

American Postal Workers Union, AFL-CIO

1300 L Street, NW, Washington, DC 20005

William Burrus
President
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January 11, 2008

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Mr. John E. Potter
Postmaster General
United States Postal Service
475 L'Enfant Plaza SW
Washington, DC 20260

Dear Mr. Potter:

I write to request your review of activities of the Office of the Inspector General in matters of collective bargaining between the United States Postal Service and the unions. Specifically, the application of the leave and privacy policies negotiated between the parties.

The OIG has recently undertaken the investigation of employee leave usage that could potentially lead to disciplinary action and in the process has obtained the confidential medical records of postal employees from their medical care providers without the employees' knowledge or consent.

In some instances, the OIG has specifically directed the medical care providers to conceal the disclosure of the medical records from the affected employees. As an example, I am aware of an instance in which an employee was accused of falsifying sick leave in order to obtain leave for a period in which annual leave had been denied due to the needs of the service. This is a typical matter governed by the collective bargaining agreement and the corrective procedures contained therein.

This action by the Inspector General is outside of the procedures as negotiated between the union and management and may be illegal under the Health Insurance Portability and Accountability Act ("HIPAA"). In an attempt to avoid the privacy protections set forth in HIPAA and our agreements, the OIG has informed medical care providers in writing that they are authorized to request the medical records because it is a health oversight agency and the requests are in furtherance of its oversight activities.

Mr. John E. Potter
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Application of the agreements that employees will abide by the conditions of employment do not include health oversight agencies and are matters left to labor relations for their enforcement. The federal regulations explicitly provide that "health oversight activity does not include an investigation or other activity in which the individual is the subject of the investigation..." 45 C.F.R. § 164.512 (d) (2).

The use of the Office of Inspector General for the investigation of non criminal employment matters is a misuse of its authority and creates a "Gestapo" like atmosphere in the labor management relationship. There is no history of Congressional intent to convert the Office of the Inspector General into an employee-employer relationship.

This conversion of the use of the OIG to engage in internal matters of collective bargaining when added to the unsolicited audit of negotiated contractual benefits is evidence of an office functioning beyond its legal mandate and purpose.

Your intervention in this important matter is welcomed and a response is requested.

Sincerely,

A handwritten signature in black ink that reads "William Burrus". The signature is written in a cursive, somewhat stylized font.

William Burrus
President

WB:RB:hp
opeiu#2/afl-cio