

LABOR RELATIONS



January 9, 1998

Mr. Moe Biller
President
American Postal Workers
Union, AFL-CIO
1300 L Street, N.W.
Washington, DC 20005-4128

Dear Moe:

806

This is in further reference to our March 19, 1997 correspondence providing notification of proposed revisions to Chapter 2, Employee Medical Records of Handbook EL-860. Those revisions were dated March 10. The final draft, enclosed for your perusal, is now being issued as Management Instruction EL-860-98-x and will replace and thereby render Chapter 2 of Handbook EL-860 obsolete.

Please note that the format of the March 10 revision has been changed to comport with Management Instruction guidelines. Additionally, subsequent discussions with union officials identified supervisor handling of medical information as an area of concern that was not addressed in the original Chapter 2 of the EL-860 or the March 10 proposed draft. Therefore, language to address that issue has been included on page 9 of the Management Instruction under the title, *Supervisor Handling of Medical Information*. There are no other substantive changes to the March 10 revision.

Should you have any questions or wish to meet to discuss this matter, please contact Corine T. Rodriguez at (202) 268-3823.

Sincerely,

A handwritten signature in cursive script that reads "Sherry A. Cagnoli".

Sherry A. Cagnoli
Manager
Contract Administration (NALC/NRLCA)

Enclosure



American Postal Workers Union, AFL-CIO

1300 L Street, NW, Washington, DC 20005

September 18, 1998

William Burrus
Executive Vice President
(202) 842-4246

Dear Mr. Pulcrano:

I am informed that the issue of the union's right to medical documentation for the processing of grievances has become an issue in offices throughout the country. Postal officials are interpreting the statute as requiring the union to obtain individual waivers from employees prior to having access to medical documentation. This issue has previously been discussed and satisfactorily resolved by the parties through agreement that the union is not required to obtain employee waivers to have access to medical documentation relative to issues under consideration for the filing or processing of grievances.

National Executive Board
Moe Biller
President

William Burrus
Executive Vice President

Douglas C. Holbrook
Secretary-Treasurer

Michael Bell
Labor Relations Director

Robert L. Tunstall
Director, Clerk Division

James W. Lingberg
Director, Maintenance Division

Robert C. Pritchard
Director, MVS Division

George N. McKeithen
Director, SDM Division

The agreement reached in the Information Request Memorandum of December 18, 1997 incorporates the parties most recent agreement on this subject, providing that "The law has developed special rules for union requests for information relating toemployee medical information". The "special rules" of the National Labor Relations Board, the Privacy Act and USPS regulations provide that the union is not required to obtain waivers for access to medical records relative to the duty of representation.

Please respond with the employer's interpretation of the law and regulations regarding the union's access to medical records.

Thank you for your attention to this matter.

Regional Coordinators
Leo F. Persalls
Central Region

Jim Burke
Eastern Region

Elizabeth "Liz" Powell
Northeast Region

Terry Stapleton
Southern Region

Raydell R. Moore
Western Region

Sincerely,

William Burrus
Executive Vice President

Mr. Samuel Pulcrano, Manager
Contract Administration
475 L'Enfant Plaza, SW
Washington, DC 20260



American Postal Workers Union, AFL-CIO

1300 L Street, NW, Washington, DC 20005

William Burrus
Executive Vice President
(202) 842-4246

January 19, 1999

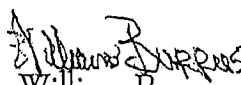
RE: HQT-G1999-2

Dear Mr. Potter:

By letter of September 18, 1998, I forwarded a letter raising an issue of concern regarding the union's right to medical documentation. To date, I have not received a response so this is to initiate a Step 4 grievance on the union's right to medical documentation without obtaining the consent of the employee whose medical records are needed to process or consider the processing of grievance.

Thank you for your attention to this matter.

Sincerely,


William Burrus
Executive Vice President

Mr. John Potter
Vice President
Labor Relations
475 L'Enfant Plaza, SW
Washington, DC 20260

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National Executive Board

Moe Biller
President

William Burrus
Executive Vice President

Douglas C. Holbrook
Secretary-Treasurer

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Industrial Relations Director

Robert L. Tunstall
Director, Clerk Division

James W. Lingberg
Director, Maintenance Division

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Raydell R. Moore
Western Region

LABOR RELATIONS



February 19, 1999

Mr. William Burrus
Executive Vice President
American Postal Workers Union
AFL-CIO
1300 L Street, NW
Washington, DC 20005-4128

Dear Bill:

This letter responds to the Postal Service's October 20, 1998 interim letter and your September 18, 1998 correspondence concerning the union's right to medical documentation for the processing of grievances.

