

JCIM QUESTION 4

Section: 1.B

4. Are the terms *duty assignment* and *position* interchangeable?

Response: No. The definition of duty assignment is unambiguous and states in part "within recognized positions." For example, there is only one Mail Processing Clerk position, while Mail Processing Clerk duty assignments number in the thousands. However, there have been many instances in which these terms were used interchangeably.

JCIM QUESTION 8

Section: 1.E and 1.F

8. What is the difference between the *abolishment* and the *reversion* of a duty assignment?

Response: A duty assignment is abolished if occupied; reverted if vacant.

JCIM QUESTION 9

Section: 1.E

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

Response: 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 QUESTION 10

Section: 1.H

10. When does a duty assignment that remains vacant after the completion of the bidding process become a residual vacancy?

Response: On the date the award notice is posted pursuant to Article 37.3.F.1.a.

JCIM QUESTION 11

Section: 1.H

11. Does the term *residual vacancy* have more than one meaning?

Response: 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.

JCIM QUESTION 12

Section: 1.J

12. What is meant by the term *currently qualified*?

Response: 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).

JCIM QUESTION 13

Section: 1.K

13. What is the definition of the term *skill*?

Response: Any task which requires a deferment period and training constitutes a skill under Article 37 (e.g., scheme training, window training, machine training, bulk mail training, computer skills training, etc). In addition, certain tasks which do not require postal training are considered skills (e.g., the ability to type, stenographer qualifications, etc).

JCIM QUESTION 14

Section: 1.K

14. When does an employee have a *live record* on a scheme or machine skill?

Response: An employee has a live record beginning when the employee qualifies on a scheme or machine skill. The employee continues to have a live record as long as the employee continues to use that scheme or skill, and for two years thereafter. Note that a full-time regular or part-time regular employee is considered to cease performing the duties which require a skill when the employee no longer holds a duty assignment requiring the skill. For example, a full-time clerk occupying an assignment requiring zones 3 and 6 is designated the successful bidder on an assignment requiring zones 4 and 7 and is placed in the new assignment effective November 1, 2007. This employee would have a live record on zones 3 and 6 through October 31, 2009.

JCIM QUESTION 15

Section: 1.K

15. When does an unencumbered full-time employee or a part-time flexible employee have a live record?

Response: As with full-time and part-time regular employees, a live record for full-time unencumbered and part-time flexible employees begins when they qualify and ends two years after they discontinue using the skill. For example, a part-time flexible qualifies on zone 3 and continues to work zone 3 until being reassigned from the main post office to a station on November 1, 2007. As of that date, the employee no longer works zone 3. The employee continues to have a live record on zone 3 for two years, through October 31, 2009.

JCIM QUESTION 16

Section: 1.K

16. Does an employee have a live record for the skill of operating a motor vehicle?

Response: No, for driving an employee must have a valid state license.

JCIM QUESTION 17

Section: 1.K

17. Must the “one year of experience on the window” requirement on the Lead Sales and Service Associate, Finance Clerk and Window Service Technician positions be within five years of the bid?

Response: No. The five years is for live record purposes only.

JCIM QUESTION 18

Section: 1.K

18. When does a window clerk, or an employee working another job listed in Article 37.3.F.7, have a live record?

Response: The employee has a live record upon qualification and continues to have a live record for five years after the employee discontinues performing the duties requiring the skills. Note that a full-time regular or part-time regular employee is considered to cease performing the duties which require a skill when the employee no longer holds a duty assignment requiring the skill.

JCIM QUESTION 19

Section: 1.K

19. An employee is the senior bidder on a window assignment but remains a live bidder on a duty assignment without a window requirement. The employee completes window training, and while waiting for the test results, becomes the successful bidder on the duty assignment without a window requirement. Does the employee have a live record on the window?

Response: If the employee completed the full window training, passed the test and was compensated, the employee has a live record on the window requirement.

JCIM QUESTION 20

Section: 1.K

20. If an employee who is not the senior bidder has a live record at the time the posting results are announced, is he/she still considered to have a live record if, at the time the duty assignment falls to the employee, the live record has expired?

Response: Yes, since the employee had a live record at the time the bids were announced. Any training would be brush-up.

JCIM QUESTION 21

Section: 1.K

21. Do the normal live record rules change for duty assignments listed in 37.3.F.7?

Response: No. For example, an SSDA who had a scheme would have a 5 year live record for the window, but only a 2 year live record for the scheme.

JCIM QUESTION 22

Section: 1.K

22. May an employee's live record be extended for any reason?

Response: No. An employee can only be deemed to have a live record in accordance with Article 37.1.K. Live records are used for the bid procedure and the involuntary assignment of unencumbered employees.

JCIM QUESTION 23

Section: 1.K

23. If a full-time clerk on the overtime desired list holds a duty assignment requiring the zone 3 scheme and has a live record on the zone 6 scheme, is the employee considered *available and qualified* under Article 8, Section 5, for overtime requiring zone 6 distribution?

JCIM QUESTION 24

Section: 1.K

24. Are part-time regular employees covered by the *live record* provisions?

Response: Yes, the live record of a part-time regular employee is administered the same as for a full-time regular employee.

JCIM QUESTION 25

Section: 1.L

25. When a regular clerk is the senior bidder and has a live record for all the required skills of a posted assignment, is the employee designated the senior bidder or the successful bidder?

Response: The employee is designated the successful bidder and, if applicable, provided brush-up training in accordance with the Memorandum of Understanding (Re: Brush-Up Training) and appropriate postal handbooks.

JCIM QUESTION 26

Section: 1.L

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

Response: 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.

JCIM QUESTION 27

Section: 1.L

27. Can an employee fail to qualify on brush-up training?

Response: No. The employee is not tested and, therefore, cannot fail to qualify. Rather, the employee is considered currently qualified. The employee is designated the successful bidder, placed into the assignment, and provided with the appropriate number of brush-up training hours.

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JCIM QUESTION 29

Section: 2.C and 2.D.1

29. Is management required to follow seniority in making day-to-day assignments?

Response: Only employees holding Mail Processing Clerk duty assignments have day-to-day seniority rights, as provided in the May 9, 2002 Memorandum of Understanding RE: Mail Processing Clerk Position.

JCIM QUESTION 30

Section: 2.C and 2.D.1

30. Are provisions of a Local Memorandum of Understanding which require management to "normally" consider seniority when assigning employees within a tour and/or section valid and enforceable?

Response: Yes. However, such requirement only applies normally and it is understood that there are circumstances under which a normal guide would not control.

JCIM QUESTION 31

Section: 2.C and 2.D.1

31. Does the Memorandum of Understanding RE: Mail Processing Clerk Position provide full-time Mail Processing Clerks day-to-day seniority rights?

Response: Yes, when moving employee(s) with the same skills out of their principal assignment area.

JCIM QUESTION 32

Section: 2.C and 2.D.1

32. What does day-to-day seniority mean for this application (full-time Mail Processing Clerks)?

Response: It means that when the employer determines a need to assign an employee or a number of employees outside their principal assignment area, the employees are moved by juniority (except when a junior employee with a scheme assignment has not reached the current minimum 30 hour sortation during the accounting period). As an example, there are two employees with the same skills in their duty assignment and same principal assignment area and management determines it needs one to work outside the principal assignment area. When moving the employee, management will take the junior employee with the necessary skills.

JCIM QUESTION 44

Section: 2.D.5.c

44. How is seniority established for an employee who is voluntarily reassigned to another installation in lieu of the involuntary assignment of a junior employee?

Response: Full-time and part-time regular employees take their seniority with them. 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.

JCIM QUESTION 45

Section: 2.D.5.c

45. Are clerks who are voluntarily reassigned in lieu of junior employees entitled to retreat rights?

Response: No.

JCIM QUESTION 46

Section: 2.D.5.c

46. Can a senior employee elect to be reassigned in lieu of the involuntary reassignment of a junior employee to another craft within the same installation?

Response: No. Article 12 specifically states that this option is not available.

JCIM QUESTION 47

Section: 2.D.5.c

47. 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?

Response: 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.

JCIM QUESTION 48

Section: 2.D.5.c

48. 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?

Response: 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.

JCIM QUESTION 52

Section: 2.D.7

52. When full-time or part-time regular clerks agree to a mutual exchange in accordance with Article 37.2.D.7, do they exchange duty assignments?

Response: No. When full-time or part-time regular clerk craft employees make mutual exchanges, they take the seniority of the junior of the two employees involved and are reassigned as unencumbered full-time or part-time regular employees. They do not exchange duty assignments.

JCIM QUESTION 53

Section: 2.D.7

53. Can Part-time Flexible clerks agree to a mutual exchange?

Response: Yes; however, mutual exchanges are limited to clerks in the same status, (i.e., FTR to FTR, PTR to PTR, PTF to PTF).

JCIM QUESTION 60

Section: 3.A.1

60. When duty assignments are created pursuant to Article 7, Section 3.C, must they be posted for bid?

Response: Yes.

JCIM QUESTION 61

Section: 3.A.1.a.(1)

61. What is a *newly established* duty assignment that would be posted to full-time employees and to currently qualified part-time regular employees who were previously full-time employees?

Response: A duty assignment that did not previously exist or a vacant duty assignment where the work schedule and/or skill requirement has changed. (Full time and part-time regular bidding to such assignments may be impacted by Article 12).

