



UNITED STATES POSTAL SERVICE
475 L'Enfant Plaza, SW
Washington, DC 20260

October 14, 1983

Mr. William Burrus
Executive Vice President
American Postal Workers
Union, AFL-CIO
817 14th Street, NW
Washington, D.C. 20005-3399

Re: M. Biller
Washington, D.C.
H1C-NA-C-74

Dear Mr. Burrus:

On October 5, 1983, we met to discuss the above-captioned national level grievance.

The American Postal Workers Union has maintained that the U. S. Postal Service is returning injured employees to duty under the OWCP Rehabilitation Program but, in doing so, is not complying with provisions of Section 341.1 of the Personnel Operations Handbook (P-11) which require that such assignments must be made ". . . in accordance with any collective bargaining agreement." In submitting this issue as an interpretive dispute at Step 4 of the grievance procedure, the union further maintained that Article 30 of the 1981 National Agreement permits locals to negotiate a number of items. The items specifically referenced in this instance are set forth in Article 30 as items numbered 15, 16 and 17, all of which pertain to light duty assignments.

During our discussion, you indicated that the union's purpose in submitting this matter to Step 4 was to raise the following question: Are limited duty employees covered by the collective bargaining agreement? As I indicated during our discussion, the answer to that question is set forth in Section 546 of the Employee and Labor Relations Manual (ELM). Specifically, 546.2 provides as follows:

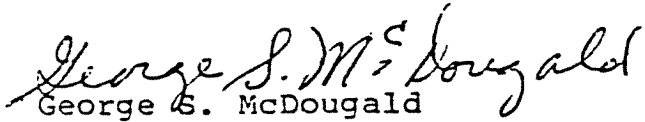
Reemployment under this section will be in compliance with applicable collective bargaining agreements. Individuals so reemployed will receive all appropriate rights and protection under the applicable collective bargaining agreement.

Mr. William Burrus

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In view of the foregoing, I do not believe that our respective organizations have a dispute over this issue. Where reemployment occurs under the circumstances described in Section 546, such reemployment must be in keeping with the provisions of any applicable collective bargaining agreements.

Sincerely,


George S. McDougald
General Manager
Grievance Division
Labor Relations Department



American Postal Workers Union, AFL-CIO

417 Fourteenth Street, N.W. Washington, D.C. 20005 • (202) 842-4250

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BILLER
President

July 8, 1983

James C. Gildea
Assistant Postmaster General
Labor Relations Department
475 L'Enfant Plaza, S.W.
Washington, D.C. 20260

H/C. N.A. U. 74

Dear Mr. Gildea:

In accordance with the OWCP Rehabilitation Program the Postal Service is returning injured employees to positions within the Postal Service. Article 30 of the Collective Bargaining Agreement permits locals to negotiate the following items:

The number of light duty assignments within each craft or occupation group to be reserved for temporary or permanent light duty assignments.

The method to be used in reserving light duty assignments so that no regularly assigned member of the regular work force will be adversely affected.

The identification of assignments that are to be considered light duty within each craft represented in the office.

The Postal Service, as a matter of policy, does not abide by these provisions as negotiated at the local level, even though Subchapter 341.1 of the Personnel Operations Handbook (P11) requires that such assignments "be in accordance with any collective bargaining agreement."

In accordance with Article 15, Section 3 of the National Agreement the union submits this issue as an interpretive dispute at Step 4 of the grievance procedure.

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James C. Gildea
Assistant Postmaster General

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The precise issue to be decided is whether or not Article 30 of the 1981 National Agreement and Part 341 and 341.1 of the P11 Handbook require the assignment of limited duty employees to be in accordance with the collective bargaining agreement.

Please contact Executive Vice President William Burrus for discussion of this issue.

Sincerely,


Moe Biller
President

MB:WB:mc
opeiu #2
afl-cio