

Dual appointments
cross crafts

LABOR RELATIONS



5420

April 29, 1997

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

APR 1997
1300 L Street, NW
Washington, DC 20005-4128

Dear Bill:

This letter is in response to your April 4 correspondence concerning the issue of career dual appointees as casuals within the APWU bargaining unit. Specifically, you have asked whether the Postal Service agrees that six (6) prerequisites listed in the Employee and Labor Relations Manual (ELM), Section 323.612 are required to be considered prior to the use of rural carrier dual appointees within the APWU crafts. Additionally, you have alleged that the Postal Service's current utilization of dual appointees is in violation of the ELM.

The following information identifies the specific language and understanding. Section 323.612 of the ELM reads in part:

"All dual appointments must be cost effective and in the best interest of the Postal Service. Before deciding to make dual appointments, installation heads should consider the following factors:"

Following that, there are eight (8) prerequisites, not six (6). As stated, these elements should be considered.

Additionally, please specify and further explain your charges that the Postal Service is violating the ELM.

Should there be any questions regarding the foregoing, you may contact Thomas J. Valenti of my staff at (202) 268-3831.

Sincerely,

A handwritten signature in cursive script that reads "Peter A. Sgro".

Peter A. Sgro
Acting Manager
Contract Administration APWU/NPMHU

323.412 Use of Temporary Appointments. *Temporary appointments* may be made to meet administrative needs for *temporary employment*. The following types of positions or circumstances are filled by temporary limited appointments:

- a. Positions not expected to last more than 1 year.
- b. Part-time and intermittent positions that are not clearly of a continuing nature.
- c. Continuing positions, when temporarily vacated for periods of less than 1 year.
- d. Emergency situations such as fire, flood, earthquake, high winds, or unforeseeable circumstances which cause a severe curtailment of available manpower, e.g., epidemics, accidents involving an unusual number of employees, etc.

323.42 Casual Appointment. A *noncareer limited term appointment* to positions used as a supplemental work force as described in the National Agreement or in similar provisions in other Postal Service collective-bargaining agreements, requiring the performance of duties otherwise assigned to employees in the bargaining units.

323.43 Former Postal or Federal Employees. For those hired as temporary or casual employees after having previously served in a position in the Postal Service or other federal agencies, wherein they were covered by Civil Service retirement, health benefits, or life insurance, such persons must have at least a 4-day break between such service and their appointment as a temporary employee.

323.5 Rural Carrier Positions

Normally, regular rural carrier positions and rural carrier relief/leave replacement positions are filled in accordance with any applicable collective-bargaining agreement.

323.6 Dual Employment or Dual Compensation

323.61 Within the Postal Service

323.611 General Explanation. Under certain circumstances, as described in this chapter, an employee may be appointed to more than one position in the Postal Service. This is known as a dual appointment. Only one of the appointments may be to a position in the career workforce. The primary purpose of dual appointments is to improve the opportunity of part-time employees (career) and employees who provide relief/leave replacement service on rural routes and postmaster relief/leave replacements (noncareer) to gain further employment and to minimize unemployment compensation expense. Substitute rural carriers (72-0 and 73-0) may be given a dual appointment to a career part-time position or noncareer position. Rural carrier relief (RCRs), Rural Carrier Associates (RCAs) and Postmaster relief/leave replacements cannot be given a dual appointment to a career position. Dual appointments also enable the Postal Service to utilize available experienced employees instead of new hires.

