



## American Postal Workers Union, AFL-CIO

1300 L Street, NW, Washington, DC 20005

November 29, 2018

**Debby Szeredy**  
Executive Vice President

202-842-4250 (Office)  
202-842-4297 (Fax)

### National Executive Board

Mark Dimondstein  
President

Debby Szeredy  
Executive Vice President

Elizabeth "Liz" Powell  
Secretary-Treasurer

Vance Zimmerman  
Director, Industrial Relations

Clint Burelson  
Director, Clerk Division

Steven G. Raymer  
Director, Maintenance Division

Michael O. Foster  
Director, MVS Division

Stephen R. Brooks  
Director, Support Services Division

Sharyn M. Stone  
Coordinator, Central Region

Mike Gallagher  
Coordinator, Eastern Region

John H. Dirzls  
Coordinator, Northeast Region

Kennith L. Beasley  
Coordinator, Southern Region

Omar M. Gonzalez  
Coordinator, Western Region

**To: Lynn Pallas Barber, Assistant Director, Clerk Div**

**From: Debby Szeredy, Executive Vice President**

**Subject: REVISED: USPS Proposes to Revise MI EL-510-2016-8  
Wounded Warriors Leave (Notification No. N19C20180435)**

Attached, please find a copy of a letter dated 10/9/2018 from Alan Moore, regarding the above referenced matter.

You are designated as the APWU contact person in this matter. Contact the USPS representative as soon as possible for discussion, if appropriate. Please provide notification of your review to me by 12/29/2018.

Please note: Your secretary should update the Notification Tracking Module in Step 4 CAS as necessary.

**cc: Idowu Balogun, Director, Maintenance Division  
Clint Burelson, Director, Clerk Division  
Stephen Brooks, Director, Support Services Division  
Vance Zimmerman, Director, Industrial Relations  
Michael Foster, Director, MVS Division**

DS:cl  
opeiu #2  
afi-cio

RECEIVED

OCT 12 2018

APWU  
OFFICE OF THE PRESIDENT

LABOR RELATIONS



October 9, 2018

Mr. Mark Dimondstein  
President  
American Postal Workers Union  
AFL-CIO  
1300 L Street, NW  
Washington, DC 20005-4128

**CERTIFIED**  
7016 1970 0000 3442 9911

Dear Mark:

The Postal Service proposes to revise Management Instruction (MI) EL-510-2016-8, *Wounded Warriors Leave*.

The subject revisions provide for employees who are otherwise eligible under the requirements of the Wounded Warriors Federal Leave Act of 2015 (the Act) to receive an allotment of 104 hours of Wounded Warrior Leave (WWL) at the beginning of each leave year. We will continue to provide WWL to newly hired employees, as required by the terms of the Act, with the WWL balance of these employees resetting at the beginning of proceeding leave year.

The revisions are proposed to be effective beginning with the 2019 leave year (January 5, 2019).

Pursuant to Article 19 of the collective bargaining agreement, we have enclosed:

- Two copies of the revised MI EL-510-2016-8, *Wounded Warriors Leave*, one with and one without revisions identified
- An electronic copy of revisions to MI EL-510-2016, *Wounded Warriors Leave*
- A memo from Erica Hayton, Manager, Benefits and Wellness, explaining the purpose and impact of the proposed revisions

Please contact Noah Meyers at extension 5024 if you have questions concerning this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Alan S. Moore".

