absent a detailed job description from the injured worker, OWCP can refer only to the Postal Service standard position description. When claims are denied, it is often due to insufficient knowledge of letter carrier work duties. Injured workers can do themselves a big favor by taking the time to describe every facet of the physical nature of their work duties.

Job offers: suitable versus appropriate

Another reason we need to accurately describe our letter carrier duties is so that OWCP claims examiners can determine whether Postal Service job offers accurately fit our medical limitations.

The Postal Service's requirement to make every effort in finding work for injured letter carriers often results in job offers that exceed the employee's medical restrictions.

For example, NALC has seen many cases where the restrictions impose zero twisting, bending or stooping, and the job offer includes casing and carrying mail with only some auxiliary parcel help. It's impossible to case and carry a route without twisting, bending or stooping.

In this example, it would be correct for the employee to refuse the job offer, as it exceeds the carrier's medical limitations. When a job offer is refused, OWCP will decide whether or not the job offer was suitable given the employee's medical restrictions.

"Suitability" is a term of art within OWCP that specifically refers to the determination made by OWCP that the job offer complies with the employee's work restrictions.

OWCP generally takes the Postal Service's word at face value that the described duties in the job offer fall within the accepted restrictions. The injured worker bears the burden of proving that the job offer was inappropriate.

While we cannot grieve the suitability determination made by OWCP, we certainly can investigate and grieve whether the job offer made by the Postal Service is appropriate.

Postal Handbook EL-505, Section 7-4 directs managers to "consult with the occupational health nurse, contract physician or the treating physician" (in writing) to ensure that the limited-duty assignment is consistent with the injured worker's medical restrictions. Federal law requires that the Postal Service be a neutral party in developing the facts in every case. A grievance investigation needs to investigate the chain of events that led to the formation of the inappropriate job offer.

In cases where the job offer exceeds the employee's medical restrictions, we should argue the fact that the Postal Service is misrepresenting the actual job duties, making the job offer inappropriate.

A remedy in such cases might include a retraction of the job offer and a letter from the Postal Service to OWCP explaining that the offered duties, in fact, fall outside the injured worker's restrictions.

Educating OWCP claims examiners on your work duties is an essential piece in the claims process. Take your time and be clear with your explanation. It may be the most important piece of writing you ever do.