

## QUESTIONS & ANSWERS

These questions and the responses thereto are not intended to alter, amend, or change in any way the terms of the 2010-2015 agreement.

### Postal Support Employee (PSE)

1. Do all terms of the Memorandum of Understanding (MOU) Re: Noncareer Assistant (NCA) Employees apply to PSE's?

**ANSWER:** Yes. The word PSE replaces Noncareer Assistant (NCA) wherever Noncareer Assistant or "NCA" appears in the agreement and MOU's.

2. Will PSE Leave Accrual rules be identical to those currently in place for APWU TEs?

**ANSWER:** Yes.

3. During the first three months of the agreement, as casuals and TE's are being eliminated, may an office have either casuals or TE's at the same time as PSE's?

**ANSWER:** Yes, but only during the 90-day period from the effective date of the agreement (May 23 – August 21, 2011). During this interim period if casuals remain they continue to be subject to the same restrictions that were in effect under the 2006-10 CBA.

4. Can current PMR's be converted to PSE's?

**ANSWER:** PMR's will be eligible to take the appropriate examinations like any other member of the general public and, if reached during the competitive hiring process, are eligible to be hired as PSE's.

5. Can casuals be converted to PSE's?

**ANSWER:** Casuals will be eligible to take the appropriate examinations like any other member of the general public and, if reached during the competitive hiring process, are eligible to be hired as PSE's.

6. When can PSE's begin to be hired?

**ANSWER:** Effective May 23, 2011.

7. How is a PSE grade determined for each PSE?

**ANSWER:** The PSE will be hired at the grade for the position in question . An example would be a PSE hired to work as a mail processing clerk would be hired as a Grade 6 PSE, as career mail processing clerks would be hired at level 6.

8. What happens if a PSE works at a lower level than his current grade, e.g., a level 6 PSE performs the work of a level 4 career employee?

**ANSWER:** The PSE continues to be paid at the level 6.

9. In the clerk craft, the number of PSE's derived from the retail/customer services (Function 4) may be used in Function one (1) and when doing so will not count against the 20% mail processing (Function one) cap. Does that refer to the number or percentage of PSEs that will not count against the Function 1 cap?

**ANSWER:** It refers to the allowable number of PSE's. For example if the permissible number of PSE's in Function 4 is ten (10), they may be used in Function 1 and when so used will not count against the mail processing (Function One) District PSE cap.

10. How is "new work" defined for purposes of PSE's not counting toward the PSE cap?

**ANSWER:** "New work" is defined in Section 7.B.6., of the Postal Support Employee (PSE) MOU and includes work being contracted out that is brought back in-house, such as:

- a. In the Clerk Craft, work in any former Contract Postal Unit (CPU), unless it is a full-service unit or it primarily provides postal services;
- b. In the Maintenance Craft, formerly contracted out custodial work (subject to the provisions of the Maintenance Craft Jobs MOU);
- c. In the Motor Vehicle Craft, highway contract routes (HCRs) that are brought back into the Postal Service and assigned to postal employees (subject to the provisions of the Motor Vehicle Craft Jobs MOU).
- d. In other circumstances when new or contracted work is brought in house or new retail initiatives that are not full-service post offices are established as the parties may agree.

11. How will "new work" PSE's be identified?

**ANSWER:** They will be given a unique Designation Activity Code (D/A) or other identifier to separate them from other PSE's.

12. How will PSE's working in customer service/retail or mail processing be distinguished?

**ANSWER:** To permit monitoring of the District PSE caps, customer service/retail (Function 4) PSE's and mail processing (Function 1) PSE's will each be given a unique D/A or other identifier.

13. The MOU provides that PSE's are eligible for health benefits after the first 360-day appointment and upon reappointment to another 360-day term. If a PSE is appointed for less than 360 days, when does the PSE become eligible for health benefits?

**ANSWER:** Upon serving for a year without a break in service of more than 5 days, in accordance with OPM regulations.

14. Does PSE standing on a roll carry over into career appointment?

**ANSWER:** The time worked as a PSE does not carry over if a PSE attains career status. They begin their initial period of seniority when they attain career status.

15. If a casual is hired as a PSE, will time spent as a casual count toward eligibility for health insurance?

**ANSWER:** No.

16. May PSE's be scheduled to perform work if a part-time flexible in that office is available and qualified to perform that work at the straight time rate?

