

1984 NATIONAL AGREEMENTS  
USPS - APWU/NALC  
USPS - NPOMH  
ARTICLE 8 BRIEFING INFORMATION

The following is a brief overview of the new Article 8 provisions involving Penalty Overtime Pay:

- o The new provisions of Article 8, Hours of Work, of the 1984 National Agreements with the APWU/NALC and the Mailhandlers were effective 1/19/85.
- o New language in Article 8, Section 4 provides for a new category of pay entitled Penalty Overtime Pay. Penalty Overtime Pay is paid at two times the base hourly straight time rate. Penalty overtime pay will not be paid for any hours worked in the month of December.
- o For full-time employees, Penalty Overtime Pay is paid for all work in contravention of the restrictions identified in Article 8, Section 5.F. Article 8, Section 5.F provides that full-time employees may not be required to work:
  1. overtime on more than four of the employee's five regularly scheduled workdays.
  2. over 10 hours on a regularly scheduled workday.
  3. over 8 hours on a non-scheduled day.
  4. on more than 1 non-scheduled day.
- o Violations of any of the above requires the payment of Penalty Overtime Pay; whether or not the employee volunteers or is required to work.
- o Beginning the first full pay period after 9/1/85, excluding December, part-time employees will receive Penalty Overtime Pay for all work in excess of 10 hours in a service day or 56 hours in a service week.
- o Article 8, Section 5.G provides that full-time employees not on the ODL may not be required to work overtime until all available employees on the list have worked up to 12 hours in a day or 60 hours in a week. Employees on the ODL may not work more than 12 hours in a day or 60 hours in a service week.
- o In addition a related memorandum requires that ODLs are to be annotated to indicate those employees volunteering to work up to 12 hours on 4 of their 5 regularly scheduled workdays. The ODLs would then have 2 categories of volunteers:

1. volunteers who wish to work up to 12 hours per day  
and a maximum of 60 hours per week.
2. volunteers who wish to work up to 10 hours per day  
and a maximum of 56 hours per week.

Labor Relations Department  
January 23, 1985

## QUESTIONS AND ANSWERS

The following is a compilation of questions and answers concerning the application of the new provisions of Article 8, Sections 4 and 5.

1. Will penalty overtime be computed manually or by the FDCs?

Answer:

See Postal Bulletin 21495 dated January 14, 1985.

2. Is an employee entitled to penalty overtime pay even if that employee volunteers to work in excess of the restrictions identified in Article 8, Section 5.F?

Answer:

Yes, excluding December, any work in excess of those restrictions should be compensated at the penalty overtime pay rate; regardless of whether or not the employee volunteered. By signing the overtime desired list, an employee has indicated a willingness to work up to 12 hours in a day and 60 hours in a service week; the employee will receive penalty overtime pay for all hours which exceed the provisions of Article 8, Section 5.F.

3. Have there been any negotiated changes to the policies concerning providing overtime work to either part-time flexible employees or full-time employees?

Answer:

No.

4. Must all employees on the overtime desired list work 12 hours per day before an employee not on the list works any overtime?

Answer:

Not in all circumstances. All available employees on the overtime desired list must be required to work up to 12 hours per day and 60 per week prior to utilizing an employee not on the overtime desired list.

"Available" is the key. For example, if it is not possible to complete the required work in the time available using only overtime desired list employees; then employees not on the list may be used.

5. Does an employee's non-scheduled day of overtime affect the number of days an employee is eligible to work overtime in a service week?

Answer:

No. An employee may work overtime on one non-scheduled day and 4 of the 5 scheduled days in a service week. These days may be consecutive calendar days.

6. May letter carriers not on the overtime desired list be required to work overtime on their own route?

Answer:

Yes. Seek to use auxiliary assistance first; but when such assistance is not available, use the non-overtime desired list carrier on his/her own route.

7. Can you require a full-time employee to work overtime on more than 4 of the employee's 5 scheduled days as long as you pay penalty overtime?