Alan S. Moore  
Manager  
Labor Relations Policies and Programs

Enclosures

Benefits and Wellness

RECEIVED

OCT 12 2018

APWU  
OFFICE OF THE PRESIDENT



The Postal Service supports the employment of veterans in our workforce. As such, we feel that it is both appropriate and desirable for the Postal Service to provide an on-going leave benefit to our disabled veterans with a 30% or more combined disability rating for the purpose of medical treatment as expressed in the Wounded Warriors Federal Leave Act of 2015. Therefore, in addition to the statutorily mandated leave, the Postal Service is proposing to update the current Wounded Warriors Leave Management Instruction to provide additional Wounded Warrior Leave (WWL) as outlined below:

- Eligible new hires will receive 104 hours of WWL upon hire (as required by law) to be used for the remainder of the current calendar year.
- Each January, all disabled veterans with a 30% or more combined disability rating will receive 104 hours of WWL to use during the calendar year.
- At the end of each calendar year, any remaining WWL will be forfeited but, assuming the employee still has a combined disability rating of 30% or more, he/she will receive a new 104 hours at the start of the new leave year.
- Any unused WWL is not rolled over to the next year, nor will it be paid out if the employee leaves.
- WWL will run concurrent with FMLA, when appropriate.

Attached are the proposed updates to the Postal Service regulations regarding Wounded Warriors Leave. We propose to make the revisions effective on the first day of the 2019 leave year (January 5, 2019).

A handwritten signature in cursive script that reads "Erica Hayton".

Erica Hayton  
Manager, Benefits & Wellness

# Management Instruction

## Wounded Warriors Leave

This management instruction sets forth the policy guidelines and standard procedures for administering Wounded Warriors Leave.

### Policy Guidelines

---

#### Wounded Warriors Leave

The Postal Service supports the employment of veterans who have chosen to commence or resume a civilian career with the Postal Service following their military service. Consistent with the requirements of the Wounded Warriors Federal Leave Act of 2015, the Postal Service allows any employee who meets the eligibility requirements to take a specifically designated type of leave, without loss or reduction in pay, for undergoing medical treatment for a service-related disability.

The Postal Service also recognizes the value that veterans add to the workforce. Consequently, it has determined that is both appropriate and desirable for the Postal Service to grant additional amounts of leave for the purpose of medical treatment as expressed in the Wounded Warriors Federal Leave Act of 2015. Therefore, in addition to the statutorily mandated leave, the Postal Service grants additional Wounded Warrior Leave as described herein.

#### Definitions

*Wounded Warriors Leave* is an authorized absence from the Postal Service to undergo medical treatment for a service-connected disability rated at 30 percent or more. It is a separate leave category, distinct from sick leave.

*Treatment* is an in-person visit to a health care provider, as specified in Section 513.364 of the *Employee and Labor Relations Manual* (ELM), and includes the course of action prescribed by a health care provider. Treatment includes but is not limited to examination for and evaluations of the health condition that has caused the disability rating.

*Health Care Provider* is the employee's attending physician or other attending practitioner as recognized by ELM 515.2.

*Leave Year* means the period beginning on the first day of the first pay period of the calendar year, concluding with the last day of the last pay period of the calendar year. It is the period during which an employee may use Wounded Warrior Leave.

## **Eligibility**

### **Eligible Employees**

All employees who have a single or combined service-connected disability rating of 30 percent or more are eligible for Wounded Warriors Leave.

### **Employees with Pending Disability Determinations**

Otherwise eligible employees with pending disability determinations who at any time during any Leave Year receive a 30 percent or more disability rating, will be eligible for leave retroactively to the first day of that current Leave Year. Any leave without pay (LWOP) or leave used while the determination is pending will be reimbursed and replaced with Wounded Warriors Leave, as appropriate, up to the maximum number of hours allowed. Wounded Warriors Leave may be retroactively applied for only the most current Leave Year and for no more than 104 hours.

### **Losing the Disability Rating**

If an employee's service-connected disability rating is decreased to below 30 percent or discontinued during any Leave Year then the employee no longer has a qualifying service-connected disability. The employee must notify the HR Shared Service Center of the effective date of the change in the disability rating. The employee is no longer eligible for Wounded Warriors Leave as of the effective date of the rating change.

## **Accrual and Crediting**

### **General**

It is an employee's responsibility to notify the Postal Service of his or her eligibility before requesting Wounded Warriors Leave. Employees must provide documentation to the HR Shared Service Center from the Department of Veterans Affairs certifying that the employee has the requisite level of service-connected disability.

