



UNITED STATES POSTAL SERVICE
475 L'Enfant Plaza, SW
Washington, DC 20260

May 8, 1985

Mr. William Burrus
Executive Vice President
American Postal Workers Union,
AFL-CIO
817 14th Street, N.W.
Washington, D.C. 20005-3399

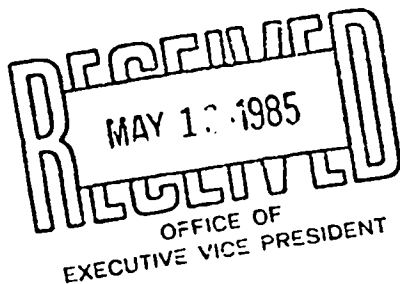
Dear Mr. Burrus:

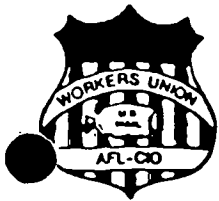
This is in response to your March 12 letter regarding the application of leave regulations in circumstances where employees request leave in increments of 8 hours or less for randomly selected days throughout a prolonged absence.

The leave regulations in Chapter 5 of the Employee and Labor Relations Manual allow leave charges for full-time, part-time regular, and part-time flexible employees in minimums of one hundredth of an hour. We are not aware of any position being taken with regard to minimal use of annual leave or any other paid leave or which restricts the right of employees to request leave in minimal amounts for nonconsecutive days.

Sincerely,

William E. Henry, Jr.
Director
Office of Grievance and
Arbitration
Labor Relations Department





American Postal Workers Union, AFL-CIO

817 Fourteenth Street, N.W., Washington, D.C. 20005 • (202) 842-4246

WILLIAM BURRUS
Executive Vice President

March 12, 1985

Dear Mr. Henry:

On March 7, 1985 you and I discussed the appropriate application of leave regulations in those circumstances where employees request leave in increments of 8 hours or less for randomly selected days through a prolonged absence. Circumstances have arisen, most recently in Roanoke, Virginia, where such requests have been rejected by the employer for reasons other than insufficient medical documentation or general recognition of an illness incapacitating the employee from performing assigned duties. The instant case in Roanoke represented a request for "pregnancy leave," however the union's interpretation of the applicable language is not limited to "pregnancy leave" requests but would apply to all leave requests that would otherwise be approved but for the question of consecutive hours or days.

Chapter 5 of the Employee and Labor Relations Manual sets forth the leave program as recognized by Article 10 of the National Agreement. These provisions establish conditions for authorization, setting forth specific circumstances justifying the use of leave.

Section 513 provides that the "Minimum Unit Charge" for such leave request shall be "hundredth of an hour (.01 hour)." These provisions place no restrictions on the right of an employee to request leave in advance over a randomly selected period and the obligation of the Employer is to determine if such requests are consistent with those circumstances justifying leave usage.

Please respond as to the Employer's interpretation and application of the above cited provisions as applied to leave requests for non-consecutive days.

Sincerely,

William Burrus
William Burrus,
Executive Vice President

Bill Henry, Director
Office of Grievance and Arbitration
Labor Relations Department
United States Postal Service
475 L'Enfant Plaza, S.W.
Washington, D.C. 20260

WJB:mc

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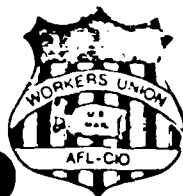
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WILLIAM BURRUS
Executive Vice President

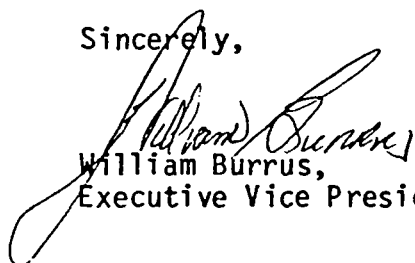
June 6, 1985

Dear Mr. Henry:

Please find enclosed a copy of district instructions (nearly illegible) that contradict the resolution we discussed on the rights of employees to use leave in sporadic intervals if the leave would otherwise be approved.

Please review and contact my office for discussion.

Sincerely,



William Burrus,
Executive Vice President

Bill Henry
Office of Grievance and Arbitration
Labor Relations Department
United States Postal Service
475 L'Enfant Plaza, S.W.
Washington, D.C. 20260

WB:mc

Enc.

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PAID LEAVE

It has been brought to my attention that some employees on long term absences have been Inappropriately using paid leave only before and/or after a holiday in order to receive holiday pay.

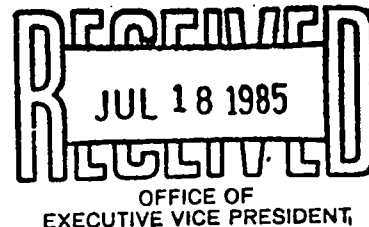
You are to review this abuse with finance immediately and bring the practice to a halt

The scheme works this way. An employee off work from February 1, 1985 til August 1st due to an illness. The employee has only 100 hours of sick leave and 20 hours annual leave. Recognizing that paid leave will run out quickly the employee decides to request leave only before and after the holiday occuring on February 16, May 27 and July 4th.



