



June Consultative Meeting Agenda 6/19/2018 Held at USPS HQ

US Postal Service Headquarters

Bruce Nicholson, USPS Labor Relations
Phong Quang, USPS Labor Relations
Henry Bear, USPS Labor Relations

National Association of Postal Supervisors

Brian Wagner, NAPS President
Ivan Butts, NAPS Executive VP
Chuck Mulidore NAPS Sec-Treasurer

0618-01. NAPS HQ has been receiving some advocacy cases whereas, the USPS has denied the appellant's request for ELM 650 mediation. NAPS has further noted that these cases are of a nature that has afforded the appellant access to an ELM 650 mediation process as part of due process to the appellant in the past.

NAPS contends that the USPS is taking unilateral action to deny due process to EAS under a broad definition of egregious for allegations that in the past have always warranted and provided the due process of an ELM 650 mediation.

NAPS is requesting a statistical review of ELM 650 mediation requests over the past three fiscal years (FY 14 – FY 17).

Response: Eloise Lance, Mgr. EEO Compliance/Appeals, Tracy Wattree-Bond, Manager EEO Programs, and Will Farley, EEO Regulatory Policy & Compliance, Diversity, attended to address agenda item.

Chapter 650 of the Employee and Labor Relations Manual (ELM) covers disciplinary, grievance and appeal procedures including due process and mediation for eligible non-bargaining employees. Whether the Alternative Dispute Resolution process of mediation is approved or not employees continue to have their appeal/due process rights. Requests for mediation are reviewed and approved by the ELM 650 Facilitator under the authority of EEO Compliance and Appeals, not by the Proposing Official nor the District Office. Mediations are considered on a case by case basis and in accordance with ELM 652.51. If mitigation requests are found to be inappropriate the reasons will be provided to the employee. Mediation may not be found appropriate when it is determined that the charges involve egregious misconduct, criminal activity, repeated misconduct, inability to perform, and other conduct as determined by the Postal Service. The following are examples of requests for mediation that have been deemed inappropriate in the past by EEO Compliance and Appeals:

- Falsification or Misappropriation
- Violence or Threats of Violence
- Sexual Misconduct
- Misuse of Position
- Misuse of User ID
- Misuse of Gov't Credit Card

Intentional Delay of Mail
OIG or Inspection Service Investigations
Criminal Activity
Repeated Misconduct

NAPS Response: NAPS concerns continue to center around the definition of the term “egregious”, and the fact the determination of “egregious” behavior relies solely upon the discipline file. Appellant input is not sought, nor necessarily included as part of the discipline file. Thus, the ELM 650 Facilitator is relying on only part of the story in determining ‘egregious’ behavior and denying an appellant the right to have a 650 Mediation meeting.

0618-02

NAPS HQ has been made aware that the Lakeland District has been hosting a quarterly meeting with the Management Association Representatives. The NAPS reps have had the choice of attending in person or via WebEx (telecom). Some have chosen to participate via WebEx.

At the last quarterly meeting, the District Manager from Lakeland said she would like everyone to attend in person in the future. After the meeting, which I attended via WebEx, the DM secretary sent out an email (attached) about the next meeting in June and asked who planned to participate in. The NAPS advocate said that they would attend via WebEx. The secretary stated that there would be no WebEx as the DM wanted as many as possible to participate in person.

An email (below) was sent to the DM asking if the District would pick up the travel per the USPS Handbook F-15. NAPS did not receive a reply from the DM, so at the Great Lakes Area meeting with NAPS and UPMA in April the NAPS representative asked the DM in person and she said they would not pay and she canvassed other DM’s in GLA and no one paid that expense.

The Great Lakes Area Manager of HR who was also in attendance was asked for clarification after the meeting, and it took a while, but her answer is attached too. The GLA is saying they have no policy regarding inviting management representatives to a meeting and paying them and are leaving it up to the Districts to decide how to handle it.

NAPS contends that the policies and procedures for Management Association travel are found in the F-15;

2-2.1.3 For Employees Representing Employee Organizations

Approving officials (see Appendix C) may approve travel of employees who are representatives of employee organizations. However, the travel must pertain to one of the following:

a. Activities of joint employee-management cooperation committees when the activity is primarily in the interest of the Postal Service — for example, preventing accidents, reducing absenteeism, improving communication, ensuring equal employment opportunity, or maintaining employee productivity and morale.

b. Special consultation or special negotiation sessions when called by postal officials.

See Chapter 9, Handling Expenses for Special Travel Situations, for more information.

The F-15, Chapter 9-5 states;

9-5 As a Representative of an Employee Organization

If you are a representative of an employee organization, you may be approved to travel depending upon the purpose.

| If Your Travel Pertains To . . . | Then . . . |
|---|---|
| a. Activities of joint employee-management cooperation committees when the activity is primarily in the interest of the Postal Service — for example, preventing accidents, reducing absenteeism, improving communication, ensuring equal | The Postal Service may approve travel. |
| b. Special consultation or special negotiation sessions when called by Postal Service officials | The Postal Service may approve travel. |
| c. Internal employee-organization business — such as attending meetings, conferences, or training — sponsored by an employee organization. | The Postal Service does <i>not</i> authorize travel. Exception: Such travel will be authorized if these activities meet the needs of the Postal Service and the |
| d. Regularly scheduled negotiation sessions for negotiating an agreement | The Postal Service does <i>not</i> authorize travel |

NAPS finds that the policy and procedures for the USPS make it permissible for the USPS to authorize USPS travel for NAPS representative attending meeting initiated by the USPS for attendance.

NAPS is requesting that if the USPS requires in-person attendance at USPS meetings that travel be approved per the policies

Response: Attendance by local leaders of the management associations at these District and Area meetings are by invitation, not a requirement and management has the authority to set specific parameters for these meetings. This authority includes the discretion in approving travel for these events in accordance with *Handbook F-15 Travel and Relocation, section 2-2.1.3 For Employees Representing Employee Organizations* states in part, “Approving officials may approve travel of employees who are representatives of employee organizations.”

Therefore, compensation for costs of the travel is at the discretion of management as long as the purpose of the travel meets business activities defined in *Handbook F-15 2-2.1.3* and *F-15 Chapter 9-5 As a Representative of an Employee Organization*.

NAPS Response: NAPS continues to believe that if Postal leadership is hosting a meeting, not providing any other method of attendance besides attending in person, then the Postal Service should cover the travel expenses of those NAPS representatives. NAPS believe the term “may” in *Handbook F-15 Travel and Relocation, section 2-2.1.3 For Employees Representing Employee Organizations* should be changed to “must.”