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ASSISTANT POSTMASTER GENERAL  
LABOR RELATIONS DEPARTMENT

FEB 10 1992

MEMORANDUM FOR MR. DONNELLY

SUBJECT: Excessing of Rehabilitated Employees (LDC 69)

This memorandum is in response to your November 13 letter concerning whether Article 12 of the National Agreement or the provisions of Section 546.141 of the Employee and Labor Relations Manual (ELM) govern the excessing of rehabilitated (LDC 69) employees.

When excessing occurs in a craft, either within the installation or to another installation, the criteria for selecting the employees to be excessed is by level and craft seniority. Whether or not a member of the affected craft is recovering from either an on- or off-the-job injury would have no bearing on his/her being excessed. The subsequent placement of the LDC 69 employee is governed by Article 12 of the National Agreement.

Under Section 546.141(a)(4) of the ELM, the Postal Service could offer the employee a limited duty job at another facility that is "as near as possible to the regular work facility to which the employee is normally assigned." Doing so should keep us in compliance with the Federal Employees Compensation Act as set forth in the ELM.

The Department of Labor (DOL) will issue new regulations addressing the issue of whether an employee has the right to refuse a reassignment offer pending a DOL suitability determination. Although we have expressed an opinion on how the DOL should resolve this issue, it is possible that the DOL will reach a different result. Once the DOL issues its decision, it will be promulgated by the Office of Injury Compensation.

If there are any questions concerning this matter, please contact Stan Urban of my staff at PEN 202-268-3823.

(Signed) Sherry A. Cagnoli

Sherry A. Cagnoli

07-Feb-1992 Fri 11:21  
LR420:SUUrban:nh:20260-4127

cc: Mr. Mahon--RF  
Mr. Cagnoli  
Mr. Downes  
Mr. Drumb  
Mr. Vegliante  
Mr. Warren  
Mr. Urban  
Mr. Hellquist  
Mr. Bauer, Room 9301  
Ms. Gibbons, Room 6344

File: Article 12/ELM

Reading

Log #LR645

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cc: Joseph J. Mahon, Jr.

AGENCY EXHIBIT \_\_\_\_\_