

AMERICAN POSTAL WORKERS UNION

Article 12

ALL CRAFT CONFERENCE

November 5 – 8, 2007

Las Vegas, Nevada



AMERICAN POSTAL WORKERS UNION

***William Burrus, President
Cliff Guffey, Executive Vice President
Terry Stapleton, Secretary-Treasurer***

Clerk Division

***James “Jim” McCarthy, Director
Pat Williams, Assistant Director
Mike Morris, Assistant Director
Rob Strunk, Assistant Director
Lamont Brooks, National Business Agent
Frank Rigiero, National Business Agent
Pat Davis-Weeks, National Business Agent***

AMERICAN POSTAL WORKERS UNION

Article 12.5.C.4 ***Excessing Issues***

ALL CRAFT CONFERENCE

November 5 – 8, 2007

Las Vegas, Nevada

ARTICLE 12, SECTION 5.C.4

REASSIGNMENT WITHIN AN
INSTALLATION OF
EMPLOYEES EXCESS TO THE
NEEDS OF A SECTION

BASIC PRINCIPLES & REASSIGNMENTS

Article 12.5.A.4 should be applied when it is necessary to reassign full-time regular or part-time regular employees from one section to another section.

STEWARDS - SUPERSENIORITY

When it is proposed to reassign a steward or a chief steward, the employee will not be involuntarily transferred to another tour, station, or branch of the particular post office or to another independent post office or installation unless there is no job for which that employee is qualified on such tour, or in such station or branch, or post office.

Following excessing, stewards maintain this "superseniority" for the purpose of bidding on initial vacancies over excessed employees wishing to exercise their retreat rights.

Source: JCIM Article 12, page 8

BEST QUALIFIED

Incumbents in each best qualified position and salary level are considered a separate category for Article 12 excessing purposes. Employees holding best qualified duty assignments are identified for excessing based on their seniority in their best qualified position title.

Source: JCIM Article 12, page 8

PART-TIME REGULARS

Part-time regular employees are in a separate category for the purposes of applying Article 12.5. They can be involuntarily reassigned, if necessary, using the provisions of Article 12.5.C.1 through 12.5.C.8, as appropriate.

Source: JCIM Article 12, page 18

LOCAL NOTIFICATION

When it is proposed to reassign within an installation employees excess to the needs of a section, union notification shall be at the local level (as much as six months in advance when possible), pursuant to Article 12.5.B.4

Source: JCIM Article 12, page 11

Reassignments Outside The Section

Before involuntarily reassigning full-time employees from a section, the following must be completed:

- Identify the full-time duty assignments to be abolished; and
- Identify the junior full-time employees to be reassigned; and
- Identify the number of duty assignments occupied by the junior full-time employees that will remain following their reassignment. These duty assignments are to be posted for sectional bidding.

Reassignments Outside The Section

- In the clerk craft, identify the number of duty assignments remaining within the section occupied by clerks junior to the senior clerk whose duty assignment was abolished or reposted and post for bid to currently qualified clerks within the section.
- Return any limited or light duty employees from other crafts who are temporarily assigned to the affected section to their respective crafts.
- Before excessing from a section, all full-time employees not holding a duty assignment must be assigned outside the section.

Source: JCIM Article 12, page 11

QUESTION #1

WHO IDENTIFIES ASSIGNMENTS COMPRISING A SECTION FOR THE PURPOSE OF REDUCING THE NUMBER OF EMPLOYEES BY OTHER THAN ATTRITION?

ANSWER #1

- The identification of assignments comprising a section is determined locally, through negotiations. (See Article 30.B.18). If a local union and management fail to negotiate sections, the entire installation is considered a section for reassignment purposes.

Source: Article 12.5.C.4.a

JCIM Article 12, page 11

Article 30.B.18

The identification of assignments comprising a section, when it is proposed to reassign within an installation employees excess to the needs of a section.

Source: CBA, page 144

IDENTIFICATION OF SECTIONS

NOTE:

**THIS DOES NOT NEED TO
BE THE SAME AS YOUR
SECTIONS FOR OVERTIME
OR HOLIDAY PECKING ORDER**

QUESTION #2

Does sectional excessing always follow when a duty assignment is abolished in a section which is defined pursuant to Article 30.B.18?

ANSWER #2

No. For example, a duty assignment could be abolished and then placed under a different position in the same section (e.g., an FSM Operator duty assignment is abolished and a Mail Processing Clerk duty assignment is created in the same section). This circumstance would result in an abolishment but no excessing because the number of occupied duty assignments in the section is not reduced. Such newly created duty assignment would be posted pursuant to Article 37.3.A.1. No. For example, a duty assignment could be abolished and then placed under a different position in the same section (e.g., an FSM Operator duty assignment is abolished and a Mail Processing Clerk duty assignment is created in the same section). This circumstance would result in an abolishment but no excessing because the number of occupied duty assignments in the section is not reduced. Such newly created duty assignment would be posted pursuant to Article 37.3.A.1.

JCIM Article 37, Q&A 9, page 3

QUESTION #3

May management abolish an occupied duty assignment in an established section and/or installation even if there is no net reduction of duty assignments?

ANSWER #3

Yes, if the position title of a duty assignment is changed, for example from SSA to SSDA. The no longer needed SSA duty assignment would be abolished and the newly created SSDA duty assignment would be posted for bid.

JCIM Article 37, Q&A 75, page 16

QUESTION #4

If the hours of an occupied duty assignment are changed sufficiently to move the assignment from one identifiable section (as defined in Item 18 of the Local Memorandum of Understanding) to another, is the duty assignment reposted in accordance with Article 37.3.A.4?

ANSWER #4

No. The duty assignment is abolished and the provisions of Article 12, Section 5.C.4 are applied. The newly established duty assignment in the gaining section is posted for bid installation wide, unless there is an employee(s) outside that section with retreat rights to that section.

JCIM Article 37, Q&A 77, page 16

QUESTION #5

If a duty assignment is to be abolished and there is more than one identical duty assignment in the section, which of the identical duty assignments would be abolished?

ANSWER #5

The duty assignment held by the junior employee would be abolished. See question 89 for what constitutes an identical duty assignment.

Q. #89. The duty assignments must have identical hours, off days, and duties. For example, two full-time Mail Processing Clerk duty assignments requiring scheme qualification on zone 3 with the same principal assignment area, the same hours and the same off days are identical assignments. If one of the duty assignments is to be reposted, it must be the assignment of the junior employee.

JCIM Article 37, Q&A 89-90, page 19

QUESTION #6

When duty assignments are reposted due to changes in hours, off days or duties, is bidding limited to employees in the section, as defined in Item 18 of the Local Memorandum of Understanding?

ANSWER #6

No.

JCIM Article 37, Q&A 84, page 18

QUESTION #7

If sectional excessing occurs while a clerk is serving a bidding restriction, is the bidding restriction waived for purposes of the in-section bidding pursuant to Article 12.5.C.4.c?

ANSWER #7

The employee would not be subject to the bidding restriction as such in-section bidding (including the initial bidding limited to currently qualified under Article 37.3.B.2) is controlled by Article 12, not Article 37.

JCIM Article 37, Q&A 192, page 37

QUESTION #8

WHO IS REASSIGNED?

SENIOR EMPLOYEE REASSIGNED

Dear **Senior Employee**,

This is to notify you that **your duty assignment is abolished & you will be excessed from your section within 30 days. You will have retreat rights.**

Sincerely,
Supervisor

ANSWER #8

When making involuntary reassignments from a section, start with the junior full-time employee in the same craft or occupational group and in the same salary level regardless of whether the junior employees' duty assignment was abolished.

**Source: Article 12.5.C.4.b
JCIM Article 12, page 11**

LIGHT AND LIMITED DUTY

The following rules apply to the circumstances described below when excessing (from a section, craft or installation) pursuant to Article 12:

- An employee in a light/limited duty status will be excessed in the same way that employees in a full duty status are excessed, based on the pay level of the duty assignment that they hold and their seniority. They will receive reasonable accommodation if necessary in their new duty assignment and or installation.

Source: JCIM Article 12, page 7

LIGHT AND LIMITED DUTY CON'T

- When excessing occurs in a craft, either within the installation or to another installation, the sole criteria for selecting the employees to be excessed is seniority. Whether an employee in the affected craft is recovering from either an on- or off-the-job injury would have no bearing on his/her being excessed.

Source: JCIM Article 12, page 7

LIGHT AND LIMITED DUTY CON'T

- Other limited duty employees who are temporarily assigned to the craft undergoing excessing, will be returned to their respective crafts before excessing can occur.
- In accordance with the provisions of Article 13.4.C, the reassignment of a full time regular or part time flexible employee to a temporary or permanent light duty or other assignment shall not be made to the detriment of any full time regular on a scheduled assignment or give a reassigned part time flexible employee preference over other part time flexible employees.

Source: JCIM Article 12, page 7

QUESTION #9

TO WHERE IS HE/SHE
REASSIGNED?

ANSWER #9

- Junior full-time employees excessed from a section retain their seniority and are reassigned as unassigned full-time employees in the same craft or occupational group and in the same salary level.

Source: Article 12.5.C.4.b

JCIM Article 12, page 11

QUESTION #10

ARE EMPLOYEES REASSIGNED
AS UNASSIGNED/UNENCUMBERED
EMPLOYEES?

