

Questions & Answers

On the

Memorandum of Understanding Supplemental Work Force: Conversion of Clerk Craft Part-Time Flexibles

Between
**American Postal
Workers Union, AFL-CIO**

And
United States Postal Service

March 2, 2007

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The APWU and USPS agreed to the Questions and Answers below on March 2, 2007. The responses outline the specific application of the Memorandum of Understanding regarding the supplemental work force and the conversion of Clerk Craft part-time flexibles, which is part of the 2006-2010 Collective Bargaining Agreement.

- 1. What are the new casual cap percentages and how are they counted?**

Response:

- The maximum number of casuals that may be employed¹ nationwide in any accounting period, other than accounting periods 3 & 4; shall not exceed 6% of the total number of nationwide APWU represented career employees.

¹ Wherever the term “employed” is mentioned in this memorandum, it is in reference to employees on the rolls.

- The maximum number of casuals that may be employed within any district in any accounting period, other than accounting periods 3 & 4; shall not exceed 6% of the total number of district-wide APWU represented career employees.
- The maximum number of casuals that may be employed in the clerk craft in any accounting period, other than accounting periods 3 & 4; within installations which have 200 or more man-years of employment shall not exceed 11% of the total number of clerk craft employees within that installation.

2. How will the casual work force caps be applied to 200 man-year installations in the interim period through November 30, 2007?

Response:

- In those installations that are utilizing casual employees at a percentage that is under the new percentage cap (11%,

6%), these installations will be permitted to utilize casual employees up to the new cap starting on February 3, 2007.

- In those installations that are utilizing casual employees at a percentage that exceeds the new percentage cap, these installations cannot exceed their current percentage and must be in compliance by December 1, 2007.
- All installations must be in compliance with the 6% and 11% caps by December 1, 2007.

3. Do 21- or 90-day casuals still exist?

Response:

- No. All casual employees are now hired for terms not to exceed 360 days. Management may use any casual for a term of less than 360 days at its discretion.

4. How frequently are the various casual work force cap percentages (National, District and Installation) determined?

Response:

- The numbers and percentages of employed casuals are provided to the APWU at the national level every accounting period and are monitored by both parties at the national level.

5. What is the remedy if any of the casual caps are exceeded in more than one accounting period, other than accounting periods 3 and 4?

Response:

- The violation must be resolved through a monetary settlement which shall be calculated by utilizing the Level 5, Step A straight-time pay rate pursuant to Article 7.1.B.3.b (after February 16, 2008, this will be Level 6, Step A).

- 6. Is there any rounding up or rounding down permitted when calculating the number of casuals allowed pursuant to the 6% nationwide, the 6% district-wide or the 11% installation-wide caps?**

Response:

- No. The nationwide and district-wide caps are 6.0% and the 200 or more man-year installation-wide cap is 11.0%.

- 7. Must the 360-day casual be employed exclusively within a calendar year?**

Response:

- No. The 360 days are consecutive calendar-day appointments during one or extending into another calendar year.

8. Can the same casual be re-employed for consecutive 360-day terms?

Response:

- Yes. After a mandatory break in service.

9. If the local union makes an information request, must management notify the local union when they hire casuals, including supplemental employees from employment agencies such as Manpower Inc., Kelly Girls, etc., in all installations?

Response:

- Yes. But they are no longer required to give the reason for hiring clerk casuals in 200 man-year installations.

10. Is there a specific schedule or guideline for converting all part-time flexible clerks to full time in 200 man-year installations prior to December 1, 2007?

Response:

- No. Management may convert the part-time flexible clerks in a manner consistent with operational needs as long as all conversions occur prior to December 1, 2007.

- 11. Must all part-time flexible clerks in 200 man-year installations, including those assigned to stations and branches, be converted to full time prior to December 1, 2007?**

Response:

- Yes.

- 12. Must part-time flexible clerks in Remote Encoding Centers that are in 200 man-year installations be converted to fulltime prior to December 1, 2007?**

Response:

- Yes.

13. May management excess part-time flexibles currently on the rolls in 200 man-year installations prior to December 1, 2007?

