You may wonder why the title of this publication is “NAPS Wake Up Call.” Well the idea came from a friend who stated to me. “EAS employees better wake up and smell the roses!” The Postal Service tends to take advantage of EAS, because they are so busy keeping up with the craft contract and their day-to-day duties and responsibilities they seldom think about their own rights. That is until they are facing a corrective or adverse action.”

This publication is information compiled from the collective references of U S Postal Service Manuals, Letters accumulated from the NAPS Consultative process; minutes from the National NAPS Executive Board meetings, general inquiry responses and articles from the Postal Supervisor Newsletter.

The Wake Up Call is dedicated to all NAPS members and it is my hope that everyone reading this booklet is a member!

*Marilyn J. Walton, NAPS
Western Region Vice President*
ADVERSE ACTION APPEALS 650 PROCEDURES *(650 adverse action appeals would apply for EAS who are not eligible for appeal to the Merit System Protection Board (MSPB) the appellant can receive DDF assistance if a member of NAPS if a member 90 days prior to being notified of the action)*

Adverse actions are defined as discharges, suspensions of more than 14 days, furloughs without pay, and reduction in grade or pay.

Notice:
The employee’s immediate supervisor issues a written notice of proposed adverse action. This notice includes (a) the action proposed, with specific and detailed reasons; (b) the instructions for responding to the notice; (c) a statement of the right of the employee or representative to review all material relied upon in proposing the action and when and where the material is available for review; and (d) the name of the official rendering the decision. The proposal also advises the employee that a reasonable amount of official time is allowed for the preparation and presentation of reply if the employee is otherwise in a duty status and that the proposed action will be effected no sooner than 30 calendar days after the employee receives the notice.

Response:
The employee or representative may respond to the adverse action in writing, in person, or both to the deciding official or designee identified in the notice. The time frame is 10 days.

Decision:
The decision-making authority who must be higher in authority than the proposing official considers the employee’s response and gives a written decision, including reasons for the decision, as soon as possible but no later than 60 days. If the decision is to effect the adverse action or to modify it to a lesser penalty, the employee’s appeal rights, including Merit Systems Protection Board (MSPB) appeal rights, if applicable, are stated. *(NAPS is currently is discussion with USPS to review NAPS proposal to change some of the language in ELM 650)*

Alternative Dispute Resolution 652.5
The Postal Service supports the use of the Alternative Dispute Resolution (ADR) process of mediation to address employee appeals relating to no bargaining disciplinary actions. Participation in mediation by an appellant is voluntary.

Annual Leave Exchange for Non-bargaining Employees
Effective with the Martin Luther King Holiday, January 19, 2004, some EAS employees will be eligible for the Holiday/Annual Leave Exchange option (code 028) that is currently available to craft employees. Here are the rules:

1. Non-exempt and Special Exempt Rate Schedule Code (RSC) E and RSC F employees are eligible. Exempt RSC E employees are not eligible.

2. Non-exempt RSC E and RSC F employees have the same rules as craft employees.

3. Special Exempt RSC E employees are required to have 8 hours work (code 052) on their holiday or designated holiday to be eligible. If they have less, code 028 will not be accepted.

ARBITRATOR ADR DECISIONS - Recently, NAPS received word that arbitrators and Alternate Dispute Resolution (ADR) teams are handing down decisions that involve action on the part of supervisors and managers. These decisions include, among other actions, orders to apologize to craft employee(s) for an alleged incident; mandatory attendance at sensitivity training; issuance of Letters of Warning and other discipline; and, in rare cases, a request that adverse action be taken against the supervisor or manager. Arbitration and ADR cases concern the craft, not EAS employees. When an arbitrator goes beyond his authority in deciding against EAS employees, supervisors and managers are not bound by these decisions. ADR decisions involving EAS supervisors and managers should be recommendations, not orders for apologies or attendance at training sessions when the supervisor or manager truly believes he or she is innocent of any wrong doing and should use the 650 appeal procedures to challenge such orders. *(Ref. De.18, 2001 Vol 92 #25 TPS)*
ATTORNEY-CLIENT PRIVILEGE – The Postmaster Association was granted attorney-client privilege for their representatives. NAPS was granted the same privilege if the charge is not criminal in nature or the case does not go to court. If those circumstances prevail then the privilege can be revoked.

BOG – USPS BOARD OF GOVERNORS – The Board of Governors of the U.S. Postal Service consists of nine Governors who are appointed by the President with the advice and consent of the Senate. The nine Governors select a Postmaster General, who becomes a member of the board. The Board directs the exercise of the powers of the Postal Service, directs and controls its expenditures, reviews it practices, conducts long-range planning, and sets policies on all postal matters. The Board takes up matters such as service standards, capital investments and facilities projects exceeding $10 million. If also approves officer compensation.

DISCOVERY - Method by which a representative requests all information used to document the corrective or adverse action. The information is requested in writing to the listed manager on the appeal portion of action letter.

DISCLOSURE DAY
First comes tax day — then SF 278 day
Some senior USPS employees have another form to complete after filing their tax returns, due April 15. By May 16, postal executives and managers earning a base salary of $103,700 or more last year must submit a completed Public Financial Disclosure Report (SF 278) to the Chief Counsel, Ethics and Federal Requirements, in the USPS Law department at headquarters.

Those who must file should receive an SF 278 package at their home address by April 4. If the documents have not arrived by that time, filers are asked to call the Ethics Helpline at 202-268-6346, or send an e-mail to ethics.help@usps.gov.

A return envelope is included in the SF 278 package. This year no hard copy of the form is provided, so filers will need to obtain it online. To get the form and to view the entire package, go to: http://blue.usps.gov/uspslaw/Headquarters/Civil/EthicsInfo/advisors.htm.

DUES CHECK OFF LIST (DCO) – Monthly statement received from the National NAPS Office listing all members of the local or state branch currently paying NAPS dues through payroll deduction. Finance numbers for the branch lists the members. Beginning January 2005 all NAPS branches are required to have direct deposit of branch DCO checks.

DELIVERY UNIT OPTIMIZATION (DUO)
Delivery Unit Optimization (DUO) is a guideline designed to increase operational efficiencies by relocating delivery operations into “hub facilities” within a district. A sophisticated, patent-pending mapping tool, created by the Postal Service Facilities group, searches for candidate offices within a district using specific criteria, including offices with nine or fewer routes that are located within a 5-20 mile radius from an identified hub facility, and offices serviced from the same processing and distribution center. The hub office is typically a larger, office with excess interior and exterior space to accommodate increased personnel, workload and transportation. Postal Service savings are based on economies of scale. The benefit is increased operational efficiency. Decisions are made locally at the district level.
At the end of successful implementations of the DUO process, the result should be:
1. Offices retain their original identity
2. Offices are streamlined in delivery operations with more routes in less offices
3. Retail presence remains essentially unchanged
4. Distribution operations in receiving offices are expanded fully utilizing existing personnel
5. Transportation schedules and trips may be modified to meet changing conditions

In a letter dated February 14, 2011 from USPS HQ signed by Doug A. Tulino states the following: Postmasters and station managers whose EAS grade levels are reduced as a result of implementation of DUO will receive saved grade for two years and indefinite saved salary thereafter provided they adhere to the following:

- During the two year saved grade period affected Postmasters and station managers downgraded as a result of DUO should apply for lateral reassignment to vacant duty assignments at their saved grade/level within their commuting areas.
- During the two year saved grade period Postmasters and station managers downgraded as a result of DUO may be reassigned involuntarily to vacant assignments at their saved grade/level within their commuting areas. Salary protection for affected Postmasters and station managers who decline such involuntary reassignment will terminate at the beginning of the pay period following such refusal.
- If no lateral opportunity becomes available during the two-year saved grade period, affected Postmasters and station managers receive indefinite saved salary.
- These provisions apply only to Postmasters and station managers impacted by DUO.

650 GRIEVANCE - STEP A APPEAL PROCEDURES

Part 651 establishes procedure for (A) disciplinary action against nonprobationary employees who are not subject to the provisions of a collective bargaining agreement and (b) emergency action or conduct that also normally warrants disciplinary action.

Letters of Warning 651.5

When warranted by the failure of nondisciplinary corrective measures or by the seriousness of the offense, a letter of warning may be issued. Letters of warning are usually issued by the employee’s immediate supervisor. The written warning should contain (a) specific reasons for the letter and (b) a statement of applicable appeal rights. Letters of warning remain in the employee’s official personnel folder (OPF) for period of 2 calendar years unless otherwise resolved or cited in subsequent disciplinary action.

