

ARTICLE 12, SECTION 5.C.4

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

BASIC PRINCIPLES & REASSIGNMENTS

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

STEWARDS - SUPERSENIORITY

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

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

Source: JCIM Article 12, page 8

BEST QUALIFIED

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

Source: JCIM Article 12, page 8

PART-TIME REGULARS

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

Source: JCIM Article 12, page 18

LOCAL NOTIFICATION

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

Source: JCIM Article 12, page 11

Reassignments Outside The Section

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

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

Reassignments Outside The Section

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

Source: JCIM Article 12, page 11

QUESTION #1

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

ANSWER #1

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

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

Article 30.B.18

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

Source: CBA, page 144

IDENTIFICATION OF SECTIONS

NOTE:

THIS DOES NOT NEED TO
BE THE SAME AS YOUR
SECTIONS FOR OVERTIME
OR Annual Leave

QUESTION #2

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

ANSWER #2

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

JCIM Article 37, Q&A 9, page 3

QUESTION #3

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

ANSWER #3

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

JCIM Article 37, Q&A 75, page 16

QUESTION #4

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

ANSWER #4

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

JCIM Article 37, Q&A 77, page 16

QUESTION #5

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

ANSWER #5

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

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

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

QUESTION #6

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

ANSWER #6

No.

JCIM Article 37, Q&A 84, page 18

QUESTION #7

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

ANSWER #7

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

JCIM Article 37, Q&A 192, page 37

QUESTION #8

WHO IS REASSIGNED?

SENIOR EMPLOYEE REASSIGNED

Dear Junior Employee,

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

Sincerely,
Supervisor

ANSWER #8

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

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

LIGHT AND LIMITED DUTY

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

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

Source: JCIM Article 12, page 7

LIGHT AND LIMITED DUTY CONT

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

Source: JCIM Article 12, page 7

LIGHT AND LIMITED DUTY CONT

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

Source: JCIM Article 12, page 7

QUESTION #9

TO WHERE IS HE/SHE REASSIGNED?

ANSWER #9

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

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

QUESTION #10

ARE EMPLOYEES REASSIGNED AS UNASSIGNED/UNENCUMBERED EMPLOYEES?

ANSWER #10

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

Source: JCIM Article 12, page 12

ANSWER #10 CON'T

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

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

Source: JCIM Article 12, page 12

QUESTION #11

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

ANSWER #11

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

Source: JCIM Article 12, page 8
JCIM Article 37, Q&A 133, page 26-27

EXAMPLE

• DA 1 SSA	}	Abolished	Can Bid on Reposted Assignments if currently qualified
• DA 2 SSA			
• DA 3 MPC	}	Reposted	Their assignments, if vacated will be posted for bid to all remaining in the section.
• DA 4 SSA			
• DA 5 SSA	}	Abolished	These Clerks can bid if <u>currently qualified</u> on reposted assignments (5, 6, 8, 9 & 10)
• DA 6 SSA Reposted			
• DA 7 MPC	}	Reposted	Can also bid on reposted bids that were formerly held by excessed clerks (11 & 12)
• DA 8 SSA Z-1			
• DA 9 MPC	}	Excessed	All can bid on these jobs remaining in the section whether currently qualified or not currently qualified
• DA 10 SSA			
• DA 11 SSDA Z-1	}	Excessed	
• DA 12 SSDA Z-2			

QUESTION #12

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

ANSWER #12

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

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

QUESTION #13

What is meant by the term currently qualified?

ANSWER #13

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

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

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

QUESTION #14

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

ANSWER #14

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

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

QUESTION #15

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

ANSWER #15

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

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

QUESTION #16

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

ANSWER #16

No.

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

QUESTION #17

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

ANSWER #17

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

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

QUESTION #18

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

ANSWER #18

Yes.

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

QUESTION #19

DOES THE EXCESSED EMPLOYEE HAVE RETREAT RIGHTS?

ANSWER #19

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

Source: Article 12.5.C.4.c

RETREAT RIGHTS/INITIAL VACANCIES

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

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

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

QUESTION #20

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

ANSWER #20

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

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

QUESTION #21

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

ANSWER #21

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

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

QUESTION #22

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

ANSWER #22

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

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

QUESTION #23

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

ANSWER #23

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

Source: Article 12.5.C.4.c

QUESTION #24

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

ANSWER #24

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

Source: Article 12.5.C.4.c

QUESTION #25

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

ANSWER #25

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

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

Are you Ready?

Review Time

Section A

L-6 Bob - 2/97
L-6 Marie - 11/04
L-6 Pat - 10/06

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

ANSWER

•L-6 Pat

10/06

IS EXCESSED

Section A

Bob - 2/97 SSA Clerk
Marie - 11/04 MP Clerk
Pat - 10/06 MP Clerk

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

ANSWER

•Pat - 10/06 MP CLERK
IS EXCESSED

Section A

L-6 Bob - 2/97 SSA Clerk
L-6 Marie - 11/04 MP Clerk
L-6 Pat - 10/06 MP Clerk

Management wants to abolish one (1) Level 6 Window Clerk. Who is excessed?

