

LABOR RELATIONS



June 10, 1996

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

Dear Bill:

This will serve to respond to your correspondence dated May 7 and 22 requesting the Postal Service position on whether the employer may require an employee to use annual leave that is advanced but not accrued.

Your letter states, "As you are aware, full time employees are advanced annual leave at the beginning of the leave year. The blanket USPS policy of requiring employees to exhaust all leave prior to granting LWOP would require an employee to be charged leave that has not been earned."

There is no blanket policy requiring employees to exhaust all leave prior to granting LWOP. As you have previously been notified, approval of LWOP is at the discretion of the supervisor based on the needs of the employee, the needs of the service and the cost to the service. It follows that in some cases LWOP may be denied while the use of annual leave would be approved. Where an employee has no annual leave, LWOP would not be denied for an otherwise approved absence as long as there is no negative effect on the cost and needs of the service.

Your concern regarding the use of annual leave which has been accrued but not earned appears to be self-serving in this instance. You make no mention of the potential liability accrued by the employer by virtue of advancing annual leave to all full-time employees at the beginning of each year. Many, if not most, employees use annual leave before it is actually earned. You can well imagine the reaction of our employees if we were to change that practice and advise employees that they could only use annual leave on a 'pay-as-you-go' basis. We seriously doubt that this is your intent but it is always useful to look at both sides of the scale.

With regard to your question concerning the provision of Section 513.61 of the Employee and Labor Relations Manual, there has been no change to this provision. If there is a particular District or Area where you believe there is a problem with this provision, and you bring it to my attention, I will address it.

If there are any questions concerning this matter, you may contact Curtis Warren of my staff at (202) 268-5359.

Sincerely,

 Anthony J. Vegliante
Manager

Contract Administration APWU/NPMHU

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Received
Office of The
Executive
Vice President