ANSWER #10

- Yes. Junior full-time employees who are reassigned outside the section as unassigned/unencumbered full-time employees must be assigned to a full-time schedule with either fixed or rotating non-scheduled days off, as determined by the Local Memorandum of Understanding.

Source: JCIM Article 12, page 12

ANSWER #10 CON'T

Unassigned/unencumbered full-time employees may bid on vacancies for which they are otherwise eligible to bid. Unassigned/unencumbered full-time employees who are unsuccessful in bidding may be assigned to residual vacancies.

Unassigned/unencumbered full-time employees temporarily assigned to a work area cannot use their seniority to the detriment of employees holding regular bid assignments in the work area.

Source: JCIM Article 12, page 12

QUESTION #11

WHAT HAPPENS TO THE DUTY ASSIGNMENT VACATED BY THE EXCESSED JUNIOR EMPLOYEE?

ANSWER #11

- When excessing from a section occurs (Article 12.5.C.4), any duty assignments remaining within the section occupied by clerks junior to the senior clerk whose duty assignment was abolished or reposted, will be posted for bid to currently qualified clerks within the section.

Source: JCIM Article 12, page 8

JCIM Article 37, Q&A 133, page 26-27

EXAMPLE

● DA 1 SSA

● DA 2 SSA

● DA 3 MPC

● DA 4 SSA

● DA 5 SSA

● DA 6 SSA

● DA 7 MPC

● DA 8 SSA Z-1

● DA 9 MPC

● DA 10 SSA

● DA 11 SSDA Z-1 Excessed

● DA 12 SSDA Z-2 Excessed

Abolished

Reposted

Reposted

Abolished

Reposted

Reposted

Reposted

**Can Bid on Reposted Assignments
If currently qualified**

**Their assignments, if vacated will
be posted for bid to all remaining in
the section.**

**These Clerks can bid if currently
qualified on reposted
assignments (5, 6, 8, 9 & 10)**

**Can also bid on reposted bids
that were formerly held by
excessed clerks (11 & 12)**

**All can bid on these jobs
remaining in the section whether
currently qualified or not
currently qualified**

QUESTION #12

Who is eligible to bid on the duty assignments vacated by the excessed junior employees?

ANSWER #12

All employees within the section and level, whether currently qualified or not currently qualified.

Source: JCIM Article 37, Q&A 134, page 27

QUESTION #13

What is meant by the term currently qualified?

ANSWER #13

An employee is currently qualified for a posted duty assignment if he/she has a live record on all of the duty assignment's qualifications and can assume the duty assignment without a deferment period.

To have a live record on a qualification, an employee must either: 1) be currently working an assignment requiring the same qualification or, 2) have worked an assignment requiring the same qualification within the past two years (five years for positions listed in Article 37.3.F.7).

Source: JCIM Article 37, Q&A 12, page 3

QUESTION #14

What happens if an employee is currently qualified for a duty assignment but requires brush-up training?

ANSWER #14

The employee is designated the successful bidder, placed into the schedule of the awarded assignment within the negotiated time frame, and provided with the appropriate number of brush-up training hours.

Source: JCIM Article 37, Q&A 26, page 6

QUESTION #15

Who is eligible to bid on duty assignments reposted pursuant to 37.3.B.2?

ANSWER #15

All Clerks, regardless of seniority, within the section and in the same level who are currently qualified for the reposted assignments.

Source: JCIM Article 37, Q&A 135, page 27

QUESTION #16

Are the eligibility requirements for duty assignments reposted pursuant to 37.3.A.4 applicable to 37.3.B.2 re-postings?

ANSWER #16

No.

Source: JCIM Article 37, Q&A 136, page 27

QUESTION #17

Who is eligible to bid on duty assignments reposted pursuant to 37.3.B.2 if management also elects to make substantial changes in those duty assignments while reposting?

ANSWER #17

If management elects to make substantial changes (i.e., changes which normally result in reposting in accordance with Article 37.3.A.4 and/or the LMOU) while reposting duty assignments pursuant to Article 37.3.B.2, all current employees within the section, and in the same level, are eligible to bid, regardless of their current qualification.

Source: JCIM Article 37, Q&A 137, page 27

QUESTION #18

When positions/duty assignments identified in Article 37.3.F.5 are reposted pursuant to Article 37.3.B.2 must employees within the section, and in the same level, be given an opportunity to demonstrate the necessary skills?

ANSWER #18

Yes.

Source: JCIM Article 37, Q&A 138, page 27

QUESTION #19

DOES THE EXCESSED EMPLOYEE
HAVE RETREAT RIGHTS?

ANSWER #19

- The employee does have retreat rights to the first residual vacancy in their level, after employees in the section have completed bidding. However, they lose their retreat rights upon their failure to bid for the first residual vacancy in their salary level in the former section.

Source: Article 12.5.C.4.c

RETREAT RIGHTS/INITIAL VACANCIES

Initial vacancies occurring within a section, in the same salary level from which excessed employees have active retreat rights, are posted for bid within the section for employees of the same salary level as the excessed employees.

The resulting residual vacancies, if any, are then offered to employees in the same salary level who have retreat rights to the section.

If vacancies remain after offering retreat rights to eligible employees, the vacancies are then posted for bid installation wide.

QUESTION #20

Can an employee bid on a posted duty assignment, express an Article 37.5 preference, exercise an Article 12 retreat right or apply for a best qualified duty assignment on a day which is partially spent on a non-bargaining unit detail?

ANSWER #20

- Yes, provided the bid, preference or application is submitted while the employee is working in the bargaining unit and so long as the return to craft was not accomplished solely to circumvent the provisions of Article 37, Section 3.A.8. For example, a 204-B who returns to the craft on Wednesday in order to bid, after a $\frac{1}{2}$ day as a 204-B would still need to remain in the craft for five (5) full consecutive work days [e.g., Thursday thru the following Wednesday (assuming Sat/Sun non-scheduled days) in order to be eligible to bid.

Source: JCIM Article 37, Q&A 109, page 22

QUESTION #21

What happens to the retreat rights of an employee who by application of 37.3.A.8 did not exercise retreat rights to a vacant duty assignment?

ANSWER #21

- The employee's retreat rights are not implemented at that time. The next junior employee is afforded the opportunity to retreat. If there is no junior clerk, the residual duty assignment is filled by PTR bidding and/or PTF preferencing.

Source: JCIM Article 37, Q&A 110, page 22

QUESTION #22

Can a clerk lose retreat rights for failure to qualify on an initial or residual vacancy with a skill requirement such as typing?

ANSWER #22

- No. The intent is that they must qualify on vacancies with skill deferment periods for postal training such as scheme or window training.

Source: JCIM Article 37, Q&A 132, page 26

QUESTION #23

MUST THE EMPLOYEE EXERCISE
HIS/HER RETREAT RIGHTS TO
A LOWER LEVEL JOB IN
HIS/HER FORMER SECTION?

ANSWER #23

The right of retreat to the section is optional with the employee who has retreat rights with respect to a vacancy in a lower salary level. The employee's failure to exercise the option to return to a lower level position within the section, however, does not terminate the retreat rights in the salary level from which the employee was reassigned.

Source: Article 12.5.C.4.c

QUESTION #24

IS THERE ANY RESTRICTION ON CLERK CRAFT EMPLOYEES EXERCISING THEIR RIGHTS TO A LOWER LEVEL POSITION IN A SECTION FROM WHICH THEY HAVE BEEN EXCESSED?

ANSWER #24

- YES....language was added in the 1984-87 CBA restricting the option of clerk craft employees from exercising retreat rights to a vacancy in a lower salary level, to only those assignments for which the employee would otherwise have been eligible to bid.

Source: Article 12.5.C.4.c

QUESTION #25

If there are clerks with retreat rights to the section after excessing pursuant to Article 12.5.C.4, is bidding limited to employees in the section as defined in Item 18 of the Local Memorandum of Understanding, when duty assignments are reposted due to changes in hours, off day, or duties?

ANSWER #25

Yes. Such reposted duty assignments, like any other posted duty assignments, are limited to sectional bidding within the level of the reposted duty assignment so long as there are same or higher level clerks with retreat rights to the section.

Source: JCIM Article 37, Q&A 85, page 18

Are you Ready?

Review Time

Section A

L-5 Bill - 11/98

L-5 Bob - 2/00

L-5 John Bob - 11/01

Management wants to abolish one (1) duty assignment. All things being equal, except seniority, who is excessed?

ANSWER

- **L-5 JOHN BOB**

11/01

IS EXCESSED

Section A

Bill - 11/98 SSA Clerk

Bob - 2/00 MP Clerk

John Bob - 11/01 MP Clerk

Management wants to abolish a window assignment. Who is excessed?

ANSWER

- JOHN BOB - 11/01 MP CLERK
IS EXCESSED

Section A

L-5 Bill - 11/98 SSA Clerk

L-5 Bob - 2/00 MP Clerk

L-6 John Bob - 11/01 MP Clerk

Management wants to abolish one (1) Level 5 Window Clerk. Who is excessed?

