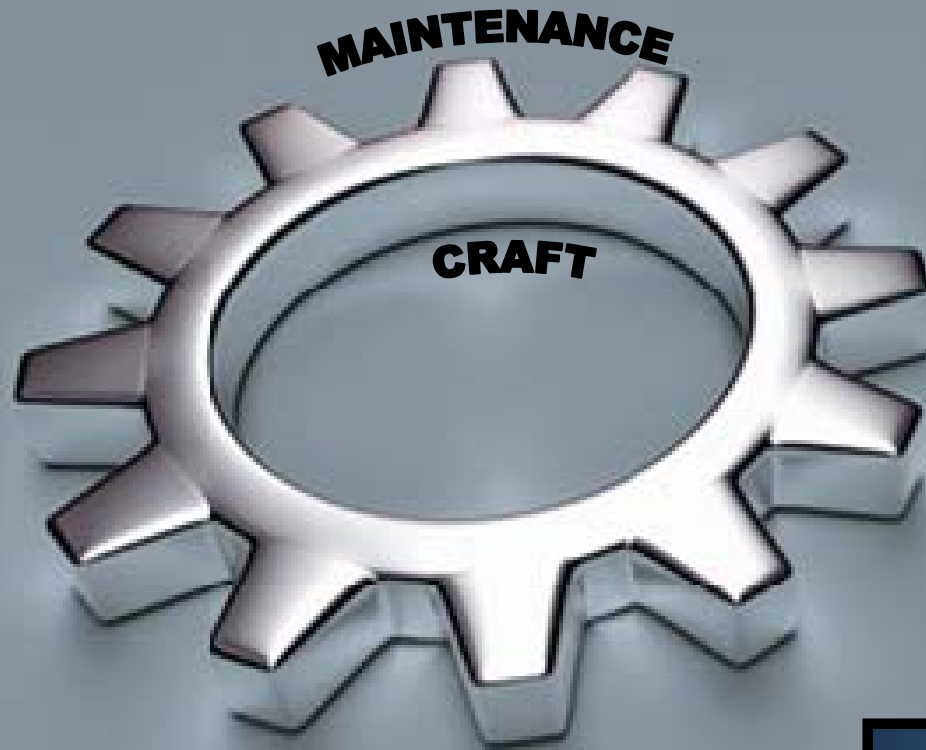


William Burrus

President

American Postal Workers Union



Sharyn Stone
Regional Coordinator
Central Region APWU



The APWU HQ Maintenance Team



Steven G. Raymer
Maintenance Craft Director



Gary Kloepper
Assistant Director



Greg See
Assistant Director



Idowu Balogun
Nat'l Rep @ Large



2006-2010 CBA
&
2007 JCIM
ARTICLE 38
Maintenance Craft

Presented by:
Jimmie Waldon
And Richard Logan
Maintenance Division NBA's



Charlie Robbins
NBA
Southern Region



Terry Martinez
NBA
Southern Region

Special acknowledgments to Charlie Robbins and Terry Martinez, Maintenance Craft NBAs from the Southern Region, for compilation of Article 38 information. We've taken their great work, updated, and added to it to create this new training manual.

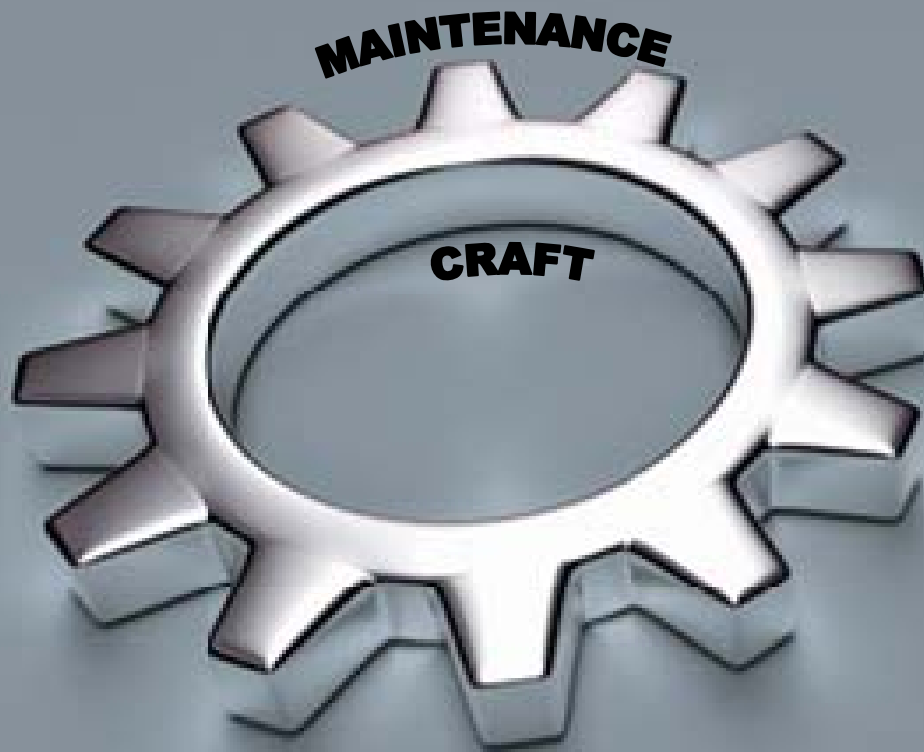


Thank you to Steve Raymer and Liz Powel for creating the PowerPoint presentation with the final version of the 2006 CBA changes .

Steven G. Raymer
Director
Maintenance Division



Elizabeth Powell
Regional Coordinator
Northeast Region



- Section 1. Introduction
- Section 2. Definitions
- Section 3. Seniority
- Section 4. Posting
- Section 5. Selection Methods
- Section 6. Training
- Section 7. Special Provisions



CBA Article 38 - Maintenance Craft

JCIM - ARTICLE 38.2

SENIORITY

There are three definitions of seniority within the maintenance craft.

Article 38.2.E defines *Service Seniority* and includes all time in the maintenance craft regardless of installation.

Article 38.2.F defines *Installation Seniority* and is computed as all continuous time in the maintenance craft in the same installation.

Installation seniority has applications such as determining preferred assignments of employees who enter into a regular workforce position in a particular occupational group and level on or after June 25, 1992 (Article 38.2.G.2); 2) the tie-breaker for rankings on Promotion Eligibility Registers within the same banded scores (Article 38.5.B.8); and the ranking of employees within an occupational group and level for excessing purposes under Article 12 (Article 38.3.K).

