

Disabled veteran absences for medical treatment



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Can a disabled veteran be disciplined for absences related to their disability while receiving medical treatment?

The simple answer is no. A disabled veteran who is directed to report for observation or treatment by a duly authorized medical authority must be granted leave and the absence cannot be used against the employee for disciplinary purposes. This right to be absent from work to receive medical treatment without threat of discipline is rooted in an executive order issued by President Herbert Hoover on July 17, 1930 (M-00165). In 1988, NALC and

USPS agreed that the 1930 executive order by President Hoover applied to any disabled veteran letter carriers (M-00866).

Under these circumstances, the granting of such leave is contingent upon the veteran giving prior notice of definite days and hours of absence required. Additionally, the veteran is required to provide documentation to demonstrate that the absence meets the qualifying requirements.

The Hoover executive order (M-00165) states, in relevant part:

With respect to medical treatment of disabled veterans who are employed in the executive civil service of the United States, it is hereby ordered that, upon the presentation of an official statement from duly constituted medical authority that medical treatment is required, such annual or sick leave as may be permitted by law and such leave without pay as may be necessary shall be granted by the proper supervisory officer to a disabled veteran in order that **the veteran may receive such treatment, all without penalty in his efficiency rating.**

The granting of such leave is contingent upon the veteran's giving prior notice of definite days and hours of absence required for medical treatment in order that arrangements may be made for carrying on the work during his absence. (Emphasis added.)

The request for leave can be Annual Leave, Sick Leave or Leave Without Pay (LWOP). Typically, when employees request LWOP in lieu of paid leave (Annual Leave or Sick Leave), it is granted at the employer's discretion. However, requests for LWOP by qualifying disabled veterans for medical treatment are an exception and must

be granted. This exception to the discretionary rule can be found in the *Employee and Labor Relations Manual*, Section 514.22:

514.22 Administrative Discretion

Each request for LWOP is examined closely, and a decision is made based on the needs of the employee, the needs of the Postal Service, and the cost to the Postal Service. The granting of LWOP is a matter of administrative discretion and is not granted on the employees' demand except as provided in collective bargaining agreements or as follows:

a. A disabled veteran is entitled to LWOP, if necessary, for medical treatment.

As with many other protections, what is essential is proper documentation. The scheduling of an appointment and verification of observation and/or treatment by a duly authorized medical authority is required. This means that documentation from the U.S. Department of Veterans Affairs or other healthcare provider authorized to schedule an appointment and treat the underlying conditions resulting from the original disability. Most every veteran is aware of the need to get and retain a wide range of documentation related to their military service, and this related medical documentation is certainly no exception.

For those veterans who qualify for Wounded Warriors Leave, this same protection applies.

Wounded Warriors Leave, which grants additional rights and benefits, is for all employees who have a single or combined service-connected disability rating of 30 percent or more. Additional information about Wounded Warriors Leave can be found in *Management Instruction EL-510-2019-2 (M-01901)*, *Wounded Warriors Leave*, which can be found on the NALC website at nalc.org/veterans.

Submitting documentation for Wounded Warriors Leave is accomplished by completing and submitting PS Form 3971 and PS Form 5980, Treatment Verification for Wounded Warriors Leave. PS Form 5980 also is available on the NALC website listed above.

The Postal Service is the largest employer of military veterans in the country, and veterans make up almost a quarter of all postal employees inclusive of the letter carrier craft.

These protections from discipline for our disabled veterans is the very least that can be done for those who have sacrificed to protect.

Happy Veterans Day to all my fellow veterans!