JCIM QUESTION 62

Section: 3.A.1.a.(1) & 3.B

62. Can part-time regular clerks, including impacted full-time Clerk Craft employees who exercise their Article 12 right to revert to part-time regular status in lieu of being excessed from the installation, bid on newly established duty assignments for which they are currently qualified pursuant to Article 37.3.A.1.a.(1)?

Response: No. Part-time regular clerks, including impacted full-time Clerk Craft employees 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 full-time Clerk Craft employees have had the opportunity to exercise retreat rights.

JCIM QUESTION 65

Section: 3.A.1.b.(1)

65. Can a part-time regular be hired to fill a newly established duty assignment that has not been posted for bid?

Response: No. Newly established and vacant part-time regular assignments must first be posted for bid in accordance with Article 37.3.

JCIM QUESTION 69

Section: 3.A.4

69. When the starting time of a vacant duty assignment is changed by management, is it then considered “newly established”?

Response: Only if the change would have caused reposting if the duty assignment had been occupied, pursuant to the National and/or Local Agreement. In this event no “reversion” action is required on the former duty assignment.

CBA PAGE 161

F. Reversion. A management decision to reduce the number of duty assignments in an installation when such duty assignment(s) is/are vacant.

CBA PAGE 170

2. **Reversion.** When a vacant duty assignment is under consideration for reversion, the local Union President will be given an opportunity for input prior to a decision. The decision to revert or not to revert the duty assignment shall be made not later than 28 days after it becomes vacant and if the vacant assignment is reverted, a notice shall be posted advising of the action taken and the reasons therefor.

JCIM QUESTION 66

Section: 3.A.2

66. When reverting a vacant duty assignment, what steps are required under Article 37.3.A.2?

Response: In order to comply with Article 37.3.A.2, management must take the following steps within the 28 day period:

1. Give the local union president the opportunity for input prior to making the final decision.
2. The final decision to revert must be made within 28 days of the vacancy.
3. A notice must be posted advising of the reversion and the reasons there for.

JCIM QUESTION 67

Section: 3.A.2

67. When does the 28 day time period begin for purposes of making a decision whether to revert a duty assignment?

Response: The 28 days begins when the duty assignment becomes vacant. A duty assignment is vacant on the effective date that a bid holder moves to a new duty assignment, quits, retires, etc.

JCIM QUESTION 68

Section: 3.A.2

68. What is the "normal" remedy for management exceeding the 28-day period for reverting a duty assignment?

Response: The assignment must be posted for bid.

JCIM QUESTION 70

Section: 3.A.4

70. When occupied duty assignments are reposted due to changes in hours, off days, or duties, are the duty assignments treated as if abolished?

Response: No, the duty assignments are reposted in accordance with Article 37.3.A.4. Such repostings are due to change and do not reduce the number of occupied duty assignments in an established section and/or installation. However, if the starting time of a duty assignment is changed sufficiently to move it from one section to another (as defined in Item 18 of the Local Memorandum of Understanding), the duty assignment is abolished and a newly created duty assignment is posted in accordance with Article 37.3.A.1; not pursuant to Article 37.3.A.4.

JCIM QUESTION 71

Section: 3.A.4

71. Do reposting rules in Article 37.3.A.4 apply to best qualified duty assignments?

Response: Yes, the reposting rules apply within the same salary level and the same best qualified position.

JCIM QUESTION 72

Section: 3.A.4

72. When does an employee whose duty assignment is reposted become unencumbered?

Response: If the employee is not the successful bidder on the reposted assignment or another available duty assignment, the employee becomes an unencumbered regular on the date that the results of the posting are announced pursuant to Article 37.3.F.1.a.

JCIM QUESTION 73

Section: 3.A.4

73. Do the reposting rules apply when changes require the position title of an occupied duty assignment be changed at the local level?

JCIM QUESTION 73

Section: 3.A.4

73. Do the reposting rules apply when changes require the position title of an occupied duty assignment be changed at the local level?

Response: No. When the position title of a duty assignment is changed it becomes a newly established duty assignment and is posted for bid in accordance with 37.3.A.1. Because the former duty assignment is vacated and then considered to have been reverted no reversion action is required on the former duty assignment.

JCIM QUESTION 74

Section: 3.A.4

74. When does an employee whose duty assignment is eliminated because of a change in position title become unencumbered?

Response: If the employee is not the successful bidder on the newly established duty assignment or another available duty assignment, the employee becomes unencumbered on the date the results of the posting are announced pursuant to Article 37.3.F.1.a.

JCIM QUESTION 75

Section: 3.A.4

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

Response: 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 QUESTION 76

Section: 3.A.4

76. Is there a requirement to repost part-time regular duty assignments when the hours, off-days, or duties are changed?

Response: Yes, the reposting provisions in 3.A.4 also apply to part-time regular duty assignments.

[LINK TO NATIONAL DISPUTE ON GUARANTEE](#)

JCIM QUESTION 77

Section: 3.A.4.c

77. 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?

Response: 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 QUESTION 78

Section: 3.A.4.c

78. If an occupied duty assignment was changed by one hour during the life of the 2000 National Agreement and is changed another hour during the 2006 National Agreement, would Article 37.3.A.4 require reposting?

JCIM QUESTION 79

Section: 3.A.4.c

79. If the reporting time of a duty assignment was changed from 0700 to 0600, and later changed to 0775, would either change require reposting?

Response: No, as long as both changes took place during the same National Agreement. Both new reporting times are within one hour of the original starting time at the beginning of the National Agreement.

JCIM QUESTION 80

Section: 3.A.4.c.(2)

80. What is the effective date of the 2006-2010 National Agreement for the purpose of determining cumulative changes in starting time which may cause a duty assignment to be reposted?

Response: November 21, 2006.

JCIM QUESTION 81

Section: 3.A.4.d

81. When an occupied [PS-5/(PS-4)] senior qualified duty assignment is reposted due to a change in hours, off-days or duties, who is eligible to bid?

Response: Same status clerks holding [PS-5/(PS-4)] duty assignments who are not otherwise under a bidding restriction. Resulting [PS-5/(PS-4)] duty assignments are also filled by posting only to eligible same status [PS-5/(PS-4)] employees, until a residual vacancy is reached.

JCIM QUESTION 82

Section: 3.A.4.d

82. When an occupied [PS-6/(PS-5)], [PS-7/(PS-6)], or [PS-8/(PS-7)] senior qualified duty assignment is reposted due to a change in hours, off days, or duties, who is eligible to bid?

Response: Article 37.3.A.4 allows only same status clerk craft employees who are not otherwise under a bidding restriction, holding [PS-6/(PS-5)], [PS-7/(PS-6)], or [PS-8/(PS-7)] positions to bid on reposted [PS-6/(PS-5)], [PS-7/(PS-6)], and [PS-8/(PS-7)] duty assignments if the employees are at the same or higher level as the reposted duty assignment. A [PS-8/(PS-7)] employee could bid on a reposted [PS-6/(PS-5)], [PS-7/(PS-6)], or [PS-8/(PS-7)] duty assignment. A [PS-7/(PS-6)] employee could bid on a reposted Level [6/(5)] or [7/(6)] duty assignment and a [PS-6/(PS-5)] employee could bid on a reposted Level [6/(5)] duty assignment. Resulting vacancies are filled by posting only to eligible same status employees until a residual vacancy is reached.

JCIM QUESTION 83

Section: 3.A.4.d

83. 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?

Response: No.

JCIM QUESTION 84

Section: 3.A.4.d

84. 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?

Response: No.

JCIM QUESTION 85

Section: 3.A.4.d

85. 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?

Response: 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.

JCIM QUESTION 86

Section: 3.A.4.d

86. When duty assignments are reposted, what happens to residual vacancies which result from the reposting?

Response: Residual vacancies are filled first by the assignment of any unencumbered employees in the same salary level; then, if necessary, by posting the vacancies to full-time clerks in all levels who are eligible to bid and part-time regular clerks in all levels who are eligible to bid; then, if necessary, by assigning unencumbered employees in a lower level to the higher level vacancy. Management may then assign higher level unencumbered employees to any remaining lower level vacancies.

JCIM QUESTION 87

Section: 3.A.4.d

87. Does a reposting always result in a residual vacancy?

Response: No. When there are an equal number of posted duty assignments and employees eligible to bid, and everyone successfully bids on the reposting, there is no residual vacancy.

JCIM QUESTION 89

Section: 3.A.4.f

89. How do you decide if two duty assignments are “identical” for reposting purposes (which requires that the junior employee’s assignment be reposted)?

Response: 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 QUESTION 90

Section: 3.A.4.f

90. 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?

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

37.3.A.4d

- d. When duty assignments are reposted in accordance with a., b., or c. above, such repostings of level 5, 6, and 7 duty assignments will be limited to employees within the same and higher salary levels and status; and repostings of level 4 duty assignments will be limited to those employees in that salary level and status.

Subsequent postings which result from a reposted duty assignment will be limited to employees within the above salary levels until a residual vacancy is identified. Residual vacancies which result from repostings will be filled in the following order:

Article 37.3.A.4.d.(1)

- (1) Assign any unencumbered employees in the same salary level who are available for assignment, in accordance with Section 4.C.1.
- (2) Post to full-time employees in all levels who are eligible to bid and part-time regular employees in all levels who are eligible to bid.
- (3) If no bidders, assign unencumbered lower level employees in accordance with Section 4.C.1.

