



# **NATIONAL ASSOCIATION OF POSTAL SUPERVISORS**

## **NAPS/USPS Consultative Meeting Agenda**

### **In Conjunction with the 2016 Spring Executive Board Meeting**

March 9, 2016 @ 9 AM - NAPS HQ

#### **US Postal Service**

Bruce Nicholson, Labor Relations

Phong Quang, Labor Relations

#### **National Association of Postal Supervisors**

NAPS Executive Board (Entire)

### **Agenda Items**

1. This is a follow up to an issue NAPS raised at the May 2015 consultative surrounding certain OCC-Codes for MDO's positions that were directly supervising craft employees. The USPS resolved to identify these OCC-Codes for inclusion in the SDA process. NAPS was made aware of two other EAS positions that directly supervise craft employees and fall within the category for inclusion in the SDA process. They are:

- Manager, Distribution Operations (MDO), Occ. Code: 2315-0067
- Supervisor, Print Operations, Occ. Code: 1601-0010

NAPS is requesting the in accordance with ELM 412.1b that the salaries for the EAS positions with OCC-Codes 2315-0067 and 1601-0010 be corrected and the USPS authorize the SDA for work that has been and is being performed by these two EAS positions.

***USPS Response:*** *The Supervisor, Print Operations job is in a headquarters-reporting function, not subject to consultation.*

*The Postal Service is evaluating all occupation codes to determine whether the established criteria for SDA eligibility are met, as stated in ELM 412.1b, and will take steps to modify the list of occupation codes eligible for the SDA once the evaluation is complete.*

*The Postal Service proposed establishment of an occ-code, EAS-19 MDO that was responsible for direct supervision of bargaining unit employees in May 2015. There are two EAS-19 occ-codes, one that directly supervisors bargaining unit employees and one that has supervisors reporting to it.*

- *Occ Code: 2315-0067 – Manages bargaining unit employees through supervisors*
- *Occ Code: 2315-0087(new) – Directly supervises bargaining unit employees. SDA eligible*

NAPS asked where it was written that NAPS does not have the right to consult for USPS HQ employees. NAPS asked for the written documentation on the USPS HQ position. ELM 412.1(b) explains SDA eligibility which is for EAS15-19. NAPS asked if a USPS Form 50 is generated on an Occ. Code change. USPS confirmed that the Form 50 provides the employee's occ-code. NAPS followed up with the fact that exempt MDO's directly supervise craft employees therefore should be entitled to T-Time. USPS stated it will research the T-Time issue.



# NATIONAL ASSOCIATION OF POSTAL SUPERVISORS

## NAPS/USPS Consultative Meeting Agenda

### In Conjunction with the 2016 Spring Executive Board Meeting

March 9, 2016 @ 9 AM - NAPS HQ

2. NAPS received concerns from EAS at the Wichita Customer Care Center. EAS are scheduled to work Sundays, contrary to the EAS' original job posting. Generally, it appears this is the result of Amazon. The EAS are scheduled in a timely manner and their posted schedule is modified to include Sunday as a regular day. As indicated in the response from Manager Salina Harrison they "have selected their preference day off within the pay period" but they are not given Sunday scheduling as optional. As such, the scheduled EAS are not being paid Sunday Premium.

NAPS contends that when a schedule is posted in a timely manner that becomes the regular schedule for that week. These hours are part of the regular schedule and therefore eligible for Sunday Premium. NAPS consulted with Manager Salina Harrison on this issue. Manager Harrison disagrees with NAPS' position that EAS are entitled to Sunday Premium. Ms. Harrison's manager, Debbie Judy, as well as VP Consumer & Industry Affairs James Nemec hold the same opinion of Ms. Harrison. NAPS does not agree with the opinions of Ms. Harrison, Ms. Judy and Mr. Nemec.

NAPS is requesting that all EAS employees working on Sunday in accordance with the provision of ELM 434.2 be compensated in accordance with this policy and procedure.