**ANSWER:** During the course of a service week, the Employer will make every effort to insure that available and qualified part-time flexible clerks are utilized at the straight-time rate prior to assigning such work to PSE's.

17. Is there a difference between the "register" from which PSE's "shall be hired" as referenced in the PSE MOU and the "hiring list"?

**ANSWER:** There is no real difference. "Hiring lists" have essentially replaced the "register" as terminology in the MOU.

18. Do PSE clerks hold down their opted residual duty assignment during their mandatory 5 day break in service?

**ANSWER:** No. Any such duty assignment must either be posted for bid or reverted pursuant to Article 37.3 on the occasion of the employee's break in service.

19. Article 7.B.3 of the PSE MOU reads, "In the Clerk Craft, the total number of PSEs used in mail processing (Function one) within a District, will not exceed 20% of the total number of career mail processing (Function one) clerk craft employees within that District, except in accounting periods 3 and 4, *beginning two (2) years from the effective date of the contract.*" Does the "beginning two (2) years from the effective date of the contract" provision apply to the entire sentence or only to the accounting periods 3 and 4 exception?

**ANSWER:** The exception, eliminating the 20% PSE cap during accounting periods 3 and 4 begins 2 years from the effective date of the Agreement, May 23, 2013.

20. How does management determine which PSE to terminate during their term when there is a lack of work?

**ANSWER:** Clerk and Maintenance craft PSEs will be terminated for lack of work based upon inverse craft standing on the roll in the installation. MVS Craft PSE's will be terminated for lack of work based on inverse occupational group standing on the roll in the installation. .

21. When needed, how does management determine which PSE to bring back to work?

**ANSWER:** PSEs will be returned based upon their craft standing on the roll in the installation, or in the MVS Craft by their occupational group standing on the roll, for up to a one year period from their break in service.

22. Will a PSE who serves as an APWU steward have rights over other PSE's when it is necessary to let PSE's go because of lack of work or when there is an opportunity to bring PSE's back to work?

**ANSWER:** Yes.

23. Does a PSE steward's rights impact who is selected for an available career opportunity?

**ANSWER:** No.

24. May PSE's be removed for reasons other than lack of work?

**ANSWER:** PSE's may be disciplined or removed within the term of their appointment for just cause and any such discipline or removal will be subject to the grievance-arbitration procedure, provided that within the immediately preceding six months, the PSE has completed ninety (90) work days, or has been employed for 120 calendar days, whichever comes first.

## **NTFT's**

25. What is a reasonable timeframe for PTF's in Function 1 and in offices level 21 and above be converted to full-time?

**ANSWER:** It is expected that all PTF's in Function 1 and in offices level 21 and above will be converted to full-time by August 23, 2011. Any exceptions will need to be discussed and mutually approved at the national level.

26. What is a reasonable timeframe for clerk and MVS PTR's to be converted to full-time?

**ANSWER:** It is expected that all PTR's in the Clerk and MVS crafts will be converted to full-time by August 23, 2011. Any exceptions will need to be discussed and mutually approved at the national level.

27. May employees who at the time of the signing of the agreement (May 23, 2011) are current unassigned regulars and Full-Time Flexibles be assigned to NTFT duty assignments of less than 40 or more than 44 hours?

**ANSWER:** No. Any clerk craft or MVS employee who is in a full-time status at the signing of the agreement is protected against involuntary assignment to NTFT duty assignments of less than 40 or more than 44 hours.

28. Is a saved-grade level 7 clerk or MVS craft employee (who was full-time at the signing of the CBA) required to bid on a level 7 NTFT duty assignment of less than 40 hours or more than 44 hours/week in order to maintain their saved grade?

**ANSWER:** No.

29. In 2009 a clerk elected to revert to either a PTF or PTR assignment (in which they currently remain) in lieu of involuntary excessing from the craft and/or installation. Is that clerk protected from involuntary assignment to a NTFT assignment of less than 40 hours or more than 44 hours/week?

**ANSWER:** No. All current PTR's and PTF's may be assigned to any residual NTFT duty assignment.

30. What change to the hours of a NTFT duty assignment may be made without creating the need to repost the assignment?

**ANSWER:** NTFT duty assignments are full-time duty assignments. All of the reposting rules for full-time assignments in Article 37.3.A.4 and in Article 39.2.A, including Article 39.2.A.6, 7 and 8 apply to NTFT duty assignments. The assignment must also be reposted when the total hours in the workweek of a NTFT duty assignment are changed.

