

American Postal Workers Union, AFL-CIO

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August 15, 2016

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To: Lynn Pallas-Barber, Assistant Director, Clerk Division
Idowu Balogun, Assistant Director, Maintenance Dvn.

From: Debby Szeredy, Executive Vice President *DS 8-15-16*

Subject: Wounded Warrior Federal Leave Act of 2015 Compliance
Notification No: GCCG20160397
Related Notification No: N19G20160283

Attached please find a copy of a letter dated 8/3/2016 from Alan Moore regarding the above-referenced matter.

You are designated as the APWU contact person in this matter. Contact the USPS representative as soon as possible for discussion, if appropriate. Please provide notification of your review to me by 9/15/2016.

Please note: Your secretary should update the Notification Tracking Module in Step 4 CAS as necessary.

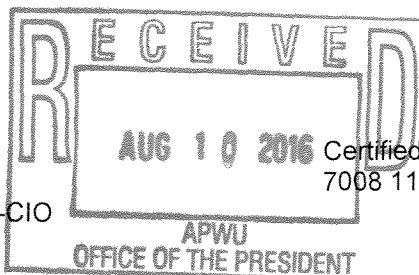
Cc: Steven Raymer, Director, Maintenance Division
Michael O. Foster, Director, MVS Division
Clint Burelson, Director, Clerk Division
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August 3, 2016

Mr. Mark Dimondstein
President
American Postal Workers Union, AFL-CIO
1300 L Street NW
Washington, DC 20005-4128



Certified Mail Tracking Number:
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Dear Mark:

This is in further reference to our June 2 correspondence concerning proposed regulations to comply with the Wounded Warriors Federal Leave Act of 2015. These regulations were sent to your organization pursuant to Article 19 of the collective bargaining agreement.

Based on feedback from our employee organizations, the following revisions will be incorporated into our final draft Wounded Warriors Leave regulations:

The definition of "treatment" will be revised as follows (added language is underscored):

Treatment is an in-person visit to a healthcare provider, as specified in Section 513.364 of the Employee and Labor Relations Manual (ELM), and includes the course of action prescribed by a healthcare provider. Treatment includes but is not limited to examination for and evaluations of the health condition that has caused the disability rating.

The section titled "Eligible Employees" will be revised as follows (modified language is underscored):

To be eligible, you must meet the criteria of one of the following:

1. A career and non-career employee:
 - a. With a full-time, part-time or non-traditional schedules;
 - b. Who begins serving his or her first appointment on or after November 5, 2016; and
 - c. Who has a single or combined service-connected disability rating of 30 percent or more.

2. Employees who:
 - a. Leave the Postal Service's employment to participate in active duty military service;
 - b. Return directly from that military service to a career or non-career appointment on or after November 5, 2016; and
 - c. Have sustained a single or combined service-connected disability rating of 30 percent or more that was incurred during the employee's immediate absence.

3. Employees who:

- a. Take military leave from the Postal Service to participate in active-duty military service;,
- b. Return directly from that military leave on or after November 5, 2016; and
- c. During military leave sustain a single or combined service-connected disability rating of 30 percent or more that was incurred during the employee's military leave.

The section titled "Foreseeable Leave" will be revised as follows (added language is underscored):

All employees requesting Wounded Warriors Leave must:

- a. Submit their request on PS Form 3971, *Request for or Notification of Absence*, in advance to the appropriate supervisor; and
- b. Designate the reason for the absence as "other" and write "Wounded Warrior Leave" in the space provided.

We have enclosed a final draft copy of a Management Instruction titled, "Wounded Warriors Leave," which incorporates the final draft regulations.

If you have any questions concerning the foregoing, please contact Noah Meyers at 5024.

Sincerely,



Alan S. Moore
Manager
Labor Relations Policy & Programs

Enclosure

Management Instruction

Wounded Warriors Leave

This management instruction sets forth the policy guidelines and standard procedures for administering Wounded Warrior Leave.

Policy Guidelines

Wounded Warriors Leave

The Postal Service supports the employment of veterans who have chosen to commence or resume a civilian career with the Postal Service following their military service. Consistent with the requirements of the Wounded Warriors Federal Leave Act of 2015, the Postal Service allows any employee who meets the eligibility requirements to take a specifically designated type of leave, without loss or reduction in pay, for undergoing medical treatment for a service-related disability.

Definitions

Wounded Warriors Leave is an authorized absence from the Postal Service to undergo medical treatment for a service-connected disability rated at 30 percent or more. It is a separate leave category, distinct from sick leave.