***USPS Response:** USPS provided NAPS a response to this inquiry on Feb. 24. The following are provisions from the ELM regarding Sunday Premium and eligibility for Sunday Premium.*

#### **434.3 Sunday Premium**

##### *434.31 Policy*

*Sunday premium is paid to eligible bargaining unit employees for all work and paid training or travel time performed during a scheduled tour that includes any part of a Sunday. EAS-23 and below nonbargaining employees receive Sunday premium only for time actually worked on Sunday, **provided that the time is part of the employee's regular schedule.***

##### *434.32 Eligibility*

*Exhibit 434.3 describes those employees who are eligible to receive Sunday premium. It is important to note that only those employees who have been scheduled to work on a Sunday are eligible to receive the premium.*

***If the employee has not been scheduled, then he or she is not eligible for Sunday premium.***

##### *Example:*

- *An employee is eligible for Sunday Premium if his/her position schedule includes Sunday as a regular work day*
- *An employee is **not** eligible for Sunday Premium if his/her regular position schedule does not include Sunday*



# NATIONAL ASSOCIATION OF POSTAL SUPERVISORS

## NAPS/USPS Consultative Meeting Agenda

### In Conjunction with the 2016 Spring Executive Board Meeting

March 9, 2016 @ 9 AM - NAPS HQ

- *An employee's non-position schedule time worked on Sunday is eligible for FLSA-exempt additional pay, otherwise; an employee working on his/her scheduled day off is **not** entitled to Sunday Premium*

USPS stated the issue is an employee's permanent schedule, not a temporary schedule. NAPS questioned the interpretation of the "regular" versus "permanent" schedule. USPS stated that the words **regular** and **permanent** have the same meaning. NAPS stated that it is not fair to not compensate an EAS on Sunday, when the USPS is paying craft employees on Sunday for all hours worked. ELM was written long before Amazon. NAPS asked the USPS if a person is mandated to work on a Sunday is that not part of their regular schedule? According to the USPS it is not. NAPS stated that by making a person work outside their established work schedule weekly it becomes an "Involuntary Reassignment".

NAPS further stated that if an EAS employee is mandated to work on Sunday they should be compensated with Sunday Premium. According to the ELM, if special exempt are entitled to additional pay they are also entitled to Sunday Premium. USPS HQ will get back to NAPS on that issue.

NAPS further stated its position that when a manager changes an EAS employee's schedule that schedule now becomes that employee's regular schedule. NAPS asked when a schedule is considered permanent if a person is actually being scheduled differently from what is in HCES? USPS stated whatever is in HCES is the considered the employee's regular/permanent schedule until changed in HCES. NAPS commented that the PMG stated that Amazon is a test and is not a permanent.

3. NAPS was made aware, through its membership, that USPS HQ has scheduled a Reduction-In-Force (RIF) to take effect on March 18, 2016. NAPS is asking if such a RIF is taking place. If yes, NAPS is inquiring from USPS HQ why NAPS was not informed of the RIF as required by Title 39 U.S. Code § 1004 (d) which states:

- (1) In order to facilitate consultation and direct participation by the supervisors' organization in the planning and development of programs under subsection (b) of this section which affect members of the supervisors' organization, the Postal Service shall—
  - (A) provide in writing a description of any proposed program and the reasons for it;
  - (B) give the organization at least 60 days (unless extraordinary circumstances require earlier action) to review and make recommendations with respect to the program; and
  - (C) give any recommendation from the organization full and fair consideration in deciding whether or how to proceed with the program.
- (2) If the Postal Service decides to implement a program described in paragraph (1) of this subsection, the Postal Service shall before such implementation—
  - (A) give the supervisors' organization details of its decision to implement the program, together with the information upon which the decision is based;



# **NATIONAL ASSOCIATION OF POSTAL SUPERVISORS**

## **NAPS/USPS Consultative Meeting Agenda**

### **In Conjunction with the 2016 Spring Executive Board Meeting**

March 9, 2016 @ 9 AM - NAPS HQ

(B) give the organization an opportunity to make recommendations with respect to the program; and

(C) give such recommendations full and fair consideration, including the providing of reasons to the organization if any of such recommendations are rejected.

(3) If a program described in paragraph (1) of this subsection is implemented, the Postal Service shall—

(A) develop a method for the supervisors' organization to participate in further planning and development of the program, and

(B) give the organization adequate access to information to make that participation productive.

(4) The Postal Service and the supervisors' organization may, by agreement, adopt procedures different from those provided by this subsection.

NAPS is requesting a full briefing on the following:

- How many EAS have or will be impacted by the March 18, 2016 RIF?
- How many EAS remain impacted as of the date of the 2016 March consultative?
- What opportunities are being made to the impacted EAS for successful job placement?