Response:

- Normally, part-time flexible hours are simply reduced; however, PTFs may be exceeded for bona fide business reasons. PTFs may not be exceeded solely to avoid converting them to full time.

14. Must all part-time flexibles in the Motor Vehicle Craft in 200 man-year installations be converted to full time prior to December 1, 2007?

Response:

- No.

15. What was the percentage of full-time employees in the Motor Vehicle Craft Division “on the date of the agreement”

as referenced in paragraph 11 of the MOU?

Response:

- The Motor Vehicle Craft had 90% full-time employees.

16. How is the Motor Vehicle Craft 90/10 ratio applied?

Response:

- The percentage of part-time employees has always been expressed in the contract as a percentage of the full-time employees, and has been enforced at the local installation level. This contract would require all Motor Vehicle Craft operations within an installation to be at least 90% full time as soon as practicable. Every installation will be allowed at least 2 part-time employees in the Motor Vehicle Craft. Any exceptions will be discussed and resolved at the National Level.

17. Has there been any modification to the rules concerning procedures for converting part-time employees in the Motor Vehicle Craft to full time as a result of this Agreement?

Response:

- Existing PTF maximization/conversion rules remain unchanged as applied to non-clerk craft employees.

18. Does the Full-Time Flexible Memorandum continue to apply to Motor Vehicle Service employees in all offices with 125 or more man-years?

Response:

- Yes.

19. Does the Full-Time Flexible Memorandum continue to apply to clerks in offices with 125 through 199 man-years?

Response:

- Yes.

20. Does the Full-Time Flexible Memorandum continue to apply to clerks in 200 man-year installations during the interim period through November 30, 2007?

Response:

- Yes. The requirement to apply the full-time flexible memorandum to clerks in 200 man-year offices does not end until the date all part-time flexible clerks are converted to full time, which must occur prior to December 1, 2007. Once all part-time flexible clerks in a 200 man-year installation are converted to full time, the requirement to apply the full-time flexible memorandum in that installation ends.

21. Is the employment of clerk casuals hired in 200 man-year installations subject to the “casual in lieu of” restrictions?

Response:

- No.

22. Are existing “casual in lieu” grievances waived by the terms of this agreement?

Response:

- No.

23. Do the “casual in lieu of” restrictions continue to apply to installations under 200 man-years?

Response:

- Yes.

24. Do the “casual in lieu of” restrictions continue to apply to the Maintenance

and Motor Vehicle Crafts in 200 man-year installations?

Response:

- Yes.

25. May clerk casuals employed in 200 man-year installations be utilized in another 200 man-year installation?

Response:

- Yes. The hours worked must be charged to the gaining installation and the temporary assignment is permitted provided it does not cause the 11% installation-wide or 6% district-wide cap to be exceeded.

26. May clerk casuals employed in 200 man-year installations be utilized in installations which have less than 200 man-years?

Response:

- Yes. The hours worked must be charged to the gaining installation and the temporary assignment is permitted provided it does not violate the “casual in lieu of” restrictions.

27. Are casuals paid at the overtime rate for hours worked beyond 8 hours in a service day?

Response:

- No. Casuals are paid at the overtime rate for hours worked beyond 40 in a service week.

28. Must full-time regulars on the OTDL be scheduled for overtime work prior to assigning casuals to work beyond 8 hours in a service day?

Response:

- No. Not unless the work in excess of eight hours in a day puts the casual into an overtime status.

29. May a clerk casual in a 200 man-year installation be assigned to work in a mail processing operation (as opposed to customer service operations) between the hours of 0500 and 1200?

Response:

- Clerk casuals will not normally work between 0500 and 1200 in mail processing operations in 200 man-year installations. The intent of the MOU is not to be circumvented locally by having casuals scheduled immediately before (0455) or after (1205) the restricted time frames.

30. In reference to paragraph 9 of the MOU, which clerks must have consecutive days?

Response:

- Unless otherwise mutually agreed to at the local level, all clerks who work in a mail processing environment, e.g. P&DCs, P&DFs, RDCs, BMCs, AMFs, ISCs, etc.