Treatment is an in-person visit to a health care provider, as specified in Section 513.364 of the *Employee and Labor Relations Manual* (ELM), and includes the course of action prescribed by a health care provider. Treatment includes but is not limited to examination for and evaluations of the health condition that has caused the disability rating.

Health Care Provider is the employee's attending physician or other attending practitioner as recognized by *Employee and Labor Relations Manual* (ELM) 515.2.

Twelve-Month Eligibility Period means the continuous 12-month period that begins on the first day of employment during which an eligible employee can use Wounded Warriors Leave.

Eligibility

General

All classifications of career and non-career Postal Service employees are eligible for Wounded Warriors Leave if all of the following applies:

- a. They meet one of the eligibility requirements provided under Eligible Employees and
- b. They have not previously established eligibility for Wounded Warriors Leave.

Eligible employees are entitled to only one 12-Month Eligibility Period in connection with Postal Service employment.

Eligible Employees

To be eligible, you must meet the criteria of one of the following:

1. A career and non-career employee:

- a. With a full-time, part-time or non-traditional schedules;
 - b. Who begins serving his or her first appointment on or after November 5, 2016; and
 - c. Who has a single or combined service-connected disability rating of 30 percent or more.
2. Employees who:
 - a. Leave the Postal Service's employment to participate in active duty military service;
 - b. Return directly from that military service to a career or non-career appointment on or after November 5, 2016; and
 - c. Have sustained a single or combined service-connected disability rating of 30 percent or more that was incurred during the employee's immediate absence.
 3. Employees who:
 - a. Take military leave from the Postal Service to participate in active-duty military service;,
 - b. Return directly from that military leave on or after November 5, 2016; and
 - c. During military leave sustain a single or combined service-connected disability rating of 30 percent or more that was incurred during the employee's military leave.

Employees with Pending Disability Determinations

Employees who begin employment with the Postal Service on or after November 5, 2016, with pending disability determinations, who at any time during the first 12 months of employment receive a 30 percent or more disability rating, will be eligible for leave retroactively to the first day of employment. Any leave without pay (LWOP) or leave used while the determination is pending will be reimbursed and replaced with Wounded Warriors Leave, as appropriate, up to the maximum number of days allowed.

Losing the Disability Rating

If an employee's service-connected disability rating is decreased to below 30 percent or discontinued during the Twelve-Month Eligibility Period, then the employee no longer has a qualifying service-connected disability. The employee must notify the supervisor of the effective date of the change in the disability rating. The employee is no longer eligible for disabled veteran leave as of the effective date of the rating change.

Accrual and Crediting

General

It is an employee's responsibility to notify the Postal Service of his or her eligibility before requesting Wounded Warriors Leave. Employees must provide documentation from the Department of Veterans Affairs, or on any Office of Personnel Management (OPM) certification form developed for administration of Wounded Warriors Leave, certifying that the employee has a qualifying service-connected disability.

New Employees with a First Time Appointment

Each eligible employee will be credited with 104 hours of Wounded Warriors Leave following the Postal Service's receipt of documentation supporting the employee's eligibility. Wounded Warriors Leave will be available for use retroactively to the first day of employment.

Employees Returning to the Postal Service

Employees with a service-connected disability rated at 30 percent or more will have any unused portion of their Wounded Warriors Leave restored for the remaining months of the Twelve-Month Eligibility Period that began on the first day of their initial employment, if they meet the following requirements:

- a. Began employment with the Postal Service on or after November 5, 2016;
- b. Leave postal employment during the 12-Month Eligibility Period ; and
- c. Return to the Postal Service for a career or non-career appointment within the 12-Month Eligibility Period.

Employees Returning to the Postal Service from Military Service

When employees return to duty with the Postal Service on or after November 5, 2016, directly from military service (with a break in service), and as a result of that military service, have sustained a new service-connected disability rated at 30 percent or more, they will:

- a. Receive the full 104 hours of Wounded Warriors Leave upon the Postal Service's receipt of documentation of their eligibility for Wounded Warriors Leave; and
- b. Have 12 calendar months to use the leave.

Wounded Warriors Leave will be available for use retroactively to the first day of re-employment with the Postal Service.

Employees Returning to the Postal Service from Military Leave

Employees returning to the Postal Service from Military Leave (without a break in service) who sustain a new service-connected disability rated at 30 percent or more will receive the full 104 hours of Wounded Warriors Leave upon the Postal Service's receipt of documentation supporting the employee's eligibility.