JCIM - ARTICLE 38.2.G

SENIORITY

Article 38.2.G, *Seniority for Preferred Assignments* is often referred to as the “grandfather clause.”

Article 38.2.G.1 applies to employees who entered or received a particular position in an occupational group and level prior to June 25, 1992.

All employees in this category are considered senior for preferred assignment to all employees who entered or received a particular occupational group and level on or after June 25, 1992.

JCIM - ARTICLE 38.2.G ***SENIORITY***

Article 38.2.G is applied when making a selection from a preferred assignment register (PAR).

Employees are ranked first pursuant to Article 38.2.G.1 prior to ranking employees pursuant to Article 38.2.G.2.

CBA - ARTICLE 38.3.B

COVERAGE

This Seniority Section applies to all regular work force Maintenance Craft employees when it is necessary for filling vacant assignments and for other purposes. No employee solely by reason of this Article shall be displaced from an assignment he/she gained in accordance with former rules.

JCIM - ARTICLE 38.3.C

SENIORITY

The installation head is responsible for the day-to-day administration of seniority.

Article 38.3.C shall be open to negotiations at the installation level with the designated agent of the APWU.

The Local Memoranda of Understanding (pursuant to Article 30) may identify what type of seniority, *Service Seniority, Installation Seniority or Preferred Assignment Seniority* (Article 38.2.E, 38.2.F, and 38.2.G), is used for overtime, holiday or leave selection.

CBA - Article 38.3.D

Change in Article 38

A current seniority list shall be posted in each installation. A copy of an updated seniority list shall be furnished quarterly to the local Union. For each employee, it shall show:

Seniority for preferred assignments.

1. Service seniority

2. Installation Seniority

JCIM - ARTICLE 38.3.F (2005)

When a maintenance employee is excessed to another installation pursuant to Article 12 “grandfather status” does not carry forward from one installation to another.

Rather, “grandfather status” is installation specific.

Seniority for Preferred Assignment referred to in Article 38.3.F.4 is an employee’s seniority, which is used for preferred assignments.

An employee who is reassigned pursuant to Article 12 and who returns to the same installation and occupational group would have “grandfather status” applied.

JCIM - ARTICLE 38.3.G

The following are examples of the application of article 38.3.G, *Reduction in Seniority for Preferred Assignments*:

1. EXAMPLE: On June 1, 1991 an employee changed voluntarily from an Area Maintenance Technician, PS-8 (AMT8), to an Area Maintenance Specialist, PS-7 (AMS7), within the same installation.

The employee was previously an AMS7 prior to being promoted to AMT8.

JCIM - ARTICLE 38.3.G CONTINUED

The employee's seniority for preferred assignment was eight years, two months which was the time spent from entry into the AMS7 position.

Seniority for preferred assignments would be established at the AMS7 period of seniority (eight years, two months) with no credit for the time spent as an AMT8.

JCIM - ARTICLE 38.3.G CONTINUED

2. EXAMPLE: On June 1, 1991 an employee changed voluntarily from an Area Maintenance Technician, PS-8 (AMT8), to a Maintenance Mechanic, PS-5, within the same installation.

The employee was previously an Area Maintenance Specialist, PS-7 (AMS7), prior to being promoted to AMT8 in the same installation.

Seniority for preferred assignments would be established as one day less than the junior Maintenance Mechanic, PS-5, or the employee's installation seniority, whichever is lesser.

JCIM - ARTICLE 38.3.G

CONTINUED

3. EXAMPLE: On July 1, 1992 an employee changed voluntarily from an Area Maintenance Technician, PS-8 (AMT8), to an Area Maintenance Specialist, PS-7 (AMS7), within the same installation.

The employee was previously an AMS7 prior to being promoted to AMT8. Seniority for preferred assignments would be determined by installation seniority in accordance with Article 38.2.G.2.

JCIM - ARTICLE 38.3.J

Seniority tie breakers are listed in order in Article 38.3.J. Tie breakers are applied in order until the tie is broken.

Employees excessed into the maintenance craft under the provisions of Article 12 of the 2001-2005 National Agreement, shall begin a new period of seniority.

CBA - ARTICLE 38.3.J

Change in Article 38 (2006-2010 CBA)

When it is necessary to determine the seniority ranking for two or more employees who are PROMOTED, ASSIGNED, REASSIGNED, HIRED, OR TRANSFERRED to vacancies in the same occupational group and level in the Maintenance Craft on the same day, the following shall be used to break any tie that might exist:

CBA - ARTICLE 38.3.J

Change in Article 38 (2006-2010 CBA)

Continued

1. Maintenance Craft Installation Seniority
2. Maintenance Craft Service Seniority
3. Total Maintenance Craft Service
4. Total Postal Career Service
5. Total Postal Service
6. total Federal Career Civilian Service
7. Numerical by the last 3 or more numbers (using enough numbers to break the tie, but no fewer than 3 numbers) of the employee's social security number, from the lowest to highest.

CBA - ARTICLE 38.3.J
Change in Article 38
CONTINUED

The breakers are applied in order until the tie is broken.

Employees excessed into the Maintenance Craft under the provisions of Article 12 shall begin a new period of seniority

CBA - ARTICLE 38.3.K
Change in Article 38 (2006-2010)
EXCESS EMPLOYEES

1. Installation Seniority governs in identifying excess employees within an occupational group and level.
2. Employees excessed to lower level under Article 12 into or remaining in the Maintenance Craft shall receive saved grade. Employees receiving saved grade are required to request placement on Promotion Eligibility Registers in their former higher level.

CBA - ARTICLE 38.3.K
Change in Article 38 (2006-2010)
EXCESS EMPLOYEES

3. When applying Article 12.5.C.5 a(5), the first opportunity to return to the Maintenance Craft shall be to the first same or lower level duty assignment which remains vacant after the in-craft process for posting and filling duty assignments and for which the excessed employee is qualified.

CBA - ARTICLE 38.3.K
Change in Article 38 (2006-2010)
EXCESS EMPLOYEES

4. When applying Article 12.5.C.5b.(6), a Maintenance Craft employee can exercise their retreat right to any same or lower level duty assignment which remains vacant after the in-craft process for posting and filling duty assignments in their former installation and for which the excessed employee is qualified. Failure to exercise such retreat right results in the employee forfeiting future retreat rights to the occupational group and level for which the retreat was declined.
5. If return or retreat to the craft, under 3 or 4 above, is to a lower level duty assignment, the employee shall receive saved grade.