Answer:

Employees work as directed by management. Normally, the employee should not be required to work overtime on the fifth day, with the exception of December.

8. Can you require a full-time employee not on the overtime desired list to work over 10 hours per day?

Answer:

Employees work as directed by management. A full-time employee not on the overtime desired list should not be required to work over 10 hours per day, with the exception of December.

9. Can you require a full-time employee to work more than 8 hours on a non-scheduled day?

Answer:

Employees work as directed by management. With the exception of December, a full-time employee should not be required to work more than 8 hours on a non-scheduled day whether or not the employee is on the overtime desired list.

10. Is it permissible to require a full-time employee who has Friday and Saturday as non-scheduled days to work Sunday of week 1 through Thursday of week 2? \*

Answer:

Yes, assuming appropriate application of the overtime desired list, because the employee would be working only one non-scheduled day in each of the service weeks.

11. Can we require those employees on the "10 hour" overtime desired list to work an 11th hour before going to those employees on the "12 hour" overtime desired list?

Answer:

That may be permissable, if no "12 hour" employees are available.

12. Article 8, Section 5.G provides that employees not on the overtime desired list may be required to work overtime only if all available employees on the overtime desired list have worked up to 12 hours in a day or 60 hours in a service week. Does this mean that the supervisor will maintain a continuous tally of overtime worked?

Answer:

Local records will need to be kept.

13. In the case of overtime requirements early in a service week, how would a supervisor know whether all overtime desired list employees would be utilized for 60 hours that week?

Answer:

Overtime would be scheduled that day based upon immediate needs.

14. Can an employee who is not on the overtime desired list voluntarily work overtime if an available employee on the overtime desired list has not been directed to work more than 10 hours?

Answer:

The available overtime desired list employee should be required to work; even though it may require the payment of penalty pay.

15. If an employee not on the overtime desired list works overtime, are you obligated to work all those on the list 12 hours?

Answer:

Not necessarily. Factors to consider would be the availability of those on the overtime desired list and the operational timeframe available in which to accomplish the work.

16. If it were necessary that all employees (overtime desired list and non-overtime desired list) work 2

hours overtime; must the overtime desired list employees be provided 2 additional hours of work?

Answer:

If there were no operational timeframes or constraints which had first required scheduling to include non-overtime desired list employees, then those available overtime desired list employees would be entitled to 2 additional hours of overtime work. \*

17. Would it be considered a violation if an employee not on the overtime desired list were required to work overtime when those on the list have been scheduled to work 12 hours on a particular workday?

Answer:

No.

18. What is the preferred method to indicate those employees interested in working in excess of 10 hours in a day?

Answers:

The preferred method would be to annotate those employees' names on the overtime desired list by use of an asterisk.

19. In view of the provisions of the overtime memorandum, should an addendum to the present quarter's overtime desired list, i.e., that which is in effect on January 19, 1985, be posted for signing by employees who wish to work more than 10 hours a day?

Answer:

This should be discussed with the local union. Locally arrange an interim method to allow a brief period for redesignation by employees.

20. After exhausting the names of the employees on the overtime desired list desiring to work 12 hours, can those "10 hour employees" be forced to work 12?

Answer:

Yes; before using employees not on the overtime desired list.

21. Is an employee permitted to volunteer to work in excess of 12 hours per day?

Answer:

No, except in the month of December.

22. Is an employee permitted to volunteer to work in excess of 60 hours in a service week?

Answer:

No, except in the month of December.

23. Is an employee permitted to volunteer to work the 7th day in a service week if the total hours for the week do not exceed 60 hours? ✖

Answer:

No, except in the month of December.

24. Is an employee permitted to volunteer to work overtime on more than 4 of the 5 scheduled days?

Answer:

No, except in the month of December. ✖

25. Can an employee work overtime on 5 or more consecutive days?

Answer:

Yes. For example, an employee could work overtime on 4 consecutive scheduled days and on one non-scheduled day.

