



Mr. Robert C. Pritchard
Director, Motor Vehicle Services Division
American Postal Workers Union,
AFL-CIO
1300 L Street, NW
Washington, DC 200054107



December 10, 1997

Dear Mr. Pritchard:

This responds to your inquiry to Thomas J. Valenti, of my staff, concerning procedures for resolving conflicts of medical evaluations for a Commercial Drivers License (CDL).

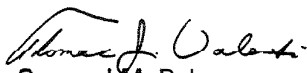
The procedure for the resolution of medical conflicts are as follows: A driver who is not certified for renewal of their license due to a medical condition may appeal the results of the physical to the next higher ranking Postal Service physician. For example, if the physical is performed by a contracted physician, and the driver disagrees with the risk assessment, that driver may then request the Associate Area Medical Director (AAMD) to review the case. If the AAMD concurs with the contract physician and the driver still wishes to pursue the objection, an independent physician, chosen jointly by the driver and the AAMD, is asked to review the case, examine the driver, and render an assessment. This assessment is accepted as final.

Peter Sgro's earlier letter to you regarding this issue stated that the Postal Service complies with laws applicable to us. Sec. 391.47 of the Federal Motor Carrier Safety Regulations (FMCSR), which was cited and attached to your September correspondence, is not applicable to the Postal Service to the extent that conflicts are not appealed to the Department of Transportation's (DOT) Office of Motor Carrier Research and Standards (OMCR&S). The Department of Transportation does not review examination conflicts arising from employees of the Postal Service.

Additionally, the July 31, 1996, letter addressed to you from Sam W. P. Rea, Jr., Acting Director of the Office of Motor Carrier Research and Standards, specifically stated that "there are several limited exceptions to the applicability of the FMCSRs [see 49 CFR 390.3(f)], including transportation performed by the Federal government, unless otherwise specifically provided in the FMCSRs."

If you have any questions regarding the foregoing, please contact Joyce Ong of my staff at (202) 268-6248.

Sincerely,


for Samuel M. Pulcrano
Manager
Contract Administration (APWU/NPMHU)