Letters of Warning in Lieu of Time-Off Suspensions 651.6

Letter of warning in lieu of time-off suspensions may be issued in lieu of either a 7-day or 14 day time-off suspension only. Unless required by stature, suspensions of more than 14 days are prohibited except for indefinite suspensions referenced in 651.7

Letters of warning in lieu of time-off suspensions are equivalent to time-off suspensions as an element of past discipline and may be cited as such in future disciplinary actions.

Notice:

Given by employee’s immediate supervisors includes (a) specific and detailed reasons for the letter; (b) instructions for responding to it; (c) the right of the employee or representative to review all material relied upon in the action; and (d) when, where, and from whom the material is available.

Response:

The employee and/or his or her representative may respond to the proposed letter of warning in lieu of time-off suspension in writing and/or in person to the deciding official (management at a higher level of authority
than the individual who issued the proposed letter of warning in lieu of time-off suspension) within 10 calendar days of receipt.

**Decision:**
The deciding official, after consideration of the facts of the case and the employee’s response, issues a letter of decision after the expiration of the 10-calendar day period for reply, but no later than 30 calendar days following the receipt of the employee’s response. The decision letter will advise the employee that he or she may appeal in writing within 15 calendar days of receipt of the letter of decision.

**Retention:**
Letters of warning in lieu of time-off suspensions remain in the employee’s OPF for 2 Years unless otherwise resolved or cited in subsequent disciplinary action.

Extension of time frames can be requested if there is a reason an appeal cannot be submitted timely. Request the extension in writing to the manager issuing the letter or request assistance from labor relations if the manager does not grant the extension.

**DISCIPLINARY DEFENSE FUND (NATIONAL DDF) REQUEST FOR REPRESENTATION:**
How to submit a case to DDF: Scialia & Associates, 453 Preakness Ave #5, Paterson, New Jersey 07502, is the NAPS DDF provider: Once your member receives the final decision letter the NAPS representative through discussion with the member regarding options and a decision by the member to seek DDF representation must provide the following documents into a file:

1) One to two page narrative of the case. 2) Letter of Proposed Adverse Action. 3) Letter of Decision (including responses) 4) MSPB Form 283 appeal, fill out the first two pages only. 5) Form must have the following information; appellant name, home address, home telephone number, appellant’s signature, Page 2 of form 283, veteran or non-veteran, years of service. 6) Employees Form 50. 7) Request for DDF representation found on NAPS training disk Sec 12.

If requestor is designating Sciallia & Associates as representative they must contact the Area VP and Sciallia in advance of submitting paperwork to MSPB. Case file is sent to Scialla, there is no need to send copy of file to NAPS HQ (however keep a copy for your own personal files).

All other information will be completed by Scialla Associates. All material must be received by Scialla Associates as soon as possible, as appeal must be filed within 30 days of effective date.

**DOUGLAS FACTORS**

_The burden is on the Agency to prove by preponderance that the penalty given was appropriate and comparable if the employee specifically challenges comparability._

**THE FACTORS ARE:**

1. The nature and seriousness of the offense and its relation to the employee’s duties, position, and responsibilities, including whether the offense was intentional or technical or inadvertent, or was committed maliciously or for gain, or was frequently repeated;

2. The employee’s job level and type of employment, including supervisory or fiduciary role, contacts with the public and prominence of the position;

3. The employee’s past disciplinary record;

4. The employee’s past work record, including length of service, performance on the job, ability to get along with fellow workers and dependability;

5. The effect of the offense upon the employee’s ability to perform at a satisfactory level and effect upon the supervisor’s confidence in the employee’s ability to perform assigned duties;
6. Consistency of the penalty with those imposed upon other employees for the same or similar offenses;

7. Consistency of the penalty with agency practices;

8. The notoriety of the offense or its impact upon the reputation of the agency;

9. The clarity with which the employee was on notice to any rules that were violated in committing the offense or had been warned about the conduct in question.

10. The potential for rehabilitation of the employee;

11. Mitigating circumstances surrounding the offense such as unusual job tensions, personality problems, mental impairment, harassment, or bad faith, malice or provocation on the part of others involved in the matter, and the adequacy and effectiveness of alternative sanction to deter such conduct in the future by the employee or others.

12. The adequacy and effectiveness of alternative sanctions to deter such conduct in the future by the employee or others.

**DEBT COLLECTION PROCEDURES** - Non-bargaining procedures for Debt Collection are found in Chapter 450 of the ELM and Chapter 11 on the NAPS training disk (NAPS Web page). Debt Collection Act covers any debt owed the Postal Service by a current postal non-bargaining employee i.e:

- Payroll related debts
- Recovery of amounts due under federal benefits programs
- Federal court ordered judgement of salary offset
- Improper or disallowed payment on a travel voucher
- Shortage in main stamp stock of stamp credit, or
- Improper salary payment

The Debt Collection Act provides appeal procedures:

- Non-bargaining employee is given a Debt Determination letter (not letter of demand this action is for craft employees)
- Employee can request reconsideration if they feel it is not their debt and can request all documents related to the debt held by USPS.
- USPS must notify the employee within 15 days that the debt is owed and sends a letter of Involuntary Offset.
- EAS must either pay the debt or file for hearing to stay the Involuntary offset (re-payment being withheld from their pay).

A hearing petition must be filed with the Recorder, Judicial officer Department of USPS Headquarters on or before the 15th calendar day following the receipt of the notice. *(the court is very strict that the 15 days must be met)*

At the hearing the EAS may be represented by NAPS. If a member in good standing, member can request DDF representation *(Retirees who were in good standing as a NAPS member at the time of retirement is also eligible to apply for National DDF).*

**HOW TO APPLY FOR DDF REPRESENTATION FOR DEBT COLLECTION**

Member receives notice of account receivable and Letter of Debt Determination.

Member requests all documents and records that determined member was responsible for Debt.

Agency responds reconsideration accepted or agency denies reconsideration.

Should reconsideration be denied agency will issue “Notice of Involuntary Salary Offset” The notice will advise member XXX number of dollars will be deducted from their pay each pay period.

Upon receipt of Notice of Involuntary Salary offset is received, send all of the above by express mail to
Scialla Associates immediately, as the time frame for filing a petition for an oral hearing is very short, 15 days from receipt.

Should the agency begin deducting from the members pay before a notice of Involuntary offset is received, notify your area vice president who will contact Scialla Associates, who will notify the Administrative Judge who will then issue a Notice to the agency to refund the money and issue the proper notification.

**DISPUTE RESOLUTION TEAM (DRT)**
The DRT team members are made up of a representative from management and a NALC representative. The DRT team is referenced by Article 15 JCAM and Article 19 of the EL901 NALC contract and is tasked with resolving grievances that have previously been unsuccessfully resolved at the local level. In the process of reviewing unresolved grievances there have been union allegations of line managers violating the joint statement on violence and this has resulted if documented by the unions paperwork to have occurred can result in the delivery supervisor being reassigned from supervising letter carriers and even working in the delivery unit if a hearing between the agency and union determines there has been a violation of the zero tolerance agreement or any other contract ional agreement that may affect carriers.

A DRT team decision provides no appeal for the EAS and requires the Postal Service to comply with the decision and to reassign the EAS to a non-supervisory assignment or to another location where there are no letter carriers.

**EMERGENCY PLACEMENT IN OFF-DUTY STATUS**
Emergency Placement in Off-Duty Status 651.4
An employee may be placed in a off-duty nonpay status immediately but remains on the rolls when he or she (a) exhibits characteristics of impairment due to alcohol, drugs or other intoxicant, (b) fails to observe safety rules, (c) fails to obey a direct order, (d) provides reason to be deemed potential injurious to self or others, or (e) disrupts day-to-day postal operations in any other way.
Placement in an off-duty nonpay status is confirmed in writing, stating the reasons and advising the employee that the action is appealable. The employee should be returned to duty after the cause for nonpay status ceases unless individual circumstances warrant otherwise. Use of these emergency procedures does not preclude disciplinary action based on the same conduct.

**ENFORCED LEAVE** – As defined by the Merit System Protection Board (MSPB) and some Federal Courts, the involuntary placement of a federal employee in some type of leave status, other than administrative leave for more than fourteen (14) days.