ANSWER

- L-5 BOB - 2/00 IS EXCESSED

Section A

SQ Bill - 11/98 SSA Clerk

SQ Bob - 2/00 MP Clerk

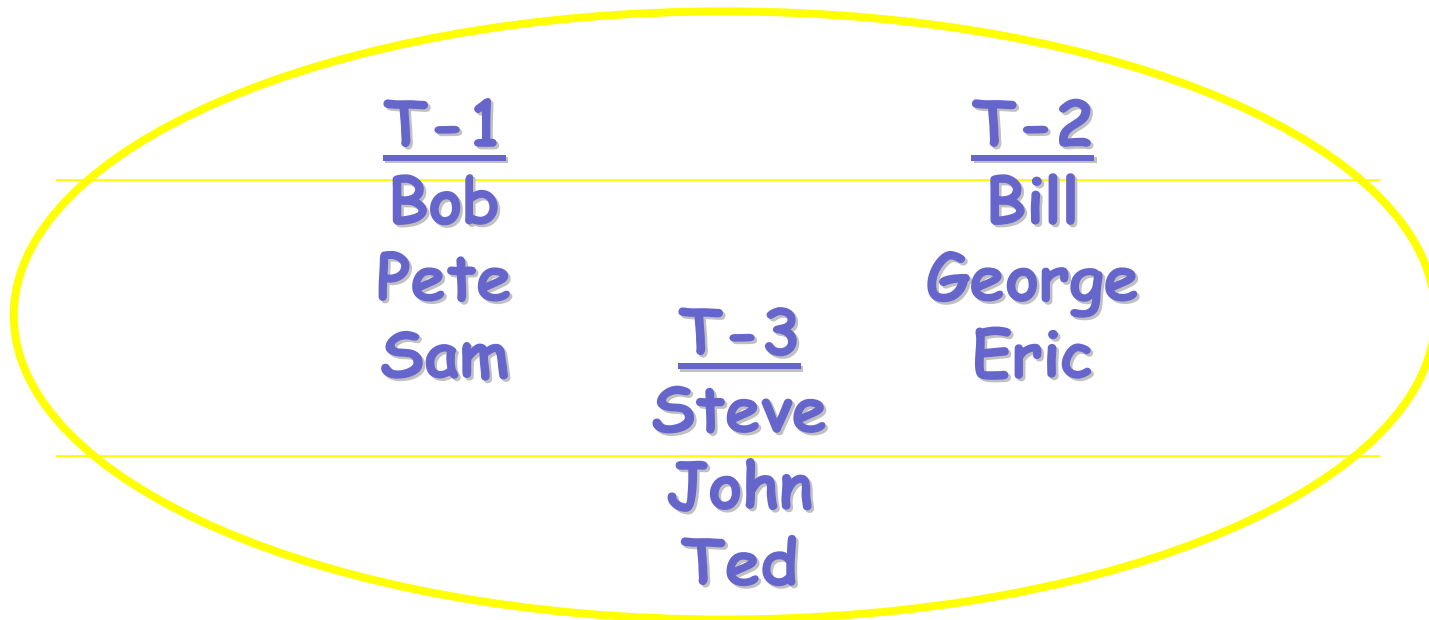
SQ John Bob - 11/01 MP Clerk

Management wants to abolish one (1) senior qualified MP clerk. Who is excessed?

ANSWER

- SQ JOHN BOB - 11/01
IS EXCESSED

Tour 1-2-3



Management wants to eliminate two (2) T-2 duty assignments. The LMOU states that the entire installation is one section. Who is excessed and why?

ANSWER

The employer could determine which T-2 duty assignments would be abolished, and if the senior clerks positions were abolished, the senior T-2 clerks would become unassigned/unencumbered regulars and be required to bid on any vacant duty assignment within the installation without retreat rights.

Article 12.5.C.4

Recap

Reassign Within an Installation Employees Exceeded to The Needs of a Section

Article 12.5.C.4

- Applicable when number of FTRs or PTRs will be reduced in section
- PTF not subject to these provisions
- Item 18 identifies section in LMOU
- Entire installation is a section if not identified through the LMOU
- USPS determines category, level and number to be excessed from section

12.5.C.4.a

- Section is made up of FTR & PTR employees holding bid positions
- Unencumbered shall be removed from section prior to excessing
- Light and limited duty performing affected craft work shall be removed from section prior to excessing, regardless of craft
- Those removed from section can be assigned to:
 - Same craft - different section
 - May be given involuntary assignment if unassigned

12.5.C.4.b

- Junior FTR or PTR employee in craft, level and category within section will be excessed
- Junior employee reassigned in same craft, within same installation and with seniority
- May bid on any existing vacancies for which eligible
- May be assigned to vacant duty assignment if they do not bid
- If more than one vacant assignment, they will have a preference

12.5.C.4.c

- Excessed employee retains retreat rights to former section
- Will retreat to residual in the section
- Failure to bid on first available, same level residual ends retreat rights
- Retreating is optional

12.5.C.4.c

- Retreating to a lower level:
- Retreat to lower level optional
- Failure to retreat to lower level does not terminate retreat rights to salary level from which reassigned
- Retreat to lower level only occurs:
 - Within the section
 - To lower level positions
 - If residual vacancy available at lower level
 - After all lower level excessed FTRs have had retreat rights satisfied
- Newly created duty assignments for the section
 - Posted within section

12.5.C.4.d

Vacant duty assignment within section:

- Vacated by reassignment
- Shall be posted for full-time employees within the section
- If no bids, unassigned within the section shall be assigned
- Once retreat rights have been offered, all future vacancies will be posted installation wide

Retreat Rights Are:

- Option to retreat to same, higher or lower level made at time of excessing
- Employee has option to decline retreat to lower level when position is offered and still maintain retreat rights to same level
- Failure of an excessed employee to bid on the same level assignment in the section from which excessed, terminates retreat rights

Other Article 37

Questions/Answers
That may Impact
Article 12

QUESTION #26

When an employee in saved grade status is restricted from bidding on a reposted duty assignment at his/her former level under 3.A.4.d, does the employee lose the saved grade?

ANSWER #26

No.

Source: JCIM Article 37, Q&A 83, page 18

QUESTION #27

After exhausting the five senior unsuccessful bids, can an employee continue to bid?

ANSWER #27

Yes, but only to a duty assignment for which the employee is currently qualified, when necessary to retain saved grade, or due to the elimination or reposting of the employee's duty assignment.

Source: JCIM Article 37, Q&A 173, page 34

QUESTION #28

Is an employee who is exercising retreat rights considered to be bidding?

ANSWER #28

Yes, but it does not count as one of the five (5) successful bids under Article 12, Section 3, or as one of the five senior unsuccessful bids under Article 37.

Source: JCIM Article 37, Q&A 174, page 34

QUESTION #29

Does an employee with saved grade who enters a 90 day bid restriction lose the saved grade because the employee cannot bid on higher level duty assignments?

ANSWER #29

No. Such employees are restricted from bidding, but do not lose saved grade as a result of the bidding restriction.

Source: JCIM Article 37, Q&A 196, page 38

QUESTION #30

If an employee in a saved grade status is in a deferment for a duty assignment at his/her former level, must the employee continue to bid to maintain saved grade?

ANSWER #30

As long as a good faith effort is being made to qualify, bidding for other duty assignments at the employee's former level is not required.

Source: JCIM Article 37, Q&A 241, page 46

QUESTION #31

If an employee in a saved grade status is designated the senior bidder and then withdraws from or fails to report to training, does the employee lose saved grade?

ANSWER #31

Yes.

Source: JCIM Article 37, Q&A 242, page 47

QUESTION #32

Can you explain the use of saved grade provisions contained in 3.7.4.C.6.b?

ANSWER #32

This saved grade provides a Clerk with two years during which they will not be expected to bid or apply in order to maintain their saved grade. After the two year period, and if the Clerk is still in the saved grade as provided for in Article 37.4.C.6.b, he/she is expected to bid or apply for all duty assignments in his/her former wage level for which they are qualified, or could become qualified by entering a scheme deferment period.

Source: JCIM Article 37, Q&A 243, page 47

QUESTION #33

If I have saved grade and bid to a job in my former level, will I keep the saved grade for two years?

ANSWER #33

No. Once you successfully bid to a job in your former level you lose saved grade protection under the provisions of 37.4.C.6.b.

Source: JCIM Article 37, Q&A 244, page 47

QUESTION #34

If a saved grade Level 7 Clerk in a Level 6 duty assignment bids on another Level 6 duty assignment does he/she lose the Level 7 saved grade?

ANSWER #34

No. The requirement to retain saved grade is to bid or apply to the former level positions. Bidding on a level position other than the former level does NOT forfeit saved grade.

Source: JCIM Article 37, Q&A 245, page 47

QUESTION #35

Who is expected to bid on posted duty assignments?

ANSWER #35

Any Clerk in saved grade whose former level positions are the same level as the posted duty assignment if they are eligible and qualified in accordance with 37.4.C.6.b. For example, a former Level 7 Clerk receiving saved grade in a Level 5 position is expected to bid on those Level 7 duty assignments for which he/she is qualified. A former Level 6 in Level 5 is expected to bid on Level 6 posted duty assignments.

Source: JCIM Article 37, Q&A 247, page 47

QUESTION #36

Who is considered to be a "preference eligible"?

ANSWER #36

Preference eligibles are those employees who have acquired status as a veteran's preference eligible employee in accordance with the law. [see ELM 354.215]

Source: JCIM Article 37, Q&A 254, page 49

QUESTION #37

When a clerk is placed into a lower level duty assignment to accommodate an excessed senior preference eligible Clerk, does he/she have retreat rights to the level?

ANSWER #37

No. If placed in a lower level duty assignment due to the placement of an excessed senior preference eligible Clerk, he/she will have retreat rights solely to the former duty assignment on a one-time basis if it gets posted as a vacancy. If he/she refuses the retreat rights, they lose saved grade protection.