### **Initial Eligibility**

Newly hired eligible employees or those returning to the Postal Service will be credited with 104 hours of Wounded Warriors Leave following the Postal Service's receipt of documentation supporting the employee's eligibility. Wounded Warriors Leave will be available for use retroactively to the first day of their enter-on-duty date, or the current Leave Year, whichever is later, for use through the end of the Leave Year.

### **Additional Eligibility**

Eligible employees will be credited with 104 hours of Wounded Warriors Leave on the first day of each Leave Year and the leave is available for use until the last day of the Leave Year.

### **Carryover**

Wounded Warrior Leave must be used during the Leave Year in which it is credited and will not be carried over. No employee may accrue more than 104 hours during any Leave Year

### **Separation**

If the employee leaves the Postal Service at any time during any Leave Year, any remaining leave **will not** be reinstated or paid out, except as permitted by OPM regulations if the employee transfers to another federal agency.

## **Requests for Wounded Warriors Leave**

### **Foreseeable Leave**

All employees requesting Wounded Warriors Leave must do the following:

- a. Submit their request on PS Form 3971, *Request for or Notification of Absence*, in advance to the appropriate supervisor; and
- b. Designate the reason for the absence as "other" and write "Wounded Warriors Leave" in the space provided.

### **Unforeseeable Leave**

The Postal Service makes an exception to the advance approval requirement for unexpected treatment that qualifies for Wounded Warriors Leave. When the need to use Wounded Warriors Leave is not foreseeable, the employee must notify the appropriate supervisor of the following items as soon as possible:

- a. The employee's treatment;
- b. The expected duration of the absence; and
- c. The applicability of Wounded Warriors Leave.

Alternatively, the employee may use the Interactive Voice Response (IVR) system to record his or her absences. If the employee does not submit PS Form 3971 before the absence, the employee must complete the form upon his or her return to duty.

### **Approval or Disapproval**

The supervisor is responsible for approving or disapproving requests for Wounded Warriors Leave by signing PS Form 3971, and returning a copy to the employee. If a supervisor does not approve a request for leave as submitted, including determinations of Absent Without Official Leave (AWOL), the supervisor must check the Disapproved block on PS Form 3971 and give the reason(s) for the disapproval in writing in the space provided. When a request is disapproved, the supervisor may also grant an alternate type of leave.

### **Verification**

To verify that Wounded Warriors Leave requested by an employee is appropriately used for the treatment of a service-connected disability, the requesting employee must submit to the supervisor a copy of PS Form 5980, *Treatment Verification for Wounded Warriors Leave*, certified by a health care provider that the employee used the leave to receive treatment for a covered disability. The employee must provide the verification no later than 15 calendar days after the employee returns to work.

## **Charging Wounded Warriors Leave**

Employees must charge Wounded Warriors Leave in the same manner as sick leave, as described in ELM 513.4.

## **Integration with Other Leave Policies**

### **General**

Nothing in this section is intended to limit employees' rights or benefits available under other current policies or collective bargaining agreements.

**Integration with Family and Medical Leave Act**

Employees eligible for Wounded Warriors Leave may also be able eligible to protection under the Family and Medical Leave Act (see ELM 515 for more information and eligibility requirements). Supervisors will initiate FMLA leave if they have reasonable grounds to believe that the leave might qualify. It is the employee's responsibility to provide complete and sufficient documentation to establish eligibility for FMLA. FMLA protection will run concurrently with Wounded Warrior Leave.



# Management Instruction

## Wounded Warriors Leave

This management instruction sets forth the policy guidelines and standard procedures for administering Wounded Warriors Leave.

### Policy Guidelines

---

#### Wounded Warriors Leave

The Postal Service supports the employment of veterans who have chosen to commence or resume a civilian career with the Postal Service following their military service. Consistent with the requirements of the Wounded Warriors Federal Leave Act of 2015, the Postal Service allows any employee who meets the eligibility requirements to take a specifically designated type of leave, without loss or reduction in pay, for undergoing medical treatment for a service-related disability.