31. In reference to paragraph 9 of the MOU, are clerks who work in customer service operations, stations, branches or independent post offices required to have consecutive days off?

Response:

- No. While it is not required by the terms of this memorandum, which applies to 200 man-year installations, all full-time employees must have consecutive days off to the extent practicable, pursuant to Article 8.2.C.

32. May a clerk who occupies a relief and pool duty assignment be assigned to non-consecutive days off when assigned to relieve a customer service environment assignment?

Response:

- Yes. If the customer service environment assignment has non-consecutive days off.

33. May clerk casuals be utilized in the Maintenance and Motor Vehicle crafts in 200 man-year installations?

Response:

- Yes. The temporary assignment is permitted provided it does not violate casual cap, the “casual in lieu of”, or other restrictions.

34. May maintenance or motor vehicle casualties be utilized in the clerk craft in 200 man-year installations?

Response:

- Yes. If they are charged against the 11% installation clerk craft casual cap.

35. May part-time flexible clerks from other installations be loaned into 200 man-year installations pursuant to the Hub Clerk Memorandum?

Response:

- No. The Hub Clerk Memorandum requires compliance with other provisions of the collective bargaining agreement and as a result of the MOU there are no longer PTF work hours in 200 man-year installations.

36. How is the 2.5% part-time regular cap applied?

Response:

- It is a nation-wide cap and it is 2.5% of the entire APWU represented bargaining unit.

39. In reference to paragraph 13 of the MOU, what are the limitations on the type of work casuals may perform?

Response:

- Paragraph 13 in the MOU prohibits casuals from performing the core duties of positions listed in Article 37.3.F.5 and F.7, e.g., accountable duties such as working the window, the accountable cage, the registry section; duties that require postal training with a deferment period; duties that require scheme study with a deferment period; duties that require a skill that is subject to testing, such as typing. Casuals may perform non-core duties that are related to such positions.

There is no question number 37 or 38.

- 40. Does a full-time regular who is identified as excess to the needs of a 200 man-year installation during the interim period through November 30, 2007 have a right to revert to part-time flexible to remain in the installation?**

Response:

- Yes.

- 41. What happens if there are excessed full-time clerks with retreat rights to, or within, a 200 man-year installation when part-time flexibles in those installations are converted to full time?**

Response:

- Any clerks who are senior to the part-time flexibles being converted to full time will be allowed to exercise their retreat rights. If this causes the installation to have excess full-time clerks, normal excessing rules will then

be applied with the exception as noted below in Question 42.

42. Does Article 12.5.C.5.a (2) apply to 200 man-year installations?

Response:

- Yes. However, if the excessing is caused by career employees exercising retreat rights during the PTF conversion process required by the MOU, casuals do not need to be separated provided the total number of full-time clerks in the installation is not reduced.

43. Do full-time regular clerks who are excess to the needs of a 200 man-year installation have the right to revert to part-time regular to remain in the installation?

Response:

- Yes. In addition, excess full-time MVS employees may continue to revert to PTF.

44. What are the limitations on casual use as it relates to paragraph 13 in the Maintenance Craft?

Response:

- Prior agreements and understandings regarding casual utilization will continue to apply. As per Item 13, casuals will not be utilized in assignments requiring testing (other than custodial examination) or off-site training.

45. What are the limitations on casual use as it relates to paragraph 13 in the Motor Vehicle Craft?

Response:

- Casuals will not be used in positions that have a typing or data entry requirement with testing or accountability. However, casuals hired as MVS drivers will be allowed to drive and must be placed in the DOT random drug and alcohol pool and must have a DOT physical card from the same medical facility as the career drivers in the installation.

46. Do paragraphs 7, 8, 9 and 13 of the MOU apply to the Maintenance and Motor Vehicle Crafts in installations which have 200 or more man-years of employment?


Response:

- Yes.


47. Do the work hour restrictions found in paragraph 8 of the MOU (0500 to 1200) apply to the Motor Vehicle Craft?

Response:

- No.



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