26. When a full-time employee is called back to work does the penalty pay provision apply?

Answer:

Yes. Penalty Overtime Pay is paid whenever the total work and paid leave hours exceed 10 hours on a service day.

27. Must employees on the ODL be used for 4 hours of overtime on their scheduled workdays prior to using non-ODL employees for any overtime?

Answer:

Yes, unless there are no ODL employees available to work the needed overtime.

28. Does "Holiday Worked Pay" count towards the 56 and 60 hour limits?

Answer:

No. "Holiday Worked Pay" is a premium paid to eligible employees for hours worked on a holiday. However, since employees are given credit for paid leave hours for overtime calculations, "Holiday Leave Pay" does count towards the 56 and 60 hour limits.

29. If non-ODL employees are required to work overtime are they entitled to Penalty Overtime Pay for all overtime hours worked?

Answer:

No, they are only entitled to Penalty Overtime Pay if the hours worked are in contravention of the restrictions in Article 8, Section 5.F.

30. Article 8, Section 4.E states "...employees will receive penalty overtime pay for all work in excess of..." What is the intent of the word "work"?

Answer:

The term "work," as used in Section 4.E, means a combination of work hours and paid leave hours. \*

31. Does an employee, who studied a scheme off-the-clock and who became qualified and was placed into the duty assignment, retroactively receive Penalty Overtime Pay for those hours in contravention of the restrictions in Article 8, Section 5.F?

Answer:

Yes, if the hours spent studying were on or after January 19, 1985, for full-time employees, and after the September, 1985 implementation date for part-time employees.

32. Article 8, Sections 4.D and 4.E apply to full-time regular and part-time flexible employees. How are part-time regular employees handled?

Answer:

For Penalty Overtime Pay purposes, PTRs will be treated the same as part-time flexible employees, with the same effective date in September, 1985.

33. Although employees on the ODL are limited to no more than 12 hours work per day or 60 hours in a service week, how is payment made for work in excess of those limits?



Answer:

Penalty Overtime Pay rules will apply. However, no pyramiding of overtime rates will occur.

34. Article 8, Section 5 refers to "full-time employees" and "full-time regular employees", is there a difference for the application of the Penalty Overtime Pay provisions?

Answer:

No, the Penalty Overtime Pay provisions for full-time employees are applicable to full-time regular and full-time flexible schedule employees.

35. RE: Memorandum. What does the sentence, "In the event these principles are contravened, the appropriate correction shall not obligate the employer to any monetary obligation, but instead will be reflected in a correction to the opportunities available within the list," mean?

Answer:

Where we are not obligated to a monetary payment by the earlier Memorandums, which deal with the administration of the overtime desired lists; we are not further obligated by the 1984 Memorandum.

36. Is it permissible to exceed the 12 or 60 limits to complete a guarantee period?

Answer:

No, the employee should be considered unavailable. However, the employee should be allowed to fulfill a guarantee period if the employee is working. \*

37. If we must work a full-time employee, who already has worked 56 hours, on a non-scheduled can we work the employee 4 hours and pay 4 hours guarantee pay at the regular overtime rate?

Answer:

Yes, the employee is entitled to be paid as if the entire day was worked. Therefore, the last 4 hours would be Guarantee Overtime Pay. \*

38. Do paid leave hours for part-time employees count towards the 10 and 56 hour limits?

Answer:

Yes, this is the same as for full-time employees.

39. If an employee's non-scheduled day falls within the holiday schedule period, may that employee be scheduled for more than 8 hours on that non-scheduled day?

Answer:

No.

40. In excluding the month of December from the penalty overtime provisions, is it intended that the December time period be the same as under the previous Agreement?

Answer:

Yes.

41. Do employees from another schedule, working a temporary assignment in the PS schedule, become eligible for the penalty overtime provisions of the PS schedule?

Answer:

No. Employees temporarily assigned to the PS schedule carry with them the rules for the schedule from which assigned.