Source: JCIM Article 37, Q&A 255, page 49

ARTICLE 12.5.C.5

*REDUCTION IN THE NUMBER
OF EMPLOYEES
IN AN INSTALLATION
OTHER THAN BY ATTRITION*

Principles of Seniority, Posting and Reassignments

Article 12 provides management with the ability to reassign excess employees.

Several factors are universal in any application of Article 12 and they are:

REASSIGNMENT - GENERAL PRINCIPLES

Article 12.4 establishes the following reassignment rules:

- The dislocation and inconvenience to bargaining unit employees be kept to a minimum.
- Reassignments will be made in accordance with Article 12.4 and 12.5.
- Where a major relocation of employees is planned, the parties must meet at the national level at least 90 days in advance of implementation of the plan.
- The Postal Service will provide the APWU information at the national level regarding consolidating postal installations, when those consolidations result in a major relocation of employees.
- Meetings with the union at the area/regional level are required no less than 90 days (six months if possible) in advance of any anticipated reassignments from an installation under Article 12.4.B

REASSIGNMENT - GENERAL PRINCIPLES

In such case, the union will be advised of the following:

1. The anticipated impact, by craft.
2. The installations with available residual vacancies for the employees to be reassigned.
3. When a new installation is involved, the new installation's anticipated complement by tour and craft.

The above information must be updated periodically and provided to the union at the area/regional level.

Source: JCIM Article 12, page 3

ARTICLE 12.4

- Advance notification to the union and employees is required. (12.4.B)
- Dislocation and inconvenience to full-time and part-time flexible employees must be held to a minimum consistent with the needs of the service. (12.4.A)
- To the extent possible, casual employees working in the affected craft and installation must be separated and PTF hours reduced before excessing. (12.4.D)
12.5.C.5.a.(2) & a.(3)

Article 12.4.C

Once employees are involuntarily reassigned outside an installation, the union at the Regional level may request from the Area level, a comparative work hour report sixty days after the excessing. If a review of the report does not substantiate that conditions warranted the excessing, employee(s) retreat rights should be activated.

Source: JCIM Article 12, page 6

Article 12.5 Reassignments

12.5.A.1 through 12.5.A.8 is a table of contents for the application of 12.5.C.

When the determination is made that reassignments are necessary, the appropriate provision must be identified.

12.5.A.5 is the most often used provision and should not be applied, unless the others are inappropriate.

Article 12.5 Reassignments

- 12.5.A.4 should be applied when it is necessary to move some positions from one tour and/or section to another tour and/or section.
- 12.5.A.5 should be applied when it is necessary to decrease the actual number of employees in the installation.

PLEASE NOTE:

- Occupational group does not apply to the Clerk craft. Clerks are identified for reassignment by salary level.
- Article 12.5.D sets aside the part-time regular employee as a separate category for excessing and the reassignment of full-time regulars do not affect this category of employee. However, all provisions of 12.5 apply to the reassignment of part-time regulars.

PLEASE NOTE:

- Incumbents in each best qualified position and salary level will be in a separate category for Article 12 excessing purposes.
- These categories will be separate from senior qualified positions. (37.3.A.7.d).

BEST QUALIFIED

Seniority is determined when excessing employees from best qualified duty assignments within a position designation by their total clerk craft seniority in the installation, as established under Article 37.2.D.1.

Source: JCIM Article 37, Q&A 100, page 20

BEST QUALIFIED

Employees excessed from a best qualified position maintain their position designation until they successfully bid or are assigned to a vacancy. As unencumbered employees, they are subject to the assignment provisions of Article 37.4 in the same manner as other unencumbered employees.

Source: JCIM Article 37, Q&A 102, page 21

PROPOSED EXCESSING

Field managers and/or supervisors should not discuss with bargaining unit employees proposed excessing outside the craft or installation until the area/regional parties have held their discussions. This should prevent employees from receiving erroneous information from management or the union, and control the appropriate flow of information.

Source: JCIM Article 12, page 4

AREA/REGIONAL NOTIFICATION

Dear Regional Coordinator,

This letter is to notify you of our intent to excess outside the installation within the next two Weeks from the Anywhere P&DC.

Management

AREA/REGIONAL NOTIFICATION

Involuntary reassigning bargaining unit employees outside their craft/installation requires an area/regional labor management meeting. It is in the interest of both parties to meet as soon as practicable and to develop an ongoing flow of communications to insure that the principles of Article 12 (reassignment) are met. The first area or regional labor management meeting must be held no less than 90 days prior to the involuntary reassignment.

Source: JCIM Article 12, page 4

Article 12.5. B

Withholding of Residual Vacancies

After notification to the union at the area/regional level, residual vacancies are withheld at the same or lower level in all crafts in the affected installation, and residual vacancies at the same or lower level in surrounding installations. Residual vacancies in other crafts at the same or lower level in the losing or surrounding installations may also be withheld for the involuntary reassignment of employees identified as excess to the needs of the installation to which assigned. Article 37.3.A.3 requires the postal service to send written notice to the local APWU president when residual duty assignments are withheld.

SELECTION OF WITHHELD FULL-TIME OR PART-TIME REGULAR CLERK CRAFT DUTY ASSIGNMENTS BY CLERK CRAFT EMPLOYEES IMPACTED BY ARTICLE 12

- When excessing from multiple pay levels, affected employees including senior volunteers in lieu of impacted employees, regardless of pay level, by category (FTR, PTR, PTF or Best Qualified), will select from available withheld residual vacancies in seniority order.

Source: JCIM Article 12, page 4

Article 12.5. B

Withholding of Residual Vacancies

- The total number of positions withheld in both installations minus reversions, cannot exceed the impact in the losing installation.
- Part-time flexible employees not working in withheld positions who meet the requirements of the maximization memo must be converted to full-time in less than 200 work year facilities.
- Effective December 1, 2007, there will be no PTFs in 200 or more work year offices.

Article 12.5. B

Withholding of Residual Vacancies

The Postal Service may substitute residual duty assignments to the withheld pool that are closer to the impacted office, or residual duty assignments within the same craft. The Postal Service will release residual withheld duty assignments not needed. These withheld duty assignments will be released for PTR bidding, PTF preference, or transfers where applicable.

Source: JCIM Article 12, page 4 - 5

Article 12.5. B

Withholding of Residual Vacancies

- THERE ARE NO "BLANKET RULES" THAT DETERMINE WHETHER MANAGEMENT IS WITHHOLDING AN EXCESSIVE NUMBER OF POSITIONS, OR WITHHOLDING POSITIONS FOR AN EXCESSIVE PERIOD OF TIME.
- RATHER, EACH SITUATION MUST BE EXAMINED SEPARATELY BASED UPON LOCAL FACT CIRCUMSTANCES.

Source: JCIM Article 12, page 5

PART-TIME FLEXIBLE CONVERSION

- Once management has determined that withholding is necessary, part-time flexible employees should not be converted to full-time regular status and placed in residual vacancies within the area of withholding until management has withheld sufficient residual vacancies.

Effective December 1, 2007 there will be no clerk part-time flexible employees in 200 or more work year offices.

Maximization Memo

Management has a continuing obligation to convert PTFs to FTRs if hours of PTFs aren't used to backfill a FTR residual vacancy held pending Article 12.

Please Note: Effective December 1, 2007, all Clerk PTFs in 200 or more work year facilities/installations will be converted to full-time regular.

QUESTION #38

WHAT ACTION MUST MANAGEMENT
TAKE BEFORE EXCESSING FULL-TIME
EMPLOYEES FROM AN INSTALLATION?

ANSWER #38

MANAGEMENT IS REQUIRED TO:

- 12.5.C.5.a.1 Determine by craft and occupational group, the number of excess employees.
- 12.5.C.5.a.2 Separate all casuals to the extent possible, thus minimizing the impact on the career regular workforce.
- 12.5.C.5.a.3 Reduce part-time flexible hours, to the extent possible, again, to minimize the impact on full-time positions.

QUESTION #39

WHO IS DECLARED EXCESS?

ANSWER #39

12.5.C.5.a.4 The junior full-time employee in the salary level, craft, and occupational group affected, on an installation wide basis.

Stewards

- Have “super seniority” protection from excessing (Article 17.3) if qualified for work which remains in tour/station/installation
- Maintain “super seniority” over excessed employee(s) for bidding within the tour/station/installation after excessing has occurred
- May be “de-certified” as a steward after excessing has occurred, but remains as non-steward with bidding rights over excessed employees

EMPLOYEE NOTIFICATION

Dear Excessed Employee:

This is to notify you of our intent to excess you from the installation 14 days from this date. You will report to the Way Out Post Office on day 15. If the distance from your home to the new location is in excess of 60 miles, you will be paid mileage.

Management

EMPLOYEE NOTIFICATION

Affected regular work force employees are entitled to an advance notice of not less than 60 days, if possible, before making involuntary details or reassignments from one installation to another.

The language relative to the 60 day notice, "if possible," is not intended to be permissive, but is a requirement. If it is at all possible to provide 60 day notice, then management must do so. When the employee is provided the 60 day notification, the APWU local president will be notified and a copy of the subsequent reassignment letter given to the employee(s) will be sent to the APWU local president at both the gaining and losing installations.

EMPLOYEE NOTIFICATION

Full-time employees who have received a sixty (60) day notification of their proposed excessing from the craft and/or installation are eligible to bid during the interim period on vacant duty assignments for which they would have otherwise been eligible to bid.

