



NATIONAL ASSOCIATION OF POSTAL SUPERVISORS

NAPS/USPS Consultative Meeting Minutes

April 13, 2016 @ 10 AM - USPS HQ

US Postal Service Headquarters

Bruce Nicholson, USPS Labor Relations

Phong Quang, USPS Labor Relations

Seth Lennon, USPS Labor Relations

National Association of Postal Supervisors

Louis M. Atkins, President

Ivan D. Butts, Exec. Vice President

Brian J. Wagner, National Secretary/Treasurer

Larry Ewing, Chairman (telecom)

Agenda

1. This is a follow up to an issue NAPS raised at the March 2016 consultative surrounding the USPS position that USPS HQ does not consult with NAPS on issues related to USPS HQ/HQ Field EAS.

USPS representatives stated during this meeting that this was the USPS interpretation of 39 U.S. Code § 1004 as it relates to “supervisory and other managerial personnel”.

NAPS is requesting the legal precedence that forms the basis for this USPS interpretation of 39 U.S. Code § 1004 that the USPS does not have to consult with NAPS regarding EAS employed by USPS HQ or in other USPS HQ Field positions.

USPS Response: USPS HQ position remains the same and follows the practice that has been in place since 1978.

2. NAPS is requesting an update to March 2016 consultative agenda item #2 concerning the Wichita Customer Care Center. Whereas, in the USPS response it was recorded;

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.**

USPS Response: If it is an EAS employee’s day off and they are scheduled to work on Sunday, they do not receive Sunday Premium, in accordance with ELM 434.3. (See below) For example, EAS 19 has a regular schedule of working Monday through Friday and they are instructed to work Sunday, they do not receive Sunday Premium. USPS stated that the schedule in HCES is defined as the EAS’s official schedule. If an EAS is not scheduled to work Sunday they do not receive Sunday premium. The word “schedule” is in italics in the ELM is interpreted as the regular schedule in HCES.



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ELM 434.3

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, or the time is eligible for FLSA-exempt additional pay (see [Exhibit 434.3](#)). Note that:

- a. An employee entitled to Sunday premium may also be entitled to other premiums for the same tour (see [434.8](#)).
- b. Bargaining unit employees may not be credited with Sunday premium in excess of the hours worked per tour, of 8.00 hours per tour, or of 16 hours per service week.
- c. Sunday premium does not apply if Sunday time is due only to late clocking out or early clocking in (see [432.462](#) and [432.464b](#)), to a temporary schedule change at the employee's request, or to a temporary schedule initiated by management if the employee receives out-of-schedule premium or nonbargaining rescheduling for the Sunday time.

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 unless the time worked is eligible for FLSA-exempt additional pay.

NAPS contends that if Level 19 CCC Supervisors are scheduled for a 40-hour work week that includes Sunday, those CCC EAS-19's are entitled to Sunday Premium. NAPS stated the USPS is changing the conditions of employment by scheduling a person to work Sunday. That EAS has no choice but to work as scheduled. Therefore, the EAS-19 supervisors at the Customer Care Centers should be entitled to Sunday Premium.

3. NAPS was made aware of a change made to the NPA Unit Indicator "Trips on Time /24 Hr. Clock 12-7 am". This indicator was changed without consulting with NAPS on the reasoning or necessity for the change as well as allowing for NAPS to provide its input in accordance with 39 U.S. Code § 1004(d).

NAPS request that this Unit indicator be returned back to its original description as outlined in FY 2016 USPS PFP Corp Unit Matrix and indicator definitions issued by the USPS.

USPS Response: NAPS also sent this inquiry to the Jeff Williamson, Chief Human Resource Officer (CHRO). USPS Labor Relations will not respond to the consultative item until a response is received from the CHRO.

4. NAPS HQ has been made aware that the VMF Manager Level Matrix has increased for the Flint VMF Manager and warrants an EAS Level increase based on the USPS Workload Credit Methodology. NAPS is requesting that the Flint VMF Manager position be upgrade as per the USPS Methodology.

