Medical Documentation for Sick Leave

The Employee and Labor Relations Manual

513.331 General

Except for unexpected illness or injury situations, sick leave must be requested on PS Form 3971 and approved in advance by the appropriate supervisor.

513.332 Unexpected Illness or Injury

An exception to the advance approval requirement is made for unexpected illness or injuries; however, in this situation the employee must notify appropriate postal authorities of his or her illness or injury and expected duration of the absence as soon as possible.

PS Form 3971, Request for or Notification of Absence, will be provided to the employee upon his or her return to duty.

513.341 General

Request for sick leave is made in writing, in duplicate, on PS Form 3971. If the absence is to care for a family member, this fact is to be noted in the Remarks section.

513.342 Approval or Disapproval

The supervisor is responsible for approving or disapproving requests for sick leave by signing PS Form 3971, a copy of which is given to the employee. If a supervisor does not approve a request for leave as submitted, the Disapproved block on the PS Form 3971 is checked and the reason(s) given, in writing, in the space provided. When a request is disapproved, the granting of any alternate type of leave, if any, must be noted along with the reason for the disapproval. AWOL determinations must be similarly noted.

513.36 Sick Leave Documentation Requirements

513.361 Three Days or Less

For periods of absence of 3 days or less, supervisors may accept the employee’s statement explaining the absence. Medical documentation or other acceptable evidence of incapacity for work or need to care for a family member is required only when the employee is on restricted sick leave (see 513.39) or when the supervisor deems documentation desirable for the protection of the interests of the Postal Service. Substantiation of the family relationship must be provided if requested.
513.362 Over Three Days

For absences in excess of 3 days, employees are required to submit medical documentation or other acceptable evidence of incapacity for work or of need to care for a family member and, if requested, substantiation of the family relationship.

513.363 Extended Periods

Employees who are on sick leave for extended periods are required to submit at appropriate intervals, but not more frequently than once every 30 days, satisfactory evidence of continued incapacity for work or need to care for a family member unless some responsible supervisor has knowledge of the employee’s continuing situation.

513.364 Medical Documentation or Other Acceptable Evidence

When employees are required to submit medical documentation, such documentation should be furnished by the employee’s attending physician or other attending practitioner who is performing within the scope of his or her practice. The documentation should provide an explanation of the nature of the employee’s illness or injury sufficient to indicate to management that the employee was (or will be) unable to perform his or her normal duties for the period of absence. Normally, medical statements such as “under my care” or “received treatment” are not acceptable evidence of incapacitation to perform duties.

Supervisors may accept substantiation other than medical documentation if they believe it supports approval of the sick leave request.

513.365 Failure to Furnish Required Documentation

If acceptable substantiation of incapacitation is not furnished, the absence may be charged to annual leave, LWOP, or AWOL.

513.391 Reasons for Restriction

Supervisors or installation heads who have evidence indicating that an employee is abusing sick leave privileges may place the employee on the restricted sick leave list. In addition, employees may be placed on the restricted sick leave list after their sick leave use has been reviewed on an individual basis and the following actions have been taken:


b. Review of the absence file by the immediate supervisor and higher levels of management.

c. Review of the absences during the past quarter of LWOP and sick leave used by employees. (No minimum sick leave balance is established below which the employee’s sick leave record is automatically considered unsatisfactory.)

d. Supervisor’s discussion of absence record with the employee.

e. Review of the subsequent quarterly absences. If the absence logs indicate no improvement, the supervisor is to discuss the matter with the employee to include advice that if there is no improvement during the next quarter, the employee will be placed on restricted sick leave.
Supervisors provide written notice to employees that their names have been added to the restricted sick leave listing. The notice also explains that, until further notice, the employees must support all requests for sick leave by medical documentation or other acceptable evidence (see 513.364).

**M-01597**

December 19, 2006

Mr. Gary H. Mullins  
Vice President  
National Association of Letter Carriers, AFL-CIO  
100 Indiana Avenue, NW  
Washington, DC 20001-2144

Dear Gary:

This is in further reference to our conversation regarding your December 1 correspondence concerning supervisory activation of the “Doesn’t Deserve” option in eRMS and the Restricted Sick Leave List (RSL List) provisions of ELM Section 513.39.

As noted in our June 20 response to a previous NALC inquiry that included this issue, a supervisor’s determination that medical documentation or other acceptable evidence of incapacitation is desirable for the protection of the interest of the Postal Service must be made on a case by case basis, must be consistent with the provisions of ELM 513.361 and may not be arbitrary, capricious, or unreasonable.

Availability of this eRMS option does not expand or diminish supervisory authority, or change policy concerning medical documentation in any way. We are developing an eRMS enhancement to ensure system users are advised of this.

Please contact John Cavallo at (202) 268-3804 if you have additional questions concerning this matter.

Sincerely,

A.J. Johnson  
Manager  
Labor Relations Policy and Programs
514 Leave Without Pay

514.1 Essential Features

The following definitions apply for the purposes of 514:

a. **LWOP** is an authorized absence from duty in a nonpay status.
b. **LWOP** may be granted upon the employee’s request and covers only those hours that the employee would normally work or for which the employee would normally be paid. FLSA–exempt employees must take LWOP in 1–day increments except when they are taking leave protected under the Family and Medical Leave Act (FMLA).
c. **LWOP** is different from **AWOL** (absent without leave), which is a nonpay status due to a determination that no kind of leave can be granted either because (1) the employee did not obtain advance authorization or (2) the employee’s request for leave was denied.

M-00707

Mr. Thomas D. Riley  
Assistant Secretary-Treasurer  
National Association of Letter Carriers,  
AFL-CIO  
100 Indiana Avenue, NW  
Washington, DC 20001

Re:  J. Hart  
Green Valley, AZ  
NC-W-11971/W-224-78N

Dear Mr. Riley:

On October 12, 1978, we met with you to discuss the above-captioned grievance at the fourth step of our contractual grievance procedure.

The matters presented by you as well as the applicable contractual provisions have been reviewed and given careful consideration.

By copy of this letter, local management is instructed to change the 8 hours of LWOP to sick leave and compensate the grievant at the appropriate rate for January 10, 1978. This decision is based solely on the fact that the grievant was charged LWOP, which is approved leave, rather than AWOL. Based on the granting of the subject sick leave, we consider this grievance to be resolved and closed.

Sincerely,

Daniel A. Kahn  
Labor Relations Department