37.3.A.4e

- e. Duty assignments within multicraft positions shall not be reposted due to changes in hours, off days, or duties. A multicraft position is a position from which a duty assignment is posted for bid to employees from more than one craft and is awarded based on seniority.

37.3.A.4.f

- f. If the decision is to repost an occupied duty assignment and there are two or more identical (hours, off days and duties) assignments within the section, the duty assignment of the junior incumbent of such assignment will be reposted.

37.3.A.4.c.1

- (1) No duty assignment will be reposted when the change in starting time is one hour or less.

37.3.A.4.c.2

- (2) The above criteria will also apply to cumulative changes in starting time within the life of this Agreement. Cumulative changes are changes that move the starting time outside a circle which has the starting time as its center and the agreed upon time as its radius.

37.3.A.4.c.3

- (3) The incumbent shall have the option of accepting the new reporting time, if negotiated at the local level. If the incumbent accepts the new reporting time, the assignment will not be reposted.

37.4.D2

- e. Duty assignments within multicraft positions shall not be reposted due to changes in hours, off days, or duties. A multicraft position is a position from which a duty assignment is posted for bid to employees from more than one craft and is awarded based on seniority.

JCIM QUESTION 106

Section: 3.A.8

106. Can an employee apply for a best qualified duty assignment while detailed to a non-bargaining unit position?

JCIM QUESTION 107

Section: 3.A.8

107. If a duty assignment becomes vacant as a result of an employee being detailed to a non-bargaining unit position in excess of four months, must the assignment be posted for bid or can the assignment be reverted?

Response: The duty assignment can be reverted. While the language in Article 37.3.A.8 states in part, "shall be declared vacant and shall be posted for bid in accordance with this Article," this does not nullify management's right to revert vacancies in accordance with Article 37.3.A.2.

JCIM QUESTION 108

Section: 3.A.8

108. Can an employee be detailed to a non-bargaining unit position for less than eight hours in a service day?

Response: Yes.

JCIM QUESTION 109

Section: 3.A.8

109. 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?

Response: 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 ½ 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.

JCIM QUESTION 110

Section: 3.A.8

110. 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?

Response: 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.

JCIM QUESTION 111

Section: 3.A.8

111. Do non-scheduled days count toward the “five working days” in 3.A.8?

Response: No.

JCIM QUESTION 112

Section: 3.A.8

112. Must the five working days in 3.A.8 be consecutive work days or may they be intermittent?

Response: They must be consecutive work days. For example, a 204-b who returns to the bargaining unit and works on Thursday and Friday, has non-scheduled days on Saturday and Sunday, then works in the bargaining unit on Monday, Tuesday and Wednesday would meet the requirement.

JCIM QUESTION 113

Section: 3.A.8

113. Does a partial day assignment to a non-bargaining unit position count toward the four-month period described in Article 37.3.A.8?

Response: Yes. If an employee works any part of a work day as a 204b, the four-month tally is not interrupted.

JCIM QUESTION 114

Section: 3.A.8

114. If during any 4 month period, an employee detailed to a non-bargaining unit position returns to the bargaining unit for a minimum of 5 consecutive working days, may the employee's bargaining unit duty assignment be declared vacant?

Response: No.

JCIM QUESTION 115

Section: 3.A.8

115. If a regular clerk was on detail to a non-bargaining unit position for eleven continuous months, would the employee's seniority be adjusted when returning to the craft?

Response: No. While the employee's bid assignment would have been declared vacant and posted for bid after four months, seniority is not affected by a detail. The application of Article 37.3.A.8 does not impact an employee's seniority.

JCIM QUESTION 116

Section: 3.A.8

116. If an employee is detailed to a non-bargaining unit position on and off during the pay period, is the union provided one PS Form 1723 which shows the beginning as the first day of the pay period and the end as the last day of the pay period?

Response: No. PS Form 1723 should indicate the beginning and ending date and time of each detail. For example, if an employee works as a 204b for two hours every day, a separate PS Form 1723 should be completed each day.

JCIM QUESTION 117

Section: 3.A.8

117. Should PS Form 1723 be provided to the union in advance of the assignment?

Response: Yes.

JCIM QUESTION 118

Section: 3.A.9

118. Can a duty assignment be upgraded at the local level under the provisions of Article 37.3.A.9?

JCIM QUESTION 129

Section 3.B

129. 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?

Response: 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.

JCIM QUESTION 130

Section: 3.B

130. 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?

Response: 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.

JCIM QUESTION 131

Section: 3.B

131. 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?

Response: 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.

JCIM QUESTION 132

Section 3.B

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

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

JCIM QUESTION 133

Section 3.B.2

133. When excessing in the same wage level from a section occurs, which duty assignments are posted for bid within the section?

Response: The remaining duty assignments that were vacated by the excessed junior employees are posted for bid within the section and level. Additionally, all duty assignments within the same wage level occupied by clerks who are junior to any senior clerk whose duty assignment was abolished are posted for bid within the section and level. (Note: These jobs are posted only to currently qualified clerks within the section and level in order to accomplish the parties intent that no additional training costs will result.)

JCIM QUESTION 134

Section 3.B.2

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

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

JCIM QUESTION 135

Section 3.B.2

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

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

JCIM QUESTION 136

Section 3.B.2

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

Response: No.

JCIM QUESTION 137

Section 3.B.2

137. 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?

Response: 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.

JCIM QUESTION 138

Section 3.B.2

138. 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?

Response: Yes.

JCIM QUESTION 139

Section: 3.D

139. Is there a negotiated time frame for the posting period?

JCIM QUESTION 140

Section: 3.E

140. When posting a notice inviting bids for a duty assignment, what is the purpose of Article 37.3.E, *Information on Notices*?

Response: This section lists the minimum information that should be contained in duty assignment postings. This is intended to provide interested employees with relevant information so that they may make an informed decision concerning whether or not to bid or apply for a duty assignment.

JCIM QUESTION 140

Section: 3.E

141. What is meant when a duty assignment includes the phrase “other duties as assigned”?

Response: It is simply an instruction to prospective bidders that they may be assigned to duties other than those specifically listed on the posted duty assignment. It is understood that the assignment of “other duties” cannot conflict with the National Agreement.

JCIM QUESTION 141

Section: 3.E

141. What is meant when a duty assignment includes the phrase “other duties as assigned”?

Response: It is simply an instruction to prospective bidders that they may be assigned to duties other than those specifically listed on the posted duty assignment. It is understood that the assignment of “other duties” cannot conflict with the National Agreement.

JCIM QUESTION 142

Section: 3.E

142. Are full-time Mail Processing Clerks [PS-06/(PS-5)] limited to working only in their principal assignment area or can they be assigned to perform work in other mail processing areas?

Response: Management may assign employees in accordance with operational needs and the employee's qualifications. However, if there is more than one Mail Processing Clerk working in a principal assignment area with the necessary skills, management will move Mail Processing Clerks out of their principal assignment area as needed by juniority.

Note: The only exception to this rule is if a Mail Processing Clerk with a scheme in his/her duty assignment has not reached the current minimum 30 hour sortation requirement in an accounting period. In that instance, a more senior Mail Processing Clerk may be moved out of the principal assignment area.

JCIM QUESTION 143

Section: 3.E

143. What does the term principal assignment area mean?

Response: Principal assignment area is defined in Article 37.3.E.5 as follows:

The principal assignment area (e.g., parcel post, incoming or outgoing in the main office, or specified station, branch, or other location(s) where the greater portion of the assignment will be performed).

JCIM QUESTION 144

Section: 3.E

144. Must a principal assignment area be posted on duty assignments?

Response: Yes, Article 37 requires this information on all postings. Local practice in defining a principal assignment area will continue. If no principal assignment area has been established for an existing duty assignment(s), management will determine the principal assignment area in accordance with the definition in Article 37 and notify the local union and the employee holding the assignment.

JCIM QUESTION 145

Section: 3.E

145. What is the time frame to be considered for where the “greater portion” of the duty assignment will be performed? Is it a day, a week or a pay period?

Response: A pay period.

JCIM QUESTION 146

Section: 3.E

146. Can a duty assignment have more than one principal assignment area?

Response: No.

JCIM QUESTION 147

Section: 3.E

147. Can all posted duty assignments in an installation be posted with the identical principal assignment area?

Response: Not usually. Normally in a large installation there would be more than one principal assignment area.

JCIM QUESTION 148

Section: 3.E

148. How will a Mail Processing Clerk know which duties he/she has for a duty assignment?

Response: When posting the bid notice, management will post the duties of the assignment and the principal assignment area.

JCIM QUESTION 149

Section: 3.E

149. What is the difference between the term “principal assignment area” and “duties:?”

Response: A “principal assignment area” is a physical location, while “duties” are work activities.

JCIM QUESTION 150

Section: 3.E

150. What are some examples of “duties” that must be posted on Mail Processing Clerk duty assignment vacancy notices?

JCIM QUESTION 151

Section: 3.E

151. After listing one (1) or more duties on a Mail Processing Clerk duty assignment, may the posting include the phrase, “other duties as assigned”?

Response: Yes

JCIM QUESTION 152

Section: 3.E

152. Can a Mail Processing Clerk duty assignment be posted with Sales and Service Associate duties and responsibilities?

Response: No. However, the Mail Processing Clerk may perform any of the following duties: provide service at public window for non-financial transactions; maintain records of mails; examine balances in advance deposit accounts; and record and bill mail requiring special service.