USPS Response: NAPS also sent this inquiry to the Jeff Williamson, Chief Human Resource Officer (CHRO). USPS Labor Relations will not respond to the consultative item until a response is received from the CHRO.



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5. NAPS has a continuing problem USPS MPOO/MCSO restructuring. The USPS last responded as follows:

USPS Response: Per Organizational Effectiveness (OE), the USPS position is the same as it was when discussed at the NAPS/USPS October Consultative meeting held in conjunction with the 2015 NAPS Fall Board Meeting. The "z" factor is part of a statistical calculation and not an actual staffing matrix.

USPS response from October 2015 NAPS/USPS Consultative Meeting:

USPS Response: USPS did consult with NAPS on this item. USPS is not going to change their initial decision. NAPS did object to the "Z" factor and wanted the MPOO staffing to remain the same. USPS HQ projected three years ago with the onset of POSTPlan that a POOM restructuring was needed due to RMPOs and APOs responsibilities. USPS had been in a holding pattern where the original workload ratio of 1 POOM for every 100 offices was not a proper projection of workload. USPS stated that if there are challenges and concerns, it would accept feedback from NAPS and operations in the field.

NAPS contends that this USPS position is a detriment providing service to America. The recent realignment of MPOO's in the Seattle District MPOO 1 has taken over all of the level 24 offices in the Seattle District he currently has 726,997 deliveries 300,000 more than the PCES in Seattle he received no upgrade in his position. His territory stretches 114 miles north, 253 miles to the east and 47 miles to the south.

NAPS is again requesting that the USPS relieve the overburdening of the MPOO positions by going back to the 100 to 1 ratio that is inclusive of RMPO's and create MPOO levels that reflects an upward mobility process. NAPS has seen a loss of upward mobility for EAS since the MPOO restructuring.

USPS Response: NAPS has made the same request in previous consultative meetings. The former MPOO staffing criterion was not representative of the workload the MPOO position was performing. USPS HQ is not interested in changing the MPOO staffing process or the formula (z Factor) in the new MPOO matrix. Under the new MPOO matrix, RMPOs report directly to the APO postmaster, not the MPOO.

NAPS further contends that the new MPOO staffing matrix has actually increased the workload of the MPOO's resulting in the workload not being completed.



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6. NAPS is bringing back to the table the issue raised at the March 2016 consultative concerning the Wichita Customer Care Center EAS. NAPS views this as multiple issues surrounding these employees.
 - a. The EAS-19 employees are directly supervising craft employees.
 - b. The EAS-19 are being mandated to work beyond 8.5 hours daily over an extended period of time that the USPS defines as “Enterprise peak season”.

NAPS contends that the EAS-19 employees that are directly supervising craft employees, are entitled to the Supervisory Differential Adjustment.

NAPS contends that the EAS-19 employees that are directly supervising craft employees are entitled to be compensated for all additional hours worked beyond their 8 hour work schedule.

Attached work schedules show EAS-19 being scheduled to work beyond 8 hours a day for 5 workdays. This is contrary to the statement of manager Salina Harrison that “Supervisors are only working over on Mondays for 1 to 2 hours.”

The attached work schedules show that EAS are working this extended work schedule beyond the “Enterprise peak season” of the 2nd week in March as stated by manager Harrison. NAPS also contend that regardless of the “Enterprise peak season”, the EAS-19 employees are entitled to additional pay for the direct supervision of craft employees.

NAPS is requesting an FLSA review of all EAS-19 in the Customer Care Centers that are directly supervising craft employees and that these position be made FLSA special exempt to receive additional hours for all time worked and that these positions be given an Occ Code that makes them inclusive in SDA.

USPS Response: The Wichita KS CCC has 10% of their EAS 19 supervisor jobs vacant at this time. The Wichita CCC is in the process of filling the vacancies. It is estimated that once EAS compliment is 100% it will resolve the excessive hours EAS are being required to work on Mondays.