The Postal Service also recognizes the value that veterans add to the workforce. Consequently, it has determined that it is both appropriate and desirable for the Postal Service to grant additional amounts of leave for the purpose of medical treatment as expressed in the Wounded Warriors Federal Leave Act of 2015. Therefore, in addition to the statutorily mandated leave, the Postal Service grants additional Wounded Warrior Leave as described herein.

#### Definitions

*Wounded Warriors Leave* is an authorized absence from the Postal Service to undergo medical treatment for a service-connected disability rated at 30 percent or more. It is a separate leave category, distinct from sick leave.

*Treatment* is an in-person visit to a health care provider, as specified in Section 513.364 of the *Employee and Labor Relations Manual* (ELM), and includes the course of action prescribed by a health care provider. Treatment includes but is not limited to examination for and evaluations of the health condition that has caused the disability rating.

*Health Care Provider* is the employee's attending physician or other attending practitioner as recognized by ELM 515.2.

~~Twelve-Month Leave Year-Period~~ means the ~~continuous 12-month period that begins~~beginning on the first day of ~~employment~~the first pay period of the calendar year, concluding with the last day of the last pay period of the calendar year. It is the period during which an ~~eligible~~employee can ~~may~~ use Wounded ~~Warriors Leave~~. For employees on the rolls and non-career employees on a required break in service (five or six days, as appropriate) on November 4, 2016, the 12-month period begins November 5, 2016. Warrior Leave.



## Eligibility

### General

All classifications of career and non-career Postal Service employees are eligible for Wounded Warriors Leave if all of the following applies:

- a. They meet one of the eligibility requirements provided under Eligible Employees, and
- b. They have not previously established eligibility for Wounded Warriors Leave.

Eligible employees are entitled to only one Twelve-Month Eligibility Period in connection with Postal Service employment.

### Eligible Employees

To be eligible, you must meet the criteria of one of the following:

1. A career or non-career employee:
  - a. With a full-time, part-time, or non-traditional schedule;
  - b. Who either:
    - i. is on the rolls as of November 4, 2016; or
    - ii. is a non-career employee on a required break in service (five or six days, as appropriate), on November 4, 2016; or
    - iii. begins serving his or her first appointment on or after November 5, 2016; and
  - c. Who has All employees who have a single or combined service-connected disability rating of 30 percent or more.
2. Employees who:
  - a. Leave the Postal Service's employment to participate in active-duty military service;
  - b. Return directly from that military service to a career or non-career appointment on or after November 5, 2016; and
  - c. Have sustained a single or combined service-connected disability rating of 30 percent or more that was incurred during the employee's immediate absence.
3. Employees who:
  - a. Take military leave from the Postal Service to participate in active-duty military service;
  - b. Return directly from that military leave on or after November 5, 2016; and

During military leave sustain a single or combined service-connected disability rating of 30 percent or more that was incurred during the employee's military leave are eligible for Wounded Warriors Leave.

### Employees with Pending Disability Determinations

Otherwise eligible employees with pending disability determinations, who at any time during ~~the applicable Twelve-Month Eligibility Period~~ any Leave Year receive a 30 percent or more disability rating, will be eligible for leave retroactively to the first day of ~~the applicable Twelve-Month Eligibility Period~~ that current Leave Year. Any leave without pay (LWOP) or leave used while the determination is pending will be reimbursed and replaced with Wounded Warriors Leave, as appropriate, up to the maximum number of ~~days allowed~~ hours allowed. Wounded



Warriors Leave may be retroactively applied for only the most current Leave Year and for no more than 104 hours.