JCIM QUESTION 153

Section: 3.E

153. Can a Mail Processing Clerk receive a work clothes allowance?

Response: Yes, if the employee meets the criteria in Section 931 of the Employee and Labor Relations Manual.

JCIM QUESTION 154

Section: 3.F

154. If an employee has reached Maximum Medical Improvement (MMI) due to an injury or illness, can he/she bid on a posted duty assignment?

Response: Yes. Neither a light/limited duty nor handicapped status can cause a Clerk to be ineligible for bidding purposes.

JCIM QUESTION 155

Section: 3.F

155. What requirements must be met for a qualified handicapped employee to become a successful bidder?

Response: If senior, and otherwise qualified, a qualified handicapped employee will be named the successful bidder only if physically capable of performing the core duties of the assignment with reasonable accommodation, including any physical requirements identified in the posting pursuant to 37.3.E.7.

JCIM QUESTION 156

Section: 3.F

156. Are clerks who are assigned to temporary light or limited duty or on medical leave as a result of illness, injury, or pregnancy, allowed to bid?

Response: Yes, provided the employee will be able to perform the duties of the assignment within six (6) months from the time at which the bid was submitted.

JCIM QUESTION 157

Section: 3.F

157. May management request that an employee, assigned to temporary light or limited duty or on medical leave as a result of illness, injury, or pregnancy, who bids provide medical certification indicating that the employee will be able to perform the duties of the assignment within six (6) months of the bid?

Response: Yes. Management may request such medical certification. This request may be at the time of the submission of the bid or at any time thereafter.

JCIM QUESTION 158

Section: 3.F

158. What happens if the employee assigned to temporary light or limited duty or on medical leave as a result of illness, injury, or pregnancy, who has been requested to provide such medical certification prior to being identified as the successful bidder and awarded the duty assignment, fails to provide such medical certification requested?

Response: The bid shall be disallowed and the duty assignment will be awarded in accordance with Article 37.

JCIM QUESTION 159

Section: 3.F

159. What happens if the employee assigned to temporary light or limited duty or on medical leave as a result of illness, injury, or pregnancy, who has been requested to provide such medical certification subsequent to being identified as the successful bidder and awarded the duty assignment, fails to provide such medical certification requested?

Response: Since the bid was already awarded, the employee becomes an unassigned regular and the vacated duty assignment will be posted for bid. Under these circumstances the employee is not eligible to re-bid the posting of that duty assignment.

JCIM QUESTION 160

Section: 3.F

160. What happens if the employee assigned to temporary light or limited duty or on medical leave as a result of illness, injury, or pregnancy, who has been requested to provide medical certification, provides such medical certification as requested?

Response: Upon successful completion of any deferment period, if applicable, the employee would be determined to be the successful bidder in accordance with Article 37. The employee's continuing need for light or limited duty status would still be determined by their medical restrictions.

JCIM QUESTION 161

Section: 3.F

161. If, at the end of the six (6) month period, the employee assigned to temporary light or limited duty or on medical leave as a result of illness, injury, or pregnancy, remains unable to perform all of the duties of the bid-for duty assignment, may management request additional medical certification?

Response. Yes. Management may request that the employee provide new medical certification indicating that the employee will be able to perform the duties of the bid-for duty assignment within the second six (6) month period after the bid.

JCIM QUESTION 162

Section: 3.F

162. What happens if the employee assigned to temporary light or limited duty or on medical leave as a result of illness, injury, or pregnancy, fails to provide such medical certification upon request?

Response. The duty assignment will be vacated, the employee will become an unassigned regular; and the vacated duty assignment will be posted for bid. Under these circumstances the employee is not eligible to re-bid the posting of that duty assignment.

JCIM QUESTION 163

Section: 3.F

163. What happens if, at the end of one (1) year from the submission of the bid, the employee assigned to temporary light or limited duty or on medical leave as a result of illness, injury, or pregnancy, remains unable to perform all of the duties of bid-for duty assignment?

Response. The duty assignment will be vacated, the employee will become an unassigned regular; and the vacated duty assignment will be posted for bid. Under these circumstances the employee is not eligible to re-bid the posting of that duty assignment.

JCIM QUESTION 164

Section: 3.F

164. May an employee on temporary light or limited duty or on medical leave as a result of illness, injury, or pregnancy, bid for an assignment that has other duties or requirements more physically restrictive or demanding than the employee's current bid duty assignment, which at the time of bidding, the employee cannot perform as the result of temporary physical restrictions?

Response: No.

JCIM QUESTION 165

Section: 3.F

165. If the duty assignment has a deferment period must the employee designated as the senior bidder be physically capable of entering the deferment and completing the training (including the demonstration of a skill) within the time limits set forth in Article 37?

Response: Yes. Further, if the employee qualifies during the deferment period they must be capable of immediately performing the duties of the assignment or demonstrating through medical certification that they will be able to perform the duties of the assignment within six (6) months from the time at which the bid was submitted.

JCIM QUESTION 166

Section: 3.F

166. May an employee assigned to temporary light or limited duty or on medical leave as a result of illness, injury, or pregnancy, bid on a higher level duty assignment?

Response: Yes. They may bid on such assignment pursuant to the procedures outlined in the Burrus/McDougald MOU dated September 1, 1987 and addressed above. However, they will not receive higher level pay until they are physically able to, and, actually perform work in the bid-for higher level duty assignment.

JCIM QUESTION 167

Section: 3.F

167. When a bid is “disallowed” because of the failure of an employee assigned to temporary light or limited duty or on medical leave as a result of illness, injury, or pregnancy, to provide appropriate medical certification, is the employee charged with an “unsuccessful” bid?

Response: No. Since the bid was “disallowed” before the award of the duty assignment the bid is treated as if never submitted.

JCIM QUESTION 168

Section: 3.F

168. When a duty assignment is vacated, after it was awarded, by the employee assigned to light or limited duty or on medical leave as a result of illness, injury, or pregnancy, either as the result of the employee's failure to provide appropriate medical certification upon request or because the employee remains unable to perform all of the duties of the bid-for duty assignment after one (1) year, is the employee charged with a "successful" bid?

Response: Yes.

JCIM QUESTION 169

Section: 3.F.1

169. Once management has made the decision to post a duty assignment, can it be left vacant if, after the assignment of unencumbered employees, it becomes the residual vacancy?

Response: Only if the duty assignment is being withheld pursuant to Article 12. Otherwise, a residual vacancy is filled by posting the assignment to part-time regular employees eligible to bid and to part-time flexibles pursuant to the preference procedures in Article 37.5.

JCIM QUESTION 170

Section: 3.F.1.a

170. What is the difference between *senior bidder* and *successful bidder*?

Response: The terms senior and successful bidder are not synonymous when used in the clerk craft. An employee designated as senior bidder means that the employee was the senior eligible clerk submitting a bid. A senior bidder then enters a deferment period in accordance with Article 37.3.F.3 or 3.F.4, or is given the opportunity to demonstrate a skill in accordance with Article 37.3.F.5. Upon qualification, the employee is designated successful bidder. An employee must be fully qualified or have a "live record" to be placed in the duty assignment. The provision states "successful" not "senior."

JCIM QUESTION 171

Section: 3.F.1.a

171. Is the ten day period referred in Article 37.3.F.1 work days or calendar days?

Response: The term "days" in Article 37.3.F.1 means (ten) calendar days.

JCIM QUEST 172

Section: 3.F.1.b

172. If an employee withdraws a bid from consideration while a more senior bidder is in a deferment period on the same assignment, would the withdrawal count as a senior unsuccessful bid?

Response: It would not count as long as the bid is withdrawn in writing or, if appropriate, electronically while the more senior bidder is still in training.

JCIM QUESTION 173

Section: 3.F.1.d

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

Response: 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.

JCIM QUESTION 174

Section: 3.F.1.d

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

Response: 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.

JCIM QUESTION 175

Section: 3.F.2

175. Is there a negotiated time frame for placing a successful bidder into the duty assignment?

Response: Yes, Article 37.3.F.2 provides for a successful bidder to be placed in the new assignment within 28 days except during the month of December. Further, that provision provides that a shorter period may be negotiated locally during the local implementation period.

JCIM QUESTION 176

Section: 3.F.2, 3.F.3.c, 3.F.4.c, 3.F.7

176. When must a successful bidder be placed in the new assignment?

Response: If the employee is designated the successful bidder at the close of the posting and no deferment period is required, the employee must be placed within 28 days, excluding the month of December. If a deferment period is required, the employee must be placed within 21 days of the end of the deferment period, excluding the month of December.

Section: 3.A

54. What are the clerk craft bidding restrictions?

Type of Restriction	Length of Restriction	Comments
Withdrawal during machine or scheme deferment (37.3.F.3 and 4)	90 days	This restriction is absolute for Article 37 bidding.
Exhaustion of five senior unsuccessful bids (37.3.F.1)	Life of Contract	Exceptions: bidding to a duty assignment for which currently qualified; bidding due to the elimination or reposting of the employee's duty assignment; or bidding to retain saved grade.
Exhaustion of five successful bids (12.3.A)	Life of Contract	Exceptions in Article 12: bidding to a higher level duty assignment; bidding due to the elimination or reposting of the employee's duty assignment; or bidding to a station closer to the employee's place of residence.
Failure of prerequisite training (37.3.E.7)	180 days	Restricted from bidding another assignment within the same position designation.
Failure to demonstrate skill (37.3.F.5)	120 days	Restricted from bidding on duty assignments which require the same skill(s).
Level-[5/(4)] bidding to Level-[6/(5)], [7/(6)], or [8/(7)].	1 year	Restricted to same position description bidding unless back to Level-[5/(4)].