Requests for medical information are handled somewhat differently than other union requests for information due to the sensitive nature of the information requested. Because of that factor, the Postal Service, at a number of installations, has established procedures that the union obtain an employee's consent before it releases medical records to the union representative.

We believe this balancing test meets both the need for information while protecting the confidentiality of an employee's medical records.

The sensitive nature of this type of request may result in instances where the medical records will not be provided to the union without a release. If the Postal Service believes that the medical request contains sensitive information which an employee might not want released, the union will be contacted and informed that the information will be released upon receipt of the employee's request to do so.

Should there be any questions regarding the foregoing, please contact Thomas J. Valenti of my staff at (202) 268-3831.

Sincerely,

A handwritten signature in cursive script, appearing to read "P. Sgro".

Peter A. Sgro
Acting Manager
Contract Administration (APWU/NPMHU)

cc: Mr. Biller
Mr. Hajjar





American Postal Workers Union, AFL-CIO

1300 L Street, NW, Washington, DC 20005

February 23, 1999

William Burrus
Executive Vice President
(202) 842-4246

Dear Tony:

Pursuant to the Memorandum of Understanding regarding the NLRB Dispute Resolution Process the national parties are in disagreement over the employer's obligation to provide the union employees' medical information related to the duty of representation. The February 19, 1999, letter signed by Peter Sgro makes reference to "this balancing test meets both the need for information while protecting the confidentiality of an employee's medical records." This "balancing test" refers to the prior paragraph recognizing the practice of local offices establishing "procedures that the union obtain an employee's consent before it releases medical records to the union representative." The union disagrees.

National Executive Board

Moe Biller
President

William Burrus
Executive Vice President

Robert L. Tunstall
Secretary-Treasurer

Greg Bell
Industrial Relations Director

I. "Cliff" Guffey
Director, Clerk Division

James W. Lingberg
Director, Maintenance Division

Robert C. Pritchard
Director, MVS Division

Regional Coordinators

Leo F. Persalls
Central Region

Jim Burke
Eastern Region

Elizabeth "Liz" Powell
Northeast Region

Terry Stapleton
Southern Region

Raydell R. Moore
Western Region

Pursuant to the ADRP this is to request that the national parties "meet and discuss the matter at the Headquarters level no later than the end of the month following the denial of the information request and to exchange written statements of position and copies of related correspondence and documents prior to the meeting."

Please schedule the meeting during the month of March at your earliest opportunity.

Sincerely,

William Burrus
Executive Vice President

Mr. Anthony J. Vegliante
Vice President
Labor Relations
475 L'Enfant Plaza, SW
Washington, DC 20260

LABOR RELATIONS



March 19, 1999

Mr. William Burrus
Executive Vice President
American Postal Workers Union
AFL-CIO
1300 L Street. NW
Washington, DC 20005-4128

Dear Bill:

This letter is in regard to your February 23 correspondence and my February 19 response concerning the union's right to medical documentation for the processing of grievances. Upon further review, the following revises the earlier Postal Service position regarding union requests for medical information.

In requesting employee medical documentation, a collective bargaining representative, i.e., authorized union representative, must demonstrate that the information sought is relevant and necessary to his/her duties in accordance with the collective bargaining agreement.

Demonstration of relevancy is addressed by answering the following two questions:

- What is the precise bargaining issue, grievance, or contemplated grievance involved?
- Why does the union claim that the information being sought is relevant and necessary to resolving the issue or dispute?

Upon receipt of this type of request and demonstration of relevancy, the information will be released, as appropriate.

Specific instructions to the field regarding the aforementioned process can be located in Management Instruction (MI) EL-860-98-2, Employee Medical Records. This MI was sent to the American Postal Workers Union on January 9. Enclosed is a copy of the transmittal letter and document.

Should there be any questions regarding the foregoing, please contact Thomas J. Valenti of my staff at (202) 268-3831.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter A. Sgro".

Peter A. Sgro
Acting Manager
Contract Administration (APWU/NPMHU)

Enclosure