

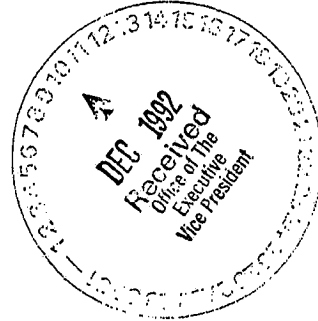


151
EXCESSING

UNITED STATES POSTAL SERVICE
475 L'ENFANT PLAZA SW
WASHINGTON DC 20260

December 9, 1992

Mr. William Burrus
Executive Vice President
American Postal Workers
Union, AFL-CIO
1300 L Street, N.W.
Washington, DC 20005-4128



Dear Bill:

This letter is in reference to our recent discussions regarding the Memorandum of Understanding (MOU) on Article 12.5.C.5.b(6), dated August 19, regarding retreat rights for clerk craft employees.

As agreed, when an opportunity arises for excessed clerk craft employees to return to a vacancy in their former craft or installation, the order of return will be based on their seniority standing.

As discussed, if the most senior clerk has been identified and that clerk had been excessed outside the craft within the installation, that employee has no option and must be returned to the vacancy. If the most senior clerk had been excessed outside the installation and had filed a request for retreat rights, that employee could exercise his/her option to return to the vacancy.

In either case, when excessed clerk craft employees are returned to their former craft or installation, they will be returned based on their seniority standing.

for William J. Downes
Manager
Contract Administration APWU/NPMHU
Labor Relations

SENIORITY FOR EXCESSING PURPOSES

This Memorandum represents a language change to the recently negotiated interlevel bidding agreement Section 3 A 11 c which read:

"For the purposes of Article 12.5.C.4. employees moving from or to a level 4 positions will begin a new period of seniority. If such employees remain in those assignments for three (3) years, those employees will have their seniority restored."

The new language provides that the 3 year restriction only applies if there is excessing to their former wage level. In all other excessing circumstances the employees will apply their full seniority.

MEMORANDUM OF UNDERSTANDING
BETWEEN THE
UNITED STATES POSTAL SERVICE

AND

AMERICAN POSTAL WORKERS UNION, AFL-CIO

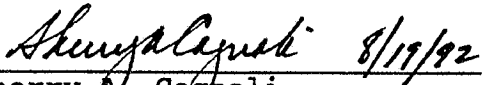
RE: Seniority for Excessing Purposes


The parties agree to the following modifications to the present Article 37 language. The modified language will be incorporated into the 1990 National Agreement.

Underlined language is new language. Bracketed language has been deleted.

Article 37.3.A.11.c

- c. Employees ranked below level 5 who are promoted as a result of this section and are subsequently impacted due to technological and mechanization changes shall not be entitled to saved grade for a period of two (2) years beginning with the effective date of promotion. This two-year restriction does not apply to employees who previously occupied the higher level. [For the purposes of Article 12.5.C.4, employees moving from or to level 4 positions will begin a new period of seniority. If such employees remain in those assignments for three (3) years, those employees will have their seniority restored.] Before excessing pursuant to provisions of Article 12, employees serving their initial assignment per part a. or b. above may be excessed to their former wage level by inverse seniority provided the employee has not completed three (3) years in the new level.


Sherry A. Cagnoli
Assistant Postmaster General
Labor Relations Department
U. S. Postal Service


William Burrus
Executive Vice President
American Postal Workers
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1-02 William J. Downes
Manager
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151 EXCESSING

SHERRY A. CAGNOLI
ASSISTANT POSTMASTER GENERAL
LABOR RELATIONS DEPARTMENT

FEB 10 1992

MEMORANDUM FOR MR. DONNELLY

SUBJECT: Excessing of Rehabilitated Employees (LDC 69)

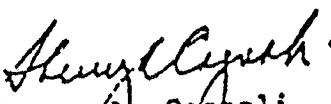
This memorandum is in response to your November 13 letter concerning whether Article 12 of the National Agreement or the provisions of Section 546.141 of the Employee and Labor Relations Manual (ELM) govern the excessing of rehabilitated (LDC 69) employees.

When excessing occurs in a craft, either within the installation or to another installation, the criteria for selecting the employees to be excessed is by level and craft seniority. Whether or not a member of the affected craft is recovering from either an on- or off-the-job injury would have no bearing on his/her being excessed. The subsequent placement of the LDC 69 employee is governed by Article 12 of the National Agreement.

Under Section 546.141(a)(4) of the ELM, the Postal Service could offer the employee a limited duty job at another facility that is "as near as possible to the regular work facility to which the employee is normally assigned." Doing so should keep us in compliance with the Federal Employees Compensation Act as set forth in the ELM.

The Department of Labor (DOL) will issue new regulations addressing the issue of whether an employee has the right to refuse a reassignment offer pending a DOL suitability determination. Although we have expressed an opinion on how the DOL should resolve this issue, it is possible that the DOL will reach a different result. Once the DOL issues its decision, it will be promulgated by the Office of Injury Compensation.

If there are any questions concerning this matter, please contact Stan Urban of my staff at PEN 202-268-3823.


Sherry A. Cagnoli

cc: Joseph J. Mahon, Jr.

