



Certified Mail Number
7099 3400 0008 6235 5942

June 14, 2001

Mr. William Burrus
Executive Vice President
American Postal Workers Union, AFL-CIO
1300 L Street, NW
Washington, DC 20005-4126

Re: Q98C-4Q-C-01120195


JUN 2001
Received
Office of the
Executive
Vice President

Dear Mr. Burrus:

This is in response to your May 23 letter submitting five questions with respect to preference eligible employees' rights under Article 6 of the Collective Bargaining Agreement.

Your questions are repeated below followed by the Postal Service's responses:

1. Does Article 6 of the National Agreement prohibit the employer from reducing a preference eligible if the employee has obtained protected status?

Yes.
2. Does Article 6 of the National Agreement prohibit the employer from removing a preference eligible from their competitive level if the employee has obtained protected status?

Yes.
3. Does Article 6 of the National Agreement protect protected preference eligible employees from a Reduction-in-Force?

Yes.
4. Does the RIF procedures referenced in Article 6 of the National Agreement require affording preference eligible employees MSPB appeal rights when they are removed from their competitive level or competitive area?

Provided the term "removed" means involuntarily, then preference eligibles would receive appeal rights in accordance with the regulations of the Merit Systems Protection Board (MSPB). If the move is voluntary, then no, they are not afforded any appeal rights.

5. Can the employer provide a protected preference eligible employee with saved grade in lieu of affording them rights under the RIF procedures.

No. The exception would be where the employee chose to voluntarily accept a lower grade position with saved grade.

The employer is indeed in the process of eliminating the positions of PSDS Technicians and Flat Sorter operators; but has reassigned employees in accordance with Article 12 of the Collective Bargaining Agreement in accordance with employer's right.

Preference eligible employees have not been entitled to any rights under RIF or Article 6 since they have not been reduced in grade and the Postal Service is utilizing Article 12, not Article 6.

Consequently, we do not agree with the statement of the grievance as set forth at page 1 of your letter. The APWU's appeal in this instance ignores the fact that the Postal Service has NOT employed Article 6 of the Collective Bargaining Agreement and therefore, the Step 4 is without merit and frankly does not make sense.

We expect the APWU to withdraw its' appeal in writing with respect to the above case.

If you have any questions, please do not hesitate to contact me at (202) 268-3811.

Sincerely,



Peter A. Sgro
Manager
Contract Administration