JCIM - ARTICLE 38.3.K

Change in Article 38 (New June 29, 2007)

EXCESS EMPLOYEES

Current Maintenance Craft employees who are reassigned pursuant to Article 12.5.C.4 (cross section within the craft and installation) retain retreat rights to their former section (occupational group and as identified in their LMOU). The application of their retreat rights, in this specific instance, occurs following the use of the PAR in the section (identified in their LMOU) from which they were excessed and immediately prior to using the PER.

JCIM - ARTICLE 38.4.A.1
POSTING - NOTICE OF INTENT

POSTING - NOTICE OF INTENT Article 38.4.A.1 provides for the following:

- The posting of a Notice of Intent to fill vacant or newly established duty assignments.
- Notices of Intent are posted for a period of seven calendar days.
- A copy of the Notice of Intent shall be furnished to the local union.

JCIM - ARTICLE 38.4.A.1
POSTING – NOTICE OF INTENT
CONTINUED

- A duty assignment will be filled using the appropriate preferred assignment selection register and/or promotion eligibility register.
- An employee on sick leave or off-site training on the day of the posting shall be furnished a copy of any applicable Notice of Intent.
- An employee who is absent on annual leave and who has submitted a written request, stating the employee's mailing address, will be provided a copy of any applicable Notice of Intent by mail.

JCIM - Article 38.4.A.1

(NEW JCIM LANGUAGE 2005)

If an employee has been granted leave without pay (LWOP), determining whether an employee is automatically provided a copy of the Notice of Intent (NOI) or whether the employee must request a copy of the NOI is based on the paid leave category that the employee was otherwise eligible for. Example :

- An employee who is off work due to illness or injury on the day of the posting elects to use LWOP instead of sick leave. The NOI would be provided to the employee.
- An employee who takes LWOP instead of annual leave is required to make written request for a copy of the NOI.

JCIM - ARTICLE 38.4.A.1
NEW POSITIONS IN AN INSTALLATION

When either a newly established position as defined in Article 1, Section 5 or an established position is authorized in an installation for the first time for which a promotion eligibility register (PER) has not been created, management shall solicit applicants for inclusion on the PER by posting a notice on all official bulletin boards.

- This notice shall be posted for 30 calendar days.
- An applicant will be notified of the results no later than 150 days from the closing date, provided the application was properly completed.
- A Notice of Intent to fill the position should be posted within 14 days of receipt of PER results.

CBA - ARTICLE 38.4

Posting

CBA 38.4.A. In the Maintenance Craft all vacant duty assignments shall be filled as follows:

CBA 38.4.A.1.a. When a vacant or newly established duty assignment is to be filled, the Employer shall post for a period of seven calendar days, a notice of intent that the duty assignment will be filled using the appropriate preferred assignment selection register and/or promotion eligibility register, except for newly established positions as defined in Article 1, Section 5. Such positions shall be posted as they are created and assigned to the craft unit. A copy of the notice of intent shall be furnished to the local Union.

CBA - ARTICLE 38.4

Posting

CBA 38.4.A.1.b. When newly established positions as defined in Article 1, Section 5, are created in an installation or when an established position, for which no promotion eligibility register has been created, is added in an installation, the Employer shall post a notice on all official bulletin boards soliciting applicants for inclusion on the promotion eligibility register. The notice shall be posted for thirty (30) calendar days.

CBA - ARTICLE 38.4

Posting

Continued

CBA 38.4.A.1.b. The employees who apply will receive the results of their application(s) no later than one hundred fifty (150) days from the closing date of the application period. Provided the applications have been properly completed by the applicants. Within fourteen (14) days of the date of the receipt of the promotion eligibility register results, a notice of intent to fill the position shall be posted and the position filled in accordance with the provisions of Article 38.

CBA - ARTICLE 38.4

Posting

CBA 38.4.A.1.c. In addition, any employee on sick leave or off-site training on the day of posting shall be furnished a copy of any applicable notice of intent. Employees absent for annual leave who have requested in writing, stating their mailing address, shall have a copy of any applicable notice of intent mailed to them.

CBA - ARTICLE 38.4

Posting

CBA 38.4.A.2 All vacant duty assignments shall be posted by notice of intent within 30 days from when vacancy occurs. If a duty assignment has not been posted within 30 days, the installation head or designee shall advise the Union in writing as to the reasons the duty assignment is being withheld.

CBA - ARTICLE 38.4

Posting

CBA 38.4.A.3 If the vacant assignment is reverted, a notice shall be posted within 10 days advising of the action taken and the reasons therefore.

CBA 38.4.A.4 When it is necessary that fixed scheduled day(s) of work in the basic work week for a craft assignment be permanently changed, or that the starting time for such an assignment be changed by 2 or more hours, the affected assignment(s) shall be reposted, by notice of intent.

CBA - ARTICLE 38.4

Posting

CONTINUED

CBA 38.4.A.4. An exception to the requirement to repost an assignment where the change in starting time is 2 or more hours may be negotiated locally. If the incumbent in the assignment has more seniority for the preferred assignment than the senior employee on the preferred assignment eligibility register for those off days or hours, the employee may remain in the duty assignment, if the employee so desires.

CBA - ARTICLE 38.4

Posting

CBA 38.4.A.5. The determination of what constitutes a sufficient change of duties or principal assignment areas, to cause the duty assignment to be reposted shall be a subject of negotiations at the local level.

JCIM - ARTICLE 38.4.A.2

Article 38.4.A.2 requires a Notice of Intent to be posted within thirty days of a position (duty assignment) becoming vacant, unless written notification is sent to the union with the reasons the duty assignment is being withheld.

Article 38.4.A.3 allows an additional ten days for completing the reversion process, for a total of forty days to complete the reversion notification process.

JCIM - ARTICLE 38.4.B

The “registers of eligible employees” addressed in Article 38.4.B includes both the PAR and PER.

CBA - ARTICLE 38.4.B
Place of Posting

The Employer agrees to post on an appropriate bulletin board the registers of eligible employees when such registers are established.

JCIM – ARTICLE 38.4.C

Article 38.4.C provides the information that must be listed on a Notice of Intent and includes: the “principle assignment area (e.g., section and/or location of activity)” and “physical or other special requirements unusual to the specific assignments.”

