



United States of America  
**OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION**  
1120 20<sup>th</sup> Street, N.W., Ninth Floor  
Washington, DC 20036-3457

SECRETARY OF LABOR,

Complainant,

v.

U.S. POSTAL SERVICE (SEATTLE, WA),

Respondent.

OSHRC Docket No. 08-1547

**BRIEFING NOTICE**

The Commission requests that the parties brief the following issue with respect to employee A.R.'s injury/illness:

What are the implications of the confidentiality requirements of the Family and Medical Leave Act ("FMLA") of 1993, 29 U.S.C. § 2601, and its implementing regulations regarding the obligations of the United States Postal Service ("USPS") under 29 C.F.R. § 1904.29(b)(2) and (b)(3)? Specifically, in light of those confidentiality requirements, is the USPS required to record A.R.'s injury/illness on its OSHA recordkeeping logs?

All briefs are to be filed in accordance with Commission Rule 93.<sup>1</sup> The first brief is to be filed within 40 days of this notice.

A party who does not intend to file a brief must notify the Commission in writing setting forth the reason therefore within the applicable time for filing briefs, and shall serve a copy on all other parties. The time for filing briefs (or similar notices of intent) of

---

<sup>1</sup> The Commission requests that all briefs include an alphabetical table of authorities with references to the pages on which they are cited, and that an asterisk be placed in the left-hand margin of the table to indicate those authorities on which the brief principally relies. The Commission also requests that copies of cited authority other than statutes, case law, law journal articles and legal treatises, be provided to the Commission and to the opposing party. Parties should be cautioned that these materials will be considered only if appropriate.

opposing parties shall commence on the date of service.

BY DIRECTION OF THE COMMISSION

Dated: May 21, 2010

/s/ \_\_\_\_\_  
Ray H. Darling, Jr.  
Executive Secretary