

Limited Duty Carriers

Part 546.141, ELM

“The USPS has the following obligation
... make every effort toward assigning the
employee to limited duty within the
employee’s medically defined work
tolerance

Part 141.a(2), ELM

If adequate duties are not available within the employee's work limitation tolerances in the craft and work facility to which the employee is regularly assigned within the employee's regular hours of duty, other work may be assigned within that facility

Part 546.222, ELM

A partially recovered current or former employee reassigned or reemployed to a different craft to provide appropriate work must be assigned to accommodate the employee's job-related medical restrictions.

Such assignment may be to a residual vacancy or to a position uniquely created to fit those restrictions

1983 Aaron Award H1C-5D-C 2128

“It is obviously too late in the day for the Union to challenge the proposition that FECA regulations can augment or supplement a reemployed person’s contractual rights.”

1983 Aaron Award

“The language of Article 21, Section 4 of the Agreement, previously quoted, makes clear that the rights of such persons can be augmented or supplemented by federal regulations, with which the Postal Service must comply.”

1985 Mittenhal Award

H1C-4K-C 17373

“Part 540 requires the Postal Service to make “every effort” toward placing an injured employee on “limited duty” consistent with his work limitations. Management must make the “effort” even though no “request” has been submitted by the employee and even though no “light duty assignments” have been negotiated by the parties.”

1998 Dobranski Award

“Despite their exclusion, it is clear city and rural Letter Carriers and the Mail Handlers are not absolutely precluded from working limited duty in the clerk craft.”

2002 Das Award

E90C-4E-C 95076238

“ . . .the rehabilitation assignment was not created to meet the operational needs of the Postal Service, but to fit the medical restrictions of the injured employee. By definition, it would make no sense to treat such a uniquely created assignment as a duty assignment that must be posted for bid.”

2002 Das Award

“Requiring the assignment to be posted would defeat the sole purpose for establishing the assignment, because the injured employee – who has no seniority in the Clerk Craft - - could not bid on the assignment.”

What is left to challenge?

Make sure there is no work available in the letter carrier or Mail Handlers former craft within their medical restrictions

What is left to challenge?

Make sure that temporary limited duty employees are returned to their former craft prior to excessing, either from a section or an installation.

Make sure none are brought back and no new offers are made while anyone holds retreat rights to the section or installation.