NEXT SENIOR BIDDER

	A. Before Close of Posting	B. After Close - Pretraining	C. First 4hr/5days Training	D. After 4hrs/5days Training, not qualified
1. Status of Bid	Canceled	Withdrawn	Withdrawn	Withdrawn
2. Count as Senior Bid	No	*Yes	*Yes	*Yes
3. Bidding Restriction	No	No	**Yes	**Yes
4. Next Senior Bidder	Yes	Yes	Yes	No
5. Currently Qualified Bidder	No	No	No	Yes

* except if going to previous “live bidder” assignment

** when withdrawal results from accepting a previous, current or subsequent bid, the 90 day restriction applies to the newly accepted bid.

1. Classification of the bid?

2. Is the bid counted as a senior/unsuccessful bid?

3. Is there a 90 day bidding restriction?

4. Is the assignment awarded to the next senior bidder?

5. Is the duty assignment awarded to the senior currently qualified bidder?

A. Action taken (cancellation) before the close of posting.

B. Action taken (withdrawal) after the close of posting but prior to beginning of training

C. Action taken (withdrawal) before completing the first four hours, within the first five days of training.

D. Action taken (withdrawal) after completing the first four hours, within the first five days of training.

(Use legend numbers or letters for clarification)

FULL AND PART-TIME REGULAR BIDDING

	New FTR	Vacant FTR	Reposted FTR	Residual FTR	Residual FTR Resulting from Reposting	New PTR	Vacant PTR	Reposted PTR	Residual PTR Resulting from Reposting
Full time Regular	Yes	Yes	Yes***	No	Yes	Yes	Yes	No	Yes
Part- time Regular	No	No	No	Yes**	Yes**	Yes	Yes	Yes***	Yes
PTR- Former FTR	Yes*	No	No	Yes**	Yes**	Yes	Yes	Yes***	Yes

*** If currently qualified**

**** If senior to the senior part-time flexible who states a preference.**

***** If at the same or higher level for Level 6, 7, or 8. The same level for Level 5.**

The above represents the type of duty assignments which are available for bid to: 1) full time regulars, 2) part-time regular, and 3) part-time regulars who were previously full-time regulars.

JCIM QUESTION 200

Section: 3.F.5

200. Is the senior bidder the only employee given "an opportunity to demonstrate the skill(s)" in Article 37.3.F.5?

Response: No. A minimum of the five senior bidders are given the opportunity to qualify on the appropriate in-service examination(s) unless one of the five is currently qualified. If, for example, the third senior bidder is currently qualified, only the first and second senior bidder would be given the opportunity to demonstrate the skill(s). If no one qualifies in the first group of five, the process continues until a successful bidder is reached or until all bidders are tested.

JCIM QUESTION 201

Section: 3.F.5

201. When a PTR bids on a duty assignment with a specific skill such as a typing requirement, does the PTR get an opportunity to demonstrate the skill in accordance with 37.3.F.5?

JCIM QUESTION 202

Section: 3.F.5

202. When a PTF expresses a preference on a duty assignment with a specific skill such as a typing requirement, does the PTF get an opportunity to demonstrate the skill in accordance with 37.3.F.5?

Response: Yes.

JCIM QUESTION 203

Section: 3.F.5

203. When does the bidding restriction begin for an employee who attempts and fails to qualify for a duty assignment pursuant to Article 37.3.F.5?

Response: The 120-day bidding restriction begins on the date the employee attempts to demonstrate the skill. If the demonstration of the skill is by passing a test, the restriction begins the date the employee takes the test. If more than one employee attempts to demonstrate a skill for the same duty assignment, the restriction begins on the date the first employee attempts to demonstrate the skill.

JCIM QUESTION 204

Section: 3.F.6

204. Is an employee required to pass a typing test before he/she can be named the senior bidder on “bids with required computer skills” (See MOU, 2006-2010 National Agreement)?

Response: Not necessarily. Operating some computer programs does not require typing skills. When typing skills are included on a duty assignment, such requirement must be reasonably related to the efficient performance of the duty assignment. In that case, the employee would be required to pass the appropriate typing test.

JCIM QUESTION 205

Section: 3.F.6

205. Is a clerk who applies for a best qualified duty assignment which has a skill requirement (e.g., typing) given an opportunity to demonstrate qualification on the skill?

Response: Yes, but only if it would become the sole non-selection factor.

Response: Yes. The audit should be conducted as soon as possible after completion of the on-the-job training at the work site.

JCIM QUESTION 206

Section: 3.F.7

206. When the senior bidder on a window assignment successfully completes training and testing, does the employee continue to perform window duties while waiting on the effective date of the new assignment or does the employee return to his/her original assignment?

Response: The employee continues to perform window duties until reassigned/assigned. There is no out-of-schedule liability.

JCIM QUESTION 207

Section: 3.F.7

207. Upon completion of window training, should the employee's financial accountability be audited?

Response: Yes. The audit should be conducted as soon as possible after completion of the on-the-job training at the work site.

JCIM QUESTION 208

Section: 3.F.7

208. Other than formal window training, should an employee be assigned to perform duties which require a financial or security responsibility prior to receiving training?

Response: No.

JCIM QUESTION 209

Section: 3.F.7

209. What are examples of Senior Mail Processor mixed duty assignments?

Response: Duty assignments which combine Senior Mail Processor duties with: 1) either window or scheme distribution duties (but not both); 2) Sales, Service and Distribution Associate duties (only in those instances where the distribution is non-scheme); or 3) mail processing clerk duties.

JCIM QUESTION 210

Section: 3.F.7.b

210. When does the 180 day bidding restriction begin when an employee fails training?

Response: The day the employee took the test.

2005 JCIM QUESTION 132

Section: 3.F.3 and 3.F.7

132. What is the proper application of dual deferment periods under Article 37.3.F.7?

Response: Dual deferment periods are to be administered as follows:

A. Machine training with a scheme - If the senior bidder withdraws prior to beginning training or does not complete four hours of scheme training within five work days, the next senior bidder is placed into scheme training, if necessary. If the senior bidder withdraws or fails to qualify on the scheme after the first four hours/ five days of training, or if the second senior bidder withdraws or fails at any time, the assignment is awarded to the senior bidder currently qualified on both the scheme and machine. The currently qualified employee would then be placed in the assignment in accordance with Article 37.3.F.4.c.

B. Machine training with a scheme - If the senior bidder is already qualified on the scheme, withdraws prior to beginning machine training or does not complete four hours of machine training within five work days, the next senior bidder qualified on the scheme is placed into machine training, if necessary. If the senior bidder withdraws or fails to qualify on the machine after the first four hours/five days of training, or if the second senior bidder withdraws or fails at any time, the assignment is awarded to the senior bidder currently qualified on both the scheme and machine. The currently qualified employee would then be placed in the assignment in accordance with Article 37.3.F.4.c.

C. Machine training with a scheme - if the senior bidder qualifies on the scheme but fails or withdraws from machine training, the assignment is awarded to the senior bidder currently qualified on both the scheme and machine. The currently qualified employee would then be placed in the assignment in accordance with Article 37.3.F.4.c.

JCIM QUESTION 181

Section: 3.F.3 and 3.F.7

181. What is the proper application of dual deferment periods under Article 37.3.F.7?

Response: If the senior bidder withdraws or otherwise fails to qualify for any reason, the next senior bidder is placed into training.

JCIM QUESTION 11

Section: 1.H

11. Does the term *residual vacancy* have more than one meaning?

Response: 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.

JCIM QUESTION 64

Section: 3.A.1.a.(3)

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

Response: 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.

JCIM QUEST 86

Section: 3.A.4.d

86. When duty assignments are reposted, what happens to residual vacancies which result from the reposting?

Response: Residual vacancies are filled first by the assignment of any unencumbered employees in the same salary level; then, if necessary, by posting the vacancies to full-time clerks in all levels who are eligible to bid and part-time regular clerks in all levels who are eligible to bid; then, if necessary, by assigning unencumbered employees in a lower level to the higher level vacancy. Management may then assign higher level unencumbered employees to any remaining lower level vacancies.

JCIM QUEST 87

Section: 3.A.4.d

87. Does a reposting always result in a residual vacancy?

Response: No. When there are an equal number of posted duty assignments and employees eligible to bid, and everyone successfully bids on the reposting, there is no residual vacancy.

JCIM QUEST 95

Section: 3.A.7.a and b

95. What is a residual vacancy in a best qualified position designation?

Response: It is a vacancy that remains following the completion of the voluntary bid procedure among incumbents in the same salary level and position designation.

JCIM QUESTION 97

Section: 3.A.7.b

97. When best qualified residual vacancies are posted for application, who is eligible to apply?

Response: Normally, residual best qualified clerk craft duty assignments are advertised to the clerk craft for application. Full-time, part-time flexible, and part-time regular clerks are eligible to apply.

JCIM QUESTION 98

Section: 3.A.7.b

98. Must a residual best qualified vacancy be posted for application?

Response: Yes, unless it is being withheld under Article 12.

JCIM QUESTION 132

Section 3.B

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

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

JCIM QUESTION 169

Section: 3.F.1

169. Once management has made the decision to post a duty assignment, can it be left vacant if, after the assignment of unencumbered employees, it becomes the residual vacancy?