Source: JCIM Article 37, Q&A 57, page 13

RELOCATION EXPENSES

When involuntary reassignments are made, the affected employees are entitled to receive moving, mileage, per diem, and reimbursement for movement of household goods, as appropriate, if legally payable pursuant to Handbooks F-12 and F-15. For relocation expenses, an employee who volunteers to be excessed in lieu of a junior employee is treated the same as an involuntarily reassigned employee.

Article 12.5.B

- When excessing occurs in a craft, either within the installation or to another installation, the sole criterion for selecting the employees to be excessed is craft seniority.
- Whether or not a member of the affected craft is recovering from either an on- or off-the-job injury would have no bearing on his/her being excessed.
- In addition, other craft employees who are temporarily assigned to the craft undergoing the excessing would have to be returned to their respective crafts.

Article 12.5.B - Light & Limited Duty

An employee in a light/limited duty status will be excessed in the same way that employees in a full duty status are excessed, based on the pay level of the duty assignment that they hold and their seniority. They will receive reasonable accommodation if necessary in their new duty assignment and or installation.

Source: JCIM Article 12, page 7

Excessing From Multiple Pay Levels

When excessing from multiple pay levels, clerk craft employees impacted by Article 12 will be determined by their Clerk Craft seniority from within a combined group of impacted clerks and volunteers in lieu of impacted employees, regardless of pay level. The term "occupational group" does not apply to the clerk craft.

Source: JCIM Article 12, page 8

QUESTION #40

WHERE ARE THEY REASSIGNED?

ANSWER #40

12.5.C.5.a.4 To the extent possible, the excessed full-time employees are reassigned within the installation to other crafts at the same or lower level.

QUESTION #41

HOW IS THIS ACCOMPLISHED?

ANSWER #41

Article 12.5.C.5.a(4) provides for the involuntary reassignment of full-time employees who meet the minimum qualifications by juniority, to residual vacancies in other crafts within the installation.

Source: JCIM Article 12, page 12

MINIMUM QUALIFICATIONS

Minimum qualifications are usually the requisite entrance examination, a driving license (including a Commercial Driving License-CDL where necessary), an experience requirement, or a demonstration of a skill (e.g. typing).

Please check the qualification standards to determine the minimum qualifications for a particular position.

Source: JCIM Article 12, page 12

QUESTION #42

DO THEY RETAIN THEIR CRAFT
SENIORITY?

ANSWER #42

- NO...Since they are being reassigned to a different craft, they begin a new period of seniority.

EXCESSED

To Another Craft Within The Installations

- Begins new period of seniority as FTR
- Receives saved grade pay
- Must return to original craft at same, lower, or higher level
- Regains seniority previously retained augmented by employment in another craft
- Will retreat to former craft on basis of seniority

QUESTION #43

DO THE REASSIGNED EMPLOYEES
RETAIN RETREAT RIGHTS?

ANSWER #43

If involuntarily reassigned across craft lines within the installation, the employee has no option and must be returned to the first available vacancy. If involuntarily reassigned outside the installation, including across craft lines, the employee can exercise his/her option to return to the vacancy.

Article 12.5.C.5.a

When an opportunity arises for excessed employees to return to a vacancy in their former craft or installation, the postal service will contact all excessed employees in seniority order prior to awarding bids in the former installation and the order of return will be based on the seniority standing among all excessed employees, both across craft lines and outside the installation. If the employee does not meet the minimum qualifications for the vacancy, it will not be considered as an opportunity.

Source: JCIM Article 12, page 12

QUESTION #44

CAN A SENIOR EMPLOYEE ELECT TO TAKE THE PLACE OF A JUNIOR EMPLOYEE SCHEDULED TO BE EXCESSED INTO ANOTHER CRAFT WITHIN THE SAME INSTALLATION?

ANSWER #44

- The right of election of a senior employee to take the place of a junior employee is not available for this cross-craft assignment within the installation.

ARTICLE 12.5.C.5.b

REASSIGNMENTS TO
OTHER INSTALLATIONS
AFTER MAKING
REASSIGNMENTS WITHIN
THE INSTALLATION

QUESTION #45

IF THE EXCESSED JUNIOR FULL-TIME EMPLOYEE CANNOT BE ASSIGNED TO ANOTHER CRAFT IN HIS/HER OWN INSTALLATION, WHAT OCCURS?

ANSWER #45

- Article 12.5.C.5.b(1) provides for the involuntary reassignment of full-time employees by juniority to other installations to residual vacancies in the same or lower level in the APWU crafts.
- Management designates the available residual vacancies and if a sufficient number is not identified within 100 miles of the losing installation, consultations with the affected union is required.

Excessing Multiple Installations

If employees are being excessed from more than one installation within a close geographic area at the same time, Area management and the APWU Regional Coordinator will meet and determine the appropriate method to be used for selection from the list.

Source: JCIM Article 12, page 12

QUESTION #46

MAY A SENIOR FULL-TIME EMPLOYEE
IN THE SAME CRAFT ELECT TO TAKE
THE PLACE OF A JUNIOR EXCESS
EMPLOYEE?

ANSWER #46

- Any senior clerk craft employee in the same level and status in the same installation may elect to be excessed in lieu of a junior employee.
- However, the senior employee electing to be excessed in lieu of a junior employee forfeits his/her retreat rights.

Volunteers in Lieu of Excessed

Senior full-time or part-time regular clerks who elect to be reassigned to the gaining installation will take their seniority with them. Reassignment of those full-time or part-time regular clerks shall be treated as details for the first 180 days to avoid inequities in the bidding of duty assignments by full-time or part-time regular clerks in the gaining installation.

Source: Article 37.2.D.6.a.(2)

Part-Time Flexible Employees

Part-time flexible employees who elect to be reassigned in lieu of excessed part-time flexible employees are placed at the bottom of the part-time flexible roll and, upon conversion to full-time, their seniority includes all part-time flexible service at both the losing and gaining installations.

QUESTION #47

WHO GETS PREFERENCE IN THE EVENT THAT TWO OR MORE RESIDUAL VACANCIES ARE SIMULTANEOUSLY AVAILABLE?

ANSWER #47

If more than one vacancy is available for the full-time employees subject to involuntary reassignment, the senior of those junior employees to be reassigned is given first choice.

QUESTION #48

IN ORDER TO AVOID EXCESSING,
MAY A FULL-TIME EMPLOYEE ELECT
TO CHANGE TO PART-TIME
FLEXIBLE STATUS AND REMAIN IN
HIS/HER OWN INSTALLATION?

ANSWER #48

- Excess full-time employees have the option to revert to part-time flexible status in lieu of involuntary reassignment and such employee is placed on the part-time flexible roster in accordance with their seniority.

Full-Time Regular to Part-Time Regular

In the Clerk Craft, in postal installations which have 200 or more work years of employment in the regular work force, a full-time employee shall have the option of changing to part-time regular in lieu of involuntary reassignment. Clerks who decide to revert to part-time regular status in lieu of being excessed from the installation, will be restricted from bidding on full-time duty assignments as a part-time regular employee until all excessed clerk craft employees have had the opportunity to exercise retreat rights.

Source: JCIM Article 12, page 13

QUESTION #49

DOES A FULL-TIME EMPLOYEE
EXCESSED TO ANOTHER
INSTALLATION HAVE RETREAT
RIGHTS?

ANSWER #49

- In the clerk craft (Article 37, Section 2.D.5.c); an employee involuntarily reassigned is entitled, at the time of such reassignment, to file a written request for retreat rights.
- The request must indicate whether the employee desires to retreat to the same, lower, and/or higher level duty assignment and, if so, what salary level(s). The written request for retreat rights shall serve as a bid for all vacancies in the former installation in the level from which reassigned, and for residual vacancies in the other levels for which the employee has expressed a desire to retreat. If vacancies are available in a specified lower, higher or same salary level, the employee will be given the option.

RETREAT RIGHTS - BEST QUALIFIED

A full-time employee encumbered in a best qualified duty assignment who has been excessed from the installation may exercise retreat rights to a senior qualified duty assignment.

Source: JCIM Article 37, Q&A 105, page 21

RETREAT RIGHTS - PART-TIME EMPLOYEES

Any part-time flexible employee holding retreat rights to the clerk craft in a 200 work year installation after December 1, 2007, may retreat to a residual full-time vacancy regardless of level, at the first available opportunity.

Source: JCIM Article 12, page 18

QUESTION #50

MAY A CLERK CRAFT EMPLOYEE WHO HAS BEEN INVOLUNTARILY REASSIGNED, RETREAT TO HIS/HER FORMER INSTALLATION IN A LOWER LEVEL POSITION?

ANSWER #51

- The employee may only retreat to those lower level duty assignments for which the employee would have been otherwise eligible to bid. Withdrawal of a bid or failure to qualify for a vacant or residual duty assignment terminates retreat rights to the level of the vacancy.
- Employees who have been excessed from an installation pursuant to Article 12 should be given an opportunity to retreat prior to converting a part-time flexible employee to full-time.

QUESTION #52

WHAT EFFECT WILL ELECTING
RETREAT RIGHTS TO A LOWER LEVEL
ASSIGNMENT HAVE ON SALARY
PROTECTION?

ANSWER #52

An employee who voluntarily retreats to a lower level duty assignment is not entitled to salary protection.

