

United States Postal Service

§ 255.1

Accounting Office Building, Washington, DC 20260, with a memorandum of explanation.

(d) *Public use of restrooms.* Restrooms off public corridors shall normally be kept open during regular hours of business for the benefit of the public. Where vandalism or loitering cannot be controlled, postmasters may lock restrooms, furnishing those agencies served by the restrooms, keys for employee use. This shall not be construed to permit access by nonpostal personnel to restrooms in restricted postal areas.

(e) *Letter drops.* At all except fourth-class post offices, provide a regulation letterbox for depositing mail in front of or next to the post office. Show collection time schedules on letterboxes. At fourth-class offices, if a letterbox is not supplied, provide a slot in the outer post office door. When messengers or star route carriers have access to lobbies, door slot deposits must lead to a locked box.

(f) *Hour signs.* Display hours of window service prominently at all first-, second-, and third-class post offices, classified stations and branches, and annexes. Use Sign 41, Hours decal set, available in supply centers.

(g) *Service of process on postal premises.* Postmasters or other installation heads shall permit service on postal premises of civil and criminal process affecting employees in personal matters, when such service of process will not interfere with postal operations. Process servers should be directed to the postmaster's or installation head's office, where the employee will be called in and service made. Section 265.10 of this chapter contains rules regarding compliance with subpoenas, court orders, and summonses where official business or official records are involved.

(h) *Public service areas—prohibited items.* Photographs of an incumbent or former President or Postmaster General are not to be displayed in post office lobbies or in common use public service areas such as elevator lobbies and corridors in facilities owned by or leased to the Postal Service. Further, such photographs are not to be

requisitioned or purchased by postal installations at Postal Service expense.

(39 U.S.C. 501)

[36 FR 4765, Mar. 12, 1971, as amended at 39 FR 38376, Oct. 31, 1974; 40 FR 8820, Mar. 3, 1975; 42 FR 33722, July 1, 1977; 44 FR 39854, July 6, 1979]

General Postal Administration

PART 255—ACCESS OF HANDICAPPED PERSONS TO POSTAL SERVICES, PROGRAMS, FACILITIES, AND EMPLOYMENT

Sec.

255.1 Discrimination against handicapped persons prohibited.

255.2 Special arrangements for postal services.

255.3 Access to postal facilities.

255.4 Other postal regulations; authority of postal officials and employees.

AUTHORITY: 39 U.S.C. 101, 401, 403, 1001, 1003, 3403, 3404; 29 U.S.C. 791, 794.

SOURCE: 50 FR 14102, Apr. 10, 1985, unless otherwise noted.

§ 255.1 Discrimination against handicapped persons prohibited.

(a) *Policy.* Postal Service policy is to comply fully with sections 501 and 504 of the Rehabilitation Act of 1973, and other applicable laws. Accordingly, no otherwise qualified handicapped individual shall, solely by reason of his or her handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity operated by the Postal Service, or in employment.

(b) *Definition.* For purposes of paragraph (a) of this section, the term *handicapped* applies to a person who has, has a record of, or is regarded as having, a physical or mental impairment which substantially limits one or more of such person's major life activities.

(c) *Customer Service Complaints—(1) How made.* Complaints by or on behalf of otherwise qualified handicapped customers who believe that they have been discriminated against in the provision of postal services solely by reason of their handicap may be made in accordance with Domestic Mail Manual 114.1. The customer should provide, or

be willing to provide upon request, sufficient information regarding the matter to permit a complete examination of all of the relevant circumstances concerning the complaint.

(2) *Exhaustion of Administrative Remedies.* See Domestic Mail Manual 114.14.

