

I am enclosing a copy of the implementing settlement on the arbitration decision of the Nixon Day of Mourning. Also enclosed is a listing of employees in your office who were on the rolls but did not use administrative leave during the period following April 27, 1994 (Nixon Day of Mourning). This listing confirms that the employees were on the postal rolls on April 27, 1994 and are on the rolls on the date of settlement, ~~June 19~~ ^{MAY 22}, 1998. It will be necessary that the local parties confirm that:

- * The listed employees qualify for the remaining eligibility criteria
- * Whether or not additional employees qualify
- * Whether or not the listed employees were granted administrative leave but failed to use it

You are to meet with local management to:

1. Review the listing of eligible employees
2. Determine the number of hours of administrative leave to be afforded to eligible part time employees. (If part time in 1994 and full time in 1998 employee is to receive 8 hours of Administrative Leave). If full time in 1994 and part time in 1998, employee to receive the average hours worked during week of May 23-29, 1998
3. Reach agreement on the procedures for requesting and using administrative leave consistent with the provisions of this agreement and the Local Memorandum of Understanding insuring that every eligible employee has an opportunity to use leave prior to deadline.
4. Reach agreement on a procedure for reviewing appeals for eligibility by employees who are not identified by the local parties.

A summary of the agreement is as follows:

ELIGIBLE EMPLOYEES

- A. ^{MAY 22} On the postal rolls on April 27, 1994 and on the postal rolls in APWU Craft on ~~June 19~~, 1998 (the intervening time does not have to be continuous or within the same craft or bargaining unit)
- B. Did not receive Administrative Leave because of leave or schedule off day on April 27, 1994 and was not credited with Administrative Leave but failed to use it
- C. Not pending removal (off the postal payroll) on ~~June 19~~, 1998 ^{MAY 22}
- D. If AWOL - On Suspension - Pending Removal on April 27, 1994 - was returned to duty and made whole for the period of the AWOL, Suspension or Removal. (If made whole for a partial period of a suspension or removal the partial make whole period will be applied to begin with the last date of the suspension or removal and applied for consecutive days to determine if employee was in a pay status on April 27, 1994).

INELIGIBLE EMPLOYEES

- A. Not on the postal rolls on April 27, 1994 or postal rolls APWU craft ~~June 19~~, 1998 ^{MAY 22}
- B. Not in the APWU bargaining unit on ~~June 19~~, 1998 (Promoted to supervisor-EAS position or transfer to non-APWU craft) ^{MAY 22}
- C. Previously received Administrative Leave for April 27, 1994 whether used or failed to use prior to deadline
- D. In AWOL status, Suspended or pending Removal on April 27, 1994 and AWOL, Suspension or Removal not reversed
- E. Pending Removal on ~~June 19~~, 1998 (after exhaustion of 30 day advance ^{MAY 22})

notice). If returned to work, with or without back pay, employee will be eligible if they were on the rolls on April 27, 1994 and must use leave within 60 days of return.

F. Transitional Employees

The national parties have made every effort to reach mutual agreement on the implementation of this issue and that agreement includes all anticipated issues. The local parties are responsible for resolving all disputes arising out of this agreement. Disagreements are not anticipated but any unresolved issues will be referred to Article 15 contractual grievance procedure.

William Burrus

**IMPLEMENTATION AGREEMENT
BETWEEN THE
UNITED STATES POSTAL SERVICE
AND THE
AMERICAN POSTAL WORKERS UNION**

The parties agree that the following will apply in the implementation of Arbitrator Das's award in case Q90C-6Q-C 94042619 concerning the Nixon Day of Mourning.

Eligible employees who were on the rolls on April 27, 1994, and who are on the rolls on May 22, 1998, in the APWU bargaining unit, will be granted administrative leave as described below:

This administrative leave is to be taken all at one time, and must be used no later than Friday, December 4, 1998 (PP 25, 1998), except as noted below. The administrative leave may, at the employee's option, be substituted for annual leave which was previously scheduled but has not yet been used. In the alternative, the employee may request administrative leave under the same procedures which govern the request and approval of annual leave.

Eligible employees:

This settlement is intended to grant administrative leave to employees who did not work on April 27, 1994 (either because they were not scheduled to work on that day or because they had leave for that day), and who did not receive administrative leave on that day. Leave entitlement will be as follows:

- Full-time employees covered by this settlement will be granted 8 hours of administrative leave.
- Part-time flexible employees covered by this settlement will be granted administrative leave equal to the average number of daily paid hours during the week of May 16-22, 1998, not to exceed 8 hours.
- Part-time regular employees covered by this settlement will be granted administrative leave equal to the number of daily hours in their regular schedule as of May 22, 1998, or if their regular schedule contains a different number of hours on different days, they will be granted administrative leave equal to the average number of daily hours in their schedule for the week of May 22, 1998, not to exceed 8 hours.

