

Michael O. Foster
Director, MVS Division
American Postal Workers Union, AFL-CIO
1300 L Street, NW
Washington DC 20005-4128

Date: October 23, 2019

RE: Q15V-4Q-C 18046276/HQTV20170529
Class Action
Washington DC 20260-4100

Dear Mike:

Recently our representatives met to discuss the above captioned grievance at Step 4 of the grievance-arbitration procedure. The issue presented in this case concerns the USPS administration of the Department of Transportation (DOT) and Federal Motor Carrier Safety Administration (FMCSA) policy regarding annual physicals for employees holding a commercial driver's license (CDL) as a requirement of their position.

The parties agree to resolve this case based on the following understanding:

The Postal Service will follow Department of Transportation (DOT) and Federal Motor Carrier Safety Administration (FMCSA) regulations regarding the administration of CDLs. Postal employees whose position requires a CDL must maintain their medical certification in accordance with DOT and the FMCSA. Where previous Postal Service correspondence has used the term "parallel", the parties understand that this does not represent a change in policy.

When required, medical exams related to an employee's CDL will be scheduled with a DOT/FMCSA certified examiner at no cost to the employee. Any additional medical testing and/or exams required to determine an employee's suitability in connection with a DOT/FMCSA medical exam, will be paid for by the Postal Service until an initial determination is made. If the employee is found medically unfit, the employee will be responsible for the cost of any treatment and/or medical test or appointments he/she obtains, including medical information used to dispute the determination. If the employee is found medically fit by the certified examiner there is no further review necessary.

An employee may appeal an adverse result of a certifying examination as outlined in the Joint Contract Interpretation Manual (JCIM), Article 39.

The FMCSA does not require the medical examiner to provide a copy of the medical examination report to the employer, therefore employees will not be required to sign a release for medical records. If the Postal Service requires a copy of the medical examination long form from the medical examiner after completion of the medical exam, it will be done in accordance with FMCSA regulations. The release will only cover the DOT/FMCSA required medical exam.

An employee's Social Security Number will not be required during employees DOT/FMCSA medical exam process.

The parties agree that any future changes to the USPS administration of the DOT and FMCSA regulations regarding annual physicals which directly relate to wages, hours or working conditions will be done in accordance with Article 19 of the National Agreement. The Postal Service will provide periodic service talks in all installations that employ Postal Vehicle Service (PVS) employees that will include current medical standards for DOT/FMCSA required medical exams. Changes to the current DOT/FMCSA required medical exams will also be posted on LiteBlue™. The Union will be provided a copy of such service talks when issued. In addition, the parties will meet at the national level at least once every six months, or at either party's request, for the purpose of discussing any issues or changes related to the DOT medical standards that impact driver eligibility.

Any prior instructions issued to the field which are in conflict with this settlement will be rescinded. This agreement does not alter the provisions of the Collective Bargaining agreement. This agreement also settles and closes cases Q10V-4Q-C 15079086/HQTV20150066, Q10V-4Q-C 15080275/A19V20150063, Q10V-4Q-C 15275543/A19V20150773, Q10V-4Q-C 16367381/HQTV20160198, and Q15V-4Q-C 19246730/HQTV20190139.

Sincerely,



Rickey R. Dean
Manager, Contract Administration (APWU)
United States Postal Service



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