ELM 434.143 (see below) covers the eligibility of special exempt, additional pay and designated Christmas period. EAS CCC Level 19 Supervisors are eligible for the SDA. USPS does review EAS positions to determine their FLSA status as exempt, non-exempt or special exempt. ELM 432.112 defines special exempt. EAS 19 CCC supervisors are not included in the special exempt category as they are not EAS 15-18 and they do not directly supervise bargaining unit employees in a production operation.



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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.

432.112 Nonbargaining Unit Employees

Nonbargaining unit employees are categorized as follows:

- a. *Full-time salaried* — one of the following categories of salaried employees employed according to procedures established by the Postal Service:
 1. *Exempt salaried* — career employees who are exempt from the FLSA provisions, are not limited to working a specified number of hours in a service week, and are expected to work or have excused leave for at least 40 hours per week fulfilling the responsibilities of their positions.
 2. *Special Exempt* — career employees who are exempt from the Fair Labor Standards Act (FLSA) provisions, whose permanent assignments are to Executive and Administrative Schedule (EAS)-15 through -18 positions, and who directly supervise two or more equivalent bargaining unit employees in production operations.
 3. *Nonexempt salaried* — career employees who are not exempt from (i.e., are covered by) FLSA provisions and are assigned to work schedules consisting of five 8-hour days in a service week.
- b. *Part-time salaried* — career hourly rate employees assigned to regular work schedules of less than 40 hours in a service week.

NAPS stated the Enterprise Manager is requiring exempt EAS at the Wichita KS CCC to work excessive hours every Monday. NAPS stated ALL EAS are working every Monday an extended shift of 10-12 hours. Since NAPS has brought this issue up as a consultative issue, the schedules changed to reflect the regular schedules of EAS, but at the top of the entire EAS schedule it was stated all EAS will work extended hours on Monday. In addition, this document is now deemed “confidential” by USPS CCC management and not to be shared.

NAPS did research and discovered the other Customer Care Centers throughout the country are not mandated to work the excessive hours. It is only the Wichita KS CCC that is having the extended work hour mandate for all EAS.

NAPS claims the Wichita KS CCC’s excess and mandatory extended schedules every Monday is abuse of EAS. Furthermore, NAPS contends this excessive scheduling is in violation of the COO Brennan’s April 25, 2012 letter pertaining to FLSA-exempt management employees.

The extended hours worked by the EAS 19’s at the Wichita CCC will not show up on the CCC’s budget as the EAS 19 CCC supervisors are exempt and not entitled to additional pay. NAPS stated that the USPS did not have CCC’s or EAS Level 19 supervisors in the CCC when the ELM was written back in the early 1970’s. The section of the ELM regarding additional pay is outdated does not reflect the USPS current 21st century business model. USPS stated they would look into this Customer Care Center scheduling.



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MEGAN J. BRENNAN
CHIEF OPERATING OFFICER,
EXECUTIVE VICE PRESIDENT



April 25, 2012

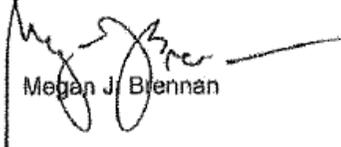
VICE PRESIDENTS, AREA OPERATIONS

SUBJECT: Work Schedules, FLSA-Exempt Non-Bargaining Employees

During recent discussions with the National Association of Postal Supervisors (NAPS) the association president raised a concern regarding scheduling of FLSA-exempt management employees. NAPS asserts that these managers are required to work an excessive amount of extra hours and days and in circumstances where such additional time is not related to increased workload or unavailability of other local management coverage.

While it is understood that FLSA-exempt non-bargaining employees are not limited to working a specified number of hours in a service week, there is a practical limit to the extent and regularity of requiring additional hours of these employees. Recognizing our service obligations and the impact of our current financial situation, we are informing NAPS that we will make every effort to limit these situations consistent with the provisions outlined in Employee and Labor Relations Manual (ELM) Sections 432.112 (a) (1) and 432.34.

Thank you for providing guidance to your subordinate managers to accomplish this within your area.


Megan J. Brennan