Ineligible employees:

This settlement does not apply to employees who have already received administrative leave or who had the opportunity to use administrative leave in connection with the Nixon Day of Mourning, and such employees are not entitled to any additional administrative leave as a result of this settlement. This includes the following employees:

- employees who did not work on April 27, 1994, and who received administrative leave for that day.
- employees who worked on April 27, 1994, and who subsequently had the opportunity to use administrative leave, as a result of the Joseph J. Mahon, Jr., letter dated April 26, 1994 (copy attached).

This settlement does not cover Transitional Employees (TEs), as TEs are not entitled to administrative leave in connection with the Nixon Day of Mourning.

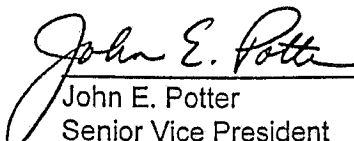
Employees who were absent on April 27, 1994 due to absence without leave (AWOL) or for disciplinary reasons (suspension or pending removal) will not be entitled to administrative leave under this settlement unless they were returned to duty and made whole for the time period including April 27, 1994, and provided they are otherwise eligible by the terms of this settlement.

Employees who, as of the date of this settlement, are absent pending removal, will not be entitled to this administrative leave unless they are returned to duty and are otherwise eligible by the terms of this settlement. In such cases, the administrative leave must be used within 60 days of their return, if they return to duty after October 3, 1998.


The parties at the local level will share responsibility for identifying and resolving any disputes as to specifically which employees are entitled to administrative leave under this settlement. The parties will meet and identify the eligible employees no later than July 24, 1998. Following the identification of eligible employees, letters will be issued to those employees informing them that they are eligible.

The union at the national level will provide a list of other eligible employees who were on the rolls April 27, 1994 and on the rolls on the date of this settlement, and who were not granted administrative leave in 1994.

The parties agree that this settlement will not be cited or used as precedent in any future discussions or in any other forum whatsoever, other than to enforce the terms of the settlement itself.


 John E. Potter
 Senior Vice President
 Labor Relations

6/19/98
 Date


 William Burrus
 Executive Vice President
 American Postal Workers
 Union, AFL-CIO

6/19/98
 Date

Attachment



JOSEPH J. MAHON JR.
VICE PRESIDENT, LABOR RELATIONS

UNITED STATES POSTAL SERVICE
475 L'ENFANT PLAZA SW
WASHINGTON DC 20260-4100

April 26, 1994

ALL POSTAL INSTALLATIONS

SUBJECT: National Day of Mourning - Administrative Directions

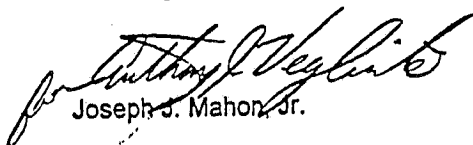
Reference is made to the April 26, 1994, Memorandum for all Postal Installations concerning the National Day of Mourning - Administrative Directions, which memorandum was issued by Messrs. Porras and Mahon.

Representatives of the Postal Service and the APWU met to discuss the April 26, 1994 memorandum and have reached agreement or clarified several issues, which appear in the attached April 26, 1994 memorandum from Moe Biller to his various resident officers, regional coordinators and national business agents. The parties agreed that future administrative leave taken, which must be granted and used by September 16, 1994, is to be taken at one time. Moreover, such administrative leave may, at the employee's option, be substituted for previously scheduled annual leave. In the alternative, the employee may apply for administrative leave by using the same procedures which govern annual leave.

Additionally, where April 27 is the full-time employee's non-scheduled day and the employee is scheduled to work on April 27, the employee will receive overtime pay, plus future administrative leave for the number of hours worked, up to 8 hours. Further, employees on suspension or OWCP will not receive administrative leave.

The parties did not agree that those employees who are non-scheduled or on leave for any reason should receive administrative leave. The Postal Service position remains that employees who are non-scheduled or on leave for any reason will not receive administrative leave or any extra compensation. Also, there is a dispute as to whether transitional employees (TEs) should receive administrative leave. The Postal Service position remains that TEs will not receive administrative leave and only will receive pay for actual work hours performed on April 27, 1994.

Accordingly, the April 26, 1994 memorandum which was issued by Messrs. Porras and Mahon, as clarified by this memorandum shall serve as the necessary administrative directions for the National Day of Mourning.


Joseph J. Mahon, Jr.

Attachment