

American Postal Workers Union, AFL-CIO

Memorandum

1300 L Street, NW
Washington, DC 20005



Telephone
(202) 842-4246

From the Office of WILLIAM BURRUS
Executive Vice President

March 16, 2001

TO:

SUBJECT: **Excessing**

Having failed to achieve an agreement at the national level, postal management will initiate discussions at the local level on procedures to reassign higher level employees from assignments that are scheduled for abolishment. Following are the legal and contractual rules governing such reassignments:

* Article 6, Sections (1) and C.1. and the 1998 Memo limiting lay-off prohibits the **reduction in grade** of any preference eligible employee with one year of continuous service. Such protected employees may not be **removed from their assignment** unless placed (excessed) to a **vacant** assignment of same or higher grade.

*If a preference eligible employee voluntarily bids to a lower level, he/she loses the protections of Article 6 and the Veterans Preference Act. Management will attempt to convince you and the preference eligibles to voluntarily bid.

*Article 12.C.4 governs the reassignment of non preference eligibles excess to the needs of a Section. You have determined in local negotiations the specific Sections. All reassignments from a Section must be by juniority and if a non preference eligible is senior to a protected preference eligible, the protected preference eligible may not be bypassed to excess a more senior non preference eligible.

*Management may abolish specific job assignments but Article 12.5.A.4. requires that **When it is proposed to reassign within an installation employees excessed to the needs of a section, such reassignment must be done by juniority.** The abolishment of assignments does not reduce the number of employees within a Section. The national parties have agreed that full time flexibles and light and limited duty employees are a part of identified sections and they must be removed first.

*Preference eligibles may not be provided saved grade as a means of avoiding the MSPB requirements to continue an employee within their grade (MSPB Case *White vs USPS*).

*Junior non preference eligibles are not protected against reassignments and may be provided saved grade requiring that they bid.

*If reassignment is outside the craft or installation, employees indicate at the time of reassignment whether they wish to bid to all vacancies within their former craft and level. Completion of the form serves as a bid to all vacancies required by Article 4. No further bids are required (Art 12.C.5b.(6)).

*Article 4 requires that employees bid but does not require that they qualify .