Response: Only if the duty assignment is being withheld pursuant to Article 12. Otherwise, a residual vacancy is filled by posting the assignment to part-time regular employees eligible to bid and to part-time flexibles pursuant to the preference procedures in Article 37.5.

JCIM QUESTION 213

Section: 4.A

213. What is an *unencumbered* employee?

Response: The term unencumbered includes both unassigned regular employees with a fixed schedule and full-time flexible employees. Prior to the interlevel bidding agreement, only unassigned full-time employees with a fixed schedule were subject to assignment to residual vacancies. With the interlevel bidding agreement, full-time flexible employees are also subject to assignment to residual duty assignments.

JCIM QUESTION 214

Section: 4 & Full-Time Flexible Memorandum

214. Can the schedule of a full-time flexible employee be changed?

Response: Yes, pursuant to the Maximization/Full-time Flexible Memorandum of Understanding, an unencumbered full-time flexible employee can have flexible reporting times, flexible nonscheduled days, and flexible reporting locations within the installation depending on operational requirements, with the schedule for the service week established by the preceding Wednesday.

JCIM QUESTION 217

Section: 4.B

217. If an unencumbered full-time regular is not notified of a schedule change during the first 28 days, can the employee's schedule still be changed after 180 days?

Response: Yes. The 180 day period begins on the date the employee became unencumbered.

JCIM QUESTION 218

Section: 4.B

218. If a part-time regular becomes unencumbered due to the abolishment or reposting of the employee's duty assignment, can the number of hours guaranteed on his/her Form 50 be changed?

Response: The number of hours remains the same until the employee successfully bids on a duty assignment or is assigned to a residual vacancy. A new Form 50 will then reflect any change.

JCIM QUESTION 215

Section: 4.B

215. Can the schedule of an unencumbered full-time regular employee be changed from the schedule the employee worked immediately prior to becoming unassigned?

Response: Yes, as long as the employee is notified within the first 28 days of becoming unassigned. Thereafter, the employee's schedule cannot be changed again until 180 days after the date the employee's schedule was last changed upon becoming unassigned.

JCIM QUESTION 219

Section: 4.C

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

Response: 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

CBA 37.4

Section 4. Unencumbered Employees

A. Coverage. Full-time flexible employees and unassigned regular employees are considered unencumbered employees.

B. An employee who becomes an unassigned regular will continue to work the same hours and scheduled days the employee worked immediately prior to becoming unassigned unless notified of a change in work schedule before expiration of the first 28 days after the date on which the employee became unassigned. Additional work schedule changes may be made, provided that such change cannot be made effective until 180 days after the effective date of any previous change.

B. An employee who becomes an unassigned regular will continue to work the same hours and scheduled days the employee worked immediately prior to becoming unassigned unless notified of a change in work schedule before expiration of the first 28 days after the date on which the employee became unassigned. Additional work schedule changes may be made, provided that such change cannot be made effective until 180 days after the effective date of any previous change.

C. Assignment of Unencumbered Employees

Assignment of unencumbered employee(s) will be made within 21 days of the duty assignment becoming residual (Article 37.1) in accordance with the following:

- 1. Any unencumbered employee(s) who becomes unencumbered for any reason will receive saved grade (Article 37.4.C.6.a) if he/she voluntarily bids to a lower level duty assignment(s) prior to or during the involuntary assignments. Once an employee is assigned to a same or higher level duty assignment (Article 37.4.C.5) and notified in writing of an assignment this option of bidding a lower level duty assignment will no longer be available.**

- 2. If there are sufficient same or higher level vacancies, unencumbered employees shall be involuntarily assigned to same or higher level vacancies in accordance with Article 37, Section 4.C.5.**

- 3. If there are insufficient same or higher level vacancies to accommodate assignment of all unencumbered employees, preference eligible employees will be placed first into the same or higher level vacancies in accordance with Article 37, Section 4.C.5.**

- 4. After placement of the unencumbered preference eligible employees, non-preference eligible unencumbered employees will be placed in accordance with Article 37, Section 4.C.5.**

JCIM QUESTION 213

Section: 4.A

213. What is an *unencumbered* employee?

Response: The term unencumbered includes both unassigned regular employees with a fixed schedule and full-time flexible employees. Prior to the interlevel bidding agreement, only unassigned full-time employees with a fixed schedule were subject to assignment to residual vacancies. With the interlevel bidding agreement, full-time flexible employees are also subject to assignment to residual duty assignments.

JCIM QUESTION 214

Section: 4 & Full-Time Flexible Memorandum

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JCIM QUESTION 215

Section: 4.B

215. Can the schedule of an unencumbered full-time regular employee be changed from the schedule the employee worked immediately prior to becoming unassigned?

Response: Yes, as long as the employee is notified within the first 28 days of becoming unassigned. Thereafter, the employee's schedule cannot be changed again until 180 days after the date the employee's schedule was last changed upon becoming unassigned.

JCIM QUESTION 219

Section: 4.C

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

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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

JCIM QUESTION 221

Section: 4.C

221. In what order must unencumbered employees be assigned to the same or higher level?

Response: After the assignment of preference eligible clerks, Article 37.4.C.1 requires that unencumbered employees be assigned in the following order: 1) currently qualified employees, 2) partially qualified employees, 3) employees not currently or partially qualified.

Article 37.4.C.5 is applied in the following order:

- (a) Currently qualified: Offer by seniority, assign by seniority
- (b) Partially qualified: Offer by seniority, assign by seniority
- (c) Not Currently or Partially Qualified: offer by seniority, assign by seniority

JCIM QUESTION 223

Section: 4.C.5

223. If there are residual vacancies available, must unencumbered employees be assigned to the same or higher level?

Response: Yes, Article 37.4.C.5.a states in part, "these employees shall be assigned." This requirement is mandatory. In tracing the history of this language, the provision provided for "may" in the 1975 National Agreement; was changed to "should" in the 1978 National Agreement; and finally, to "shall" in the 1981 National Agreement.

JCIM QUESTION 224

Section: 4.C.5.a(1)

224. If an unencumbered employee is the senior bidder and enters a deferment period(s) in accordance with Article 37.3.F.3, 4 or 7, is the employee available for assignment to a residual vacancy in accordance with Article 37.4.C.5.a.(1)?

Response: Yes. The unencumbered employee is available for assignment to a residual vacancy for which the employee is currently qualified. The employee has the option to continue training for the assignment for which he/she was designated senior bidder.

JCIM QUESTION 225

Section: 4.C.5.a(1)

225. When assigning unencumbered employees to residual vacancies for which they are currently qualified or not, is it necessary for them to have been in an unencumbered status for the last 90 days?

Response: No. The "last 90 day" requirement was eliminated in the 2006-2010 Agreement.

JCIM QUESTION 226

Section: 4.C.5.a(1)

226. How are unencumbered employees assigned to residual vacancies for which they are currently qualified?

Response: When unencumbered employees are currently qualified on two or more assignments, the employees are given an option and assigned by seniority. If no preference is stated, assignment is made by seniority. For example, if two unencumbered employees are qualified on the MPFSM and there is one residual vacancy, the vacancy would be offered to the senior of the two qualified employees. If both employees decline, the senior of the qualified employees would be assigned and placed in the vacancy. If, in this example, there were two residual vacancies, the senior of the two employees would be given the choice of the assignments and the junior employee would be assigned to the remaining vacancy.

JCIM QUESTION 227

Section: 4.C.5.a(2)

227. When assigning unencumbered employees to residual vacancies for which they are partially qualified, how is the assignment made?

Response: The assignment of unencumbered employees to duty assignments for which they are partially qualified is accomplished the same as for assignments for which currently qualified; by seniority.

JCIM QUESTION 228

Section: 4.C.5.a(2), 4.C.5.a (3) and 4.C.6

228. If an unencumbered employee is the senior bidder and enters a deferment period(s) in accordance with Article 37.3.F.3, 4, or 7, is the employee available for assignment to a residual vacancy in accordance with Article 37.4.C.5.a.(2) and (3). or 4.C.6?

Response: The unencumbered employee is not available for assignment in accordance with the cited provisions unless the employee is not demonstrating his/her intent to qualify on the training.

JCIM QUESTION 229

Section: 4.C.5.a(3)

229. When assigning unencumbered employees to residual vacancies for which they are not qualified, is the assignment by seniority or juniority?

Response: When there is more than one residual vacancy, unencumbered employees must be canvassed and given an option based on seniority. For example, if there are five residual vacancies remaining after assigning the qualified and partially qualified employees, the five senior unencumbered employees meeting the minimum qualifications, beginning with the senior, would be given the option of the available assignments and placed into required training. If there was only one residual vacancy remaining after assigning the qualified and partially qualified employees, the senior unencumbered employee who meets the minimum qualifications would be assigned.

JCIM QUESTION 230

Section: 4.C.5.and 4.C.6

230. What constitutes “minimum qualifications” for purposes of assignment of unencumbered clerks into residual vacancies under Article 37.4.C.5 and 6?

Response: “Minimum qualifications” are, for example, the requisite entrance examination, a driving license, an experience requirement, or a demonstration of a skill (e.g., typing).

JCIM QUESTION 231

Section: 4.C.5

231. When assigning unencumbered employees in accordance with Article 37.4.C.5, are full-time regular or full-time flexible employees assigned first?