If a member is not allowed to return to work and finds they are in an enforced leave status they should not agree to accept annual or sick leave to cover the time if they plan to appeal the enforced leave. If the EAS accepts any paid leave this will void the claim of enforced leave and the MSPB appeal will most likely be rejected, as there will be no loss of pay to claim.

**EXEMPT**
Exempt employees- employees who are serving in positions that are exempt from and are not covered by the overtime provisions of FLSA because they are paid on a salary basis and are administrative, professional, or executive personnel (see 444.3 ELM). These include all employees occupying positions that are classified exempt as indicated in the Organization Management Staffing (OMSS) position directory.

**NON- EXEMPT EMPLOYEES** – employees who serve in positions that are covered by the overtime provisions of FLSA (see 444.1 ELM), namely all those positions that are not classified as exempt in 434.12a (ELM). This includes employees serving in nonexempt positions whose rate retention is based on an exempt position.

**ELIGIBLE FOR FLSA-EXEMPT EAS ADDITIONAL PAY (SPECIAL)**
FLSA special exempt employees in EAS-18 positions and below are eligible for EAS additional pay if authorized to work over 8.5 hours on a scheduled day or any hours on the nonscheduled day, even while on a temporary assignment such as to an OIC position. When authorized work exceed 8.5 hours on a scheduled day, EAS additional pay is received for the first half hour as well as for the authorized work over 8.5 hours. Regular FLSA-exempt employees in EAS-23 positions and below positions except postmasters and officers-in-charge are eligible during the designated Christmas period provided they are authorized to work over 8.5 hours on a scheduled day or any hours on a nonscheduled day and the additional hours are spent directly supervising bargaining unit employees in mail processing or delivery functions.

ELM 415  SALARY PROTECTION PROVISIONS /RATE RETENTION AND CHANGE TO LOWER EAS GRADE UPDATE (DATED MAY 2011)

- Saved Salary – provides that an employee assigned to a lower grade position whose higher grade salary does not fall within the salary range of the lower grade has this higher grade salary continued (saved) for as long as the saved salary is higher than the maximum salary of the lower grade position, the employee may receive pay-for-performance lump sums based on the policies applicable to employees at or above their salary range maximum. The saved salary is continued in accordance with postal policy or until it is terminated as specified in 415.5.
- Changes to Lower Grade during a RIF – Non-bargaining employees who are changed to a lower grade career non-bargaining position during RIF-related periods-I (RIF avoidance, specific RIF notice, 30-day non-duty, non-pay status and RIF retain their current grade and pay for a period not to exceed 2 years from the effective date of the change to the lower grade position. On expiration of the saved grade period, they are automatically reduced to the grade of their current position. If upon expiration of the saved grade period the employee’s salary is within the salary range for the lower grade, the salary is continued. However, if the salary exceeds the maximum of the new grade, the salary is immediately reduced to the grade maximum. This applies not only for changes to lower grade position within the EAS pay schedule but also when changes occur within or between other non-bargaining pay schedule (For further information, see 354.2)

FREEDOM OF INFORMATION ACT- Request for Information Under the Freedom of Information Act References: (a) Employee and Labor Relations Manual (ELM), § 314.543. Disclosure, Level 2 Records.(b) Administrative Support Manual (ASM), § 352.511. Inspection and Copying. IAW § 352.522 of the Administrative Support Manual, you are requested to make your determination to comply with or deny this request within 10 working days of your receipt. Duplication fees not to exceed $100 may apply.

FAMILY MEDICAL LEAVE (FMLA) – Source documents Publication 71 & Handbook EL-505
The Family and Medical Leave Act (FMLA) enables “eligible” employees of “covered” employers to take up to 12 weeks of unpaid leave for certain “family” and medical” needs during a 12-month period. Currently the agency is monitoring the proper documentation of FMLA request for leave. The supervisor/manager needs to closely monitor the use of proper documentation (including updating documentation) of all requesting employees.

INSURANCE (CAR) ON OFFICIAL TRAVEL
The next time you lease or rent a car for official travel, keep these things in mind. The Postal Service doesn’t reimburse travelers for collision or personal accident insurance. Vehicles leased for use on official Postal Service travel are covered by the military’s Surface Deployment and Distribution Command — a service provided to all federal agencies. However, to ensure coverage, leased or rented vehicles must meet the following criteria:

- Vehicle must be leased from a participating leasing company. Leasing companies accessed through Omega are all participating companies.
- Rental cost must be paid with the government travel card.
• Vehicle must be rented at a government rate.
• Vehicle type must be: compact, mid-size, full, mini-van, 15-passenger van or SUV (no trucks).
• Damage sustained must not be the result of operator negligence or conduct.

INVESTIGATIVE INTERVIEWS

ADMINISTRATIVE MATTER

1. No Right to Remain Silent – Unless Investigation could lead to Criminal Action and Employee in custodial situation
2. Typically Questions asked Relate to Job Related Misconduct and NOT Criminal Conduct

• CRIMINAL MATTERS: Right to Remain Silent
• MIRANDA – KALKINES - GARRITY WARNINGS

MIRANDA
• Interview Relates to own potential criminal –misconduct -remain silent (5TH-6TH Amendments) DO NOT Incriminate Oneself

KALKINES
• Usually criminal prosecution has been removed and employee is required to answer questions concerning performance of his/her duties or subject to Disciplinary Action.

GARRITY
• Required to give information on the voluntary basis in connection with his or her own administrative Misconduct and answers may be used in future criminal proceedings (must be told of Right to Remain Silent if answers may tend to incriminate him or her; that anything said may be used against him or her in either a Criminal or Administrative proceeding; and he or she cannot be disciplined for remaining silent.)

IN Voluntary Salary Offset – Notice of Involuntary Salary Offset is the procedure used by the Postal Service to recover an EAS debt after filing for re-consideration of the postal debt has been denied. (See Debt Collection Procedures)

IN Voluntary ReAssignments: One of the most frequent inquiries received by NAPS is complaints of Involuntary Reassignments. Before we tackle the involuntary issue, maybe we should discuss what is your assignment?
In a letter dated March 18, 1997 Subject Vacancy Announcement and EAS Applicant Notification states: “EAS Vacancy Announcements need to reflect the duty station, the starting and ending times and the non-scheduled days of the vacant position.”
Base on the above agreement then your work assignment of record is the one you bid on or were slotted into when your form 50 was processed. However if the form 50 does not reveal an assignment then it will be up to the local NAPS to work with the postal service to establish a guideline to comply with the policy. It will also be the responsibility of local NAPS to monitor all job postings to ensure the agency is complying with the agreement.
NAPS continues to receive complaints of EAS being Involuntary Reassigned. There is a guideline letter dated November 3, 1999, signed by Clarence Lewis. The Lewis letter was updated in January 14, 2002, by Pat Donahoe USPS COO. Check the NAPS webpage members section for additional updated letters.

INVOLUNTARY REASSIGNMENTS
- Allowed for legitimate operational reasons
- Allowed for developmental reasons
- Arbitrary or punitive reassignments – not appropriate
- Supervisor should be told of the nature of reassignment, objective and duration.
- Supervisor’s input should be considered
- Sufficient lead time provided where possible
- If Supervisor wishes, Local NAPS Representative advised of nature, purpose and duration of assignment.

When confronted with a manager who starts talking about “NAPS position” please be sure to tell them that it is not NAPS’ position, but the Postal Service’s position or policy that you are talking about!” (NAPS Memo dated 3-12-02 & NAPS download files).

INSURANCE (CAR) ON OFFICIAL TRAVEL
The next time you lease or rent a car for official travel, keep these things in mind.

The Postal Service doesn’t reimburse travelers for collision or personal accident insurance. Vehicles leased for use on official Postal Service travel are covered by the military’s Surface Deployment and Distribution Command — a service provided to all federal agencies. However, to ensure coverage, leased or rented vehicles must meet the following criteria:

- Vehicle must be leased from a participating leasing company. Leasing companies accessed through Omega are all participating companies.
- Rental cost must be paid with the government travel card.
- Vehicle must be rented at a government rate.
- Vehicle type must be: compact, mid-size, full, mini-van, 15-passenger van or SUV (no trucks).
- Damage sustained must not be the result of operator negligence or conduct.

Need to know more? See the Travel and Relocation handbook, F-15, Section 5-6.3.

JOB UPGRADES HOW TO MAKE THE REQUEST - For an EAS to seek a job upgrade a Job Evaluation Action Form 6802 should be filled out. The form can be found in Chapter 2 of the ELM, Job Evaluation, and Exhibit 215 (look in 1998 ELM or earlier). No longer available in updated electronic ELM.