***USPS Response:** USPS stated that NAPS was not informed of the RIF since it was specific to headquarters jobs. Although there is no obligation to discuss this matter in the consultation process, we did inquire of the RIF and was informed of the following:*

*There was an organization change in Enterprise Analytics at headquarters announced in December 2015. Initially, 9 employees were potentially impacted and only 2 remain. There is a RIF scheduled for March 18, 2016 and HR is working with EA to provide support to the remaining impacted employees. Currently, there are 7 jobs posted in EA.*

NAPS contacted USPS HQ HR about the RIF so USPS could start action to assist those USPS HQ employees being impacted. NAPS asked what were the job level posted and level of EAS impacted. USPS stated the majority of the positions posted and those impacted and Level 21 and above.

NAPS asked USPS HQ if it NAPS still represents VMF now that they are USPS HQ reporting. USPS HQ stated it honored NAPS' request to continue to provide VMF consultation rights now they report to VMF. Any there is any future VMF RIF's, NAPS has a right to represent.

4. NAPS received concerns from members around the country regarding EAS not being paid for additional hours worked. USPS HQ has in the past agreed to address this issue on a case by case basis when the location has been identified by NAPS as violating the additional hours worked policy of special-exempt EAS.



# NATIONAL ASSOCIATION OF POSTAL SUPERVISORS

## NAPS/USPS Consultative Meeting Agenda

### In Conjunction with the 2016 Spring Executive Board Meeting

March 9, 2016 @ 9 AM - NAPS HQ

NAPS contends that this issue is pointing to a systemic problem with some managers engaging in time keeping practices not in accordance with the policy and procedures found in USPS Handbook F-21.

113.11

#### Functional Areas

The timekeeping organization in a postal facility involves four functional areas:

- a. The postmaster or installation head—is ultimately responsible for the accuracy of the entries on a time card; ensuring that the time and attendance data are totaled correctly and properly dispatched at week's end; distributing paychecks to employees; and, maintaining an up-to-date list of persons authorized to initial time cards.

NAPS is requesting the USPS HQ provide a written mandate to all employees who have duties and responsibility under the USPS Handbook F-21 that adherence to the policies and procedure must be maintained and that workhours are to be recorded and compensated in accordance with these policies and procedures.

***USPS Response:** A question was posed to then COO Brennan by the NAPS membership during the 2014 National Convention regarding bullying of managers and supervisors by higher level management through refusing to compensate eligible EAS for extra hours worked; her response is as follows:*

*Nonbargaining employees eligible for FLSA-Exempt EAS Additional Pay (employees who are FLSA Special Exempt) pursuant to ELM Section 432.112 a. (2), are to be paid in accordance with the provisions of ELM Section 434.144 for hours worked that meet the provisions of ELM 434.144. Individual circumstances involving alleged bullying or intimidation intended to discourage employees eligible for this pay from recording their work hours in order to be paid in a manner consistent with Postal Service regulations should be raised with local management. All relevant facts, including names, dates, hours involved, and other details should be developed and addressed. Such issues should be raised with district then, if necessary, area level management. The specific information referenced herein should be provided, along with a summary of responses and the sources of responses from the previous management level(s). The Postal Service expects compliance with its pay rules.*

*The ELM specifically addresses eligibility for additional hours worked by FLSA-Exempt EAS and Handbook F-21 provides time and attendance procedures. Ms. Brennan's **response to this** inquiry should be referenced by local NAPS representatives when meeting with district and area level management to address matters of additional hours being worked by eligible EAS and not being compensated.*

NAPS has been addressing the bullying issue, but the issue remains that senior postal leadership continues to violate postal policies and is not held accountable. If NAPS can't fix it at the senior level, how is NAPS going to fix it at the lower levels.





# **NATIONAL ASSOCIATION OF POSTAL SUPERVISORS**

## **NAPS/USPS Consultative Meeting Agenda**

### **In Conjunction with the 2016 Spring Executive Board Meeting**

March 9, 2016 @ 9 AM - NAPS HQ

USPS stated that if there is senior leadership allowing such policy violations, start at the local level and move it up to the District and Area levels, then to USPS HQ.

NAPS is concerned about the instructions from higher level postal leadership to change EAS clock rings to avoid 30-minutes of T-Time. In one case, an EAS was not paid for working both NSD's and NAPS got them paid. The postmaster again did not pay the T-Time of this same EAS and NAPS brought it up to the District to get him paid again and he was paid. This postmaster is deliberately not paying EAS for working T-Time requiring NAPS to fight to get the member paid. Managers are deliberately violating the pay policy and are not being held accountable for the reoccurring violations.

