

**Issue: Physical/Mental Inability To Perform Duties of Position<sup>3</sup>**  
**Articles 16, 19, 13, and 3**

<b>Documentation</b>	<b>Explanation</b>
All grievance paperwork	All paperwork developed and utilized in grievance procedure
Written Notice of Removal	Basis for dispute. Should also set forth management reasons on why employee's inabilities prohibit him/her from working. Keep in mind management's obligations regarding permanent light duty and/or reasonable accommodation.
Applicable rules and regulations. Would include excerpts from: chapters 3 & 5 of the ELM; chapters 2 & 3 of the EL-311; and appropriate parts of management guidelines, EL-307	Union needs to ensure management followed proper procedure and existing regulations regarding an employee's options, just cause, and reasonable accommodation
Written correspondence from management regarding employee's medical problems or inability	Many times management will send an "Options" letter or some other letter attempting to intimidate the employee
Seniority list and employee's most recent Form 50	Tells us seniority of employee and under what conditions employee hired
Employee's training records	Establishes skills, qualifications, and abilities of employee. May help to prove work available for employee
Employee's current job or assignment	Establishes what is required of the employee. Keeps management from requiring more than the job demands
Applicable medical documentation from all sources. This would include fitness for duty exams, OWCP, return to work release, medical referrals, pre-employment medical examination, etc.	Union must have clear and complete medical picture on what grievant can and cannot do. It is important to prove medical documentation has considered and addressed employee's job
Earlier light or limited duty requests/denials and assignments	If employee accommodated earlier, what has changed? If not, why not?
Written history of employees currently on light/limited duty which includes duration, work involved, and medical limitations	Disparity or unequal treatment
If applicable, hours worked by casuals or T.E.s	Should only include work employee can do. Helps show work available which employee can do
Applicable case law. Remember difference between precedent and persuasive value	Strengthens case through Step 4s, national arbitrations or pre-arbs, regional arbitrations or pre-arbs. Cites must be on point

<sup>3</sup>Deals with removal actions.