QUESTIONS AND ANSWERS  
APRIL 25, 1985

The following is a compilation of questions and answers concerning the application of the new provisions of Article 8, Sections 4 and 5.

1. Will penalty overtime be computed manually or by the PDCs?

Answer:

Both. For timecards, penalty overtime will be computed manually and for PSDS offices, automatically through the automated system.

2. Have there been any negotiated changes to the policies concerning providing overtime work to either part-time flexible employees or full-time employees?

Answer:

No.

3. Must all employees on the overtime desired list (ODL) work 12 hours per day before an employee not on the list works any overtime?

Answer:

Not in all circumstances. All available employees on the ODL must be required to work up to 12 hours per day and 60 per week prior to utilizing an employee not on the ODL. "Available" is the key. For example, if it is not possible to complete the time critical work in the time available using only ODL employees; then employees not on the list may be used.

4. Can a full-time employee who has Friday and Saturday as nonscheduled days be required to work both nonscheduled days in the period between Sunday of week 1 through Thursday of week 2?

Answer:

Yes, assuming appropriate application of the ODL, because the employee would be working only 1 nonscheduled day in each of the service weeks.

5. Can an employee on the "10 hour" ODL be required to work an 11th hour before going to those

employees on the "12 hour" ODL?

Answer:

Yes, if no "12 hour" employees are available.

6. Article 8, Section 5.G, provides that employees not on the ODL may be required to work overtime only if all available employees on the ODL have worked up to 12 hours in a day or 60 hours in a service week. Does this mean that the supervisor will maintain a continuous tally of overtime worked?

Answer:

Local records will need to be kept.

7. In the case of overtime requirements early in a service week, how would a supervisor know whether all ODL employees would be utilized for 60 hours that week?

Answer:

Overtime is supposed to be scheduled that day based upon immediate needs.

8. Would it be considered a violation if an employee not on the ODL were required to work overtime when those on the list have been scheduled to work 12 hours on a particular workday?

Answer:

No.

9. How are those employees interested in working in excess of 10 hours in a day indicated?

Answer:

By noting those employees' names on the ODL with an asterisk.

10. After exhausting the names of the employees on the ODL desiring to work 12 hours, can those "10 hour employees" be forced to work 12?

Answer:

Yes; before using employees not on the ODL.

11. Can an employee work overtime on five or more consecutive days?

Answer:

Yes. For example, an employee could work overtime on four consecutive scheduled days and on one nonscheduled day.

12. When a full-time employee is called back to work does the penalty pay provision apply?

Answer:

Yes. Penalty overtime pay is paid whenever the total work and paid leave hours exceed 10 hours on a service day.

13. Must employees on the ODL be used for 4 hours of overtime on their scheduled workdays prior to using non-ODL employees for any overtime?

Answer:

Yes, unless there are no ODL employees available to work the needed overtime.

14. Does "Holiday Worked Pay" count towards the 56 and 60 hour limits?

Answer:

No. "Holiday Worked Pay" is a premium paid to eligible employees for hours worked on a holiday. However, since employees are given credit for paid leave hours for overtime calculations, "Holiday Leave Pay" does count towards the 56- and 60-hour limits.

15. If non-ODL employees are required to work overtime within the restrictions, are they entitled to penalty overtime pay for all overtime hours worked?

Answer:

No. They are only entitled to penalty overtime pay if the hours worked are in contravention of the restrictions in Article 8, Section 5.F.

16. Article 8, Section 4.E, states "...employees will receive penalty overtime pay for all work in excess of..." What is the intent of the word "work"?

Answer:

The term "work," as used in Section 4.E, means a combination of work hours and paid leave hours.

17. Does an employee, who studied a scheme off-the-clock and who became qualified and was placed into the duty assignment, retroactively receive penalty overtime pay for those hours in contravention of the restrictions in Article 8, Section 5.F?

Answer:

Yes, if the hours spent studying were on or after January 19, 1985, for full-time employees, and after the September, 1985 implementation date for part-time employees.