323.612 Prerequisite. All dual appointments must be cost effective and in the best interest of the Postal Service. Before deciding to make dual appointments, installation heads should consider the following factors:

- a. Determine the estimated daily workload requirement (hour by hour) in each craft.
- b. Determine if this workload can be covered by increasing the hours of part-time flexibles currently on the rolls, by the judicious use of overtime hours.
- c. Determine if this workload can be covered by using employees from another craft, in accordance with applicable provisions in collective-bargaining agreements.
- d. Determine if it would be more feasible to use the services of part-time employees from other nearby post offices.
- e. Determine if the installation will have enough flexibility to make necessary leave replacements if dual appointments are made.
- f. Determine what the average weekly work hours are for each employee on the rolls and ascertain whether a dual appointment would reduce the Postal Service's liability for State Unemployment Compensation benefits.
- g. When it is proposed to offer a *substitute rural carrier* a dual appointment as a part-time employee in another craft, determine if the advantages justify the additional expense for fringe benefits. *Substitute rural carriers* are not eligible for retirement, life insurance, military leave, or health benefits. However, they become eligible for these benefits upon being appointed to a career part-time position. Normally, installation heads can obtain information on benefit and unemployment costs from the Sectional Center Director Finance/Support.
- h. Determine whether the combined hours of the dual appointment will total more than 8 hours a day or 40 hours a week.

323.613 Authority to Appoint. Authority to make dual appointments must be obtained from the Field Division General Manager/Postmaster or MSC Manager/PM (or designee) as appropriate.

323.614 Appointment Requirements. Employees considered for dual appointments must meet all qualification requirements for both positions, including examination requirements, if any. Likewise, substitute rural carrier employees may be appointed to entry level career positions noncompetitively. All other procedures for conducting examinations, maintenance of registers, and selections and promotions are included in Handbook EL-311, *Personnel Operations*.

323.615 Compensation, Benefits, and Other Rights. An employee serving under a dual appointment is compensated for the work performed in a particular position at the appropriate rate for that position. Where one of the positions of a dual appointment carries with it the right to fringe benefits, the employee accrues the rights immediately upon appointment to that position and retains the rights even while working in another position that does not have such fringe benefit rights. Other rights which accrue to a position under the terms



53.11

American Postal Workers Union, AFL-CIO

1300 L Street, NW, Washington, DC 20005
February 13, 1997

James P. McCarthy
Assistant Director, Clerk Division
(202) 842-4237

Peter Sgro
Contract Administration(APWU/NPMHU)
Labor Relations
United States Postal Service
475 L'Enfant Plaza, S. W.
Washington, D. C. 20260

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

Dear Mr. Sgro:

The APWU is inquiring as to whether a RCA can hold a dual appointment as a transitional employee at the R E C.

In the Pittsburgh R E C, they, the employees, are being told that they cannot have both a T. E. and R C A appointment.

Please advise as to the position of the Service in this issue.

Sincerely,

James P. McCarthy
Assistant Director, Clerk Craft

Regional Coordinators

Leo F. Persalis
Central Region

Jim Burke
Eastern Region

Elizabeth "Liz" Powell
Northeast Region

Terry Stapleton
Southern Region

Raydell R. Moore
Western Region

JPM/ema
opeiu #2
afl-cio
cc: Robert Tunstall
Chris Schwemm



May 23, 1997



James P. McCarthy
Assistant Director
Clerk Craft
American Postal Workers Union,
AFL-CIO
1300 L Street, N.W.
Washington, DC 20005-4128

Dear Jim:

This letter is in reference to your correspondence dated February 13, 1997 concerning whether a Rural Carrier Associate (RCA) may hold a dual appointment as a transitional employee (TE).

Section 323.611 of the Employee and Labor Relations Manual (ELM) permits an employee, "under certain circumstances", to be appointed to more than one position in the Postal Service, and that this is known as a "dual appointment". Section 323.611 provides that, "Rural Carrier Associates RCAs)...cannot be given a dual appointment to a career position".

Further, at the time that ELM, Section 323.611 was constructed, the parties did not contemplate the non-career transitional employee with certain rights and benefits under the collective bargaining agreement. Thus, since the ELM provision precludes dual appointments to two career positions, we contend it also precludes dual appointments to two bargaining-unit positions. Therefore, an RCA may not have a dual appointment to a TE position.

If there are any questions concerning this matter, you may contact Barbara L. Phipps of my staff at (202) 268-3834.

Sincerely,

Peter A. Sgro
Acting Manager
Contract Administration APWU/NPMHU