31. Are employees in NTFTs and traditional duty assignments considered all one category for excessing and retreat rights purposes?

**ANSWER:** Yes.

32. The NTFT MOU requires that if the traditional duty assignment occupied by a senior clerk is reposted as a NTFT duty assignment all duty assignments within the section occupied by junior clerks must be reposted for in-section bidding. If one or more of those reposted duty assignments occupied by a junior clerk is changed sufficiently to meet the reposting requirements in Article 37.3.A. 4, will it still be posted in-section?

**ANSWER:** No. In this situation if the duty assignment is changed sufficiently that Article 37.3.A.4 (and the LMOU) require reposting the duty assignment would be posted installation wide.

33. May an excessed FTR clerk or MVS employee (who was FT at the signing of the 2010 CBA) decline to retreat to a NTFT duty assignment of less than 40 hours or more than 44 hours/week without losing her retreat rights?

**ANSWER:** Yes. Excessed employees with retreat rights, whether to the section (Article 12.5.C.4) or to the installation and/or craft (Article 12.5.C.5) may decline their right to retreat to any NTFT duty assignment without relinquishing their right to retreat to any posted traditional FTR duty assignment.

34. Normally, the NTFT employees should not work more than the number of hours (daily and/or weekly) identified in their bid assignment, except in an emergency. What is considered to be an emergency?

**ANSWER:** Article 3.F provides the parties' mutual understanding of what constitutes an emergency situation: an unforeseen circumstance or a combination of circumstances which calls for immediate action in a situation which is not expected to be of a recurring nature.

### **NTFT's-Overtime Rules**

35. If, on a particular day, two hours of additional work is necessary, who should be scheduled when the 2 clerks available within the section are: a) qualified non-OTDL NTFT employee (five - 6 hour days ending tour at 3:00 PM) for 2 hours of out-of-schedule premium; or b) qualified OTDL traditional schedule FTR ending tour at 3:00 PM for 2 hours of overtime?

**ANSWER:** b) qualified OTDL traditional schedule FTR ending tour at 3:00 PM for 2 hours of overtime. Absent an emergency, a non-OTDL NTFT employee should not be worked beyond their normal daily schedule.

36. Are NTFT Clerks guaranteed the number of hours in their bid duty assignment?

**ANSWER:** Yes. The NTFT clerk's bid duty assignment establishes their minimum daily and weekly guarantee.

37. When a NTFT employee is routinely scheduled to work additional hours (compensated at the out-of-schedule rate) each week, must the assignment be reposted?

**ANSWER:** NTFT employees will normally work the number of hours (daily and/or weekly) identified in their bid assignment, except in an emergency.

38. Can a NTFT clerk craft employee, who is not on the OTDL, be required to work one or more of their scheduled off days?

**ANSWER:** Effective six months from the signing date of the 2010 CBA (November 23, 2011), full-time career clerk craft and motor vehicle employees who are not on the Overtime Desired List and are in an installation with employees working in NTFT duty assignments in the same Functional area, will not be required to work overtime except in an emergency. Article 3.F provides the parties' mutual understanding of what constitutes an emergency situation: an unforeseen circumstance or a combination of circumstances which calls for immediate action in a situation which is not expected to be of a recurring nature. In the Motor Vehicle craft, employees may also be required to work overtime in the event of unforeseeable circumstances (e.g., PVS drivers stuck in traffic, weather conditions).

39. May NTFT OTDL employees be required to work more than 8 hours on any non-scheduled day?

**ANSWER:** Yes. They are subject to the normal overtime rules in Article 8 and the LMOU (including penalty overtime).

40. May management by-pass a senior holiday volunteer because that employee would be scheduled for their normally scheduled 8 hours on the designated holiday and require a junior non-volunteer to work their designated holiday because they are available for only their regularly scheduled 6 hours on that day?

**ANSWER:** The LMOU pecking order must be followed. If the LMOU, for example, requires full-time holiday volunteers to be scheduled by seniority, all qualified and available full-time employees (both traditional and NTFT) would be scheduled in seniority order.

41. Will full-time employees occupying NTFT duty assignments have their annual leave advanced at the beginning of the leave year?

