

5. Is the employee entitled to a copy of any note or memorandum provided the installation head regarding the fitness-for-duty examination?

The union believes that the employee is entitled to a copy of any memorandum provided the installation head regarding the fitness-for-duty examination.

USPS Position

The employee is not entitled to any specific note or memorandum that is provided to management from the examining physician.

On November 13, you supplemented the original list with these additional inquiries.

6. Can an employee refuse examination by the USPS designated physician under circumstances where the employee is willing to furnish the medical officer with the names and addresses of three to five board certified physicians who are willing to perform the examination?

The union interprets Section 568.31 and .323 of the ELM Handbook as providing employees with the above options.

USPS Position

The employee does not have the above option. Failure to report for a fitness-for-duty examination without acceptable reasons is just cause for disciplinary action (P-11, Section 343.34). Fitness-for-duty examinations are always performed by a USPS medical officer or contract physician. If necessary, the medical officer or physician may obtain a consultative specialist opinion from a local source (P-11, Section 343.1). The APWU cited reference applies to management initiated disability retirement procedures only.

7. Is a referred employee entitled to representation to act in the employee's behalf in matters related to a fitness-for-duty examination and to seek information and procedures used to insure that the results are correct?

The union interprets Section 568.322 of the ELM Handbook as permitting such representation.

Mr. William Burrus

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USPS Position

The APWU cited reference applies to management initiated disability retirement procedures only. Additionally, refer to USPS position #3 and #4.

Should there be any questions regarding the foregoing, you may contact Harvey White at 268-3822.

Sincerely,

  
Thomas J. Fritsch  
Assistant Postmaster General