18. Article 8, Sections 4.D, and 4.E, apply to full-time regular and part-time flexible employees. How are part-time regular employees handled?

Answer:

For penalty overtime pay purposes, PTRs will be treated the same as part-time flexible employees, with the same effective date in September, 1985.

19. Although employees on the ODL are limited to no more than 12-hours work per day or 60 hours in a service week, how is payment made for work in contravention of those limits?

Answer:

Penalty overtime pay rules will apply. However, no pyramiding of overtime rates will occur.

20. Article 8, Section 5, refers to "full-time employees" and "full-time regular employees." Is there a difference for the application of the penalty overtime pay provisions?

Answer:

No. The penalty overtime pay provisions for full-time employees are applicable to full-time regular and full-time flexible schedule employees.

21. RE: Memorandum. What does the sentence, "In the event these principles are contravened, the appropriate correction shall not obligate the employer to any monetary obligation, but instead will be reflected in a correction to the opportunities available within the list," mean?

Answer:

Where the USPS is not obligated to a monetary payment

by the earlier Memorandums, which deal with the administration of the ODLs; it is not further obligated by the 1984 Memorandum.

22. Do paid leave hours for part-time employees count towards the 10- and 56-hour limits?

Answer:

Yes, this is the same as for full-time employees.

  
Thomas J. Fritsch  
U.S. Postal Service

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Moe Biller  
American Postal Workers,  
AFL-CIO

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Vincent R. Sombrotto  
National Association of  
Letter Carriers, AFL-CIO



## American Postal Workers Union, AFL-CIO

1300 L Street, NW, Washington, DC 20005

January 6, 1998

**William Burrus**  
Executive Vice President  
(202) 842-4246

Dear Sam:

I am in receipt of management instructions regarding the payment process for employees eligible for Penalty Pay (enclosed). These instructions state that "If an employee has FULL DAY leave in any of the following leave categories, that amount of leave will be subtracted from the amount of PENALTY OVERTIME paid on the second non-scheduled day". These instructions conflict with the contractual requirements for compensating employees:

**National Executive Board**  
Moe Biller  
President

William Burrus  
Executive Vice President

Douglas C. Holbrook  
Secretary-Treasurer

Greg Bell  
Industrial Relations Director

Robert L. Tunstall  
Director, Clerk Division

James W. Lingberg  
Director, Maintenance Division

Robert C. Pritchard  
Director, MVS Division

George N. McKeithen  
Director, SDM Division

**Regional Coordinators**  
Leo F. Persalls  
Central Region

Jim Burke  
Eastern Region

Elizabeth "Liz" Powell  
Northeast Region

Terry Stapleton  
Southern Region

Raydell R. Moore  
Western Region

"on more than four (4) of the employee's five (5) scheduled days in a service week or work over ten (10) hours on a regularly scheduled day, over eight (8) hours on a non-scheduled day; or over six (6) days in a service week. There is no limiting language on these obligations providing that such payments only apply when an employee has "worked" 40 hours during the service week."

This is to request that you schedule a meeting to discuss these instructions at your earliest convenience. To prevent any later misunderstanding regarding the employer's obligation, it is the union's position that any employee who has been denied appropriate compensation should be made whole.

Sincerely,

William Burrus

Executive Vice President

Sam Pulcrano, Manager  
Contract Administration, APWU/NPMHU  
Labor Relations  
475 L'Enfant Plaza, SW  
Washington, DC 20260

cc: G Bell





FEB 1998

February 5, 1998

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

Dear Mr. Burrus:

This letter is in further response to your January 6, 1998 correspondence and our teleconference with Ms. Cheryl Hubbard of Corporate Payroll/Accounting regarding what you termed "management instructions" (a copy of which you enclosed with your letter) for an adjustment process to determine employee eligibility for Penalty Pay.