Response: Neither. Unencumbered full-time regular and full-time flexible employees are combined into one list for the purpose of assignment. They are assigned by seniority

JCIM QUESTION 232

Section: 4.C.5 and 4.C.6

232. Is an unencumbered employee who is detailed to a non-bargaining unit position available for assignment to a residual vacancy in the same or higher level in accordance with Article 37.4.C.1?

Response: No. However, the employee would be available for assignment to a lower level vacancy pursuant to Article 37.4.C.6

JCIM QUESTION 233

Section: 4.C.5 and 3.F.7

233. If an unencumbered employee is assigned to a residual vacancy which requires training, does the employee assume the schedule of the residual vacancy during training, or does the employee maintain the schedule he/she had prior to being assigned?

Response: During training, the employee continues to maintain the schedule he/she had prior to entering training unless it is a position listed in Article 37.3.F.7. The employee's schedule is not permanently changed until he/she is fully qualified and placed into the assignment. Both full-time flexible and unassigned regular employees maintain their unencumbered status until qualified and placed into the new assignment.

JCIM QUESTION 234

Section: 4.C.5 and 4.C.6

234. If an unencumbered employee has reached Maximum Medical Improvement (MMI) due to either an off-the-job or on-the-job injury or illness, can he/she be assigned to a residual vacancy?

Response: Only if the unencumbered employee is physically capable of performing the core duties of the assignment with reasonable accommodation, including any physical requirements identified in the residual vacancy pursuant to 37.3.E.7. Clerks can only be assigned to duty assignments for which they could have been permitted to bid.

JCIM QUESTION 235

Section: 4.C.5 and 4.C.6

235. May an accommodated unencumbered light/limited duty employee who has not reached MMI be eligible for assignment on a residual duty assignment?

Response: Yes. However, the residual assignment must be medically suitable with accommodation. Furthermore, the duties of the residual assignment may not require physical activity more demanding than the specific duties in the current assignment where the employee is being accommodated without medical review and concurrence.

JCIM QUESTION 236

Section: 4.C.6

236. Is the application of Article 37.4.C.6 required if lower level residual vacancies still exist after applying Article 37.4.C.5?

Response: Yes. The assignment of unencumbered employees to lower level vacancies must be accomplished within 21 days of the duty assignment becoming residual.

JCIM QUESTION 240

Section: 4.C.6.a

240. When an unencumbered preference eligible is reached for assignment to a vacancy in a lower wage level, who is assigned to that vacancy?

Response: The preference eligible will not be reassigned to a vacancy in a lower wage level. The junior non-preference eligible in the installation holding a duty assignment in the same wage level will be assigned to the lower wage level residual vacancy, and the unencumbered preference eligible will be assigned to the resulting vacancy. However, if the next junior unencumbered non-preference eligible unencumbered Clerk is junior to the junior non-preference eligible holding a duty assignment, the principles of seniority will be applied and the junior non-preference eligible unencumbered employee will be assigned to the lower level vacancy.

JCIM QUESTION 241

Section: 4.C.6.a & b

241. 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?

Response: 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.

JCIM QUESTION 242

Section: 4.C.6.a & b

242. 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?

Response: Yes.

JCIM QUESTION 243

Section: 4.C.6.b

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

Response: 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.

JCIM QUESTION 244

Section: 4.C.6.b

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

Response: 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.

JCIM QUESTION 245

Section: 4.C.6.b

245. 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?

Response: 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.

JCIM QUESTION 246

Section: 4.C.6.b

246. In reviewing 37.4.C.6.b, it is noted that after two years Clerks will be expected to bid or apply for former level duty assignments for which they are qualified or may become qualified by entering a scheme deferment period. Does this mean that they have to bid or apply for former level duty assignments that require a skill such as SSA?

Response: No. Not unless they have a live record on the particular skill.

JCIM QUESTION 247

Section: 4.C.6.b

247. Who is expected to bid on posted duty assignments?

Response: 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.

JCIM QUESTION 248

Section: 4.C.6.b

248. If there are three former level duty assignments posted for bid and all the Clerks with saved grade bid or apply for only one of the former level duty assignments, have they all met the criteria of being expected to bid or apply to their former level?

Response: Yes.

JCIM QUESTION 249

Section: 4.C.6.b

249. If there are multiple former level duty assignments in the posting and only one saved grade Clerk who is expected to bid from the saved grade pool bids or applies, do the junior Clerks lose saved grade and, if so, how many lose saved grade?

Response: The junior Clerks expected to bid who failed to do so will lose saved grade up to the difference between the number of duty assignments posted and the number of saved grade Clerks who bid.

JCIM QUESTION 250

Section: 4.C.6.b

250. What if there were 5 posted applicable level duty assignments and 3 of the 10 Clerks in the saved grade pool bid for all five vacancies?

Response: The two junior Clerks in the saved grade pool who failed to bid on any of the vacancies would lose the saved grade.

JCIM QUESTION 251

Section: 4.C.6.b

251. What if there were 5 posted applicable level duty assignments and only 1 of the 10 Clerks in the saved grade pool bid for all 5 vacancies?

Response: The 4 junior Clerks in the saved grade pool who failed to bid on any of the vacancies would lose saved grade.

JCIM QUESTION 252

Section: 4.C.6.b

252. If the senior qualified Clerk with saved grade withdraws prior to entering training and loses his/her saved grade, are the remaining saved grade Clerks, e.g., the second bidder, etc. protected from losing their saved grade?

Response: Yes.

JCIM QUESTION 253

Section: 4.C.6.b

253. If the second senior bidder has saved grade and goes into training and fails after a saved grade Clerk withdraws, does he/she lose his/her saved grade?

Response: No. As stated in 37.4.C.6.b, no more than one saved grade employee loses saved grade for each duty assignment posted. Since the first more senior bidder withdrew from training, he/she would be the one to lose saved grade for that assignment posted.

JCIM QUESTION 256

Section: 4.C.6.b

256. If a Clerk is qualified, is he/she expected to bid on every job that is posted to their former wage level after he/she has been in the saved grade for two years?

Response: Yes. After the employee has been in the saved grade for two years, the employee is expected to bid for all former wage level duty assignments for which the employee is qualified or can become qualified by entering a scheme deferment period.

JCIM QUESTION 257

Section: 4.C.6.b

257. If an unencumbered Level 7 Clerk bids to a Level 6 duty assignment and is given saved grade and then subsequently bids to a Level 5 duty assignment, is saved grade taken away?

Response: No. As long as they fulfill their obligation after the two years to bid on former level duty assignments they are qualified for or can become qualified for, employees can bid within their current level or to lower levels without losing the saved grade.

JCIM QUESTION 258

Section: 4.C.6.b

258. When does an unencumbered Clerk lose the right to receive Article 37.4.C.6.b saved grade?

Response: Once the unencumbered Clerk has been notified in writing of assignment to a same or higher level duty assignment that Clerk will no longer have the option to receive Article 37.4.C.6.b saved grade protection. Any non-preference eligible unencumbered Clerk who, in the course of the assignment process in 37.4.C.6.b states a preference for assignment to a job in a lower wage level will receive the saved grade in accordance with 37.4.C.6.b. If an unencumbered non-preference eligible employee fails to state a preference when offered and is then involuntarily assigned to a lower wage level duty assignment, he/she will also receive saved grade in accordance with 37.4.C.6.b.

CBA 37.4D PG 197

D. Identification of Newly Established Duty Assignments

When the number of full-time regular Clerk Craft duty assignments in an installation is less than the number of full-time Clerks, a full-time employee remaining unencumbered for a period of 120 calendar days shall demonstrate the need to post the newly established full-time regular duty assignment in accordance with Article 37.3.A.1.a.

When the number of part-time regular Clerk Craft duty assignments in an installation is less than the number of part-time regular Clerks, a part-time regular employee remaining unencumbered for a period of 120 calendar days shall demonstrate the need to post the newly established part-time regular duty assignment in accordance with Article 37.3.A.1.b.

This process shall continue until all unencumbered Clerks eligible to be assigned have successfully bid or been assigned to duty assignments.

Exceptions: Any full work or paid leave weeks (40 hours) during which unencumbered Clerks are: 1) detailed to non-bargaining positions; 2) identified as impacted under the provisions of Article 12.5.C (excluding 12.5.C.4); or 3) medically unsuitable for assignment, shall not be included when establishing this 120 day period.

[see Memo, page 366]

JCIM QUESTION 260

Section: 4.D

260. If any of the 37.4.D exceptions occur, does a new 120 day period begin?

Response: No, the 120 day period is cumulative calendar days. You simply subtract those weeks in which the exception(s) apply; partial week exceptions are not subtracted.

JCIM QUESTION 261

Section: 4.D

261. Must the unencumbered clerk perform the same duties and work the same hours and days off for the 120 day period?

Response: No.

JCIM QUESTION 262

Section: 4.D

262. When a newly established duty assignment is created pursuant to 37.4.D, can management then revert the vacated duty assignment previously occupied by the successful bidder on the newly established 37.4.D duty assignment?

Response: Duty assignments can be reverted in accordance with Article 37.3.A.2 if they are no longer needed. However, if that occurs, management must then post another newly established duty assignment in its place, if required to meet the criteria outlined in Article 37.4.D that the number of full-time or part-time regular duty assignments in the installation not be less than the number of full-time or part-time regular Clerks, as applicable.