### **Losing the Disability Rating**

If an employee's service-connected disability rating is decreased to below 30 percent or discontinued during ~~the Twelve-Month-Eligibility-Period,~~any Leave Year then the employee no longer has a qualifying service-connected disability. The employee must notify the ~~supervisor~~HR Shared Service Center of the effective date of the change in the disability rating. The employee is no longer eligible for Wounded Warriors Leave as of the effective date of the rating change.

## **Accrual and Crediting**

### **General**

It is an employee's responsibility to notify the Postal Service of his or her eligibility before requesting Wounded Warriors Leave. Employees must provide documentation to the HR Shared Service Center from the Department of Veterans Affairs, ~~or on any Office of Personnel Management (OPM) certification form developed for administration of Wounded Warriors Leave,~~ certifying that the employee has ~~a qualifying~~the requisite level of service-connected disability.

### **Initial Eligibility**

~~Each~~Newly hired eligible ~~employee~~employees or those returning to the Postal Service will be credited with 104 hours of Wounded Warriors Leave following the Postal Service's receipt of documentation supporting the employee's eligibility. Wounded Warriors Leave will be available for use retroactively to the first day of ~~the Twelve-Month-Eligibility-Period,~~their enter-on-duty date, or the current Leave Year, whichever is later, for use through the end of the Leave Year.

### **~~Employees Returning to the Postal Service~~**

~~Employees with a service-connected disability rated at 30 percent or more will have any unused portion of their Wounded Warriors Leave restored for the remaining months of the Twelve-Month-Eligibility Period if they meet the following requirements:~~

- ~~a. Leave postal employment during the Twelve-Month-Eligibility Period; and~~
- ~~b. Return to the Postal Service for a career or non-career appointment within the Twelve-Month-Eligibility Period.~~

### **~~Employees Returning to the Postal Service from Military Service~~**

~~When employees return to duty with the Postal Service on or after November 5, 2016, directly from military service (with a break in service), and as a result of that military service, have sustained a new service-connected disability rated at 30 percent or more, they will:~~

- ~~a. Receive the full 104 hours of Wounded Warriors Leave upon the Postal Service's receipt of documentation of their eligibility for Wounded Warriors Leave; and~~
- ~~b. Have 12 calendar months to use the leave.~~

~~Wounded Warriors Leave will be available for use retroactively to the first day of re-employment with the Postal Service.~~

### **~~Employees Returning to the Postal Service from Military Leave~~**

~~Employees returning to the Postal Service from Military Leave (without a break in service) who sustain a new service-connected disability rated at 30 percent or more will receive the full 104 hours of Wounded Warriors Leave upon the Postal Service's receipt of documentation supporting the employee's eligibility.~~



~~Wounded Warriors Leave will be available for use retroactively to the first day of return to service and the employee will have 12 calendar months to use the leave.~~

### Additional Eligibility

Eligible employees will be credited with 104 hours of Wounded Warriors Leave on the first day of each Leave Year and the leave is available for use until the last day of the Leave Year.

### Use of Carryover

Wounded Warrior Leave

~~Eligible employees returning to must be used during the Postal Service from military leave will be able to use Wounded Warriors Leave, as appropriate, as well as Year in which it is credited and will not be carried over. No employee may accrue more than 104 hours during any Leave Year earned and remaining sick leave.~~

### Entitlement to Wounded Warriors Leave

~~Entitlement to Wounded Warriors Leave expires at the end of an eligible employee's Twelve-Month Eligibility Period as defined on page 1. This happens regardless of the employee's actual Wounded Warriors Leave balance.~~

### Separation

~~If the employee leaves the Postal Service at any time during or after the expiration of the Twelve-Month Eligibility Period any Leave Year, any remaining leave will not be reinstated, carried over, or paid out, except as permitted by:~~

~~OPM regulations if the employee transfers to another federal agency, or,~~

~~a. As included in this Management Instruction.~~

## **Employees with Recent Employment in Another Federal Agency**

### **General**

~~If an eligible employee began employment with another federal agency and transfers to the Postal Service within the Twelve-Month Eligibility Period, the employee is eligible to use Wounded Warriors Leave for the remainder of the 12 months. The employee must certify the number of hours of Wounded Warriors Leave used at the former agency. The Postal Service will provide the employee with the remaining Wounded Warriors Leave.~~