NAPS stated that these policies need teeth. From the top down (USPS HQ to the field) it is stated that EAS are to be paid T-Time. However, when it gets closer to the supervisor in the field from the POOM and postmaster those postal leaders will state the EAS won't be pay T-Time when worked.

It was stated that NAPS needs to resurrect the OIG Report from Gary, IN to have a national investigation against the USPS for the failure to pay EAS T-Time.

5. During the May 2015 consultative NAPS presented an agenda item regarding the EAS staffing of the Local Operation Center (LOC). At that time the USPS responded;

***USPS Response: USPS HQ Manager, Delivery and Planning, is working with Organizational Effectiveness (OE) to consider and determine what EAS staffing is needed for LOC's to ensure it works effectively and efficiently. Once USPS HQ has a decision, NAPS will be notified.***

NAPS contents that the lack of a funded EAS staff for these work units is reducing supervisory oversight in the field by;

- Taking Customer Service EAS 17's away from the offices they are assigned.
- Having EAS work 7 days a week with the mandate that the EAS assigned to the LOC on any given day must stay until the last carrier returns to the office.
- Taking EAS support personnel from their assigned duties to oversee the LOC.

NAPS is requesting that the USPS create a dedicated funded staffing model for the purpose of properly managing the LOC's.

***USPS Response: HQ Delivery Operations and Organization Effectiveness (OE) have met with field managers from across the country through telecons and focus groups regarding District staffing. The Postal Service has preliminary review of the results pending with each of the Area Vice Presidents. LOC staffing will be addressed at that time and once we have something definitive, it will be provided to NAPS.***



# NATIONAL ASSOCIATION OF POSTAL SUPERVISORS

## NAPS/USPS Consultative Meeting Agenda

### In Conjunction with the 2016 Spring Executive Board Meeting

March 9, 2016 @ 9 AM - NAPS HQ

*In the meantime, LOC's should not be staffed with field personnel as stated to NAPS resident officers from Mr. Ed Phelan during a meeting on June 23, 2015. LOC's should be staffed with existing staff at the district.*

NAPS stated that EAS in the field are being scheduled to work in the LOC. NAPS state it works best when you use the District personnel than field EAS. NAPS commented that the USPS needs to establish a "best practice" for LOC staffing. In some LOCs it is a bad practice to use field EAS.

6. Considering that exempt EAS-19 managers in the Customer Care Center (CCC) supervise craft employees on a daily basis, NAPS is requesting that these CCC EAS-19 positions be added to the list as other EAS receiving the same compensation as referenced below in the highlighted section only of ELM **434.143 Eligible for FLSA-Exempt EAS Additional Pay** 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 a nonscheduled day, even while on a temporary assignment such as to an OIC position. When authorized work exceeds 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.

**USPS Response:** *While EAS-19 managers at the CCC do supervise bargaining unit employees, they are not supervising bargaining unit employees in mail processing or delivery functions as outlined in ELM 434.143 Eligible for FLSA-Exempt EAS Additional Pay. Additionally, only FLSA special exempt employees in EAS-18 positions and below are eligible for additional pay.*

*The same rule applies to eligibility for overtime pay to exempt EAS-23 and below during the Christmas period and is outlined in ELM Exhibit 434.141a Postal Overtime Pay Eligibility Table. The FLSA-Exempt EAS employee must supervise bargaining unit employees in mail processing or delivery functions in order to be eligible for additional pay.*

*USPS stated it is not interested in changing the policy. However, NAPS can provide a proposal to address this in the future.*

NAPS contends that the CCC's are required to work due to the Christmas Season because it is the result of plant and delivery operations and increased volume. ELM existed prior to the establishment of CCC's and it is only for Christmas Season that NAPS is requesting this compensation.



# ***NATIONAL ASSOCIATION OF POSTAL SUPERVISORS***

## **NAPS/USPS Consultative Meeting Agenda**

### **In Conjunction with the 2016 Spring Executive Board Meeting**

March 9, 2016 @ 9 AM - NAPS HQ

#### ***Other Consultative Issues and Comments***

NAPS sent a Freedom of Information Act (FOIA) request to USPS HQ regarding EAS 12 and 14 Confidential Secretaries. USPS provided a partial response to NAPS HQ but additional information is forthcoming from the FOIA request.

NAPS discussed issues with VMF levels and how a position is reviewed for the field. NAPS and USPS will follow up on reviewing the metrics of VMF.