The best way to deal with these requests is to have the originator take the request to his/her manager. If the manager is in agreement, the Form 6802 can be completed. On the form or an attached narrative, include all details regarding how the scope of the responsibility has changed since the position was last graded, and why it should be upgraded. It is important to note here that the Postal Service is not interested in how much the amount of work has increase only in how the scope has change. Although use of this form is optional, it’s best to use it because then you’ll be sure to include all the necessary information and signature.

Also keep in mind that if local management supports the efforts by signing off on the package for upgrade, it stands a better chance of being approved at headquarters. NAPS can then request the upgrade through the consultation procedure and follow up on the action.
(See memorandum dated 8-27-02 which adds additional Op codes for immediate upgrades not updated in the 2002 pay agreement)

LEAVE REQUEST (ADVANCE) - In a letter dated June 24, 2002 DeWitt O. Harris, VP Employee Resource Management wrote "National Association of Postal Supervisors President Vince Palladino has again expressed concern with unreasonable delays in processing leave request submitted by supervisors. If this is happening in your Area, we would appreciate your working with the operations managers to ensure that requests are handled in a timely manner. In instances where possible, please return the approved or disapproved PS Form 3971, Request for or Notification of Absence, to the supervisor within three business days.

LETTER OF CONCERN - Letters of Concern have not been issued for some time now. Simply stated, these letters are not part of any disciplinary procedure. Letters of Concern are not a formal notification and cannot be used as an element of past record. Anytime a manager notifies a supervisor in writing of an infraction accompanied by a warning of the possibility of further discipline, there must be an avenue of appeal. Reference (NAPS HQ response to inquiry dated June 13, 2001; ELM 650)

MEDIATION 652.52 (Update 11/02)
Area offices under guidelines issued by the manager, National EEO Compliance and Appeals Program, will implement mediation programs. Mediation programs will be implemented by Office of Workplace Enhancement at the Office of Inspector general.

Mediation for Letters of Warning in Lieu of Time-off Suspensions and/or Time-off Suspension. Employee may request mediation as an alternative to his/her right to respond to the deciding official as outline in Management Instruction EL-850-96-3 and 651.63. If no resolution is reached between he employee and the proposing official as a result of the medication, the deciding official will issue a letter of decision regarding the proposed action. The employee may appeal the decision pursuant to the provisions of Management Instruction EL-850-96-3 and 652.31.

Mediation for Adverse Actions 652.54
An employee issued a written notice of proposed adverse action may request mediation as an alternative to the traditional written and or verbal response to the deciding official as outlined in 651.74.

MERIT SYSTEM PROTECTION BOARD (MSPB) APPEALS – Adverse Action eligible appeals to MSPB are:

• Removals
• Suspension of more than 14 days
• Furloughs (Enforced leave)
• Reductions in grade or pay

Resource information for filing an MSPB are provided with a notice letter of final decision. Also Chapter 10 on the NAPS training disk. MSPB has a web page that is linked to the national NAPS web page.

MSPB FILING OCCURS AFTER:

• Appellant issued a proposed Adverse Action
• Appellant issued a decision letter
• Appellant request DDF or decides to proceed to MSPB without assistance

120 RULE LIMIT ON ASSIGNMENT TO HIGHER-LEVEL VACANT POSITIONS NOT TO EXCEED 120 DAYS (EL-312 743.15) When a vacant non-bargaining position is filled by higher -level temporary assignment (detail) pending selection of a person for permanent placement, an employee may be assigned to the position for a total of not more than 120 calendar days. A vacant position is one where the previous
employee has been separated or has been placed in another job. If the employee on temporary assignment could become or is a potential candidate for the vacant position, the higher-level assignment must be terminated before the 121st day. If the detailed employee is not a candidate, the next higher-level manager over the manager with the vacancy must verify the noncandidates status of the employee in order to approve an extension of the temporary assignment beyond 120 days. The duration of this approval is until a selection is made and the new employee permanently assumes the position. An employee who has served in a vacant position for more than 120 days is ineligible for placement in that position.

Exception to the 120–day Limit
The 120-day time limit does not apply if the assignment is:
- To a position at the same or lower level.
- During the temporary absence of an employee.
- To an officer-in-charge assignment.
- To an initial level supervisor position.
- To a headquarters position.

MERGING BRANCHES - To disband a branch or merge an entire branch with another, the branch takes a vote on the issue just as they would on any resolution. If it passes, this decision is relayed by letter to NAPS Headquarters. The letter should state that the branch wishes to merge with another branch and to which branch or branches the members are transferring. Affected members sign their name, print their names and social security numbers. A letter(s) from the branch or branches the members wish to affiliate with, advising NAPS Headquarters they are accepting these members into their branch, should also be sent. Members of the merging branch should not sign a Form 1187 or 1188. This is another frequent error. NAPS Headquarters notifies the PDC of the transfers and changes in dues where applicable and changes their branch affiliation in NAPS Headquarters' records. Forms 1188 are only used to cancel membership in the Association, not membership in a specific branch; Forms 1187 are only used for signing up nonmembers of the Association, not for branch affiliation changes.

Members of the merging branch should not sign a Form 1187 or 1188. This is another frequent error. NAPS Headquarters notifies the PDC of the transfers and changes in dues where applicable and changes their branch affiliation in NAPS Headquarters' records. Forms 1188 are only used to cancel membership in the Association, not membership in a specific branch; Forms 1187 are only used for signing up nonmembers of the Association, not for branch affiliation changes.

MERIT GUIDELINES - Merit Guidelines are issued each year by USPS HQ/HR, to the Area HR and then down to the District HR. The new pay for performance was finalized in July 2003 however the old merit process was not concluded until January 2004 merit pay out. Pay for Performance or the New Merit process, which will determine the amount paid to EAS for their annual pay increase will begin with the merit pay in January 2005.

The pay agreement signed in July 2003 provides for pay for performance being tracked by the New Performance Evaluation/Pay program. The program tracks national, unit and core (individual) goals and categorizes the progress as non-contributor, contributor, high contributor and exceptional contributor. This program has been developed to eliminate the annual subjective merit evaluations i.e. the old system of how it is determined who should receive a Far Exceed EAS evaluation.

The pay program will be based on what level of success the unit and individual EAS achieves in relationship to the three agreed upon goals (from a list of goals listed for the job title) as set forth at the beginning of the pay year, reviewed at mid-year and base on national, unit and core goal cumulative (weighted) scores at years end including communication which was given six points in the EAS employees Core requirements.

At the 2010 National NAPS Convention delegates voted to request NAPS no longer participate in the NPA/PFP program, the resolution passed.

MIGRATION - New (October 2011) term used by USPS to identify employees that need to be moved to new assignments due to restructure, consolidations, closures.
MILITARY DEPLOYMENT – (Reference letter dated September 22, 2001 signed by Susan LaChance.) “All deployed employees remain on our rolls. When processing personnel actions, they are to be placed on LWOP by using NOA 460 with special benefit code “U” situations and issues related to military service are covered in the Interim Guidelines For the Employment Restoration of Individuals who Served in the Uniformed Service, dated February 17, 1998.” The policy can be found on Selection, Evaluation, and Recognition’s Web page at URL http://blue.usps.gov.hriss/ser/policy.htm or the ELM, issue 16 August 2000, Exhibit 365.23, pages 108-117.

MYSTERY SHOPPER DISCIPLINE
In a letter dated March 8, 2004 signed by William P. Galligan, Acting VP, Delivery and Retail it states. “This letter is to once again reinforce the intent of the Mystery Shopper Program. The program’s primary purpose is to provide a tool that helps identify the level of service that our customers receive at a particular unit and at a specific time. Shop results should be used to correct conditions that are detrimental to customer satisfaction and coach Sales and Service associates on revenue growth opportunities. We continue to hear examples of Mystery Shopper scores being used inappropriately as the basis for discipline and letters of intent and warning. Mystery Shopper is intended to help drive the correct behavior and make employees understand why retail performance is so important to the Postal Service.” The letter closes with the statement “Negative behavior is to be addressed through the utilization of the PS form 4000-A for retail lobby operations and the PS Form 4000-B for retail employee observations.” (for a complete copy of the letter see the download files on the NAPS WEB Page)

NAPS CONSULTATIVE MEETINGS
Anthony Vegliante, USPS VP Labor Relations reaffirmed his position that HR area managers should continue meeting with the NAPS regional Vice Presidents and that the HR and district managers should be meeting with the NAPS local officers and area vice president. Emphasis is being placed, he said, on the HR area managers keeping NAPS briefed on major changes. Vegliante added that shared services will play a major role in the future relative to reduction of the budget deficit. (Reference National NAPS Executive Board meeting April 2001; Postal Supervisor June 5, 2001 Vol. 92, Number 11). Always request a local NAPS consultative in writing and include an agenda.