**ANSWER:** Yes.

42. NTFT employees will normally work the number of hours (daily and/or weekly) identified in their bid assignment, except in an emergency and are entitled to out-of-schedule premium for hours worked outside of their bid schedule. Would a NTFT employee receive out-of-schedule premium if required to assume a traditional full-time schedule for one or more days in order to participate in required recognized training?

**ANSWER:** No. Training is one of the recognized exceptions to the out-of-schedule premium requirement. A NTFT employee, for example, who must attend window training after bidding a SSA duty assignment, would not be eligible for out-

of-schedule premium when assigned to a traditional schedule to accommodate the training.

43. Are the clerk craft NTFT full-time flexible assignments a duty assignment which must be posted for bid or a category of unencumbered employees?

**ANSWER:** These are bid duty assignments and employees who successfully bid for, or are involuntarily assigned to, these assignments are encumbered, and not unencumbered, employees.

44. Clerk craft NTFT full-time flexible assignments are “subject to negotiated rules.” Can these rules be negotiated locally?

**ANSWER:** These rules, including the daily and weekly guarantees as well as the provision that schedules may be changed from week-to-week, with proper notice by Wednesday of the preceding week without out-of-schedule obligation, are negotiated at the national level. (See NTFT MOU)

## **Article 12**

45. Article 12.5.B.2 is amended to include the need to identify duty assignments currently held by PSE’s which shall be made available for reassignment of excess career employees. Which duty assignments does this include?

**ANSWER:** In addition to those residual duty assignments into which PSE’s have opted to occupy, the parties shall identify the existence of any other duty assignments occupied by PSEs in order to minimize the impact of excessing on full-time career employees in the regular work force.

46. Article 12.3.A.2 provides that “an employee may be designated a successful bidder no more than five (5) times during the duration of the 2010 Agreement unless such bid” is to a duty assignment which does not require a deferment period or additional off-site training? What are some examples?

**ANSWER:** (1) The employee bids to a position for which the employee is currently qualified. (2) The employee bids to a position for which the employee has a live record. Neither bid (1) or (2) would count against the five (5) successful bidder limit. Bids will only be counted if the employee is required to enter a deferment period or receive additional off-site training for qualification.

47. If a level 6 clerk who was excessed to a level 4 custodial assignment in the maintenance craft, upon notification of their opportunity to return to the clerk craft, waives their right to return in accordance with Article 12.5.C.5.(a).5, will that employee retain saved grade?

**ANSWER:** No.

48. Does the opportunity provided in Article 12.5.C.5.(a).5, to waive return to the craft from which excessed within the installation, apply to all employees excessed into APWU crafts?

**ANSWER:** No. This opportunity applies only to employees excessed from one APWU craft into another APWU craft.

49. Article 12.5.C.5.(a).5, provides that “if an employee is reassigned to an APWU represented craft, when the installation notifies the employee in writing that he or she will be returned to the craft from which reassigned, and before the employee is returned, the employee may waive return to the former craft by written notification to the installation head or designee within five (5) calendar days of the notification.” Does the right to “waive return to the former craft” apply to employees who were excessed between APWU crafts prior to May 23, 2011?

**ANSWER:** Yes. The right to waive return to the former APWU craft is provided for under the terms of the 2010 agreement.

50. What happens to the retreat rights of PTR employees in the Clerk and MVS crafts who have been excessed?

**ANSWER:** The MOU Re: Non-Traditional Full-Time (NTFT) Duty Assignments specifies that “there will no longer be Part-Time Regular (PTR) employees in the clerk craft” and “there will no longer be Part-Time Regular (PTR) and Part-Time Flexible (PTF) employees in the motor vehicle craft.” PTR assignments in the Clerk and MVS crafts will be converted to full-time. An excessed PTR will now have retreat rights to a full-time assignment in their original installation and craft. Failure to exercise the opportunity to retreat to the first available full-time assignment (including any NTFT assignment) would terminate such rights.

## **MOU Re: Transfer Opportunities to Minimize Excessing**

51. Can the one hundred (100) mile radius be expanded and, if so, how?

**ANSWER:** The parties may mutually agree to expand the area of consideration beyond the one hundred (100) mile geographic radius if they determine it is necessary to provide sufficient vacancies for offices with excess clerks. This mutual agreement may only occur at the national level.

52. Will all full-time clerks in the impacted installation be considered for these transfer opportunities, or will only the specific junior clerks identified as excess to the needs of the installation be eligible?