As discussed, the Family Medical Leave Act (FMLA) required payroll to capture the family and medical leave absences. The hours codes developed for FMLA in the Electronic Time Clock (ETC) system is tied to hours codes already in the system today. As clearly stated during our teleconference, there is no change on how penalty overtime is calculated because of the addition of FMLA hours codes in ETC.

I hope this fully satisfies your inquiry. If you have any further questions, please do not hesitate to contact me at (202) 268-3811.

Sincerely,

A handwritten signature in black ink, appearing to read "Sam Pulcrano".

Samuel M. Pulcrano  
Manager  
Contract Administration (APWU/NPMHU)

OVERTIME LABOR-MANAGEMENT MEETING  
 APWU Board Room  
 January 29, 1985 -- 2 PM

Present:APWUUSPS

Bill Burrus  
 Tom Neill  
 Dick Wevodau  
 Larry Gervais  
 Phil Tabbita

Steve Alpern  
 Bruce Evans  
 Al Johnson  
 Nick Barranca

Alpern: NALC not available to meet today, so we are not in position to nail down joint agreement on interpretation. We can tell you our positions and feelings and discuss concerns.

USPS wants to work out interpretation since there were things neither party thought about when language was written.

Burrus: Will it be position of USPS that NALC must always be present in future for discussion of interpretive issues?

Alpern: No. This is exception because language is so new.

NOTE: Evans passed out "Article 8 Briefing Information" which is a series of Questions and Answers prepared by USPS (attached).

Burrus: What instructions went out with this, because we have four or five separate sets of regional/district/local instructions?

Evans: Cover letter did not address the problem of Regional or local instructions.

Burrus: Referring to APWU Agenda - Item #1--Do you agree that twelve hours per day and sixty hours per week are maximums beyond which an employee may neither volunteer nor be required to work?

Alpern: Refer to #33 USPS Q & A--this is not authorization to violate but just how to handle if violation occurs.

Suggested going through USPS Q & A noting agreement or disagreement.

Burrus: We will go through Q & A paper reserving right to withhold judgment on particular issue.

Alpern: We will not hold you to anything said today off the top of your head.

Burrus: Page #1, circle 5--does part-time apply to PTF and PTR?

Alpern: Yes.

Wevodau: What about time sensitive work? Overhauls exceed restrictions--holding to restrictions will extend time it will take to do overhauls.

Burrus: We are reluctant to start making exceptions to restrictions. Page #1, circle 5--this would be improved if specific reference was made to PTR.

Neill: Examples used in Postal Bulletin show sixty-four and seventy-four hours per week. Aren't those bad examples? encourage violations?

Evans: People still have to be paid, violations or not.

Neill: What if we brought repeated violations to your attention?

Alpern: We would correct them.

Neill: Q.2--Are employees volunteering for twelve hours by signing ODL?

Evans: Those with or without asterisks could work up to twelve hours.

Alpern: Other Q and A's make it clear that asterisks go first.

Neill: Suggested improving Answer #2.

Answer #4, last sentence--how do you determine "required work"? Can a supervisor decide he wants to clean up mail or must a dispatch require it?

Gervais: For example, a supervisor keeps everyone fifteen minutes to sweep LSM rather than one hour for ODL people.

Evans/Alpern:

This is not a new problem--same as situation before--language does not change. Each decision has to be made on individual facts. If a supervisor wants to go fishing, then fifteen minutes for everyone is wrong. If supervisor has to go to another unit and no supervision will be available during an hour, it may be right.

Gervais: Then it can't be an arbitrary decision?

Alpern: Right.

Burrus: Q.5--I am reading into answer that employee may not work second non-scheduled day or fifth regular day, correct?

Johnson: This question addresses the old five consecutive day restrictions. It is meant to show that the five consecutive day restriction has been negated.

Alpern: Do you agree that the five consecutive day restriction is gone?

Burrus: Yes.

Q.7 and Q.8--"normally" implies exceptions. Previously, we understood there will be circumstances in which violations occur, but not sanctioned exceptions. "Should not" would be better than "normally."