A Notice of Intent may cause more than one duty assignment to be filled from that posting. Prior to posting the Notice of Intent, management must determine if there are duty assignments that will be reverted or changed if they are vacated during the bidding process.

These duty assignments must then be listed on the *Notice of Intent*. (Article 38.5.B.5)

JCIM - ARTICLE 38.5.A

PREFERRED ASSIGNMENT REGISTERS (PAR)

A selection form is completed by employees which lists in numerical order the specific duty assignments in their current occupational group and level that they prefer over the one they currently hold.

The listing of employees by occupational group and level, using the seniority under Article 38.2.G, constitutes the preferred assignment register (PAR).

Within fifteen calendar days of entry into the craft or installation, employees must be provided a written notice advising the employees that they have thirty days from receipt of the notice to apply and be placed on the preferred assignment register (PAR).

CBA - ARTICLE 38.5 *SELECTION METHODS*

38.5.A. Preferred Assignment

38.5.A.1. The Employer will maintain and/or establish preferred assignment selection registers. During the first fourteen days in January of each year a notice advising the employees of the opportunity to submit changes in preferred assignment selections shall be posted on all official bulletin boards at the installation, including stations and branches, to assure that it comes to the attention of all employees eligible to submit forms.

CBA - ARTICLE 38.5 *SELECTION METHODS*

38.5.A.3 Newly established or vacant duty assignments shall be filled by senior employees on the appropriate preferred assignment registers. The relative standing for employees on the appropriate preferred assignment register shall be:

38.5.A.3

38.5.A.3.a employees by preferred assignment seniority who entered a particular occupational group and level in an installation prior to June 25, 1992, followed by

38.5.A.3.b employees by preferred assignment seniority who entered a particular occupational group and level in an installation on or after June 25, 1992.

CBA - ARTICLE 38.5
SELECTION METHODS

38.5.A.4. All vacant or newly established craft duty assignments shall be filled from a preferred assignment register established on the basis of assignment selection forms submitted by Maintenance Craft employees.

CBA - Article 38.5.A.2

Change in Article 38 (2006-2010 CBA)

2. The employee shall indicate preference (s) in numerical order for any vacancy that may occur during that year, including tours and days off that they prefer over their current duty assignment.

Change in preferred assignment selections shall be submitted on or before January 31.

If requested, an employee will be allowed to review the preferred assignment registers and the employee's own preferred assignment selection form(s). If the employee does not submit a change in preferred assignment selections during this period, existing preferred assignment selections shall continue.

CBA ARTICLE 38.5.A.5

3.5.A.5. Where a vacant or newly established duty assignment cannot be filled from an established preferred assignment is to be filled by means of a promotion, selection shall be made from the appropriate eligibility register.

38.5.A.6 An employee may submit a new or amended preferred assignment selection form in the following situations:

- a. the employee is promoted;
- b. the employee's duty assignment is eliminated;

CBA ARTICLE 38.5.A.5 CONTINUED

- c. the duty assignment would result in the employee being assigned closer to the employee's place of residence;
- d. because of substantiated medical or health reasons whereby continuation in the employee's present assignment would be harmful;
- e. three times during each calendar year, an employee may submit additional preferred assignment selection forms. The times selected for submitting the additional preferred assignment selection forms shall be at the option of the employee.

JCIM - ARTICLE 38.5.A.7

PAR – PART-TIME REGULAR EMPLOYEES

Part-time regular employees, who submit a preferred assignment register (PAR) form for a full-time duty assignment, will be awarded the vacant duty assignment before promoting a full-time employee from a lower salary level, or before any lateral transfer, provided the part-time regular employee is senior to the full-time employee in the lower level.

CBA - ARTICLE 38.5.A.7

PAR – PART-TIME REGULAR EMPLOYEES

When a part-time regular employee submits a preferred assignment form for a full-time regular position within the employee's salary level and occupational group, the employee will be awarded the vacant duty assignment before promoting a full-time employee from a lower salary level and occupational group, or before any lateral transfer, providing that the part-time regular is senior to the full-time employee in the lower level.

ARTICLE 38.5.B
PROMOTION ELIGIBILITY REGISTER (PER)

The PER is the ranking of eligible employees for promotion to another occupational group, including to a different occupational group within the same level.

Employees occupying duty assignments of a higher level than the position of the PER are not listed, even if they have an eligible rating.

ARTICLE 38.5.B
PROMOTION ELIGIBILITY REGISTER (PER)
CONTINUED

Within fifteen calendar days of entry into the craft or installation, an employee must be provided a written notice advising the employee they have thirty days from receipt of the notice to request to be placed on the appropriate promotion eligibility register (PER).

New to craft/installation employees applying for the PER will receive their results within 150 days from the date of submission of the application.

JCIM - ARTICLE 38.5.B
PROMOTION ELIGIBILITY REGISTER (PER)

If two or more maintenance occupational groups exist in an installation or in an installation where an employee is domiciled, a promotion eligibility register (PER) offering promotional opportunity for those occupational groups must be established in that installation.

Part-time regular employees can be placed on a PER, but will be considered only after all full-time regular employees on that PER have been selected or declined the opportunity for promotion.

JCIM - ARTICLE 38.5.B
PROMOTION ELIGIBILITY REGISTER (PER)
CONTINUED

This rule applies to the PER only and does not relate to or impact the PAR selection process for part-time regular employees under Article 38.5.A.7.

Part-time regular employees are placed on the PER below full-time regulars consistent with their achieved scores.

CBA - ARTICLE 38.5.B.1

Change in Article 38, 2006-2010

1. The employer shall continue to maintain all existing promotion eligibility registers established under the maintenance selection system to be used for the purpose of filling vacancies in particular occupational groups and levels.

A promotion eligibility register shall be established for each occupational group and level for which there is a position existing or newly authorized in an installation. Register established under the maintenance selection system remain in effect throughout the life of this Agreement.

CBA - ARTICLE 38.5.B.1
Change in Article 38, 2006-2010
CONTINUED

Promotion eligibility registers developed by other than the maintenance selection system shall remain in effect until such time as new register are established by a new maintenance selection system.

ARTICLE 38.5.B.1
Change in Article 38
Continued

If two or more maintenance occupational groups exist in an installation or in an installation where an employee is domiciled, a promotion eligibility register (PER) offering promotional opportunity for those occupational groups must be established in that installation.

Part-time regular employees are placed on the PER below fulltime regulars.