(3) *Resolution.* A local official receiving a complaint of unlawful discrimination against a handicapped person, such as a refusal to serve an otherwise qualified customer solely because of the customer's handicap, must handle it in accordance with existing regulations and procedures for resolution of customer complaints, including the time limits prescribed in or under § 255.1(c)(4). The steps taken by the official should include an initial review of the complaint to determine whether further investigation is necessary to resolve the complaint, or whether immediate action can be taken to remedy any illegal discrimination that may be occurring. Such corrective action as is determined to be necessary to resolve the complaint should be taken as soon as possible. The complainant should be notified promptly of the action taken; if the matter cannot be resolved quickly, appropriate interim reports, including an acknowledgment of receipt of the complaint, should be furnished to the complainant. Replies to written complaints must be in writing; replies to nonwritten complaints may be in writing or any other appropriate medium. If a complaint claims that discrimination has resulted from the lack of special arrangements for handicapped persons, the complaint should be handled in accordance with § 255.2(b) or § 255.3(b), as appropriate. Legal advice on whether a particular complaint seeks to end unlawful discrimination or to request special arrangements may be sought from the Regional Counsel.

(4) *Time Limits.* If a complaint cannot be resolved within fifteen (15) days the customer must be sent a written acknowledgment of the receipt of the complaint. If the complaint cannot be resolved within thirty (30) days of its receipt, the customer must be sent an interim report in writing, including a statement of when the matter is expected to be resolved. Whenever it appears that a complaint cannot be re-

solved within sixty (60) days of its receipt, a written report and explanation must be submitted to the appropriate Regional Office, and to the Consumer Advocate, U.S. Postal Service, Washington, DC 20260-6320. Local managers may prescribe shorter time limits for complaint responses within their area of responsibility by memorandum or other appropriate written directive.

(5) *Automatic Review.* If an associate office postmaster or management sectional center manager proposes to deny a request by a handicapped customer for a special arrangement or the alteration of a facility, the proposed decision shall be submitted to the next higher level of management (if the request is for a special arrangement) or to the appropriate Field Real Estate and Buildings Office (if the request is for the alteration of a facility). The customer shall be notified of the approved decision. No review under this provision limits the customer's right of appeal to the Consumer Advocate under Domestic Mail Manual 114.14.

(6) *Appeal.* See Domestic Mail Manual 114.14.

(d) *Postal Employment.* Discrimination against otherwise qualified handicapped postal employees or job applicants is prohibited, under section 501 of the Rehabilitation Act of 1973, 29 U.S.C. 791, and by implementing regulations promulgated by the Equal Employment Opportunity Commission and the Postal Service. Complaints of discrimination against handicapped applicants or employees may be made in accordance with the procedures prescribed in the Employee and Labor Relations Manual (ELM) concerning Equal Employment Opportunity, which apply to discrimination against handicapped persons.

§ 255.2 Special arrangements for postal services.

(a) *Policy.* The Postal Service offers all of its services to all of its customers without discrimination. Customers who would have difficulty using or be unable to use certain services may be eligible under postal regulations for special arrangements. Some of the special arrangements that the Postal Service has authorized are listed below.

No customer is required to use any special arrangement offered by the Postal Service, but a customer's refusal to make use of such special arrangement does not require the Postal Service to offer other special arrangements to that customer.

(1) *Carrier Delivery Services and Programs.* See Domestic Mail Manual 155.262.

(2) *Postal Retail Services and Programs—(i) Stamps by Mail.* See Postal Operations Manual 145.

(ii) *Retail Service from Rural Carriers.* See Domestic Mail Manual 156.41.

(iii) *Self-Service Postal Centers.* Self-Service Postal Centers (SSPCs) contain vending equipment for the sale of stamps and stamp items, and parcel and letter deposit boxes. See Postal Operations Manual 154. Many SSPCs are accessible to individuals in wheelchairs. Customers may obtain information concerning the nearest such SSPC from their local post office.

(iv) *Postage-Free Mailing for Certain Mailings.* See Domestic Mail Manual parts 135 and 115.24, and International Mail Manual 225.

(b) *Inquiries and Requests—(1) How made:* Customers wishing further information about special arrangements for particular postal services may contact the postmaster or other local postal official responsible for such service.

(2) *Response.* A local official receiving a request for special arrangements must provide the customer with any such arrangements as are required by postal regulations and must notify the customer of the special arrangements. If no such special arrangements are required, the responsible official may take such actions to accommodate the customer as are within his or her authority to provide under postal regulations, if he or she determines that doing so would be reasonable, practical, and consistent with the economical and proper operation of the program or activity for which he or she has budgetary responsibility. Every customer who requests special arrangements shall be notified promptly of the determination made and the reasons therefor. If a determination cannot be made quickly, appropriate interim reports, including an acknowledgment of receipt of the request, must be fur-

nished to the customer. Replies to written requests must be in writing; replies to nonwritten requests may be in writing or any other appropriate medium.