QUESTION #53

Can senior clerks volunteer to be reassigned to another craft and installation in lieu of junior clerks? If so, do such employees retain their seniority?

ANSWER #53

Article 12 provides the right for senior volunteers to be reassigned in lieu of junior clerks subject to involuntary reassignment to other crafts in other installations. However, such employees do not take their clerk craft seniority with them. Rather, since they are being assigned to a different craft, their seniority is established according to the provisions of the craft to which reassigned.

Source: JCIM Article 37, Q&A 47, page 10

QUESTION #54

Will a previously excessed Clerk who returns to the craft pursuant to either Article 12.5.C.5.a.(5) or 12.5.C.5.b.(6) after February 16, 2008 (date of upgrades) be given the opportunity to retreat to the higher level (upgraded) position/duty assignment?

ANSWER #54

Yes. When previously excessed employees return to their original craft pursuant to Article 12.5.C.5.a.(5) or 12.5.C.5.b.(6) after February 16, 2008 (date of upgrades) such employees will be placed into the job position and level that is equivalent to the position/duty assignment from which they were excessed. For example, a level 5 Clerk that was excessed prior to the upgrades would return to the Clerk Craft as a level 6 Clerk after February 16, 2008.

Source: JCIM Article 37, Q&A 129, page 26

QUESTION #55

Will a part-time flexible Clerk who was excessed from a 200 work year installation to a different craft and/or installation prior to December 1, 2007 have an opportunity to retreat to the Clerk Craft in their original installation after all PTFs have been converted to full-time?

ANSWER #55

Yes. In the Clerk Craft, PTF employees with retreat rights to 200 work year installations will have the opportunity to retreat to full-time duty residual vacancies concurrently with PTR bidding [Article 37.3.A.1.a.(3)], exercising the seniority they held in the Clerk Craft before excessing augmented by the time spent in the different craft/installation.

Source: JCIM Article 37, Q&A 130, page 26

QUESTION #56

When Clerk Craft employees have been excessed to a different craft and/or installation in accordance with Article 12.5.C, in what order may they exercise retreat rights?

ANSWER #56

All excessed Clerks will be merged into a single list by pay level and status in accordance with their seniority in the losing craft, and will be offered the opportunity to return from that merged list by seniority.

Source: JCIM Article 37, Q&A 131, page 26

QUESTION #57

Can a clerk lose retreat rights for failure to qualify on an initial or residual vacancy with a skill requirement such as typing?

ANSWER #57

No. The intent is that they must qualify on vacancies with skill deferment periods for postal training such as scheme or window training.

Source: JCIM Article 37, Q&A 132, page 26

QUESTION #58

If a clerk is excessed outside the installation to a lower level duty assignment with saved grade pursuant to Article 37.4.C.6.b, and is later offered and declines retreat rights to his/her former level and craft in the former installation, does the employee lose the saved grade protection?

ANSWER #58

The clerk would retain saved grade only for the two year period. Thereafter, the clerk must bid or apply to their former level to retain saved grade status.

Source: JCIM Article 37, Q&A 49, page 11

QUESTION #59

Can a senior employee elect to be reassigned in lieu of a junior employee in a different status? For example, can a full-time employee elect to be reassigned in lieu of a part-time flexible?

ANSWER #59

No. A senior full-time employee can replace only a full-time employee; a part-time flexible can replace only a part-time flexible; and a part-time regular can replace only a part-time regular.

Source: JCIM Article 37, Q&A 48, page 11

QUESTION #60

Can a full-time employee encumbered in a best qualified duty assignment (PS-7) (PS-6) volunteer to be reassigned in lieu of a full-time employee encumbered in a senior qualified duty assignment PS-7) (PS-6)?

ANSWER #60

No. Each best qualified position is treated as a separate category when applying the excessing provisions of Article 12. Employees cannot volunteer to be excessed in place of employees in other categories.

Source: JCIM Article 37, Q&A 103, page 21

QUESTION #61

Can a full-time employee encumbered in a senior qualified duty assignment (PS-7) (PS-6) volunteer to be reassigned in lieu of a full-time employee encumbered in a best qualified duty assignment (PS-7) (PS-6)?

ANSWER #61

Not if the Clerk is being excessed to a duty assignment in the same best qualified position and level in the new installation. Normally, each best qualified position is treated as a separate category when applying the excessing provisions of Article 12. Employees cannot volunteer to be excessed in place of employees in other categories. However, if it is proposed to excess a Clerk encumbered in a best qualified duty assignment into a duty assignment in the gaining installation which is senior qualified, then employees encumbered in senior qualified duty assignments will be given the opportunity to volunteer.

Source: JCIM Article 37, Q&A 104, page 21

QUESTION #62

When involuntarily reassigning employees from other crafts to the clerk craft pursuant to Article 12, how is their seniority established?

ANSWER #62

By applying the provisions of Article 37.2.D.6.a. Such employees begin a new period of seniority unless some other provision of the National Agreement specifically allows them to keep their seniority.

Source: JCIM Article 37, Q&A 48, page 11

Transfer Opportunities to Minimize Excessing MOU

All APWU Employees in the installation and affected craft experiencing excessing from the craft or installation may voluntarily submit a request for transfer through eReassign.

These employees will be placed on a preferred listing within eReassign by date order.

Transfer Opportunities to Minimize Excessing MOU

These volunteers will be allowed to transfer out of their impacted installation in accordance with the MOU on Transfer Opportunities to Minimize excessing and the procedures described.

A. Affected employees requesting transfer must meet the minimum qualifications for the position being considered.

B. In accordance with applicable provisions of the EL-312 Handbook, nepotism rules are still in effect.

2006 - 2010 CBA Pages 315 - 316

C. The following sections of the Transfer Memorandum of Understanding (page 305 of the 2000-2006 National Agreement) are modified in order to accommodate transfer opportunities to minimize excessing. Specifically:

1. Section B & C (page 305-306) - Ratios contained in the Transfer MOU are not applicable to affected employees applying for transfer as a result of impending excessing.

2006 – 2010 CBA Pages 316

2. Section D (page 306) – Affected employees work, attendance and safety records will not be considered when applying for transfer as a result of impending excessing.

3. Section D.1 (page 305-307) – Affected employees will not be required to have 18 or 12 months of service (as applicable) in their present installation prior to requesting a transfer to another installation. Additionally, any craft lock in period will also not apply to affected employees that qualify for priority consideration.

2006 – 2010 CBA Pages 317

4. Section E (page 307) – A minimum of 30 days notice to the losing installation will be afforded if possible. Neither the gaining nor losing installation can place a hold on the employee. The affected employee will be allowed to transfer prior to the excessing if they desire and choose their effective date of transfer to coincide with the start of a pay period at the gaining installation. The losing installation will coordinate between the employee and the gaining installation.

D. The Postal Service will not provide affected employees copies of vacancies at postal facilities in advance of transfer requests. Installations with hard-to-fill vacancies post them in eReassign as reassignment Opportunities.

Employees can request reassignment to these specific positions. It is the responsibility of the affected employee to check on a regular basis in eReassign for reassignment

Opportunities. Employees may also request transfers to offices that do not have reassignment opportunities listed on eReassign.

2. Selections by installations accepting transfer requests will be on a seniority basis using craft installation seniority from the losing installation.

A. In the event of a seniority tie, the tie breaker method will be as follows: a) total career postal time, and b) entered on duty date.

B. An employee's seniority in the gaining installation is established by the respective gaining craft article in the collective bargaining agreement based on the employee being a voluntary transfer (not excessed) employee.

Transfer Opportunities to Minimize Excessing MOU

3. An employee accepting a transfer under the priority consideration will have their name removed from the priority eReassign pending request list at all locations. Affected employees requesting transfer can change their mind and decline a transfer opportunity. By doing so, the affected employee's name will be removed from the priority eReassign pending request list at the declined location and the affected employee becomes immediately available for involuntary Article 12 reassignment.

4. Employees may transfer across APWU craft lines. Transfers outside craft lines will be processed in accordance with applicable provisions of the collective bargaining agreements and postal regulations. Affected employees requesting transfer must meet the minimum qualifications for the position being considered. The first selection will come from same craft to same craft prior to making cross craft selections. There is no priority consideration to non-APWU craft positions.

Transfer Opportunities to Minimize Excessing MOU

5. Simultaneous (duplicate) requests for transfer by the same employee to the same craft and installation in eReassign are not permitted.
6. Employee may receive a printed confirmation of their request through eReassign.
7. Impacted crafts or occupational groups in installations under Article 12 withholding are not available for transfer requests.
8. As a result of the MOU, there are no changes to the Article 12 time frames for notification to the union.
9. Disputes arising from the application of Transfer Opportunities to Minimize Excessing MOU will be processed at the Area level. If unable to resolve at Area level, the dispute will be forwarded to the Headquarters level.

Dockins/Burrus 8/8/06

POST EXCESSING NOTIFICATION

Within seven days of the completion of an individual excessing event, the Area office will provide the Regional Coordinator with written notice detailing:

- The date that the excessing event was finalized.
- How the reduction was accomplished (e.g. attrition, excessing.)
- The name of employees (if any) who were excessed, the date of excessing, the office to which each employee was reassigned, each employee's seniority date upon reassignment, and whether the reassignment was voluntary.
- A copy of the withholding cancellation for the excessing event.

Are you Ready?

Review Time

QUESTION

How many occupational groups are in the Clerk Craft?