NAPS PAY AGREEMENT is entered into by NAPS & USPS and is not a contract - Covers EAS non-bargaining employees for the duration of the pay agreement as outlined in the signed final package. The current NAPS pay agreement ended 2010. The new NAPS Pay Talks are currently being consulted between NAPS/USPS. (September 2011)

NON – BARGAINING REALIGNMENT OR REEVALUATION – INCUMBENT POLICY Reference ELM 353.4
Realignment or Reevaluation – In a realignment or reevaluation involving nonbargaining unit positions, Headquarters Human Resources determines the effect on individual positions. Based on those determinations, the following general rules apply in assigning incumbents and filling affected positions:
1. The incumbent is automatically assigned to the position if there is no significant change in duties or responsibilities and no change in grade.
2. The incumbent is promoted noncompetitively if the position is upgraded with no significant change in duties and responsibilities.

The incumbent has no assignment or promotion right to the new position if there is a significant change in duties and responsibilities, which results in the authorization of a new position at the same or a higher grade and in the abolishment of the present position. The new position is filled in accordance with regular procedures, and the USPS Response: USPS Organization Effectiveness stated that when a location (station for example) is going through an evaluation (Station WSCs) depending on the results will depend on the incumbency. ELM 353 states that if the calculation in the workload elevates the office to a higher level and there is an incumbent in that position that incumbent is entitled to the upgrade and subsequent pay.
If there is a significant change in the job, then it would be considered a new position. USPS HQ will look at the duties and responsibilities of a position to determine if the position has changed 50% or more. If the USPS HQ’s Organizational Effectiveness determines a position has changed 50% or more, then it will be considered a new position and will be posted. There will not be incumbency rights. However, If USPS HQ determines the change is less than 50% change, then ELM 353 is used and incumbent keeps the position. The field does not make the decision on the incumbency rights, USPS HQ office on Organizational Effectiveness does.

3. Incumbent of the abolished position is assigned in accordance with 354.

4. The incumbent is treated in accordance with 354.24 in any situation where a position is evaluated at a lower grade. (July 2011 NAPS Consultative meeting notes)

NONBARGAINING RESCHEDULING PREMIUM - Nonbargaining rescheduling premium is paid to eligible nonbargaining unit employees for time actually worked outside of, and instead of, their regular scheduled workweek when less than 4 calendar days notice of the schedule change is given. It is not paid beyond the fourth calendar day after the notice of schedule change is given, nor is it paid when the assignment is made at the employee’s request. Nonbargaining rescheduling premium is paid to eligible personnel in addition to the employee’s hourly rate and at 50 percent of the hourly rate for all actual work hours up to 8 hours in a service day or 32 hours in a service week (See ELM 434.71-1-29) on payroll.

PFP - OIG INVESTIGATIVE REPORT INFORMATION (August 2011 The OIG’s Overall Assessment):

“Managers lowered core requirement ratings inconsistent with PFP policies and procedures. Specifically, 46 percent of the evaluators, and 40 percent of the second-level reviewers responsible for rating 59 sampled employees lowered employee ratings because they either were instructed to do so or believed ratings should be in line with unit scores. Managers also used numeric targets to rate postmasters’ core requirements contrary to policy. To review the entire report go to the NAPS web site under members section for the OIG report and NAPS analysis of the report.

PFP policy states employees should be rated based on agreed-upon objectives, targets, and individual achievements and that numeric targets are not set for behavioral objectives.”

After meeting with your manager and reviewing the listed goals for your operation and choosing three goals you are required to enter the information in the PFP PES system.

- Click on the Explorer icon which takes you to the Blue page
- Under Employee Resources (right side of page) click on Pay for Performance
- From the next page at the top left click on Link to PES
- Click on enter application
- Enter your Employee Identification Number (EID found on the top of pay stub) and your postal pin (the same number you use to change thrift savings and Health Benefit info etc).
- Once in the system follow the prompts to input the required information
- Include the agreed upon goals, the info should be listed under the appropriate operations
- Once all the information is input then click submit.
- You should receive a message indicating that your manager approved the submission.

The process takes less then ten minutes.

Pay for Performance is now a Web Base tracking system. Periodically you will be notified to update your evaluator (that is your manager). If you are on a detail be sure to find out who your evaluator is going to be and input that information. During the 2010 National NAPS Convention delegates voted for NAPS to request USPS end the NPA/PFP program. The NAPS Pay Package ended 2010.

If you accept a non-authorized detail for over six months you may end the year in cell 6 regardless of what your fellow supervisors received at your regular duty station assignment.
PERFORMANCE IMPROVEMENT PLAN (PIP) – PIP is a management tool to help improve employee performance. The performance management process is designed to provide the employee with a good faith opportunity to improve performance to an acceptable level. A supervisor should only use a PIP with an employee if the supervisor is committed to follow up in the PIP process. The PIP process is modeled to comply with the law prescribed by the Merit Systems Protection Board.

While there is no requirement that supervisors use a PIP, once employed, a PIP must be, fair, closely followed, and aimed at improving an employee’s identified and recurring performance deficiencies. Corrective or Adverse actions should not be use until the PIP review period has ended. It is also recommended that EAS request in writing the tools needed to successfully complete the proposed PIP.

(Ref. USPS Gov Web Page Law Department Training for Supervisors June 1999). With the new Pay for Performance (PFP) goal setting requirements there should be no need to place an employee on a PIP there should be a review of the agreed upon goals and continued monitoring of the individuals progress.

PERSONAL LEAVE NONBARGAINING EAS EXEMPT EMPLOYEES – Nonbargaining unit exempt (includes special exempt EAS) employee’s personal absence time is paid time off. It is not charged as annual leave, sick leave, or any other paid leave category. Only FLSA-exempt employees are eligible for such time off.

Nonbargaining unit exempt employees are paid on a salary basis. This means that under FLSA they are not considered to be hourly rate employees. Therefore, except for absences due to conditions covered by FMLA and injury comp, partial day absences are paid the same as work time. While exempt employees are expected to work a full day, they may request time off to attend to personal matters during the workday. If approved, the time off is “personal absence time and is not changed to annual leave, sick leave, or LWOP. 519.633 DIRECTED TO WORK – When exempt employees are directed to work a full day on a holiday or other full day in addition to normal workdays, the supervisor may grant a full day of personal absence without charging it to official leave. (Ref. 519.6 – 519-633, 2-8-01)

PRIVATELY OWN VEHICLE (POV) - EAS are not required to use their privately own vehicles for postal work and should not drive their POV unless it is annotated on the individual’s personal car insurance that the vehicle will be used for work.

If a personal vehicle is used and an accident occurs while performing postal work the agency will not pay for the damages to the POV. The agency will pay for the other vehicle of the private citizen and will only pay injury compensation to the postal employee driving their POV.

The only postal employees required to have a vehicle are rural carriers. Customer Service Supervisors (CSS) are required to have a valid driver’s license.

RASING BRANCH DUES - When a branch votes to raise the dues withheld from all members according to the provisions of the branch’s constitution and bylaws, it is necessary that the branch president or secretary notify NAPS Headquarters immediately. A blanket authorization for all DCO members is accepted. It must include the effective date, the old and new dues amounts and be signed by a branch officer. The information is sent by computer tape from Headquarters to the PDC. (Chapter 4 NAPS Training Disk)

REPRESENTATION - NAPS represents all promoted EAS including Area and Headquarters employee’s, reference: Letter dated December 5, 2001. Subject: National Association of Postal Supervisors (NAPS) Membership. [Replaced the October 29 memorandum regarding the same subject. December letter signed by Suzanne F. Medvidovich. “Current members of NAPS who are reassigned or promoted to an area, headquarters, or a headquarters field assignment are in no way obligated to cancel their NAPS membership. In addition, any non-bargaining employee, not currently a member of NAPS may join at their own choosing.” Subject to prohibitions regarding Executive and administrative Scheduled (EAS) /Craft representation,
employees have free choice of representation. Representatives designated by employees, if postal employees and if otherwise in a duty status are granted a reasonable amount of official time to respond to notices of proposed disciplinary action, to prepare for and represent an employee who has appealed a letter of warning or emergency placement in a nonduty status in accordance with 652.4.