CBA - ARTICLE 38.5.B.2

Change in Article 38, 2006-2010

- F. Maintenance Mechanic PS-6 (SP 6087)- from Maintenance Mechanic PS-4 or PS-5 (SP 6086).
- L. Maintenance Mechanic, MPE PS-8 (PS-6064)- from Maintenance Mechanic PS-6 (PS-6087
- M. Electronic Technician PS-11 (ps-6080) – from Maintenance Mechanic MPE PS 8 (SP-6064)

ARTICLE 38.5.B
Change in Article 38
Continued

Lateral transfers, that is, transfers in the same level, but to a different occupational group shall be determined in the same manner as promotions.

ARTICLE 38.5.B.5

Change in Article 38

To fill a vacant duty assignment at level PS-7 and above, a notice of intent will be posted to fill the vacancy and all residual vacancies using the preferred assignment eligibility registers and/or promotion eligibility registers, as necessary, until a level PS-6 Maintenance Craft vacancy occurs.

To fill a vacant duty assignment at levels PS-4 through PS-6 a notice of intent will be posted to fill the vacancy and all residual vacancies using the preferred assignment eligibility registers and/or promotion eligibility registers, as necessary, until a level PS-3 vacancy occurs.

ARTICLE 38.5.B.5
Change in Article 38
CONTINUED

To fill a vacant duty assignment at levels PS-3 and below, a notice of intent will be posted to fill the vacancy and all residual vacancies using the preferred assignment registers and/or promotion eligibility registers.

CBA – ARTICLE 38.5.B

ARTICLE 38.5.B.6 Employees shall be notified in writing within 15 calendar days of entering the Maintenance Craft in an installation, that they have 30 days in which they may request to be placed on the appropriate promotion eligibility registers. The employees who apply will receive the results of their application(s) no later than one hundred fifty (150) days from the submission date of the application, provided the applications have been properly completed by the applicants.

ARTICLE 38.5.B.7
Change in Article 38

Every three years, during the month of March 1, 2009, Maintenance Craft employees who are not on a promotional eligibility register(s), may apply for inclusion on the appropriate promotional eligibility register(s).

Notification will be posted on the bulletin board on or before March 1st of the open season year. The employees who apply will receive the results of their application(s) no later than one hundred fifty (150) days from March 31, provided the applications have been properly completed by the applicants.

ARTICLE 38.5.B.7

OPEN SEASON

The March time frame noted in Article 38.5.B.7 is commonly referred to as "open season." Open season occurs every three years. The next open season opportunities based on the current contract language will be March 1, 2009. This opportunity is not for an employee who previously received an ineligible rating. An employee with an ineligible rating would use the update process.

All positions in an installation, both MSS and Non-MSS, are available for application for inclusion on the appropriate promotion eligibility register during open season.

Management will complete the initial MSS and Non-MSS process for inclusion on the promotion eligibility register within 150 days from March 31.

CBA ARTICLE 38.5.B.7

38.5.B.7 Every three years, during the month of March, beginning with March 1, 2009, maintenance craft employees who are not on a promotional eligibility register(s), may apply for inclusion on the appropriate promotional eligibility register(s). Notification will be posted on the bulletin board on or before March 1st of the open season year. The employees who apply will receive the results of their application(s) no later than one hundred fifty (150) days from March 31, provided the applications have been properly completed by the applicants.

JCIM
*ORDER FOR FILLING VACANT
MAINTENANCE POSITIONS*

The appropriate PAR and PER must be exhausted before considering other hiring options. To be considered qualified an employee must either be eligible under the current in-craft process for the position in question or be a maintenance craft employee in the same level and occupational group as the vacancy. The following is the order for filling vacant maintenance positions:

JCIM
*ORDER FOR FILLING VACANT
MAINTENANCE POSITIONS*

1. Select the ranking employee on the appropriate preferred assignment register (PAR).
2. An unassigned regular employee may be assigned to the vacant duty assignment.
3. Consider higher level qualified maintenance employees requesting change to lower level. A “previously submitted” written request for assignment to lower level must have been submitted prior to the close of the Notice of Intent (Article 38.5.A.10).

JCIM
*ORDER FOR FILLING VACANT
MAINTENANCE POSITIONS*

4. Select the ranking employee on the appropriate promotion eligibility register (PER).
5. Consider maintenance craft employees requesting transfer before or after inservice procedures in the following order:
 - a. When maintenance craft employees who have requested a transfer are considered first:
 1. Consider maintenance craft employees who are already qualified for the position in question.

JCIM

ORDER FOR FILLING VACANT MAINTENANCE POSITIONS – Continued

2. Consider maintenance craft employees who are not qualified for the position in question but have been afforded an opportunity to qualify under the provisions for qualifying for transfer (see EL-304, *Qualifying for Transfer*).

b. If in-service procedures are considered first:

1. Give priority consideration to career maintenance craft employees using the in-service register in score order.

JCIM
*ORDER FOR FILLING VACANT
MAINTENANCE POSITIONS – Continued*

2. Consider other career postal employees, regardless of craft or position, on the in-service register in score order.

6. Consider current career employees for return to maintenance craft to a position previously held or to any position of equal or lower level for which he/she holds an eligibility rating. Employee must meet the time and eligibility criteria (outlined below).

JCIM
*ORDER FOR FILLING VACANT
MAINTENANCE POSITIONS – Continued*

7. Consider former career postal employees for return to maintenance craft to a position previously held or to any position of equal or lower level for which he/she holds an eligibility rating. Applicants must meet the reinstatement requirements and the time and eligibility criteria (outlined below).

8. Consider entrance register eligibles in score order.

JCIM - ELIGIBILITY CRITERIA FOR RETURN TO THE MAINTENANCE CRAFT

Following is the eligibility criteria for consideration of current career employees and former career postal employees for return to maintenance craft positions:

- The employee must have held a position in the maintenance craft for at least one year.
- The employee must have an eligible rating (in-craft, in-service, or entrance) dated January 1, 1989 or later. (Note: Expired entrance eligibility ratings are acceptable as long as the test specifications have not changed. Also, with the exception of the entry-level custodian exam, maintenance examinations must not be administered noncompetitively).

JCIM - ELIGIBILITY CRITERIA FOR RETURN TO THE MAINTENANCE CRAFT

- Current career employees can be reassigned only to a position previously held or to any position of equal or lower level for which the employee is qualified (no promotion). Selection must be within three years of leaving the maintenance craft.
- Former career postal employees can be reinstated only to a position previously held or to any position of equal or lower level for which the employee is qualified (no promotion). Selection must be within three years of leaving the maintenance craft.