ANSWER

The Clerk Craft does not have occupational groups.

QUESTION

Mary's seniority date is Dec. 02 and she is an FTR.

John's seniority date is April 02 and he is a PTR.

The USPS is excessing one PTR.

Who would be excessed?

ANSWER

Excessing is done by
category, by juniority.

QUESTION

Seven casuats work the same five hours each day (totaling 35 hours per day) five days per week, 5am to 10 am.

Is this a violation of Article 12?

The installation has five PTFs. Each works six hours per day.

Is this a violation?

ANSWER

Based on this information, there is no violation.

QUESTION

The junior employee in the installation is the Local President.

Can he/she be excessed?

The junior employee in the installation is the Chief Steward.

Can he/she be excessed?

Can a steward be excessed?

ANSWER

Yes - if not certified as a steward

Same as above

Yes - if no "jobs for which the employee is qualified on such tour" (Article 17.3)

QUESTION

The junior employee is a limited duty (rehab Carrier) full-time regular in the Clerk Craft who is also the Postmaster's secretary (Level 5).

Is the Postmaster's secretary excessed?

How do I prove this?

ANSWER

The secretary will be excessed.

Source: JCIM Article 12, page 7

QUESTION

The junior of the two excessed employees, selected to be a mail handler at an Associated Office, whereas the senior affected employee is a clerk at an Associated Office.

Who has first offer of retreat rights?

ANSWER

Across craft shall be returned to the craft from which reassigned at first opportunity.

By seniority -

Source: JCIM Article 12, page 12

QUESTION

John has ten years as a clerk and was excessed to mail handler for two years.

When returned, what is John's seniority date?

ANSWER

Retains all previous seniority in craft augmented by intervening employment in other craft.

12 years of service in the Clerk Craft

QUESTION

I am an excessed Level 6 FTR who was excessed to a different installation.

May I use my seniority (retreat rights) to bid on an initial Level 5 position?

ANSWER

Bid - No

Residual Level 5 - Yes

Article 12.5.C.5

Recap

General Principals of Reassignment

- Categories for Excessing:
 - FTR
 - PTR
 - PTF
 - Best Qualified (BQ)
 - Each BQ treated as separate category
- USPS identifies category, level and number of employees
- An employee will begin a new period of seniority if reassigned to:
 - Another craft or occupational group
- APWU may request a Comparative Work Hour Report analyzing the 30 day period before and 30 day period after excessing has occurred

NOTIFICATION

- Advance notification required to APWU Regional Coordinator
- Six months notice sought
- No less than 90 days before excessing occurs
- Notice shall reflect exact number to be withheld within an area
- Not less than 60 day notice before involuntary detail or excessing occurs

NOTIFICATION

- Identify number of residuals withheld in same or lower level in all crafts in affected area
- Identify as excess the number of employees in craft, level & category

General Principals of Reassignment

- Following excessing, stewards maintain their super-seniority for the purpose of bidding on initial vacancies over excessed employees wishing to exercise their retreat rights.
- An employee whose job is eliminated, if any, and who cannot be placed in a job of equal grade shall receive saved grade until such time as that employee fails to bid or apply for a position in the employee's former wage level. (Article 4.3)

An employee reassigned from a "senior qualified" assignment cannot exercise their retreat rights to a "best qualified" assignment.

Retreat Rights Are:

- Option to retreat to same, higher or lower level made at time of excessing
- Employee has option to decline retreat to lower level when position is offered and still maintain retreat rights to same level
- Failure of an excessed employee to bid on the same level assignment in the section from which excessed, terminates retreat rights

Excessed Employee Options:

1. Junior employee identified by category, level and craft
2. Employees offered same or lower level within affected installation, within same or other crafts
3. If no position available, employees offered same craft in surrounding installations
4. If no position available, employees offered same or lower level in other crafts in surrounding installations

Excessed Employee Options

If to same craft in surrounding installation:

Shall have retreat rights to same, lower, or higher level positions from installation excessed from

- a. Retreat rights will serve as a bid for the same level *initial vacancy* for which employee was excessed from
- b. Retreat rights will serve as bid for *residual vacancies* to lower or higher level jobs

Other Article 37

Questions/Answers
That may Impact
Article 12

Article 37 (RE: 12.5.B.2)

- 37.3.A.3 Withholding. When vacancies are withheld under the provisions of Article 12, the local union president will be notified in writing.
- 37.1.H Residual Vacancy. A duty assignment that remains vacant after the completion of the voluntary bidding process.

Article 37 (RE: 12.5.B.2)

- 37.1.G Reversion. A management decision to reduce the number of duty assignments in an installation when such duty assignment(s) is/are vacant.
- 37.3.A.1.a.(3) Residual full-time vacancies are posted for bid, within 28 days to part-time regular employees eligible to bid, after the application of Section 4.C, Assignment of Unencumbered Employees, unless such vacancies are being withheld pursuant to Article 12.

QUESTION #63

Does the term residual vacancy have more than one meaning?

ANSWER #63

No. Article 37.1.H defines a residual vacancy as “a duty assignment that remains vacant after the completion of the voluntary bidding process.” However, what is done with a residual vacancy depends on the individual circumstances. For example, when withholding duty assignments pursuant to Article 12, the duty assignments (residual vacancies) which remain vacant after completion of the voluntary bidding process and assignment of unencumbered employees are withheld. Also considered residual vacancies, are vacancies which remain after best qualified duty assignments are posted for application.

Source: JCIM Article 37, Q&A 11, page 3

QUESTION #64

When does the 28 day period begin for posting residual full-time vacancies to eligible part-time regular employees?

ANSWER #64

- a.) If there are no unencumbered employees to assign, the 28 day period begins on the date the vacant duty assignment became a residual vacancy.
- b.) If unencumbered employees are assigned to residual vacancies pursuant to Section 4.C., any remaining residual vacancies must be posted within 28 days of the date the unencumbered employees are notified of their assignment to the residual vacancies.
- c.) If the residual vacancy was withheld pursuant to Article 12 of the CBA and subsequently released, the residual vacancy must be posted within 28 days of the date the residual vacancy was released from withholding.

Source: JCIM Article 37, Q&A 64, page 14

QUESTION #65

Must unencumbered employees be assigned to residual duty assignments pursuant to Article 37.4 before the vacancies can be withheld pursuant to Article 12?

ANSWER #65

- Yes. The proper “pecking order” for filling a residual vacancy in the clerk craft is as follows:
- 1. Unencumbered Full Time Regulars (FTR) and Full Time Flexibles (FTF), pursuant to Article 37.4
- 2. Article 12 withholding
- 3. By seniority, concurrent reassignment of rehabilitation employees from other crafts, pursuant to ELM Section 546.222; Part Time Regular (PTR) bidding, pursuant to Article 37.3.A.1.a.3; and Part Time Flexible (PTF) preferencing, pursuant to Article 37.5

Source: JCIM Article 37, Q&A 219, page 42

QUESTION #66

When an employee bids from a lower level duty assignment, (PS-5) (PS-4), to a higher level duty assignment, (PS-6) (PS-5), (PS-7) (PS-6) or (PS-8) (PS-7), or vice versa, can the employee be returned to his/her former level prior to excessing employees pursuant to the provisions of Article 12?

ANSWER #66

Yes. Employees serving in the new level for the first time can be returned to their former level by inverse seniority provided that such employee has not completed three years in the new level.

Source: JCIM Article 37, Q&A 219, page 42

TOOLS (Per Excessing Event)



1. Seniority list(s) identifying name, seniority, level, section, veteran's preference eligibility (and type), light/limited duty status
2. Modified/Rehab job offer for light/limited/rehab employees
3. PS Form 50 and CA-17 of light/limited/rehab employees
4. Comparative Work Hour Report (CWHR)

Excessing Tools



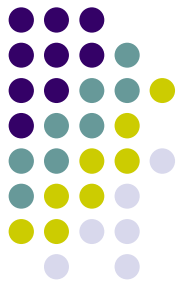
5. Post Excessing Profile (PEP)
6. Impact Report/Function 4/ Labor Scheduler Review
7. Clock rings/TACS Report for pre/post excessing period of all impacted craft members, casuals, light/limited/rehab, transitional employees
8. Arbitration Awards
9. Step 4 Agreements
10. Memorandums of Understanding
11. Article 12 Questions & Answers

Excessing Outside Installation NATIONAL ARBITRATIONS



Arbitrator	Union	Dec	Case No.	City / State
H. Gamser	APWU	S	A-NAT-2341	Pottsville, PA
R. Mittenthal	NALC	D	H7N-3D-C 22267	Washington, DC
C. Snow	APWU	S	H0C-NA-C-12	Washington, DC
H. Gamser	APWU	D	NC-E-16340	Altoona, PA
C. Snow	APWU	M	W7N-4Q-C 10845	Washington, DC
R. Mittenthal	NALC	D	H7N-3D-C 22267	Washington, DC

Excessing Outside Installation ARBITRATIONS



Arbitrator	Union	Dec	Case No.	City / State
G. Shea	APWU	D	A94C-4A-C 97093675	Lumberton, NJ
R. Kelly	APWU	S	A98C-4A-C 00115734	Spring Valley, NY
R. Simmelkjaer	APWU	S	B90C-4B-C 96037598	Meriden, CT
G. Sulzner	APWU	S	B98C-4B-C 01185377	New London, CT
R. Kelly	APWU	S	C00C-4C-C 03162916	Newark, DE
M. Zobrak	APWU	S	C94C-4C-C 98010087	Phoenixville, PA
J. Fullmer	APWU	S	C94C-4C-C 98014358	Wayne, PA
F. Blackwell	APWU	S	C94C-4C-C 98066899	Langhorne, PA
W. Powell	APWU	S	E 4C 2M-C-8372	Elkins, WV
G. Roumell	APWU	S	C1C-4B-C 2605	Sault Ste. Marie, MI

