

June 9, 2023

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

RE:6X 21V-6X-C 23118989
APWU # HQTV20230046
Washington DC, 22260-4100

Dear Mike:

The parties met at Step 4 of the grievance-arbitration process to discuss the above referenced grievance. The dispute was initiated at Step 4 by the American Postal Workers Union (APWU). Time limits were extended by mutual consent.

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 drug and alcohol testing for employees holding a commercial driver's license (CDL) as a requirement of their position, and the testing facilities requiring postal employees to sign a medical release to obtain employees personal medical information.

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

As previously agreed, "the Postal Service will follow Department of Transportation (DOT) and Federal Motor Carrier Safety Administration (FMCSA) regulations regarding the administration of CDLs."

Current DOT regulations do not require an employee to sign a medical release for drug or alcohol testing.

The DOT rule 49 CFR Part 40 Section 40.27 states:

Subpart B – Employer Responsibilities

Section 40.27- May an employer require an employee to sign a consent or release in connection with the DOT drug and alcohol testing program?

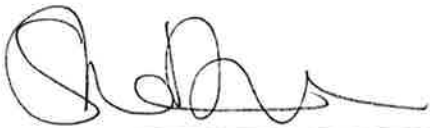
No, as an employer, you must not require an employee to sign a consent, release, waiver of liability, or indemnification agreement with respect to any part of the drug or alcohol testing process covered by this part.

In accordance with the above cited regulation, the Postal Service, or their contracting

agents, will not require employees to sign a release for medical records for DOT drug and alcohol testing.

Any changes made to this regulation which directly relate to wages, hours or working conditions of APWU-represented bargaining unit employees will be provided in accordance with Article 19 of the National Agreement.

Sincerely,



Shannon R. Richardson
Director, Contract Administration (APWU)
United States Postal Service



Michael O. Foster
Director, MVS Division
American Postal Workers Union, AFL-CIO