Former postal career employees must meet the eligibility requirements for reinstatement consideration.

JCIM - SUCCESSFUL APPLICANTS

Article 38.5.C provides that an employee who receives a promotion predicated on the successful completion of training and fails that training is declared inactive on the promotion eligibility register (PER).

The PER shall be annotated with an asterisk indicating the employee's requirement to update. The employee may request an update based on additional training, education, or experience in the deficient KSA.

Upon receipt of a qualifying updated score, the employee will be activated on the PER, the asterisk will be removed, and the employee will be ranked accordingly.

CBA - ARTICLE 38.5.C

ARTICLE 38.5.C. *Successful Applicant(s)*

1. Within 8 days after the closing of the original notice of intent to fill a vacancy, the installation head shall post a notice stating the successful applicant and the applicant's seniority date.
2. The successful applicant shall be placed in the new assignment within 14 days after the announcement of the successful applicant. Normally, the successful applicant shall work the duty assignment as posted.

CBA - ARTICLE 38.5.C
Successful Applicant(s)
Continued

38.5.C.3 *Successful Applicant(s)* An exception to 1 and 2 above shall be when the notice of intent has stated that promotion is contingent upon satisfactory completion of training. In these cases, within 14 days the applicant shall be reassigned as an unassigned regular in his/her current occupational group and level. The employee shall be placed in a detail assignment on the tour and non-scheduled days in the occupational group and level of the duty assignment for which the training is intended.

CBA ARTICLE 38.5.C
Successful Applicant(s)
Continued

38.5.C.3 *Successful Applicant(s)* For the duration of the detail assignment, the employee will be treated as if promoted to that position. Upon satisfactory completion of the required training or one (1) year from the date detailed, whichever occurs first, the employee shall be declared the successful applicant and promoted with a preferred assignment seniority date determined according to Section 2.G.2. of this Article.

38.5.C.4 *Successful Applicant(s)* In the event the employee fails to complete satisfactorily the required training discussed in paragraph 3, the employee shall remain as an unassigned regular in his/her current occupational group and level.

JCIM - ARTICLE 38.5.C

38.5.C Successful Applicant Training required of successful applicants pursuant to Article 38.5.C.3 shall be scheduled and satisfactorily completed within a reasonable period of time which, absent unusual circumstances, shall not exceed one year from the date of the announcement of the successful applicant.

There may be instances, for various reasons, where an employee who receives a promotion based on successful completion of training refuses to attend the training within the one year period. On a case by case basis, management must determine if the explanation given for the refusal is valid.

If it is determined not to be valid, the employee is declared an unassigned regular in the employee's original occupational code and level, and the position reposted.

JCIM - ARTICLE 38.5.C

The employee will be bypassed on the promotion eligibility register for this posting.

If the explanation is valid, the time limit may be extended (on a one-time basis) until the receipt of training results from the National Center for Employees Development for the next scheduled course, provided the extension does not exceed one year.

ARTICLE 38.5.D

Upon notification from an employee of the acquisition of new or additional training, education, or experience pertinent to the qualifications for the position, the Employer will request from NTAC the necessary testing material within 7 calendar days of receipt of such notification. The employer shall have an additional 30 days to complete the update process. Such employee notification must be furnished within thirty (30) days of the acquisition of such additional training, education or experience.

ARTICLE 38.5.D CONTINUED

The promotion eligibility register shall not be updated during the period of time a vacant position is in the process of being filled. Employees shall be listed on this register in order of qualifications, and all positions for promotion shall be awarded to the best qualified applicants, except those positions set forth in Section 5.B.2 of this Article.

JCIM - ARTICLE 38.5.D

PROMOTION ELIGIBILITY REGISTER UPDATE

Article 38.5.D provides that an employee who has acquired new or additional training, education, or experience pertinent to a qualification for a position may request a PER update.

Simply reading a magazine or general article is not sufficient to request an update.

Management will complete the update within thirty-seven days (seven days to request material and thirty days to complete the update process).

The promotion eligibility register shall not be updated during the seven calendar days established under Article 38.4.A.1.

ARTICLE 38.6.A

TRAINING

Article 38.6.A.2 provides that as soon as approved training allocations are received at an installation, advance written notices will be published soliciting volunteers. This notice will be posted as far in advance as possible and the employee selected shall be notified as far in advance as possible. If a training opportunity becomes available when two week notice can not be given (i.e. – unforeseen circumstance or changes in machine deployment schedules), the Local Union (e.g.-Maintenance Craft Director) will be notified and the opportunity will be identified as short notice and offered first to the senior qualified volunteer within the occupational group, level and tour where the need for skill exists. No employee shall be required to attend off site training with less than two (2) weeks notice).

ARTICLE 38.6.A
TRAINING - CONTINUED

A list of those volunteers shall be posted and a copy furnished to the local union.

The senior volunteer within the identified occupational group and tour where the need the skill exists will be selected for the training opportunity. Conversely, if no volunteers are received the junior employee within the identified occupational group and tour will be chosen. The identified occupational group and tour, if any, will be indicated on the written notice soliciting volunteers. Unless otherwise agreed to in writing by the parties at the Local level, the seniority used for training selections is installation seniority as defined in Article 38.

ARTICLE 38.6.A
TRAINING - CONTINUED

The Postal Service has the right to require an employee to remain in a duty assignment pursuant to Article 38.6A.5.

However, the employee must be notified prior to the beginning of training that he/she will be required to remain in the duty assignment.

This may be accomplished by indicating the lock-in period on the notice of training billet(s) or by notifying the employee in writing.

ARTICLE 38.6.A
TRAINING - Continued

When selection is made from the preferred assignment register (PAR), employees in the same occupational group and level as the vacancy are considered qualified and no additional training can be required prior to selection.

CBA - ARTICLE 38.6.A.1-2

Change in Article 38 Maintenance Training

38.6.A.1 All Maintenance Craft job training opportunities will be offered first to the senior qualified volunteer within the occupational group, level and tour where the need for the skills exists. The Employer may choose not to select a volunteer who has attended training for 6 or more weeks during the previous 12 months.

38.6.A.2 As soon as approved training allocations are received at the installation, advance written notices will be published soliciting volunteers. A list of those volunteers shall be posted and a copy furnished to the local Union.