Excessing Outside Installation Arbitrations (Cont'd)



Arbitrator	Union	Dec	Case No.	City / State
M. Zobrak	APWU	S	E7S-2C-C-41232	Southern Maryland
J. Henderson	APWU	S	E90C-4E-C 93023390	Renton, WA
S. Dorshaw	APWU	S	G98C-1G-C 99245207	New Orleans, LA
M. Toedt	APWU	D	G98C-4G-C 02058765	Orange, TX
O. King	APWU	S	G98C-4G-C 99265197	Cushing, OK
G. August	APWU	S	G98T-4G-C 01045457	Pasadena, TX
K. Durham	APWU	S	H90C-1H-C 93053978	Lake Mary, FL
I. Tranen	APWU	S	H94C-1H-C 97091193	W. Palm Beach, FL
R. Hoffman	APWU	S	H94T-4H-C 98086177	Lake Wales, FL
E. Benn	APWU	S	J90S-4J-C 95015357	Indianapolis IN

Excessing Outside Installation Arbitrations (Cont'd)



Arbitrator	Union	Dec	Case No.	City / State
L. Klein	APWU	S	K00C-4K-C-4K-C 06255719	Capital Hgts., MD
C. Miles	APWU	S	C00-C4-C 02143246	Danville, VA
J. Liebowitz	APWU	S	N7C-1F-C 40311	Marshfield, MA
G. Shea	APWU	S	N90C-1G-C 92019527	White River Jct. VT
W. Harvey	APWU	S	S0C-3W-C 2882	Sarasota, FL
R. Dennis	APWU	S	S7C-3F-C 12760	Gleason, TN
E. Schedler	APWU	S	S7C-3W-C 24236	Largo, FL
E. Marlatt	APWU	S	S7C-3W-C 35473	Orlando, FL
S. Alsher	APWU	S	S7T-3C-C 21741	Memphis, TN

Excessing Outside Section Arbitrations (cont'd)



Arbitrator	Union	Dec	Case No.	City/State
I. Tranen	APWU	S	070-00-043891	Raleigh, NC
I. Thomas	APWU	S	A98C-4A-C 00052628	Newark, NJ
J. Martin	APWU	S	C1C-4B-C 21511	Jackson, MI
J. Drucker	APWU	S	D90T-1D-C 94044288	Baltimore, MD
C. Miles	APWU	S	D98C-4D-C 01212760	Fredericks- burg, VA
W. LeWinter	APWU	M	EBC-2U-C 9324	Richmond, VA
F. Butler	APWU	S	F98C-1F-C 00054104	Long Beach, CA
N. Bennett	APWU	S	G90C-1G-C 93019643	Dallas, TX
O. King	APWU	S	G94C-4G-C 98105203	Muskogee, OK
G. August	APWU	S	G94C-4G-C 99185554	Conroe, TX

Excessing/Maximization Arbitrations



Arbitrator	Union	Dec	Case No.	City / State
R. Dissen	APWU	S	C00C-4C-C 03022953	Canonsburg PA
W. Miller	APWU	S	C94C-4C-C 98081149	York, PA
L. Loeb	APWU	D	C98C-1C-C 00214449	Harrisburg, PA
L. Loeb	APWU	S	C98C-4C-C 99308448	Wilkes-Barre PA
G. Gilder	APWU	S	G98C-4G-C 00127475	Allen, TX
M. Kelliher	APWU	S	G98C-4G-C 00165878	Lubbock, TX
G. Gilder	APWU	S	G98C-4G-C 00225247	Normangee, TX
M. Toedt	APWU	S	G98C-4G-C 02064550	Galveston, TX
K. Poole	APWU	S	H94C-4H-C 97006741	Douglas, GA

Excessing Outside Installations

STEP 4's



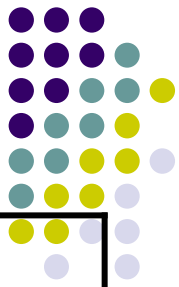
Andrews/Weitzel	03-03-1976
Andrews/Weitzel	07-11-1974
Andrews/Weitzel	01-07-1976
Benson	03-18-1983
Biller/Cagnoli	04-16-1992
Biller/Furgeson	04-16-1992
Burrus/Cagnoli	04-28-1992
Burrus/Cagnoli	07-25-1991
Burrus/Cagnoli	08-19-1992
Burrus/Downes	12-09-1992
Burrus/Fritsch	12-15-1987
Burrus/Mahon	06-11-1990

Excessing Outside Installations Step 4's (cont'd)



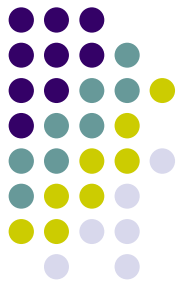
Burrus/Vegliante	05-27-1877 (sic)
Burrus/Vegliante	11-05-1992
Cagnoli/Burrus	09-18-1991
Henry/Conners	04-04-1985
Oliver/Lingberg	08-15-1986
Wilkinson/Hutchins	12-05-1988
Sheehan/Thompson	07-23-1993
Henry/Riley	07-15-1977
Fritsch/Burrus	11-23-1987
Fritsch/Burrus	12-18-1987
Mahon	11-03-1989
Mahon/Burrus	06-27-1989
Mahon/Burrus	11-07-1989

Excessing Outside Installations Step 4's (cont'd)



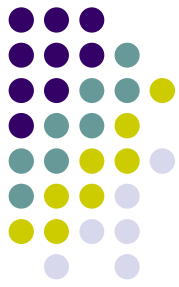
Mahon/Burrus	11-10-1992
Newman/Gildea	09-09-1980
Sgro	07-14-2000
Weitzel/Andrews	04-09-1976
Wilson/Henry	03-04-1982
Biller/Cagnoli	04-16-1992
Biller/Furgeson	04-16-1992
Burrus/Cagnoli	07-25-1991
Burrus/Downes	12-09-1992
Burrus/Fritsch	12-15-1987
Burrus/Mahon	06-11-1990
Burrus/Vegliante	05-27-1877 (sic)
Burrus/Vegliante	05-27-1994

Excessing Outside Installations Step 4's (cont'd)



Burrus/Vegliante	11-05-1992
Cagnoli/Burrus	09-18-1991
Kahn/Johnson	06-11-1980
Henry/Connors	04-04-1985
Wilkinson/Hutchins	12-05-1988
Fritsch/Burrus	11-23-1987
Fritsch/Burrus	12-18-1987
Sgro	07-14-2000
Wilson/Henry	03-04-1982

Excessing /Maximization STEP 4's

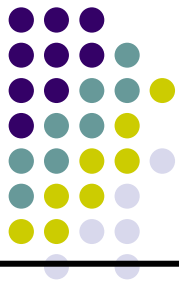


Benson	03-18-1983
Burrus/Mahon	02-08-1991
Burrus/Vegliante	10-28-1992
Dockins/Burrus	12-22-2003
Kahn/Burrus	12-22-2003
Mahon/Burrus	11-07-1989

LOCAL TRAVEL

STEP 4: H4C-4A-C 10349

REGIONAL AWARDS



Arbitrator	Union	Dec	Case No.	City / State
J. Earl Williams	APWU	S	S8C-3W-C 35032	Cocoa, FL
R. Britton	NALC	S	S1N-3P-C 6019	Bennettsville, SC
H. Grossman	NALC	D	N1N-1E-C 36818	Cohasset, MA
R. McAllister	APWU	S	C1C-4J-C 33282	Kenosha, WI
E. C. Stephens	APWU	S	S4C-3S-C 48561	Ft. Lauderdale, FL
B. Z. Tener	APWU	S	N7T-1N-C 16206	Trenton, NJ
L. D. Klein	APWU	S	E7C-2S-C 3966	Berea, KY
N. Zumas	APWU	S	E7C-2A-C 21794	Bristol, PA
Lamont Stallworth	APWU	S	C4C-4L-C 29466	Aurora, IL
W. Powell	APWU	S	E7T-2A-C 23973	Philadelphia, PA, BMC
E. Schedler, Jr.	APWU	S	S7C-3W-C 24236	Largo, FL

Additional Arbitrations



- Out of Section Excessing: Case #**B98C-1B-C 01267770**
 - Rochester, NY Arbitrator Kelly
- Out of Installation Excessing: Case #**C00C-4C-C 03015197**
 - Mooresville, NC Arbitrator Hardin
- Separation of Casuals: Case #**H00C-1H-C 03128563**
 - Duluth, GA Arbitrator Odom
- Travel: Case #**A00C-1A-C 02136010**
 - Trenton, NJ Arbitrator Pecklers
- Maximization: Case #**A98C-4A-C 01019383**
 - Middletown, NJ Arbitrator Harris

CONGRATULATIONS ON THE COMPLETION OF
YOUR EXCESSING WORKSHOP
HAVE A GREAT CONFERENCE !!!

Lamont Brooks, National Business Agent

Frank Rigiero, National Business Agent

Pat Davis-Weeks, National Business Agent