(c) *Exhaustion of Administrative Remedies and Appeal.* See Domestic Mail Manual 114.14.

§ 255.3 Access to postal facilities.

(a) *Policy—(1) Legal and Policy Requirements.* It is Postal Service policy to comply fully with the physical access requirements of the Architectural Barriers Act of 1968, as amended. Pursuant to that Act, the Postal Service designs, constructs, and alters its facilities in accordance with its published standards for access to postal facilities. Such standards are contained in Handbook RE-4, Standards for Facility Accessibility by the Physically Handicapped, single copies of which may be obtained free of charge by writing to the Real Estate and Buildings Department, U.S. Postal Service Headquarters, Washington, DC 20260-6400. In general, the Postal Service's access standards apply prospectively to all newly constructed facilities, and to all new alterations of certain features of existing facilities, regardless of whether the facilities are owned or leased, and regardless of whether the alteration is required or discretionary. In addition, the Postal Service remodels facilities for handicapped access whenever such remodeling is legally required under section 501 of the Rehabilitation Act of 1973 as a "reasonable accommodation" to handicapped employees or applicants. Moreover, where handicapped persons are employed or are to be employed, their work areas are required by postal policy to be altered in accordance with Postal Service access standards to make them accessible to the handicapped employees. At every available opportunity, accessible facilities must be selected for lease or purchase, where cost is at an acceptable level, and such facilities provide desirable working conditions, a maximum degree of convenient and efficient postal services, proper access to existing and future air and surface transportation facilities, and control of postal costs (see 39 U.S.C. 101(g) and 403(b)(3)). For purposes of the preceding

sentence, a facility and its elements are considered “accessible” if they comply with any handicapped access code which has been adopted by any government agency or recommended by the American National Standards Institute, and if any needed off-street parking is provided.

(2) *Discretionary Modifications.* The Postal Service may also modify facilities not legally required to conform to the Barriers Act’s standards when it determines that doing so would be consistent with efficient postal operations. Not all facilities are required to conform to the standards adopted under the Act. In determining whether modifications not legally required should be made, due regard is given to:

- (i) The cost of the discretionary modification;
- (ii) The number of customers to be benefited by the modification;
- (iii) The inconvenience, if any, to the general public;
- (iv) The anticipated useful life of the modification to the Postal Service;
- (v) If the facility is leased, whether the lease would require the Postal Service to restore the premises to their original condition at the expiration of the lease, and, if so, the possible cost of such restoration;
- (vi) The historic or architectural significance of the property in accordance with paragraph (a)(4) of this section;
- (vii) The availability of other options to foster service accessibility; and
- (viii) Any other factor that may be relevant and appropriate to the decision.

(3) *Handicapped Parking.* Handicapped parking restrictions must be rigorously enforced by the installation’s Security Control Officer. Where members of the U.S. Postal Security Force are not available to exercise the powers of special policemen under 40 U.S.C. 318, local postmasters and installation heads must, pursuant to 40 U.S.C. 318b and with the approval of the chief postal inspector or his designee, seek the assistance of state and local enforcement agencies to insure that these restrictions are enforced. See 39 CFR 232.1(q).

(4) *Historic Preservation.* Postal Service policy is to comply with the requirements of the National Historic

Preservation Act of 1966, Executive Order 11593, and the procedures prescribed by the Advisory Council on Historic Preservation in 36 CFR Part 800 (1984) as they pertain to the modification of historic and architecturally significant properties.

(5) *Blind Vendor Facilities.* See Employee & Labor Relations Manual 614 (Issue 6, 5-20-81).

(b) *Inquiries and Requests*—(1) *How made.* Inquiries concerning access to postal facilities, and requests for discretionary alterations of postal facilities not covered by the access standards, may be made to the local postmaster or to the manager of the facility involved.