CBA - ARTICLE 38.6.A.3-4

Change in Article 38 - Maintenance Training

- 38.6.A.3 Only when there are no qualified volunteers as provided for in 1 above will involuntary selections be made for training. *Involuntary selections will be made by inverse seniority.*
- 38.6.A.4 Employees selected for off-site training will be given as much advance notice as is reasonably possible. *Additionally, two (2) weeks notice will be given.*

ARTICLE 38.6.A.5

Change in Article 38 - Maintenance Training

38.6.A.5 Upon completion of a job training course of two (2) or more weeks duration, which includes mail processing equipment maintenance as part of its curriculum, an employee may be required to remain in the duty assignment for which the training was intended for a period of six (6) months. For a job training course of three (3) or more weeks duration, the employee may be required to remain in the duty assignment for a period of nine (9) months. For a job training course of six (6) or more duration, the employee may be required to remain in the duty assignment for a period of twelve (12) months.

ARTICLE 38.6.A.5

Change in Article 38 – Training

Continued

ARTICLE 38.6.A.5 *Maintenance Training* The above applies unless:

- a. the employee advances to an assignment in higher level;
- b. the duty assignment is eliminated;
- c. because of substantiated medical or health reasons whereby continuation in the assignment would be harmful to the employee; or
- d. the employee has been required to remain in the duty assignment(s) for twelve (12) cumulative months during the life of this Agreement

ARTICLE 38.6.A.6

Change in Article 38 – Training

ARTICLE 38.6.A.6 Maintenance Training The Union, at the national level, will be furnished annually a copy of the yearly allocation of training billets.

ARTICLE 38.7.C *RELIEF ASSIGNMENTS*

38.7. C Relief Assignments may be established pursuant to Article 38.7.C to cover absences of five working days or more for certain types of leave or training.

However a continual failure to utilize a relief employee for bid coverage assignment may indicate the relief assignment is not required.

Hours worked pursuant to an employee's relief duty assignment do not qualify for out-of-schedule premium pay.

CBA - ARTICLE 38.7.A *SPECIAL PROVISIONS*

38.7.A TOOLS The Employer will provide adequate tools, tool kits, and equipment on a charge-out basis to those employees who require such items for the performance of their assigned function. Where the Employer determines the tools are obsolete, such tools will be recalled and removed from the employee's accountability. Under no circumstances will the employee be required to use personal tools and equipment. Where necessary, the Employer will provide training on the use of required tools and equipment.

CBA - ARTICLE 38.7.B
SPECIAL PROVISIONS

38.7.B OVERTIME An overtime desired list in the Maintenance Craft shall be established for each occupation group and level showing special qualifications where necessary.

JCIM - ARTICLE 38.7.C
RELIEF ASSIGNMENTS
CONTINUED

38.7.C Notification of the hours of the relief assignment is not required by Wednesday of the preceding week.

The establishment of relief assignments in the maintenance craft shall be kept to a minimum and within the same occupational groups and levels.

CBA - ARTICLE 38.7.C.1

RELIEF ASSIGNMENTS

38.7.C.1 When management determines that work coverage is necessary, relief assignments in the Maintenance Craft may be established only to provide coverage for absences of five working days or more for scheduled annual leave, sick leave, military leave, court leave, employee requested leave without pay, and national off-site and onsite, or contractor supplies training programs.

38.7.C.2 Relief assignments, which shall be kept to a minimum, will be posted by a notice of intent which, in addition to the information required in Section 4.C (Information on Notice of Intent), will also show the days and hours of the specific duty assignment(s) being relieved.

CBA - ARTICLE 38.7.D

38.7.D Full-time regular Maintenance Craft employees are entitled to bid on the positions of Examination Specialist SP 2-188 and Vehicle Operations-Maintenance Assistant SP 2-195.

JCIM ARTICLE 38.7.E
NON-BARGAINING UNIT DETAILS

38.7.E The duty assignment of a maintenance employee detailed to a non-bargaining unit position in excess of four months shall be declared vacant and posted and filled in accordance with Article 38.

The four months is consecutive and is calculated by month. For example, employees detailed to a non-bargaining unit position on April 16 must end their detail the close of business on August 15 to retain their bid assignment.

Maintenance employees detailed to a non-bargaining unit position are ineligible to accept any promotion or preferred duty assignment (s) while on such detail.

JCIM ARTICLE 38.7.E

NON-BARGAINING UNIT DETAILS

Employee returning to the bargaining unit solely to prevent their duty assignment from being posted for bid violates the Agreement. However, it does not violate the Agreement for an employee to return to the bargaining unit for other reasons. An employee detailed to a non-bargaining unit position must return to the craft for a minimum of one continuous pay period to prevent circumvention of the intent of this provision. The reference to "*one continuous pay period*" means inclusive of days 1-14 of a specific pay period. However, while employees may take paid or unpaid leave during the 14 day period, in no event shall the entire 14 days be in a leave status.

JCIM ARTICLE 38.7.E
NON-BARGAINING UNIT DETAILS
Continued

Employees detailed to non-bargaining unit positions are not entitled to outside of schedule overtime (Out-of-Schedule Premium).

Note: All Maintenance Craft employees will receive a one pay level upgrade effective February 16, 2008.

CBA - ARTICLE 38.7.E
NON-BARGAINING POSITION DETAIL
Change in Article 38

38.7.E Maintenance employees temporarily detailed to a non-bargaining unit position are ineligible to accept any *promotion or* preferred duty assignment (s) while so detailed.

However, nothing contained herein shall be construed to preclude such temporarily detailed employees from voluntarily terminating a non-bargaining unit detail and returning to their craft position.

Upon return to the *ir* craft position, such employees are eligible to accept any *promotion or* preferred duty assignment (s) for which they have properly bid.

CBA - ARTICLE 38.7.E
NON-BARGAINING POSITION DETAIL
Change in Article 38 Continued

The duty assignment of a full-time maintenance employee detailed to a non-bargaining unit position, including a non-bargaining unit training program, in excess of four (4) month shall be declared vacant and shall be posted and filled in accordance with the provisions of this Article. Upon return to the Maintenance Craft, the Employee will become an unassigned regular.

An employee detailed to a non-bargaining unit position must return to the craft for a minimum of one continuous pay period to prevent Circumvention of the intent of this provision.

ARTICLE 38 QUESTIONS AND ANSWERS

MSS/PROMOTIONS

1. If an employee does not complete the necessary forms for the review panel process, can the employee be disqualified and considered as a non-applicant?