Wounded Warriors Leave will be available for use retroactively to the first day of return to service and the employee will have 12 calendar months to use the leave.

Use of Leave

Eligible employees returning to the Postal Service from military leave will be able to use Wounded Warriors Leave, as appropriate, as well as any earned and remaining sick leave.

Entitlement to Wounded Warriors Leave

Entitlement to Wounded Warriors Leave expires at the end of an eligible employee's 12-Month Eligibility Period as defined in previously. This happens regardless of the employee's actual Wounded Warriors Leave balance. If the employee leaves the Postal Service at any time during or after the expiration of the Twelve-Month Eligibility Period, any remaining leave will not be reinstated, carried over, or paid out, except as permitted by:

- a. OPM regulations if the employee transfers to another federal agency, or
- b. As included in this Management Instruction.

Employees with Recent Employment in Another Federal Agency

General

If an eligible employee began employment with another federal agency and transfers to the Postal Service within the Twelve-Month Eligibility Period, the employee is eligible to use Wounded Warriors Leave for the remainder of the 12-months. The employee must certify the number of hours of Wounded Warriors Leave used at the former agency. The Postal Service will provide the employee with the remaining Wounded Warrior Leave.

Examples

Here are two examples of how to use Wounded Warriors Leave when an employee transfers to the Postal Service from another federal agency:

1. An employee transfers from another federal agency to the Postal Service during the 12-Month Eligibility Period and after six months with the former agency. He was eligible for Wounded Warriors Leave at the former agency. He used 40 hours of leave before transferring to the Postal Service. The employee will be eligible to use the remaining 64 hours of Wounded Warriors Leave during the next six months of employment, provided he follows the rules in this Management Instruction.
2. An employee transfers from another federal agency to the Postal Service during the 12-Month Eligibility Period and after three months with the former agency. She was eligible for Wounded Warriors Leave at the former agency. She has used no Wounded Warriors Leave in at the former agency before transferring to the Postal Service. The employee will be eligible to use the full 104 hours of Wounded Warriors Leave during the remaining nine months of her first year of federal civilian employment, provided she follows the rules in this Management Instruction.

Requests for Wounded Warriors Leave

Foreseeable Leave

All employees requesting Wounded Warriors Leave must

- a. Submit their request on PS Form 3971, *Request for or Notification of Absence*, in advance to the appropriate supervisor; and
- b. Designate the reason for the absence as "other" and write "Wounded Warrior Leave" in the space provided.

Unforeseeable Leave

The Postal Service makes an exception to the advance approval requirement for unexpected treatment that qualifies for Wounded Warriors Leave. When the need to use Wounded Warriors Leave is not foreseeable, the employee must notify the appropriate supervisor of the following items:

- a. The employee's treatment;
- b. The expected duration of the absence; and
- c. The applicability of Wounded Warriors Leave as soon as possible.

Alternatively, the employee may use the Interactive Voice Response (IVR) system to record his or her absences. If the employee does not submit PS Form 3971 before the absence, the supervisor must provide it to the employee upon his or her return to duty.

Approval or Disapproval

The supervisor is responsible for approving or disapproving requests for Wounded Warriors Leave by signing PS Form 3971, and returning a copy to the employee. If a supervisor does not approve a request for leave as submitted, the supervisor must check the Disapproved block on PS Form 3971 and give the reason(s) for the disapproval in writing in the space provided. When a request is disapproved, the supervisor may also grant an alternate type of leave, if any, and give with the reason for the disapproval. Supervisors must also note Absences Without Leave (AWOL) determinations the same as disapproved leave.

Verification

To verify that Wounded Warriors Leave requested by an employee is appropriately used for the treatment of a service-connected disability, the requesting employee must submit to the supervisor a copy of PS Form [to be created] certified by a health care provider that the employee used the leave to receive treatment for a covered disability. The employee must provide the verification no later than 15 calendar days after the employee returns to work.

Charging Wounded Warriors Leave

General

Employees must charge Wounded Warriors Leave in the same manner as sick leave, as described in *Employee and Labor Relations Manual* (ELM) 513.4.

Integration with Other Leave Policies

General

Nothing in this section is intended to limit employees' rights or benefits available under other current policies or collective bargaining agreements.

Integration with Family and Medical Leave Act

Employees eligible for Wounded Warriors Leave may also be able to use leave provided by the Family and Medical Leave Act (see ELM 515 for more information and eligibility requirements).