UNITED STATES POSTAL SERVICE
475 L'Enfant Plaza, SW
Washington, DC 20260-0001

July 17, 1985




Mr. William Burrus
Executive Vice President
American Postal Workers
Union, AFL-CIO
817 14th Street, N.W.
Washington, D.C. 20005-3399

Dear Mr. Burrus:

This is in reference to your June 6 letter along with which you forwarded a copy of instructions issued in a Postal Service District pertaining to paid leave. You indicated that you believed the instructions to be inconsistent with the position taken in earlier correspondence and discussions between us relative to the use of leave in minimal amounts for nonconsecutive days.

We have looked into this matter. Please be advised that the instructions which prompted your letter have been rescinded. I trust that this action satisfactorily resolves the issue.

Sincerely,


William E. Henry, Jr.
Director
Office of Grievance
and Arbitration
Labor Relations Department

h. Military duty for scheduled drills or for periods of training.	An employee enlisted under the Reserve Forces Act of 1955, who has completed the initial period of active duty training of not less than 3 months or more than 6 months may be granted LWOP for scheduled drills or periods of training (see 365.23).
i. Military duty for any purpose, training or otherwise.	Eligible members of the National Guard or reserve components of the Armed Forces ordered to active duty for training or for any other purposes, for a specified period of time not to exceed one year, but in excess of the total time allowable under military leave and annual leave shall be granted LWOP.
j. Postmaster elected to position of president of either the National Association of Postmasters of the U.S. or the National League of Postmasters.	<p>(1) LWOP normally does not exceed 2 consecutive years coinciding with the elected term of office.</p> <p>(2) The postmaster requests in writing, through the appropriate management structure, that the Senior Assistant Postmaster General for Employee and Labor Relations (SAPMG, E&LR) grant postmasters LWOP during tenure of presidency for the purpose of serving as resident president of the employee organization in Washington, DC in a full-time capacity.</p> <p>(3) If LWOP is granted, the postmaster continues to be eligible for appropriate fringe benefits during that period.</p> <p>(4) The SAPMG, E&LR, reserves the right to deny the request for LWOP if it is determined that the position must be filled on a permanent basis, unencumbered by an individual on prolonged leave.</p> <p>(5) If the employee declines to request LWOP under the foregoing condition in order to serve as a full-time resident president, 519.272 applies.</p>
k. Union business.	See applicable provisions of current Collective Bargaining Agreement.

514.5 Forms Required

.51 Form 3971. A request for LWOP is submitted by the employee on Form 3971, *Request for, or Notification of, Absence*. If the request for leave indicates the

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LWOP will extend over 30 days, a written justification and statement of reason for the desired absence is required.

.52 Form 50. Form 50, *Notification of Personnel Action*, is prepared when LWOP is in excess of 30 days.

515 Absence For Maternity/Paternity Reasons

515.1 Absence for Maternity Reasons

.11 Policy

.111 Temporary Incapacitation for Duty. Pregnancy is a condition which eventually requires the employee to be absent from the job because of incapacitation. For leave purposes, a period of absence covering pregnancy and confinement is to be treated like any other condition which incapacitates the employee from the performance of duty. As a means of accommodating this temporary incapacitation, appropriate leave is available to the employee.

.112 General Leave Policy Applies. Maternity absence is not a separate type of leave. The same leave policies, regulations, and procedures apply to absence for maternity reasons as apply to requests for leave generally.

.12 Granting Leave. Maternity absences may be a combination of sick leave, annual leave, and LWOP:

a. Sick Leave. To the extent available, sick leave may be used to cover the time required for physical examinations and periods of incapacitation.

b. Annual Leave or LWOP. Absence due to reasons such as the need for a period of adjustment following birth and recuperation, or for time to make arrangements for the care of the child, may be covered only by the use of available annual leave or LWOP if requested by the employee and approved by the appropriate management official. An employee need not exhaust sick and annual leave prior to requesting LWOP (see 514.4).

.13 Request for Leave. An employee informs her supervisors as soon as possible of her intention to request leave for maternity reasons and indicates the type of leave desired, approximate dates, and anticipated duration to allow the supervisor to prepare for any staffing adjustments which may be necessary. The length of absence from duty for maternity reasons is jointly determined by the employee, her physician, and management.

.14 Request For Light-Duty/Temporary Reassignment. Installation heads make every reasonable effort to accommodate requests for light duty or temporary reassignment to other available work for which the employee is qualified and which is requested due to maternity reasons. Such requests are accompanied by appropriate medical recommendations.

515.2 Absence For Paternity Reasons. A male employee may request only annual leave or LWOP for purposes of assisting or caring for his minor children or the