Answer: Yes. The employee has the obligation to totally complete all required forms by the deadline date. An employee who, because of unavoidable circumstances, did not submit the necessary forms may be considered for reinstatement.

ARTICLE 38 QUESTIONS AND ANSWERS *MSS/PROMOTIONS*

Continued

2. If an employee checks the block in the Candidate Supplemental Application signifying no experience in a Knowledge, Skill, or Ability, what happens?

Answer: The employee is not interviewed on this Knowledge, Skill, or Ability, and receives the lowest possible review panel rating on this Knowledge, Skill, or Ability.

3. Is the mere reading of a magazine or general article sufficient for an employee to request an update?

Answer: No.

ARTICLE 38 QUESTIONS AND ANSWERS

MSS/PROMOTIONS Continued

4. If an employee receives a promotion based on successful completion of training and fails that training, what happens to that employee's standing on the Promotion Eligibility Register?

Answer: The employee is declared as inactive on the Promotion Eligibility Register and the Promotion Eligibility Register shall be annotated with an asterisk indicating the employee's requirement to update. The employee may request an update based on additional training, education, or experience in the deficient Knowledge, Skill, or Abilities. When the update score is received, the employee's name will be activated, the asterisk removed and the employee ranked accordingly.

ARTICLE 38 QUESTIONS AND ANSWERS

MSS/PROMOTIONS Continued

5. An employee receives a promotion based on successful completion of training and then, for various reasons, refuses to attend this training. Is this employee still promoted to the position after 365 days?

Answer: On a case by case basis, management must determine if the explanation given for the refusal is valid. If it is determined to not be valid, the employee will be declared an unassigned regular in his/her original occupational code and level and the position reposted. The employee will be bypassed on the Promotion Eligibility Register for this posting. If the explanation is valid and, on a one-time basis not to exceed another 365 days, the time limit may be extended until the receipt of training results from the National Center for Employee Development for the next scheduled course.

ARTICLE 38 QUESTIONS AND ANSWERS

MSS/PROMOTIONS Continued

6. Can Industrial Electrical Service be used as a qualifying course for the Maintenance Mechanic, PS-5 position?

Answer: Yes. However, the Maintenance Mechanic, PS-5 will not be held responsible for passing the module concerned with finding selected sections of the National Electric Code.

ARTICLE 38 QUESTIONS AND ANSWERS *MSS/PROMOTIONS* Continued

7. I have an employee who is in a “promotion pending successful completion of training” status. The Notice of Intent listed a specific course that this employee must attend. Do I have to post this billet for volunteers?

Answer: Yes. The billet is posted for volunteers where the need exists; however, an employee in a “promotion pending successful completion of training” may be selected.

ARTICLE 38 QUESTIONS AND ANSWERS *TRAINING*

1. An employee has successfully completed equipment training in the past but none of that equipment is now in the office. Is the employee required to attend and successfully complete training on the new equipment?

Answer: Yes.

2. May an employee selected from an in-service register be placed into that position prior to the date (PS Form 50) of the new assignment?

Answer: Yes. An employee may be detailed to the position for training purposes for up to a two week period ending with the reassignment.

ARTICLE 38 QUESTIONS AND ANSWERS *DUTIES AND RESPONSIBILITIES*

1. Can a Maintenance Mechanic, Mail Processing Equipment perform scanner alignments on mail processing equipment?

Answer: Yes. A Maintenance Mechanic, Mail Processing Equipment may perform alignments which are electro-mechanical or menu driven.

2. Can a Maintenance Mechanic, Mail Processing Equipment perform operational maintenance on equipment?

Answer: Yes. The position description, item 2 states "Observes the various components of the system in operation and applies appropriate testing methods and procedures to insure continued proper functioning".

ARTICLE 38 QUESTIONS AND ANSWERS

DUTIES AND RESPONSIBILITIES

3. Can a PS-2 Custodian use a domestic type (canister, tank, upright, carpet, etc.) vacuum cleaner to perform interior cleaning?

Answer: Yes

4. Can a Maintenance Mechanic, PS-5 reset and restart the Tray Management System?

Answer: Yes.

5. Can a Maintenance Mechanic, Mail Processing Equipment do simple replacement of a defective printed circuit board?

Answer: Yes, as long as the board is external to the computer.

ARTICLE 38 QUESTIONS AND ANSWERS *DUTIES AND RESPONSIBILITIES*

6. Who will perform the overhaul of equipment previously done by Maintenance Overhaul Technical Service Centers (MOTSC)?

Answer: The work will become the responsibility of each individual office. This work will be reflected in the appropriate staffing document.

ARTICLE 38 QUESTIONS AND ANSWERS

CUSTODIAL

1. What is the definition of “voluntary attrition”?

Answer: If the employee bids out, is promoted, quits, retires, or dies.

GENERAL

If there is more than one residual duty assignment being filled by promotion, assignment, reassignment, hire, or, transfer at the same time, how are the duty assignments awarded?

Answer: Employees make selections based upon their installation Seniority. In the case of multiple employees with the same Installation Seniority, selections will be made based upon the other “tie-breakers” identified in Article 38.3.J.1-7.

ARTICLE 38 QUESTIONS AND ANSWERS

GENERAL - Continued

2. Must an employee new to the craft or installation be assigned to a Preferred Duty Assignment?

Answer: Yes. Within 60 days the employee shall be selected from the Preferred Assignment Register to a Preferred Duty Assignment or be assigned in accordance with Article 38.5.A8.

ARTICLE 38 QUESTIONS AND ANSWERS

GENERAL - Continued

3. Where are Preferred Assignment Registers and Promotion Eligibility Registers established and posted?

Answer: If two or more maintenance occupational groups exist in an installation or in an installation where an employee is domiciled, a Promotion Eligibility Register for those occupational groups offering promotional opportunity must be established. If two or more employees hold duty assignments within the same occupational group, a Preferred Assignment Register must be established. These registers will be posted in the installation and will be used to fill vacant positions.

ARTICLE 38 QUESTIONS AND ANSWERS

GENERAL – Continued

4. What is the procedure for stopping the maintenance bidding process prior to the breaks identified in Article 38?

Answer: Prior to posting the Notice of Intent, management must determine if there are duty assignments that will be reverted or changed if they are vacated during the bidding process. These duty assignments must then be listed on the Notice of intent.