

REPORTING THE DURATION OF YOUR ABSENCE An Ongoing Dispute is Finally Resolved.

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Does this sound familiar? You call into attendance control and advise management that you will be unable to report for duty due to an illness or injury. You then *attempt* to advise management that you will also be out the next day. However, you are told that YOU are not a doctor and YOU can not diagnose yourself. You are further informed that unless you have medical documentation in hand, you need to call in everyday. Of course, you are then told, that each days absence will be unscheduled.

Despite what management says, you know that you are too ill to report for work not only today, but the next day. The reason to you is clear. You called your doctor and you were advised that you need to stay in bed for the day and come into his office the next morning. If your doctors office is like most offices, you cant get an appointment that day unless its an emergency.

You're told that if you need to see someone that day and it is an emergency, you need to go to the nearest emergency room.

Both parties have been in a dispute on this issue for a number of years. Management was enforcing this, call in every day, policy long before the invention of the computerized call in system (IRM). For years, the Union has been challenging management's position under the provisions of the ELM; both in class action grievances and in individual case specific grievances. This dispute was not unique to Tampa, but was rather wide spread in scope. The applicable provisions of the ELM are clear.

Section 513.332 of the ELM has always read as follows:

"Unexpected Illness or Injury. An exception to the advance approval requirement is made for unexpected illness or injuries; however, in these situations the employee must notify appropriate postal authorities of their illness or injury and *expected duration of absence* (emphasis added) as soon as possible." So as you can see, an employee has always had not only a right to advise management how long they would be out, but an obligation to report the duration under the ELM. Additional language in the ELM concerning medical documentation could not be any clearer.

Section 513.361 of the ELM states the following:

"Three Days or Less. For periods of three days or less, supervisors may accept *the employees statement explaining the absence* (emphasis added). Medical documentation or other acceptable evidence of incapacity for work or need to care for a family member is required only when the employee is on restricted sick leave (see 513.39) or when the supervisor deems documentation desirable for the protection of the interests of the Postal Service. Substantiation of the family relationship must be provided if requested."

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Now for the good news. Both parties from the Suncoast District have recently agreed in two separate pre-arbitration settlement agreements that this issue has now been resolved. These agreements read:

"Consistent with section 513.332, with regard to an unexpected illness or injury the employee must notify appropriate Postal authorities as soon as possible as to their illness/injury and provide expected duration of the absence. This precludes the need to call in each day of the absence." Signed in Tampa by both parties on 7/29/02. The second agreement reads as follows:

"The parties mutually agree that consistent with the ELM 513.332 with regard to unexpected illness or injury, the employee must notify postal authorities as soon as possible as to their illness/injury and provide the expected duration of the absence. This precludes the need to call-in each day of the absence and precludes the need to have prior medical certification for absences of more than one day. This does not preclude management from exercising their rights under 513.361 of the ELM." Signed in Manasota by both parties on July 30, 2002.

An example of managements rights under 513.361 of the ELM can be explained by the following example. An employee approaches his supervisor and requests annual leave to attend a Bucs game next Sunday. (Go Bucs!) The annual leave is denied for the employee because the quota in his section is full. (Of course it is. Everyone wants to see the game.) The supervisor notes the employee's dissatisfaction and recalls that every time this employee is denied leave, he is coincidentally sick the same day the leave was denied. The supervisor decides to contact IRM and advises them that if this employee calls in sick for that Sunday, it is in the best interest of the Postal Service to request medical documentation for that day.

We may not like the fact that technology has assisted management in enforcing the provisions of the ELM. But the reality is, in this particular case specific circumstance, management does have the right under the ELM to ask for documentation. As you know, in the past, that has not been the case. With few exceptions, ALL employees were asked for documentation for absences of period of less than three days; and ALL employees were told to call in everyday.

A special thanks goes out to Bob Bloomer, our National Business Agent, who was signatory to those settlement agreements. We not only appreciate all his hard work and efforts, but the continued efforts of National Business Agents Bob Stutts and Bill Sullivan. These agreements certainly will not resolve all of our attendance related disputes, but it sure will take a bite out of most of them. Thanks guys for a job well done!

And now for a bit of bad news. Many Associate Offices in our area will soon be going online with IRM. This will undoubtedly generate disputes that are new to those offices. The folks in the Tampa Installation hesitantly say, "Welcome to our World!" We are all in this fight together. The ONLY way to know your rights is to stay informed by asking questions of your local steward, visiting our website, and attending local Union meetings. Hope to see you at the next meeting.