### **Examples**

~~Here are two examples of how to use Wounded Warriors Leave when an employee transfers to the Postal Service from another federal agency:~~

- ~~1. An employee transfers from another federal agency to the Postal Service during the Twelve-Month Eligibility Period after six months with the former agency. He was eligible for Wounded Warriors Leave at the former agency. He used 40 hours of leave before transferring to the Postal Service. The employee will be eligible to use the remaining 64 hours of Wounded Warriors Leave during the next six months of employment, provided he follows the rules in this Management Instruction.~~
- ~~2. An employee transfers from another federal agency to the Postal Service during the Twelve-Month Eligibility Period after three months with the former agency. She was eligible for Wounded Warriors Leave at the former agency. She didn't use Wounded Warriors Leave at the former agency before transferring to the Postal Service. The~~

~~employee will be eligible to use the full 104 hours of Wounded Warriors Leave during the remaining nine months of her first year of federal civilian employment, provided she follows the rules in this Management Instruction.~~

## Requests for Wounded Warriors Leave

### Foreseeable Leave

All employees requesting Wounded Warriors Leave must do the following:

- a. Submit their request on PS Form 3971, *Request for or Notification of Absence*, in advance to the appropriate supervisor; and
- b. Designate the reason for the absence as "other" and write "Wounded Warriors Leave" in the space provided.

### Unforeseeable Leave

The Postal Service makes an exception to the advance approval requirement for unexpected treatment that qualifies for Wounded Warriors Leave. When the need to use Wounded Warriors Leave is not foreseeable, the employee must notify the appropriate supervisor of the following items as soon as possible:

- a. The employee's treatment;
- b. The expected duration of the absence; and
- c. The applicability of Wounded Warriors Leave, ~~as soon as possible.~~

Alternatively, the employee may use the Interactive Voice Response (IVR) system to record his or her absences. If the employee does not submit PS Form 3971 before the absence, the supervisoremployee must ~~provide it to complete~~ the employee form upon his or her return to duty.

### Approval or Disapproval

The supervisor is responsible for approving or disapproving requests for Wounded Warriors Leave by signing PS Form 3971, and returning a copy to the employee. If a supervisor does not approve a request for leave as submitted, including determinations of Absent Without Official Leave (AWOL), the supervisor must check the Disapproved block on PS Form 3971 and give the reason(s) for the disapproval in writing in the space provided. When a request is disapproved, the supervisor may also grant an alternate type of leave, ~~if any, and give with the reason for the disapproval. Supervisors must also note Absences Without Leave (AWOL) determinations the same as disapproved leave.~~

### Verification

To verify that Wounded Warriors Leave requested by an employee is appropriately used for the treatment of a service-connected disability, the requesting employee must submit to the supervisor a copy of PS Form 5980, *Treatment Verification for Wounded Warriors Leave*, certified by a health care provider that the employee used the leave to receive treatment for a covered disability. The employee must provide the verification no later than 15 calendar days after the employee returns to work.

## Charging Wounded Warriors Leave

Employees must charge Wounded Warriors Leave in the same manner as sick leave, as described in ELM 513.4.



## Integration with Other Leave Policies

### General

Nothing in this section is intended to limit employees' rights or benefits available under other current policies or collective bargaining agreements.

### Integration with Family and Medical Leave Act

Employees eligible for Wounded Warriors Leave may also be able to use leave provided by eligible to protection under the Family and Medical Leave Act (see ELM 515 for more information and eligibility requirements). Supervisors will initiate FMLA leave if they have reasonable grounds to believe that the leave might qualify. It is the employee's responsibility to provide complete and sufficient documentation to establish eligibility for FMLA. FMLA protection will run concurrently with Wounded Warrior Leave.