

APWU Policy on EEO, MSPB, and OWCP Representatives



It is the policy of APWU that **no union representative is authorized by the national union** to represent individual bargaining unit members (or other postal workers) in Equal Employment Opportunity (EEO), Merit Systems Protection Board (MSPB), or Office of Workers' Compensation Programs (OWCP) matters in their official capacity. **Formally representing individuals in these specialized areas outside of the APWU collective bargaining agreement (CBA) and labor law comes**

with different responsibilities and personal liability for the representative and can open up representatives to lawsuits or complaints over their representation. It is up to those who offer representation services to know what they are doing, as **they can be personally sued and held liable for mistakes in their representation.** For this reason, the APWU does not train union representatives to handle EEO, MSPB, or OWCP claims due to the risk of liability to those individuals and the APWU. The training and information that the APWU *does* offer in these areas is intended to familiarize members and representatives with postal EEO, MSPB, and OWCP processes and how they can be used by postal workers. This information is available free of charge to members.

EEO, MSPB, and OWCP claims are important methods for postal workers to protect their individual rights. **They are legal administrative claims that are not covered by the APWU CBA.** You do not need a representative to file an EEO, MSPB, or OWCP claim, and if a postal worker seeks representation, they can choose their own representative. **Unlike the grievance procedure, the APWU is not legally required to represent bargaining unit members in EEO, MSPB, and OWCP claims.** The APWU's only official role in these proceedings is to review settlements to ensure that they do not conflict with other employees' rights under the APWU CBA.

It is a personal decision for a postal worker to hire a representative. **You and your representative are responsible for how your claims are handled in the EEO, MSPB, and OWCP claims process, not the APWU.** If you hire a representative, you are in charge of what your representative does for you, what they say on your behalf, and the terms under which they work for you. Even if you find a representative *through* the APWU, the union is not responsible or liable for how the representative does their job. The APWU is also not responsible for paying a representative's fees or expenses. If you hire someone who is also an APWU representative to be your representative in an EEO, MSPB, or OWCP matter, the union official is not allowed to handle your EEO, MSPB, or OWCP claim at the same time that they are working for the APWU.

APWU National can refer qualifying members to an OWCP advocate whom they can retain directly for certain OWCP appeals. Contact the APWU Human Relations Department for more information. Some locals may have similar referral programs that they run independently from the national union. Contact your local for more information.