**ANSWER:** All full-time clerks, regardless of seniority, level, or senior/best qualified status, in the impacted installation will be eligible for consideration. This will reduce the number of involuntary reassignments necessary in an excessing situation.

53. Will the transfer opportunity be to the specific posted residual vacancy identified on eReassign or will the transferring clerk become unencumbered in the new installation?

**ANSWER:** The transferring clerk will be awarded the specific posted residual vacancy as identified on eReassign.

54. If multiple clerks from one or more impacted office(s) request transfer to a residual vacancy within the District or one hundred (100) mile radius as listed in eReassign, how will the successful applicant for transfer be determined?

**ANSWER:** Selection will be made on a seniority basis using craft installation seniority from the losing installation(s).

55. Are these special transfer opportunities also available for part-time flexible clerks in offices where PTF's have been identified as excess to the needs of the installation?

**ANSWER:** Yes.

## **General**

56. Can a PTF clerk be "loaned" under the rules of the Hub Clerk MOU into a Post Office, level 21 or above?

**ANSWER.** No. Under the 2010 CBA, part-time flexible clerks may only work in Post Offices, level 20 and below.

57. How long must a clerk or MVS employee return to the bargaining-unit from their 204-B assignment in order to prevent reposting of their duty assignment?

**ANSWER:** An employee detailed to a non-bargaining unit position must return to the craft for a minimum of one continuous pay period to prevent reposting of their duty assignment.

58. A Clerk Craft 204-B began their current 204-B detail on March 21, 2011. When does their 90 day limitation requiring reposting of their bid duty assignment expire?

**ANSWER:** If the clerk remains in a 204-B status in excess of 90 days (beyond June 19, 2011) without returning to the bargaining unit for a minimum of one continuous pay period their bid duty assignment must be declared vacant and posted for bid.

59. Will employees from other bargaining units who voluntarily transfer into APWU crafts be treated as new career employees for purposes of pay schedule step progression under the new APWU CBA?

**ANSWER:** It depends on the employee's original date of career hire. Employees from other bargaining units should be placed in the APWU salary schedule based on current change to lower level, reassignment, and promotion rules. Employees who were hired as career employees prior to May 23, 2011 will progress to the top steps found in the 2006 APWU CBA. Employees who were hired as career employees as of May 23, 2011 will progress to the top steps found in the 2010 APWU CBA.

For example, an employee hired into a career position prior to May 23, 2011 who voluntarily transfers to a level 6 clerk position will progress to step O. An employee hired as of May 23, 2011 and after who voluntarily transfers to a level 6 clerk position will progress to step J.

## **Clerk Craft Jobs MOU**

### **Lead Clerk**

60. How will Lead Clerks be selected?

**ANSWER:** Lead Clerk positions will be posted as senior-qualified duty assignments. Clerk Craft employees are eligible to bid on these assignments.

61. Will LSSA's be grandfathered into Lead Clerk duty assignments?

**ANSWER:** Employees currently occupying LSSA duty assignments will be administratively converted into Lead Clerk duty assignments without reposting unless there are more LSSA's than the number of Lead Clerks provided for in the MOU.

62. What if there are currently more LSSA's than the number of Lead Clerk provided for in the MOU?

**ANSWER:** The minimum number of Lead Clerks, to be assigned by seniority, is determined in Section 2.C of the Clerk Craft Jobs MOU. The Employer may create additional Lead Clerk duty assignments based on operational need.

63. Will LSSA's who do not receive a Lead Clerk position be entitled to saved grade?

**ANSWER:** Yes. LSSA's who do not receive a Lead Clerk duty assignment will become unencumbered and receive saved grade pursuant to 37.4.C.6.

### **Maintenance Questions & Answers**

64. How are Maintenance Craft Promotion Eligibility Rosters (PERs) constructed under the 2010-15 CBA?

**ANSWER:** Maintenance Craft PERs will have those rated eligible under the prior MSS by installation seniority within the banded scores (see 38.5.B.8a). Beneath those scores will be those rated eligible on the RMSS within the banded scores (see 38.5.B.8c). Installation seniority will be used within each banded score.

65. How are non-Maintenance Selection System PERs constructed?

**ANSWER:** Establishment of non-MSS PER's is not impacted by the new collective bargaining agreement.



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