**Employees covered under these provisions may request representation during investigative questioning if the employee has a reasonable belief disciplinary action may ensue. (ELM 650)**

**RETENTION PERIOD AFTER NEW POSITION ASSIGNMENT:**

It has been brought to NAPS attention that EAS who have been awarded new positions and the Form 50 have been cut, some EAS are being held in their former assignment. What is the retention period for holding an EAS in their former position? NAPS position is no longer than 30 days. Contact your local, state or area NAPS representative if a member is not allowed to report to their new assignment within 30 days.

RIF procedures are required when there is an organization or staffing change/Redesign AND at least one employee will be demoted or separated.

The Postal Service started conducting RIF’s in 1995 as a result of a ruling by the Merit Systems Protection Board in August 1994. RIF procedures are required when there is an organization or staffing change AND at least one employee will be demoted or separated.

**There are 3 primary Phases of a RIF:**

1. **RIF Avoidance Period** begins on the date employees are officially notified that an organizational change impacting their competitive area may result in a RIF. During this period the Postal Service may implement a variety of RIF avoidance/minimization strategies to either avoid the need to conduct a formal RIF or minimize the number of employees that would be impacted by the RIF.

2. **Post-RIF Placement Period** – this period begins on the day the Specific RIF Notices are issued and runs until the end of the 30-day non-pay/non-duty period if elected by any impacted employees. During this period, any employees who remain unplaced as result of the RIF can be considered for any available vacant positions in their competitive area. Employees can apply noncompetitively for any vacant position at or below their current grade level within the commuting area. Employees who voluntarily elect to change to a lower grade position during the post-RIF placement period are eligible for 2 years saved grade and indefinite saved salary status *(updated change 4-2-04 Letter – Subject: PCES and EAS Employees impacted by Organizational change/Reduction-in-Force; Change in Pay and Benefits Policy ELM432 & 434)*.

3. **Reinstatement List Period** – the reinstatement list period begins on the 31st day following the RIF effective date and ends 2 years after the RIF effective date or when there are no longer any eligible employees on the list. During this period, eligible employees may be given priority consideration for reinstatement to the Postal Service.

   In April 2011 a RIF was conducted in the Postal Service which did not use RIF Avoidance the RIF procedures were put into effect at the beginning of the process and the separation process went into effect after the effective end of the RIF date September 9, 2011.

   *(RIF Reference ELM 354.2)*

**REASONABLE ACCOMMODATIONS**

The Reasonable Accommodation process was developed in response to the Federal Rehabilitation Act. Qualified individuals with disabilities may require reasonable accommodation during the application process and/or during the course of their employment with the Postal Service. Requests for reasonable accommodation can be made orally or in writing to an employee’s supervisor, manager, or local manager of Human Resources. Many districts and areas have Reasonable Accommodation Committees to whom you may refer the request for processing, as appropriate.

The Postal Service is entitled to know that an employee or applicant has a covered disability that requires a reasonable accommodation.

- What exactly is the impairment?
- Does the impairment render the individual unable to perform a major life activity?
Does the impairment substantially limit the performance of a major life activity as compared to the average person’s performance of that activity?

A qualified person with a disability must also meet minimum qualifications for the job. Review EL-307 for the entire text of the process.

**REASSIGNMENTS (DIRECTED FOR NONBARGAINING AREA OFFICE RESTRUCTURING)** Ref. Letter dated 2-13-01 signed by Suzanne Milton (A) Vice President.

Directed reassignments may be used as a RIF avoidance tool only when all the following conditions are met:
1. The reassignment of a small number of employees (five or less) will avoid a RIF.
2. The employees who will be reassigned must have the necessary knowledge, skills, and abilities (KSA's) to qualify for vacant authorized positions of equal level in other competitive areas (Competitive Areas) where a RIF is not likely to occur.
3. The gaining managers agree that the reassignment is a “good fit.”
4. The action is cost effective.

**RURAL ROUTE COUNT** - It is NAPS position that the use of staff regular exempt employees to conduct rural route count with the intent of avoiding paying special exempt extra pay is not fair. If the District cannot find a way to compensate the regular exempt or provide a day off, it gives us (NAPS) no choice but to grieve the matter, going from immediate supervisor up the chain of command. Rural route counts are out side the exempt employee’s normal duties. The EAS should be paid or given another day off for working their non-schedule day on these counts. *(National NAPS February 2002)*

**STANDARD DIFFERENTIAL ADJUSTMENT (SDA)**

In a letter dated September 30, 2004, it is stated that the new SDA rate will be based on a 5% differential that will be recalculated automatically to coincide with every contractual salary change within the APWU or the Postal Police Officers (PPO) pay schedules. The SDA will be recalculated based on the respective bargaining unit pay schedules in effect on January 7, 2005. This revision reflects a change to the current compensation policy that utilizes a fixed SDA rate. The letter is signed by Anthony J. Vegillate, Vice President Labor Relations.

**SEXUAL HARASSMENT** - Sexual harassment is illegal. It is a violation of both Title VII and the Postal Services Policy.

Sexual harassment consists of sexually related words or actions, which are offensive or unwelcome and occur in/or impacts the work environment.

There are two types of Sexual Harassment claims: “quid pro quo” and hostile environment.”

You are responsible and can be held liable for sexual harassment in your workplace.

**SLANDER**

The Supreme Court’s decision in “letter carriers v Austin” which is the lead case in this area (supervisor alleged slander against a craft union). Basically it shields union reps from state libel laws if they are engaged in union activity. There is a bit of breathing room, though, if you read the decision, but not much. It is a lot easier for management to take action than for an individual supervisor to take action. What is meant is that the employer (USPS) can discipline employees for union-related activity, if it amounts to “flagrant misconduct.” Unfortunately, many employers (USPS included) are reluctant to step in and stand up for their supervisors. (Dan Minahan of Minahan & Shapiro).

**SOCIAL MEDIA POLICY (NEW) SETS GUIDELINES**

Consider sharing the following information with your employees: You may already be socially connected with blogs, wikis, YouTube, podcasts, Facebook, MySpace, LinkedIn or Twitter. Whether employees choose to participate in social media on their own time is their decision.

However, all employees are responsible for complying with the new USPS policy regarding any form of online publishing or discussion. Section 363 has been added to the Administrative
Support Manual (ASM). This revision is available in the Post Bulletin 22322 (10-20-2011) and online at the Postal Service Policy Net website.

Employees should be aware that the Internet is not anonymous. External content is accessible to anyone with a browser and isn’t as secure as content on the Postal Service’s Intranet.

When using social media in a personal capacity, employees may not speak for or act on behalf of the Postal Service. All uses of social media related to official USPS business require management consent.

Don’t post Postal Service information that has not already been made available publicly by the USPS. The new policy states that failure to comply may result in corrective action.

**SPECIAL EXEMPT EAS** – *Special exempt* is an internal USPS category. This was created for Level-18’s and below who supervise at least two employees in a “production” operation. They receive straight time for hours worked over eight and one-half hours. Regardless of whether they are supervising employees, if they are required to work.

Newly upgraded supervisor customer services and supervisor distribution operation continue to be special exempt (8-24-02).

*(Reference The Postal Supervisor September 25, 2001, Volume 92, Number 19).*

**Step 1 Appeal (Outlined in 652.4)**

**Coverage:**

Employees in EAS-17 and below and Office of Inspector General Bands A,B, and C employees, regardless of length of service, may appeal letters of warning, emergency placement in a nonduty status, and other matters not covered by 652.2 by using the procedures in 652.42 through 652.44.

**Step A Appeal**

Employee or representative states the appeal in writing to the immediate supervisors within 10 calendar days of learning of the appeal’s cause. The supervisor gives a written decision within 5 calendar days after receipt of appeal. If this timeframe is impossible because of extenuating circumstance, the decision must explain the reason(s) for the delay.

**Step B Appeal**

A field employee or representative may submit a written appeal to the installation head within 7 calendar days after receipt of the Step A decision. (If the installation head is the immediate supervisor, appeals are made to the next higher level of management.)

The appeal must include the employee’s name, title, grade, location, and nature of the appeal with the employee or representative and renders a decision in writing within 10 calendar days after receipt of the appeal. Usually this decision is final.

**Review (Step B decision):**

The employee or representative may request a review of the step B decision. The appeal should be directed to the Area VP HR. The request of a Headquarters, Headquarters field unit, or inspection service employee is sent to the vice president of Labor Relations, or designee.

