



***From the Office of The Western Region
Omar M. Gonzalez, Coordinator***

EFEL IS NOT A TOWER But it is monumental



Emergency Federal Employee Leave (EFEL), under Biden's American Rescue Plan, applies to postal workers. Every postal worker is eligible for this leave provided you meet the qualifying reasons related to COVID.

When the previous COVID leave expired on December 31st management began harassing employees who got infected or were exposed to infection about coming to work or taking their own leave. So Biden's Rescue Plan did exactly that, it came to the rescue of postal workers so as not to use your leave and was secured in part by the efforts of your Union.

The virus has not been eradicated. Over 127,800 postal COVID cases have been reported and the virus is still among us. EFEL is provided through September 2021 (or could expire sooner if the funds appropriated run out) and provides up to 600 hours of paid EFEL with certain caps. While such leave does not count towards retirement and you can't contribute to TSP while you are on such leave it does provide paid leave.

While the federal law requires an employee to meet one of 8 qualifying reasons the National Union has advised that two of those reasons do not readily apply to postal workers. **However, six (6) reasons do- if:**

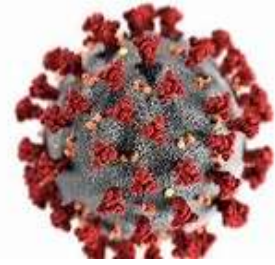
- You been advised by a health care provider to self-quarantine due to concerns related to COVID-19.
- You are caring for an individual who has been advised by a health care provider to self-quarantine due to concerns related to COVID-19.
- You are experiencing COVID-19 symptoms and seeking a medical diagnosis
- You are caring for your son or daughter if the school or place of care of your son or daughter has been closed, requires or makes optional a virtual learning instruction model, requires or makes a hybrid of in-person and virtual learning instruction models, or if the child care provider of your son or daughter is unavailable, due to COVID precautions.
- You are caring for a family member with a mental or physical disability or who is 55 years of age or older and incapable of self-care, without regard to whether another individual other than yourself is available to care for such family member, if the place of care for such family member is closed or the direct care provider is unavailable due to COVID-19.
- If you are obtaining immunization (vaccination) related to COVID 19 or you are recovering from any injury, disability, illness or condition related to such immunization.

How To Apply- management may be slow in issuing directives or guidance to their supervisors. It is not yet clear whether the IVR system will accept call ins for EFEL so employees **must** ensure a PS 3971 is submitted when taking such leave. While it is not necessary for employees to place the TACS Code on the 3971, an employee **must** make it clear EFEL is being requested and must state the qualifying reason. This can be accomplished by checking the Type Box-Other and writing in "EFEL" and then in the "Remarks" Box of the Form writing in the qualifying reason. **It is important that the PS 3971 be properly filled out and when submitted there be a means to prove it was submitted. Secure a copy of the signed and acted upon form. Managers are required to issue you a copy!**

If EFEL Is Denied- do not bank on your supervisor doing the right thing. Monitor your leave on the *LiteBlue* page. If the leave is denied and you were absent, or need to be absent, for the qualifying reason(s) contact your Shop Steward. A grievance should be initiated as soon as possible. Management, under the contract, has to comply with applicable laws, the contract and their own regulations. **DO NOT LET THEM TAKE YOUR RIGHTS AWAY!** *(more info coming soon)*

From the Office of The Western Regional Coordinator

CATCHING THE 'RONA' AT WORK



USPS has been dealing with COVID-19 for over a year now and in March 2020 issued both Directives and Guidance on daily cleaning for COVID precautions and also required post COVID case cleaning at postal facilities. Yet, in far too many post offices and installations cleaning is either lax or non-existent.

The Union has been fighting daily over management's lack of concern for employee safety and warning employees against 'COVID Fatigue' over social distancing, face masks, sanitizers, washing hands and demanding management perform the daily cleaning required including wiping down common work areas, break rooms, turnstiles, buttons etc.

The Biden Administration has directed two very important workplace protections be provided for postal workers. Both of these critical protections are from agencies under the US Department of Labor. One involves "safety" at work related to COVID-19 and the other relates to "Worker Comp Claims" related to COVID. The directives/guidance are relatively new having been issued in early March. Here are some highlights:



The Occupational Safety and Health Administration (OSHA) has issued a directive that places emphasis on COVID safety and protects employees against retaliation when safety violations are reported. The directive issued on March 12th, advises Directors to use their discretion to place USPS on a target list of industries based on rate of COVID cases reported in 2020. OSHA is also expected to issue 'temporary emergency standards' and boost inspections of workplaces. President Biden had directed OSHA to come up with safety standards and directives by March 15th. OSHA has not issued updated standards since 1983.

"It is exciting that after 38 years OSHA is issuing new standards and that they will apply to our concerns over COVID," said Regional Coordinator Omar Gonzalez. He cautions, however, that the Directives and standards may be slow to actually roll out. Never-the-less the Coordinator urges employees and stewards to report COVID cleaning, distancing and PPE issues, by filing USPS PS Form 1767 (*Report of Hazard, Unsafe Condition or Practice*), make a copy before submitting, insist on the supervisor & manager giving the employee a written response on the 1767, and file grievances if not abated. **Also, if not abated and management retaliates employees should file a complaint and discrimination complaint with OSHA via [osha.gov](https://www.osha.gov).** (Temporary Emergency Standards, like EFEL, are set to expire at the end of September)

OWCP Claims for the job injury related to COVID have been made easier for postal workers diagnosed with COVID-19 to file for compensation. Employees diagnosed with COVID-19 carrying out duties that require contact with the public or co-workers are considered "proximately caused" by employment. If an employee previously had a COVID claim denied they may request their case be reviewed under the new rules. If an employee believes he/she contracted COVID at work a CA-1 should be filed and a claim for Continuation of Pay checked off. While claims will be easier to prove now, the criteria for successful FECA claims (e.g, timely filing, establishing facts of injury, establishing performance of duty) still apply. While the causation issue may not be as difficult to prove the claim must still be supported by medical documentation. Visit [https://www.owcp](https://www.owcp.gov) and www.ecomp.dol.gov for more info and a video.

PMG's Reorganization reducing Districts, splitting Areas into Divisions, chopping managerial heads has only begun. More changes are expected in May causing managers to scramble to keep their jobs. DeJoy is also under fire from Congress because he will not release details of his plan to change delivery standards that will delay mail. Top officials won't answer questions on the impact of the drastic reorganization to workers. "It's bad enough if they know and won't say, it is worse if they actually do not know the impact of these radical changes," says Omar Gonzalez. The next phase of the PMG's plan is due in May just at the time negotiations begin for a new contract. **Coincidence?**