

Assault victims deserve the best care available



Manuel L. Peralta Jr.

In the last few years, letter carriers have been victims of more than 2,000 robberies or assaults, often at gunpoint. The NALC began the “Enough is enough” movement to bring the public’s attention to the growing danger you face every day throughout the country, and to demand several policy changes to protect letter carriers.

The NALC’s March 13 website posting announced that the Protect Our Letter Carriers Act (H.R. 7629) had been introduced in the House by Reps. Brian Fitzpatrick (R-PA) and Greg Landsman (D-OH).

At an outdoor event on Capitol Hill to announce the measure’s introduction, a letter carrier who had been the victim of an assault shared what he went through and explained the need for the law.

I had the opportunity to speak with this carrier following the press conference and learned that the only help that he connected with was with an Employee Assistance Program (EAP) counselor. I have since spoken with others, leading me to the topic of this month’s column.

When any letter carrier suffers an injury, including a post-traumatic stress injury, and initiates an OWCP claim, responsibilities fall on the shoulders of management, which is obligated to assist the employee and to advise the employee of their rights, including but not limited to the following (from the *Employee and Labor Relations Manual [ELM]*):

543.3 Medical Care - FECA guarantees the employee the right to an initial choice of physician. The employee is entitled to receive all medical services, appliances, or supplies that a qualified physician prescribes and OWCP determines necessary to treat the injury.

Management also has the following obligation once an OWCP claim is filed (*ELM* Section 544.111):

General - When a notice of traumatic injury or occupational disease is filed, the immediate supervisor is responsible for doing the following:

- Immediately ensuring that appropriate medical care is provided.
- Providing the employee a Form CA-1 or a Form CA-2.
- Completing the receipt attached to Form CA-1 or

CA-2 and giving the receipt to the employee or the employee’s representative.

- Investigating all reported job-related injuries and/or illnesses.
- Immediately notifying the control office or control point of an injury, disease, or illness.
- Prompt completion and forwarding of Form CA-1 or CA-2 to the control office or control point on the same day it is received from the employee.

ELM Section 544.112 instructs that “In case of a traumatic injury, the supervisor must advise the employee of the following”:

- The right to select a physician of choice.

When an employee suffers an injury on duty, such as the one referenced above, and then decides to initiate an OWCP claim, management does not fulfill its obligation by referring the employee to an EAP counselor. This may be an initial helpful step; however, the EAP counselor will not be providing you with documentation that meets the standard required by OWCP. If you file a traumatic injury claim, you will have the right to select your physician, so explore who is available by reaching out to your doctor and discuss your needs.

“When any letter carrier suffers an injury, including a post-traumatic stress injury, and initiates an OWCP claim, responsibilities fall on the shoulders of management.”

Article 35 of the National Agreement provides for EAP counseling services at no cost to the employee. These services are identified as “short term,” which is recognized as up to 12 counseling sessions. It is possible that the above-identified traumatic injury would take more than the limit of 12 sessions. The EAP counselors cannot take you on as a client. Their services are paid for by their employer, which is under contract to the USPS through EAP. This would be an ethics conflict of interest.

In preparation for this month’s column, I have reviewed a series of seven columns (September, October, November and December 2023 and January, March and April of this year) written by Regional Workers’ Com-

(continued on next page)

Assault victims (continued)

(continued from previous page)

pensation Assistant Coby Jones on the subject of medical evidence required to support claims before OWCP. His column from November 2023 is directly on point, and I therefore quote from that column as follows:

Letter carriers who sustain emotional conditions as a result of assaults, in particular, have had a difficult time finding physicians to diagnose and treat these conditions. It often has taken months or even the greater part of a year before they can receive treatment for conditions that demand immediate attention. This is because OWCP's procedures have required that any causal explanation for acceptance of an emotional injury case must come from a psychiatrist or licensed clinical psychologist with a PhD. FECA Transmittal No. 23-04 changed this by revising FECA Procedure Manual Part 2, Chapter 805, regarding the requirements for a medical specialist needed to establish an emotional condition.

With the revision, only extended occupational disease claims for emotional conditions require a medical report from a psychiatrist or clinical psychologist in order to support the explanation of causal relationship required for the claim to be accepted. The revision allows physicians with other specialties or even family physicians to submit medical reports to establish initial claims and provide

treatment. This will be a huge boon for letter carriers who have been emotionally traumatized by assault and are ill-equipped to deal with jumping through bureaucratic hoops. Not only will their claims be accepted more quickly, but they also will receive more promptly the benefits they are entitled to under the FECA such as counseling and wage-loss compensation if they are incapacitated from working due to their condition.

According to the transmittal, the revision is intended to apply to "typically traumatic injuries where the event or events are very specific, unambiguous and are generally clearer to physicians outside the psychiatric specialty as incidents that may naturally result in an extreme emotional reaction." The revision does not apply to emotional conditions in CA-2 occupational disease claims—cases that often involve stress or abuse in the workplace (often with management). These cases will still require a causal explanation from a psychiatrist or clinical psychologist for the claim to be accepted.

Use the information in Coby's column to guide you in your discussions with your physician and your OWCP representative, if necessary.

And, if you haven't done so already, check to see if your congressional representative has signed on to the Protect Our Letter Carriers Act (H.R. 7629).

Updates to the MDD and COTS vehicle pilot (continued)

(continued from page 30)

and COA functions introduced in this update. I also have questions regarding the pilot test conducted on the scanner to create PS Form 3999s. I have requested a meeting to discuss NALC concerns.

Rivian Delivery 500 pilot update

In my May article, I informed the membership of the Postal Service's intent to pilot test the use of the Rivian Delivery 500 vehicle on carrier routes at the Vienna Post Office in Vienna, VA. Test dates for the pilot have been changed since last month's column; USPS states that test dates for the pilot are now April 4 through May 16.

My staff visited the Vienna Post Office in May to receive additional feedback from the letter carriers involved in the pilot since our previous visit. In speaking with the carriers, my staff found that the biggest adjustments involved getting used to the vehicle's regenerative braking system when driving, and dealing with the vehicle's size in areas where streets might not accommodate the height and length of the vehicle. However, one of their previous concerns has been put at ease, as the carriers have found that mail placed on the cargo shelves has been secure and carriers have not encountered any issue with mail moving or falling over while the vehicle is in motion.