**SUPERVISOR WORKLOAD CREDITS (SWCs)**

The Supervisory Workload credit system is used to determine the number of Supervisors, Customer Service EAS-17 that are to be authorized in post offices and carrier stations. SWCs are workload driven and identify and measure the workload of supervisors. The primary measure used is the number and type of employees supervised.

SWCs are measured on a facility by facility basis, and each post office and carrier station is calculated separately. The calculation of employee SWCs includes only those employees on the rolls of the post office or carrier station. Custodial and maintenance employees on the rolls of a plant that are domiciled in a post office or carrier station are not included in the SWC calculation. Administrative employees on the rolls of the district office domiciled in a post office or carrier station are not to be included in the SWC calculation.
SWC calculations are to include on rolls TE’s but not casuals, unless a casual employee is occupying a position authorized to be filled. Vacant positions that are authorized to be filled are also included in the SWC calculation.

**TITLE 39 – Principle Provisions, USPS must make a pay proposal for supervisors within 45 days of the Collective Bargaining Agreement with the crafts to be in effect during the same period covered by the collective bargaining agreement, (e) (1). USPS and NAPS must attempt to resolve any differences regarding USPS proposal by consultation procedures. (e) (2). USPS must give final decision on its (USPS) proposal within 90 days after having submitted it to NAPS, (e) (3). If NAPS believes USPS final pay action is not in accordance with law, it may request Federal Mediation and Conciliation Service (FMCS) to convene a fact-finding panel within 10 days. (f) (1). FMCS panel must issue decision within 30 days of appointment, or NAPS and USPS may agree to such longer time as. Panel has two-step obligation. It shall recommend standards for Supervisors’ pay policies and make specific recommendations on any differences between NAPS and USPS.

Expectation, or at least hope, is that the very existence of fact finding procedures will lead USPS to make better pay proposals than would otherwise be the case and also that the political climate will force the USPS to follow any panel recommendation, at least in part, even though not required to do so legally.


USERRA protects civilian job rights and benefits for veterans and members of Reserve components. USERRA also makes major improvements in protecting service member rights and benefits by clarifying the law, improving enforcement mechanisms, and adding Federal Government employees to those employees already eligible to receive Department of Labor assistance in processing claims.

USERRA establishes the cumulative length of time that an individual may be absent from work for military duty and retain reemployment rights to five years (the previous law provided four years of active duty, plus an additional year if it was for the convenience of the Government). There are important exceptions to the five-year limit, including initial enlistments lasting more than five years, periodic National Guard and Reserve training duty, and involuntary active duty extensions and recalls, especially during a time of national emergency. USERRA clearly establishes that reemployment protection does not depend on the timing, frequency, duration, or nature of an individual’s service as long as the basic eligibility criteria are met.

USERRA provides protection for disabled veterans, requiring employers to make reasonable efforts to accommodate the disability. Service members convalescing from injuries received during service or training may have up to two years from the date of completion of service to return to their jobs or apply for reemployment.

**VACANCY ANNOUNCEMENTS –** The vacancy announcement is prepared using the guidelines provided in Handbook EL-350, Establishing Non-bargaining Requirements. Announcements are posted for a minimum of 15 calendar days. The following elements are included

- The duty station, work assignment, non-scheduled days, and work hours must be included. If any of all of these elements require frequent change in order to meet operational requirements, the announcement must so state.
- For postmaster vacancy announcements, include a statement that the selected applicant may be required to relocate to the new Post Office community if it is determined necessary to provide the required services, and to ensure his or her community involvement.

**VERA -** The Office of Personnel Management (OPM) is the approving authority when the US Postal Service’s request to use Voluntary Early Retirement (VERA) as a method to achieve the reductions in force
that the organization is facing. The Voluntary Early Retirement Authority (VERA) is one tool available that can be used to minimize the number of employees subject to involuntary separation or demotion. VERA requests are only considered for those competitive areas that are subject of a reduction-in-force (RIF) and are actively pursuing RIF avoidance. The USPS RIF compliance gives preference only to certain Veterans.

Village Post Office (VPO)
VPO’s are not full service like a Contract Post Office (CPO).

Below are bullet points regarding a VPO and its benefits as provided by the USPS:

- A VPO is established to respond to the communities need for name recognition and zip code retention.
- A VPO provides alternate access to a community
- A VPO meets Title 39 requirements of seeking added forms of access to the community
- Benefits to store owners
  - Increases foot traffic to his/her business
  - Business is associated with the USPS Brand
  - Community gathering place; impulse buying
- Benefits to Postal Service
  - Retains city/state name and ZIP code
  - Maintains universal service
  - Assist customer convenience

WAVIER OF 5 DAY WAITING PERIOD FOR HIGHER LEVEL ASSIGNMENTS
5 day waiting period can be waived for higher level assignments when:
The facility has one MDO position on a tour and there are no means of coverage during the MDO’s absence.
The assignment extends in regular intervals over a considerable length of time and as such is built into the employee’s assignment.
The individual is accountable for all aspects of the higher-level position’s responsibilities.
The assignment is for a full tour of 8 hours or more. (Ref. USPS HQ memo via e-mail) (5 day waiting period modified from 10-day waiting period in 2002 pay package).

WORKLOAD SERVICE CREDIT (WSC) - Is a worksheet used to determine the number of workload points at the station, which in turn, determines the manager’s level. If the worksheet indicates that a station upgrade is in order, it should be submitted at any time of the year to the appropriate district office for review. The worksheets are available to NAPS members by accessing the “Members Only” section of the “Forums” page “File Downloads-Essential Documents on the NAPS website, www.naps.org.

2 HOUR LUNCHES - In recent years NAPS has been contacted regarding districts posting positions with two hour lunches.
NAPS position is lunch should be no longer than 1 hour. NAPS position is that a two-hour lunch is a ploy to unfairly extend the supervisors work day. (TPS NAPS HQ 9-10-99 Member Only Column) Additional info listed on lunches and the end of reference section.

8.5 – HOUR TOURS - In a January 2000 memo issued by then Senior Vice President John Potter stated “Under the terms of the current EAS pay package, FLSA special exempt supervisors are eligible for additional straight time pay when authorized to work more than 8.5 hours in a workday and for all authorized hours on a nonscheduled workday. “It has come to my attention that certain managers have taken it upon themselves to interpret this provision as authority to change a supervisor’s regular tour of duty from 8 to 8.5 hours on a daily basis. This was not the intention of the 1999-2000 EAS pay package, and under no
circumstance should this practice continue. “When on occasion, supervisors perform incidental tasks of short-term duration (30 minutes or less), such time is deemed noncompensable. However, this should not be constructed as authority to change a supervisor’s schedule by adding 30 minutes to each tour. “

22 to 1 - The current Function 1 formula used by USPS to determine SDO compliment in plants in comparison to craft employees supervised. This formula includes MDO’s when calculating the 22 to 1 compliment of EAS to craft. (However in recent years some District plant offices are using a formula of 25-1) (Currently some plants are using 25 to 1).

REFERENCES

ASM 222.4, 228.13 – Assaults or Threats

Handbook EL-312 (9-01) 743.15 120 – Day Time Limit on Higher-Level Temporary Assignment. 732.2 Noncompetitive Selection for Announced Vacancies.

ELM 314. 543 - FOIA - Request for Information Under the Freedom of Information Act

NON – bargaining realignment or reevaluation – incumbent policy – Reference ELM 353.4

ELM 450 Debt Collection Non-bargaining Employees (Revised July 1995). The Postal Service procedures for recovering postal debts from nonbargaining unit employees are detailed in ELM Section 450, which came into being with the passage of the Debt Collection Act of 1982. As noted in ELM Section 450, the Act covers any debt owed the Postal Service by a current postal employee who is not included in any collective bargaining unit

ELM 415 REDUCTION IN FORCE (RIF)-RIF Avoidance (ELM 415.2) Post-RIF Placement Period (ELM 415.4) Reinstatement List Period (ELM 354.27)

ELM 511.53 – Irregular attendance reference

ELM 513.36 – Sick Leave Documentation

ELM 515 – Family Medical Leave (FMLA)- provides policies to comply with the Family and Medical Leave Act of 1993 (FMLA). Nothing in this section is intended to limit employees’ rights or benefits available under other current policies (see 511, 512, 513, 514) or collective bargaining agreements. Likewise, nothing increases the amount of paid leave beyond what is provided for under current leave policies or in any collective bargaining agreement. The conditions for authorizing the use of annual leave, sick leave, or LWOP are modified only to the extent described in this section.