Alpern: You would prefer the answer to read more like the answer in #9?

Burrus: Yes.

Neill: Q.10--In this example, doesn't employee work OT on five regular days in the first week?

Alpern: No. It is confusing. Employee will not work OT everyday--example was to show employee could work eleven days in a row.

Neill: Will you fix up this question?

Alpern: We will look at it. You make a legitimate point.

Burrus/Gervais:

Q.13--are you saying that supervisors can't say, "You can't work today because later in the week you may exceed limits."?

Alpern: Yes, correct.

Evans: Unless APWJ/NALC and USPS agree that it should be handled differently.

Burrus: I work Saturday-Sunday, both NS days. I have twenty-four hours already, what happens the rest of the week?

Alpern: You can't work but eight on NS day.

Gervais: What about eight hours on Saturday, eight hours Sunday, twelve hours on Monday, Tuesday and Wednesday--what happens on Thursday?

Johnson: We wouldn't work employee four hours OT on Wednesday.

Alpern: If we get to that point--and we shouldn't--we would say the eight hours per day, forty hours per week guarantee supercedes the 5.F and 5.G restrictions.

Johnson: Is it the APWU position that we only work the employee four hours on Friday and pay four-hour guarantee? even though we have work?

Burrus: Yes, once you make exceptions to twelve and sixty, you weaken maximums.

\* Alpern: Real solution is to avoid this happening--what to do if it happens we may not agree on.

Gervais: You can control and avoid violations.

Alpern: What about motor vehicle driver who gets stuck on the road? We can't control that?

Burrus: A.14--"should be required to work" has connotation that ODL employee can be forced to work beyond restrictions.

Alpern: We intended the required work to be within limitations.

Neill: We suggest adding before semi-colon "within applicable limitations."

Gervais: A.15--"time frame" has to be real, not imagined.

Alpern: Yes. It will be a supervisor's judgment, but it has to be a reasonable judgment.

Burrus: How is USPS interpreting "service day"? There are two, the service day and the employee's service day.

Alpern: It would have to be the employee's service day. Otherwise, theoretically, we could work an employee sixteen plus hours straight without violating the Agreement.

Burrus: We have no disagreement with employee's service day.

Q.21 and 22--Is "volunteer" meant to stand out, implying employee could be required to work?

Alpern: No. It wasn't meant that an employee could be required to work more.

Burrus/Gervais:

Q.23 and Q.24--What contract language states an employee can't volunteer? Bloch award was not wiped out in total.

Johnson/Evans:

\* We believe Bloch award was wiped out.

Gervais: We were very specific about twelve and sixty but not about exceeding 5.F restrictions.

Johnson: Is APWU saying that someone volunteering for seven eight-hour days would not violate contract?

Gervais: Yes.

Alpern: Are you saying we would have to pay penalty pay?

Gervais: Yes.

Alpern: Argued penalty pay might not be appropriate if USPS allowed voluntary work beyond 5.F restrictions. Can we go to people not at double-time before we take these volunteers?

Gervais: Contract provides if person is on ODL but not yet at double-time, you can take him first.

Alpern: Is APWU saying we have to ask persons on the list on seventh day before going off list?

Gervais: Yes and fifth regular day and more than eight hours on NS day as long as they don't exceed sixty hours.

Burrus: Bloch interpreted 5.D which we didn't change. There is no reason why Bloch interpretation should be changed.

Gervais: Penalty pay is to encourage proper staffing, and get overtime down.

Alpern: We understand your position.

Burrus: Q.26 is confusing. Question does not refer to leave but answer does.

Johnson/Alpern:

No difference whether leave or work, it counts toward hours worked.

Neill: Q.28--If employee does not work holiday, how much OT can he work?

Johnson: 20 hours.

Neill: If he does work holiday?

Johnson: 20 hours.

Gervais: Q.30--I am scheduled Saturday through Wednesday. I take LWOP on Wednesday. Can you work me OT on Thursday and Friday?