JCIM QUESTION 263

Section: 4.D

263. Does the language in 37.4.D apply to all installations and include all unencumbered clerks (full-time flexibles and unassigned regulars)?

Response: Yes.

JCIM QUESTION 264

Section: 5.A

264. When filling full-time duty assignments, is bidding by part-time regular employees and preferencing by part-time flexible employees done concurrently?

Response: Yes.

JCIM QUESTION 265

Section: 5.A

265. Is there a standard procedure for simultaneous part-time regular bidding and part-time flexible preferencing?

Response: No. The system for completing part-time regular bidding and part-time flexible preferencing is determined locally.

JCIM QUESTION 266

Section: 5.A.2

266. If the senior part-time flexible clerk on the part-time flexible roll is currently qualified on a residual vacancy to be filled in accordance with Article 37.5, does the employee have the option of remaining part-time?

Response: No, the employee does not have an option. The provisions of Article 37.5.A.2 clearly require conversion. The referenced provision states, "Part-time flexible employees shall be converted to full-time in the manner set forth in this section."

JCIM QUESTION 267

Section: 5.A.2

267. Can part-time flexible employees be converted to full-time regular without using the preference procedures in Article 37.5?

Response: Only if converting to meet the maximization requirements of Article 7, Section 3. In such case, the senior part-time flexible employee on the part-time flexible roll will be converted. Conversion pursuant to Article 7.3 is made without applying Article 37.5 and, therefore, the employee is converted to unencumbered full-time regular status. Conversions of the Maximization MOU in offices of 125 work years or more are to full-time flexible.

JCIM QUESTION 268

Section: 5.A.5

268. When does the 28 day period begin for posting residual full-time vacancies for Part-time flexible preferencing?

Response: 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 offered for PTF preferencing 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 offered for PTF preferencing within 28 days of the date the residual vacancy was released from withholding.

JCIM QUESTION 269

Section: 5.A.5

269. Is there a negotiated time frame for placing the senior part-time flexible employee who stated a preference into training?

Response: Yes. Normally, the employee would be placed into training within 10 calendar days.

JCIM QUESTION 270

Section: 5.A.7

270. Is there a negotiated time frame for converting a part-time flexible employee who is currently qualified or who successfully completes training for a stated preference?

Response: Yes. The employee should be converted and placed into the assignment within 28 days except in the month of December, with one exception. A Mark-up Clerk, Automated is converted to full time in the normal time frame but placement can be delayed up to 180 days.

JCIM QUESTION 271

Section: 5.A.7

271. When a Mark-up Clerk, Automated is converted to full time unencumbered status under Article 7 Section 3, can the employee be bypassed for assignment to a residual vacancy for up to 180 days?

Response: Yes.

JCIM QUESTION 272

Section: 5.A.9

272. Are part-time flexible employees eligible to apply for residual best qualified duty assignments?

Response: Yes. However applications from part-time flexible employees are not considered if a sufficient number of full-time employees who meet the minimum qualifications apply.

JCIM QUESTION 273

Section: 5.A.11

273. If a part-time flexible employee is in training for a stated preference and is converted to full-time, either pursuant to Article 7, Section 3, or as the result of later being matched to a residual vacancy for which currently qualified, may the employee continue training for the stated preference?

Response: Yes.

JCIM QUESTION 275

Section: 5.B

275. What principles regarding part-time flexible employees exercising a preference on residual duty assignments were resolved by prearbitration settlement H4C-3T-C 33547?

Response:

1. If a part-time flexible is in training for an assigned scheme and expresses a preference for a duty assignment which requires qualification on the same scheme, the part-time flexible does not receive additional training time.
2. A part-time flexible in training for an assigned scheme may still state a preference for a duty assignment which requires training. However, the employee must qualify on either the stated preference or the scheme assignment by the due date of the scheme assignment.
3. An employee who failed to qualify on an assigned scheme and has been issued a notice of removal or proposed removal, and has previously expressed a preference for a duty assignment with a different scheme requirement, may continue to train on that preference during the advance notice period of the removal, provided training time remains.

JCIM QUESTION 276

Section: 5.B

276. What is meant by *machine assignment*?

Response: Any clerk craft duty assignment on mechanization which requires hiring from a machine register or qualifying on a machine program such as Parcel Post Distributor, Machine; Flat Sorting Machine Operator; etc.

JCIM QUESTION 277

Section: 5.B.1.4

277. May a part-time flexible employee in training for a stated preference state a preference for a subsequent residual vacancy?

Response: An employee in training may not state a preference for any assignment on which he/she is not currently qualified. However, employees in training are required to state a preference for all assignments on which currently qualified.

JCIM QUESTION 278

Section: 5

278. How do the provisions of Article 37.5 apply if there are five residual full-time *Mail Processing Clerk* duty assignments to be filled by conversion?

Response: The top five part-time flexible employees on the part-time flexible roll who are currently qualified are converted and placed into the five assignments.

JCIM QUESTION 279

Section: 5.C.2

279. When a part-time flexible employee states a preference and enters scheme training, is the training compensable?

Response: Part-time flexible clerks who receive voluntary scheme training as a result of an expressed preference are scheduled and compensated on the same basis as a full-time employee who is a senior bidder on a duty assignment.

JCIM QUESTION 280

Section: 5.C.2

280. If the senior part-time flexible clerk is currently qualified on more than one residual duty assignment, does the employee have an option of which assignment he/she will be placed in when converted?

JCIM QUESTION 281

Section: 5.C.8

281. Do all part-time flexible preference provisions apply to part-time regular duty assignments?

Response: No. Part-time flexible employees can exercise a preference for part-time regular duty assignments but cannot be involuntarily reassigned to that status.

Section 6. Parcel Post Sorting Machines

JCIM QUEST 86

Section: 3.A.4.d

86. When duty assignments are reposted, what happens to residual vacancies which result from the reposting?

Response: Residual vacancies are filled first by the assignment of any unencumbered employees in the same salary level; then, if necessary, by posting the vacancies to full-time clerks in all levels who are eligible to bid and part-time regular clerks in all levels who are eligible to bid; then, if necessary, by assigning unencumbered employees in a lower level to the higher level vacancy. Management may then assign higher level unencumbered employees to any remaining lower level vacancies.

JCIM QUEST 87

Section: 3.A.4.d

87. Does a reposting always result in a residual vacancy?

Response: No. When there are an equal number of posted duty assignments and employees eligible to bid, and everyone successfully bids on the reposting, there is no residual vacancy.

JCIM QUEST 156

Section: 3.F

156. Are clerks who are assigned to temporary light or limited duty or on medical leave as a result of illness, injury, or pregnancy, allowed to bid?

Response: Yes, provided the employee will be able to perform the duties of the assignment within six (6) months from the time at which the bid was submitted.

JCIM QUEST 172

Section: 3.F.1.b

172. If an employee withdraws a bid from consideration while a more senior bidder is in a deferment period on the same assignment, would the withdrawal count as a senior unsuccessful bid?

Response: It would not count as long as the bid is withdrawn in writing or, if appropriate, electronically while the more senior bidder is still in training.

JCIM QUEST 237

Section: 4.C.6

237. When assigning unencumbered employees to lower level residual vacancies under Article 37.4.C.6, are assignments made by seniority or juniority?

Response: Assignments are made by juniority. However, prior to assigning, the residual vacancies must be offered to unencumbered employees who meet the minimum qualifications, and their preference shall be honored by seniority.

JCIM QUEST 238

Section: 4.C.6

238. When assigning unencumbered employees to residual vacancies pursuant to Article 37.4.C.6, are the assignments made based strictly on juniority?

Response: No. There are exceptions to assigning by juniority when applying Article 37.4.C.6. Examples of exceptions are:

1. Unencumbered employees who are designated senior bidder on posted duty assignments and are demonstrating their intent to qualify by attending training are considered unavailable for assignment.
2. To be available for assignment, an unencumbered employee must meet the minimum qualifications of the residual vacancy.

JCIM QUEST 239

Section: 4.C.6

239. Is the assignment to a lower level residual vacancy pursuant to Article 37.4.C.6 considered an involuntary assignment?

Response: Yes.

JCIM QUESTION 249

Section: 4.C.6.b

249. If there are multiple former level duty assignments in the posting and only one saved grade Clerk who is expected to bid from the saved grade pool bids or applies, do the junior Clerks lose saved grade and, if so, how many lose saved grade?

Response: The junior Clerks expected to bid who failed to do so will lose saved grade up to the difference between the number of duty assignments posted and the number of saved grade Clerks who bid.

JCIM QUEST 274

Section: 5.A.11

274. Can a part-time flexible withdraw from training for a stated preference?

Response: Only in limited situations as described in Article 37.5.A.10. If the employee is converted to full-time, either pursuant to Article 7, Section 3. or as the result of being matched to a vacancy for which currently qualified, the employee has the option of either remaining in training for the stated preference or withdrawing from training.

JCIM QUEST 277

Section: 5.B.1.4

277. May a part-time flexible employee in training for a stated preference state a preference for a subsequent residual vacancy?

Response: An employee in training may not state a preference for any assignment on which he/she is not currently qualified. However, employees in training are required to state a preference for all assignments on which currently qualified.

CBA 37.4.d.1

- WANDA,
I HAVE TO CHECK WITH JIM AND MIKE ON THIS
CONTRACT EXECERPT.
THANKS,
PAT

CBA 37.4.d.2

CBA 37.4.d.3