ELM 519 Personal Leave (EAS)

ELM 650 EAS Grievance Appeal procedures

ELM 660 – Conduct (Revised April 2005)

ELM 666.82 – AWOL

ELM 666.83 – Tardiness
ELM 666.21, 662.53, 6662 – Unacceptable Conduct (Article 16 National Agreement)

ELM 661054 – Use of Intoxicating Beverages:

ELM 666.5, 666.1, Article 16 National Agreement – Failure to Follow Instructions.

ELM 814.2 – Unsafe Acts or other safety issues, i.e. accident reporting (Article 16 National Agreement.


F-1 - Post Office Accounting Procedures
F-50 – Examination of Stamp Credits and Main or Unit Reserve Stocks
F-1 & F-15 Handbook - Travel

Essential Documents for NAPS Branch Presidents
File Downloads from NAPS Web site naps.org

NATIONAL NAPS CONSTITUTION & BY-LAWS Updated 2010

Forms – 1187 NAPS membership form

1188 – Form to discontinue membership - Contact HR for this form

Associate dues are direct paid to the branch; the branch pays the NAPS national office.

ASP

- ASP promo increase revised- 09.22.04
- Revised Associate Supervisor Placement Policy-03.05.03
- Managing the Initial Level Supervisory Complement-03.10.03
- ASP course workbooks for non-ASP managers and supervisors-09.01.04

Discipline

- ELM 650 Procedures-11.30.05
- Debt Collection Appeal Procedures
- Emergency Placement EAS-10.29.09
- Mystery Shopper Discipline-03.08.04
- Debt Collection Letters of Demand-09.16.87
- Time Frame for Step A and Step B Appeals-09.13.99

Salary Merits

- Supervisory Differential Adjustment-10.06.04
• **PCES and EAS Employees Impacted by Organizational Change/RIF Change in Pay and Benefits**

  Policy-04.02.04

**Ratings**

• Rating Recourse Request Evaluator
• Rating Recourse Request Employee
• Rating Recourse Form Area Field 2009
• Rating Recourse Form Area Field FY 2010

**Non-bargaining Unit Employees**

• Pay Administration for Non-bargaining Unit Employees-05.17.04
• Pay Administration for Non-bargaining Unit Employees-Promotion Increase-05.17.04

**Vacancies**

• Change and Clarification, ELM 353.344-06.01.00
• Postmaster/Supervisor Vacancies-Self Nomination Process-01.31.01

**e-Careers**

• e-Career User Manual-01.10
• e-Career Candidate Profile-03.06.08
• Applying for Positions through eCareer-03.06.08

**EAS**

• EAS Selection Policies Update-01.20.95
• EAS Vacancy Package Closings-Policy Update- 06.02.09
• Vacancy Announcements and EAS Applicant Notification-04.03.06

**Workload Service Credits (WSC)**

• Revised Criteria for Grade Levels of Managers, Customer Services-02.06.07

**Supervisor Work Credits (SWC)**

• Revised System to Measure Workload for Supervisor Complement-07.10
• SWC Results-10.28.10
• Station SWC Worksheet-05.11
• Supervisory Workload Credits-08.31.07
• Instructions for Calculating SWCs-11.24.10
• Changes in EAS Staffing as a Result of SWC-10.28.10
• Automate SWC Worksheet (Excel document) 11.24.10

Membership Documents

Membership Applications

• NAPS Regular Member Application Form Revised 04.11
• NAPS Associate Member Application Form-Revised 04.11
• Member Change of Address Form
• How to cancel NAPS membership

Code of Conduct

• NAPS Historical Sketch 2010
• NAPS DDF Card Revised 07.05
• NAPS Constitution and Bylaws 2010
• NAPS Convention Resolutions 2010
• NAPS Associate Member Rights-04.05.07
• NAPS Constitution and Bylaws 2010- Resident Officer Salaries

Special Request/Update Forms

• NAPS Request for Branch Representation Form
• NAPS Transfer Request Template Form
• NAPS Branch Affiliation Exception Request Article 3 Section 6B
• NAPS DDF Representation Request Form-07.05
• NAPS Special Branch Affiliation Exception Request
• NAPS Branch Officer Update Form

Area Lists

• NAPS State and Area List
• NAPS Area Alignment List
• NAPS Branch List and History-Revised 08.22

Scholarship Applications
• Vince Palladino Scholarship Application Form 2011
• Don Ledbetter Scholarship Application Form 2011

Tax Information for Branches
• Instructions for IRS 1024
• IRS Form 1024 (NAPS Template)
• IRS Form 8718 NAPS Branch Template
• IRS SS4 Form EIN Number for NAPS Branches
• NAPS Reinstatement Tax Exempt Filing Instructions
• NAPS First Time Filer Tax Exempt Filing Instructions
• Letter Requesting Reinstatement Template

Miscellaneous

Leave/Reassignment Opportunities
• Advance Leave Requests-06.24.02
• Involuntary Reassignments-12.20.07
• USPS Editorial on FMLA Suits Against Individuals 09.27.02
• Involuntary Reassignment Trosch Letter 07.20.92

Injury Compensation
• Fitness for Duty Examinations-EL-860.2000.7
• Out Placement Pilot Program-Injury Compensation-03.04

Personal Vehicle Use
• Supervisor Use of Personal Vehicles-1986
• Supervisor Use of Personal Vehicles on Duty-03.12.04

Policy Updates
• Delivery Unit Optimization-06.22.10
NAPS RESEARCH ON Length of Lunch Period (conducted by Ivan Butts, NAPS Eastern Region VP)

In most circumstances, an agency is prohibited from scheduling a break in working hours of more than 1 hour during a basic workday. (See 5 U.S.C. 6101(a)(3)(F).) This limitation applies to lunch and other meal periods. An agency may permit or require shorter meal periods.

I then went to this provision of the Law. In looking at 5 U.S.C 6101(a)(3)(F) it states:

(a)(1) For the purpose of this subsection, "employee" includes an employee of the government of the District of Columbia and an employee whose pay is fixed and adjusted from time to time under section 5343 or 5349 of this title, or by a wage board or similar administrative authority serving the same purpose, but does not include an employee or individual excluded from the definition of employee in section 5541(2) of this title, except as specifically provided under this paragraph. (2) The head of each Executive agency, military department, and of the government of the District of Columbia shall - (A) establish a basic administrative workweek of 40 hours for each full-time employee in his organization; and (B) require that the hours of work within that workweek be performed within a period of not more than 6 of any 7 consecutive days. (3) Except when the head of an Executive agency, a military department, or of the government of the District of Columbia determines that his organization would be seriously handicapped in carrying out its functions or that costs would be substantially increased, he shall provide, with respect to each employee in his organization, that (A) assignments to tours of duty are scheduled in advance over periods of not less than 1 week (B) the basic 40-hour workweek is scheduled on 5 days, Monday through Friday when possible, and the 2 days outside the basic workweek are consecutive; (C) the working hours in each day in the basic workweek are the same; (D) the basic nonovertime workday may not exceed 8 hours; (E) the occurrence of holidays may not affect the designation of the basic workweek; and (F) breaks in working hours of more than 1 hour may not be scheduled in a basic workday.

Also noted in this section of Federal Law (red text) is the establishment of who is an employee as per the definition in section 5541(2). 5 U.S.C. 5541(2) states:

(2) "employee" means - (A) an employee in or under an Executive agency; (B) an individual employed by the government of the District of Columbia; and (C) an employee in or under the judicial branch, the Library of Congress, the Botanic Garden, and the Office of the Architect of the Capitol, who occupies a position subject to chapter 51 and subchapter III of chapter 53 of this title;

After reading this, I questioned what is an Executive agency? In looking at what agencies make up the Executive agency it states;

EXECUTIVE BRANCH

Executive Office of the President (EOP):

Executive Agencies:

Department of Agriculture (USDA)

Department of Commerce (DOC)
Department of Defense (DOD)
Department of Education
Department of Energy (DOE)
Department of Health and Human Services (HHS)
Department of Homeland Security (DHS)
Department of Housing and Urban Development (HUD)
Department of the Interior (DOI)
Department of Justice (DOJ)
Department of Labor (DOL)
Department of State (DOS)
Department of Transportation (DOT)
Department of the Treasury
Department of Veterans Affairs