

MEGAN J. BRENNAN
 Chief Operating Officer
 Executive Vice President



March 19, 2012

AREA VICE PRESIDENTS

SUBJECT: Employee Medical Restrictions

When craft employees provide medical documentation indicating that they have a disability and cannot work more than eight hours, or that they require other accommodations that may impact their ability to deliver the mail in an efficient manner, this can be challenging for a manager with limited resources who is trying to move the mail. However, the answer is neither to work disabled employees outside of their restrictions, nor to discipline them for being unable to complete their route. Significant liability may result from those courses of action.

A decision was recently issued against the Postal Service in an Equal Employment Opportunity Commission (EEOC) case based upon a finding of disability discrimination and retaliation. The EEOC Administrative Judge awarded the employee, a letter carrier, \$200,000 in compensatory damages, 39 days of back pay, \$12,420 for psychological treatment, and \$118,659 in attorney fees, expert witness fees and costs.

This case is significant because it highlights a growing trend in USPS EEOC complaints—allegations that managers are disregarding employees' medical restrictions. In this particular case, the judge found that management was on notice of the carrier's restrictions by virtue of medical documentation she had submitted to management, as well as her statements regarding those restrictions. The carrier's primary restrictions were a limitation that she could work no more than eight hours per day and a requirement that she be granted a ten minute stretch break every hour. The judge determined that the carrier was frequently required to work more than eight hours and that her workload was not adjusted to allow for the ten minute breaks. There was also a finding that the carrier was harassed when she attempted to abide by her medical restrictions.

Human Resources and the Law Department have more appropriate ways to work through these issues. Therefore, it is critical that operations managers seek their assistance when faced with medical restrictions to ensure that the proper process is followed, and to ensure that Postal Service operational and financial resources are not compromised. There are valuable resources at <http://plus.usps.gov/uspslaw/ReasonableAccom.htm> on reasonable accommodations, including area law office contacts.

Thank you for your usual support.


 Megan J. Brennan



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OCT 1 1998
CONTRACT ADMINISTRATION UNIT
N.A.L.C. WASHINGTON, D.C.

Mr. Vincent R. Sombrotto
President
National Association of Letter
Carriers, AFL-CIO
100 Indiana Avenue, NW
Washington DC 20001-2197

Re: E94N-4E-C 98057013
Timmons, M.
Phoenix, AZ 85026-9511

Dear Mr. Sombrotto:

On August 14, 1998, I met with your representative to discuss the above-captioned grievance currently at the fourth step of our contractual grievance procedure.

After reviewing this matter, we mutually agreed that no national interpretive issue is fairly presented in this case, with the following understanding (from the **Snow award in Case Number H1C-5K-C 24191**):

An inability to work overtime does not necessarily prohibit an employee from performing his or her normal assignment. Accordingly, such an individual working with such a restriction is not necessarily on "light duty." Employees restricted from working overtime may bid on and receive assignments for which they can perform a regular eight hour assignment.

Accordingly, we agreed to remand this case to the parties at Step 3 for further processing or to be scheduled for arbitration, as appropriate.

Please sign and return the enclosed copy of this decision as your acknowledgment of agreement to remand this case.

Time limits were extended by mutual consent.

Sincerely,

Richard A. Murmer
Labor Relations Specialist
Grievance and Arbitration

Vincent R. Sombrotto
President
National Association of Letter Carriers,
AFL-CIO

Date: 10/22/98