(2) *Response.* The official contacted, if authorized to do so, must determine, in consultation with appropriate supervisors, whether the facility is required to be modified to conform to access standards, and if it is not, whether discretionary alterations should be made. If the facility is required to be modified, arrangements for the required alterations must be made as soon as practicable. If modifications are not required, discretionary alterations may be made, on a case-by-case basis, in accordance with the criteria listed in paragraph (a)(2) of this section. Every customer who requests modifications must be notified promptly of the determination made and the reasons therefor. If a determination cannot be made quickly, appropriate interim reports, including an acknowledgement of the request, must be furnished to the customer. Replies to written requests must be in writing; replies to nonwritten requests must be in writing or any other appropriate medium.

(c) *Exhaustion of Administrative Remedies and Appeal.* See Domestic Mail Manual 114.14.

§255.4 Other postal regulations; authority of postal officials and employees.

This part 255 supplements all other postal regulations. Nothing in this part is intended either to repeal, modify, or amend any other postal regulation, to authorize any postal official or employee to violate or exceed any regulatory limit, or to confer any budgetary authority on any postal official

or employee outside normal budgetary procedures. Officials or employees receiving complaints which they lack authority to resolve must promptly refer any such complaint to a higher-level or more appropriate official or employee, and at the same time must notify the customer of the name of the person who is handling the complaint.

PART 259—SERVICES PERFORMED FOR OTHER AGENCIES

Sec.

259.1 Government.

259.2 Red Cross.

§ 259.1 Government.

(a) *Policy.* The Postal Service cooperates with Federal Agencies whenever the overall costs to Government will be reduced. Assistance in a number of special projects and programs is provided when the knowledge and abilities of postal employees are helpful.

(b) *Reimbursement.* The Postal Service establishes reasonable fees and charges for nonpostal services performed for agencies of the Federal as well as State governments. In establishing such fees and charges, the Postal Service considers the value of time of the personnel directly involved in the performance of the service, including direct supervision and supporting functions, plus the cost of materials and supplies specifically sold, used or consumed. Also included is an element representing a reasonable share of Postal Service general overhead costs which are not attributable or assignable specifically to any product or service. The establishment of such fees and charges shall be reasonably consistent with the methods employed in establishing rates and fees for postal services then in effect.

(c) Except as provided in paragraph (d) of this section, arrangements for Postal Service participation in special surveys, censuses, and other activities must be made between the national headquarters of the requesting agencies and the Customer Services Department, U.S. Postal Service, Washington, DC 20260. Refer all requests to the Regional Postmaster General for forwarding to Headquarters. Authority to perform services for Government agencies is announced in the Postal Bulletin or

by individual letters to the offices involved.

(d) *Housing Vacancy Surveys—(1) General.* An interagency agreement between the U.S. Postal Service (USPS) and the Federal Home Loan Bank Board (FHLBB) establishes the terms and conditions and reimbursement rates under which USPS will conduct Housing Vacancy Surveys in City Delivery offices when requested by FHLBB.

(2) *Restrictions.* The Agreement only authorizes the disclosure of aggregate statistical data. Postal managers must not permit the name or address of any past or present postal patron, or any other person to be disclosed unless such disclosure is authorized in writing by USPS Regions or Headquarters and is not in violation of 39 U.S.C. 412.

(3) *Postmaster's Responsibility.* (i) A postmaster will receive notification from FHLBB when his office has been selected to conduct a Housing Vacancy Survey. Normally, written notification will be mailed to the postmaster 30 days in advance of the date FHLBB would like USPS to conduct the survey, since USPS is under no obligation to use overtime or auxiliary assistance to conduct these surveys. The postmaster or his designee will schedule the survey on or near the date requested and will promptly reply to FHLBB so that the necessary forms will be provided on time.

(ii) All necessary forms and instructions will be supplied directly to each post office to be surveyed. Postmasters will designate a manager in each delivery unit to coordinate the survey within the unit and to review completed survey forms for accuracy.

(iii) FHLBB may request USPS to perform special or emergency surveys with less than 30 days advance notice. Since FHLBB has agreed to reimburse USPS at twice the normal rates for promptly performing such surveys, every reasonable effort should be made to accommodate such requests in a timely manner.

(iv) Housing Vacancy Surveys will not be conducted during the month of December of any year.

(v) Postmasters will notify the Office of Delivery and Collection, Washington, DC 20260, of the number of each