ANSWER

- L-6 Pat - 10/06 IS EXCESSED

Section A

SQ Bob - 2/97 SSA Clerk
SQ Marie - 11/04 MP Clerk
SQ Pat - 10/06 MP Clerk

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

ANSWER

- SQ Pat - 10/06 IS EXCESSED

Tour 1-2-3

<u>T-1</u>	<u>T-2</u>
Bob	Bill
Pete	George
Sam	Eric
	<u>T-3</u>
	Steve
	John
	Ted

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

ANSWER

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

Article 12.5.C.4

Recap

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

Article 12.5.C.4

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

12.5.C.4.a

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

12.5.C.4.b

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

12.5.C.4.c

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

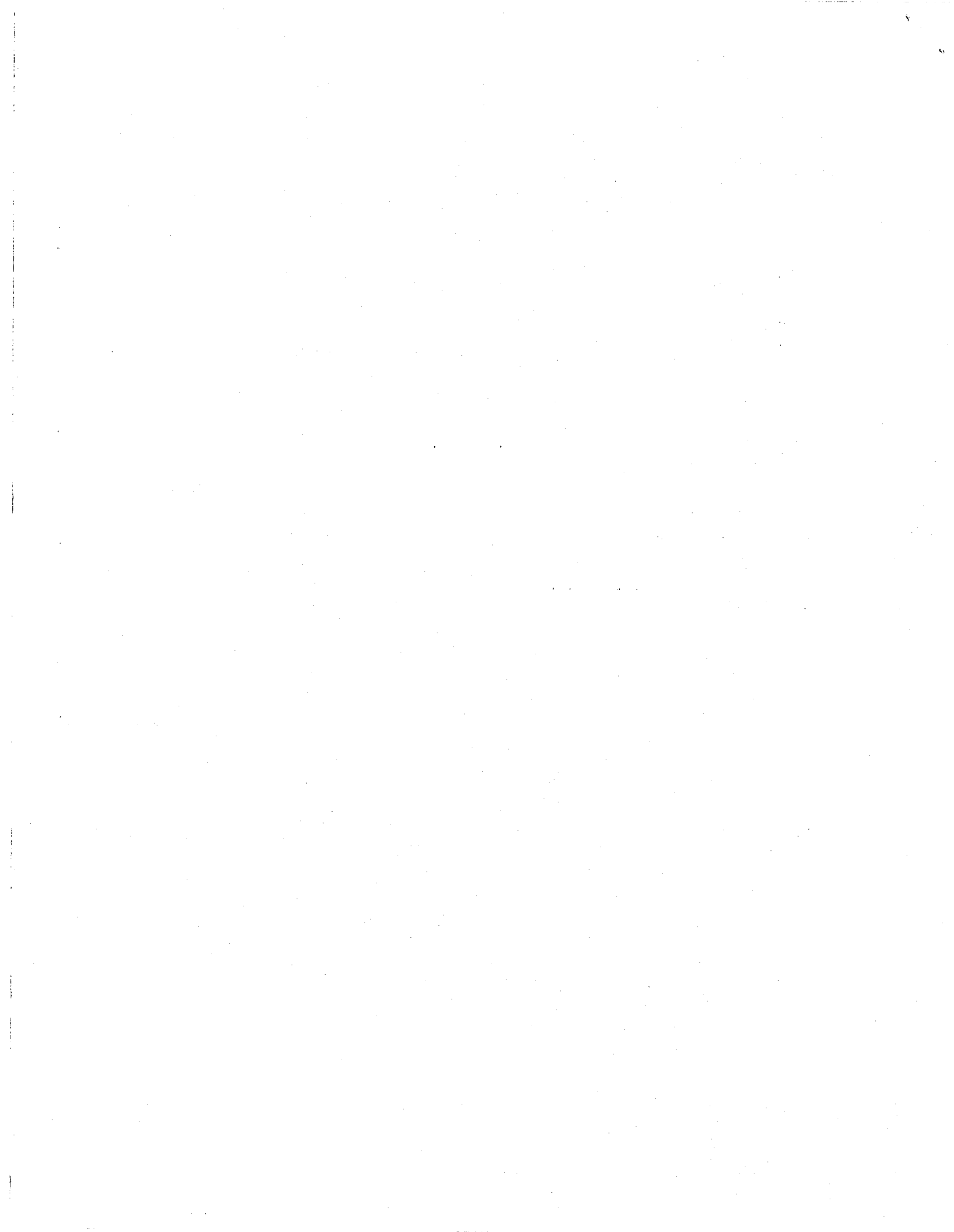
12.5.C.4.c

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

12.5.C.4.d

Vacant duty assignment within section:

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



Article 37.3.B.2

In the Clerk Craft, when excessing from a section occurs(Article 12.5.C.4), any duty assignments remaining within the section occupied by Clerks junior to the senior Clerk whose duty assignment was abolished will be posted for bid to currently qualified Clerks within the section.

Source: JCIM Article 12, page 8 and JCIM Article 37, Q&A 133, page26-27

EXAMPLE

- DA 1 SSA _____
- DA 2 SSA _____
- DA 3 MPC _____
- DA 4 SSA **Abolished**
- DA 5 SSA _____
- DA 6 SSA _____
- DA 7 MPC **Abolished**
- DA 8 SSA Z-1 _____
- DA 9 MPC _____
- DA 10 SSA _____
- DA 11 SSSA Z-1 _____
- DA 12 SSSA Z-2 _____

1. WHICH EMPLOYEE(S) ARE EXCESSED?

2. WHICH DUTY ASSIGNMENT(S) ARE REPOSTED?

3. WHO CAN BID ON THE REPOSTED DUTY ASSIGNMENT(S)?

4. WHO IS ELIGIBLE TO BID ON THE DUTY ASSIGNMENT(S) VACATED BY THE EXCESSED JUNIOR EMPLOYEE(S)?

5. IS AN EMPLOYEE WHO'S DUTY ASSIGNMENT IS NOT ABOLISHED OR REPOSTED ELIGIBLE TO BID?

6. WHAT WOULD HAPPEN IF THE ENTIRE INSTALLATION WAS CONSIDERED A SECTION?