Johnson: Without penalty OT, yes.

Gervais: I'm not sure I agree.

Alpern: We're not sure. What do we do now?

Johnson: We have considered paid leave as work, but not LWOP.

Gervais: What about the opposite? I work OT on my NS days, Saturday and Sunday. Sunday goes in as penalty. I take LWOP on Friday. What would you do?

Johnson: Take out penalty pay for Sunday.

Gervais: Leave, including LWOP, has been considered work. You have to change what you have done in the past to get to where you are now.

Burrus: Q.31--I agree with this example; but you also have travel and other training situations.

Johnson: Where we were previously paying overtime, we will continue to pay. If it adds up to penalty, we will pay penalty.

Johnson/Alpern:

What if scheme study takes person over restrictions? Or someone on the list complains that they should get that OT?

Burrus/Neill:

No problem.

Alpern: Training--we have always reserved the right to schedule training. We may schedule to avoid penalty. We may also require OT to avoid excessive breaks in study schedule.

Gervais: I'm concerned that some managers will cancel training anytime penalty pay is involved.

Barranca: That would be cutting off your nose to spite your face.

Burrus: AMO person's travel time could get into OT. A person on the list might complain. I don't think that this travel, while compensable, is work for our purposes here.

Q.33--instead of "in excess," I would prefer "in violation."

Gervais: What we are saying is that if the contract is consistently violated, we don't think penalty pay is only remedy we can seek.

Gervais/Burrus:

Q.36 and Q.37--Please explain 37.

Evans: If you work four 12-hour regular scheduled days and then eight hours on NS day, then you would be paid eight hours at time-and-one-half for NS day.

Our first recourse would be not to bring person in on NS day and consider person unavailable. Our second recourse would be to work person eight hours at time-and-one-half. If we did send person home, we would pay guarantee time.

Gervais/Neill:

We need to think this one through.

Burrus: Q. 39--what do you mean?

Johnson: Employee is limited to eight hours.

Alpern: We hold to eight-hour limit on NS day.

Burrus: December exceptions--is it your understanding that both penalty pay and work limit restrictions are waived during December?

Alpern: Yes.

Burrus: But you still hold to using ODL list before non-volunteers. What do you perceive outer limits you must work ODL employees before going off list?

Alpern: No limits. No limits previously. When list was not enough we went off list.

~~What do you think we should do during December?~~

Neill: We will have to get back to you.

Referring to point #5 on APWU Agenda--Certain local and regional Postal officials are declaring multiple Overtime Desired Lists to be inconsistent? Your position?

Evans: We don't agree that new Article 8 changes have no effect on local ODLs. There is some history that multiple ODLs are in conflict. New Article 8 language also affects them.

Burrus: If locals can agree and live with multiple lists, why would you object?

We can argue about what contract says later.

Alpern: It can cause problems. For example, if we have to go to "after tour" list and pay penalty rather than getting someone from "pre-tour" list.

Burrus: Local parties can work those things out.

\* Alpern: Perhaps, but where multiple lists may not have been inconsistent before, they may be now.

Johnson: Institutionally, we have taken a position that we have problem with more than one list.

Burrus: Q.41--does this address PS going to EAS?

Johnson: Q.41 addresses EAS going to PS, not vice versa.

Gervais: Give me an example--how would EAS work in the PS schedule?

Johnson: An E&LR typist might move to Personnel Clerk in a small office because no one else is qualified to cover an absence.



Gervais: It seems that your setting up a scenario that would violate the contract (Articles 1.6 and 7.2).

Barranca: What obligation would I have to offer twelve hours (after tour) to someone on a pre-tour list?

Burrus: If I put my name on "pre-tour" list, then asterisks have no meaning unless it is four hours before tour.

Barranca: Same thing applies to "post tour" list?

Burrus: Yes. The twelve hours is handled no differently than the ten hours is handled.

Adjourned 5:15 PM.