

LABOR RELATIONS



February 28, 1996

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

MAR 1996

Dear Bill:

This is in reference to your letter dated February 9, 1996, regarding noncompetitive hiring under the Veterans Readjustment Appointment (VRA) authority.

As you know, management reserves the right to fill a vacancy first through promotion, internal reassignments, transfer from other agencies and reinstatements. In addition to these methods, management may utilize other available sources prior to hiring from a register, including hiring employees under the VRA.

Hiring under the VRA authority is accomplished through a noncompetitive process. Although applicants do not require placement on an entrance register, vacancies filled under the VRA are considered the same as those filled from a register for purposes of administering the Transfer Memorandum of Understanding. As such, vacancies filled using the VRA are not considered exceptions to the ratio requirements of Section 1.B. in and of itself.

Please contact Deborah A. Seaward of my staff at 268-3842 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Anthony J. Vegliante".

Anthony J. Vegliante
Manager
Contract Administration (APWU/NPMHU)



American Postal Workers Union, AFL-CIO

1300 L Street, NW, Washington, DC 20005

William Burrus
Executive Vice President
(202) 842-4246

February 9, 1996

Dear Tony:


The enclosed correspondence outlines the position of the Human Resource officer in the Las Vegas, Nevada District on the subject of transfers. This position is at odds with the specific language of the transfer Memorandum included in the 1994 national agreement.

The parties agreed to specific conditions governing transfers, including the recognition of exceptions to the 1 in 4 ratio for acceptance of employees wishing to transfer. The specific language provides that "Local economic and unemployment conditions, as well as EEO factors, are valid concerns. When hiring from entrance registers is justified based on these local conditions, an attempt should be made to fill vacancies from both sources. Except in the most unusual of circumstances, if there are sufficient qualified applicants for reassignment at least one out of every four vacancies will be filled by granting requests for reassignment in all offices of 100 or more man years, if sufficient requests from qualified have been received."

The parties did not make an exception to the 1 in 4 ratio based upon hiring under the VRA authority. In fact, the use of the VRA exception is optional to local hiring authorities, and when used permits the Postal Service to place veterans at the top of the register.

I find no language contained in the agreement supportive of the position of Joe Gold. Please review and respond as to the employer's interpretation as applied to these circumstances.

Sincerely,


William Burrus

Anthony J. Vegliante, Manager
Grievance & Arbitration Division
475 L'Enfant Plaza, SW
Washington, DC 20260

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Northeast Region

Terry Stapleton
Southern Region

Raydell R. Moore
Western Region



Date: December 15, 1995

Ref: VDiMaio:jlc

Re: VETERANS READJUSTMENT ACT (VRA)

4
MAR 1996
Received
Office of the
Postmaster
St. Petersburg

POSTMASTERS
MANAGERS
PLANT MANAGERS

Any VRA conversions to career must meet the following criteria:

Vietnam Era Veterans - Vietnam era veterans who served on active duty between August 5, 1964, and May 7, 1975, HAVE EITHER 10 YEARS AFTER THE DATE OF THEIR LAST SEPARATION FROM ACTIVE DUTY, or until December 31, 1995, WHICHEVER IS LATER, to be considered eligible for VRA hiring consideration.

Post-Vietnam Era Veterans - Under the current law, VRA eligibility for Post-Vietnam era veterans who served on active duty after May 7, 1975, have ten years of eligibility after the date of their last separation from active duty, or until December 31, 1999, whichever is later.

Additionally, there is no time limit for disabled veterans who have a compensable service connected disability of 30 percent or more.

Please direct any questions on this subject to your Personnel Service Center.

Victor A. DiMaio

Victor A. DiMaio
Sr. Personnel Services Specialist

cc: Personnel Service Centers

	ACTION	INFO
NOO TOUR - 1	___	___
NOO TOUR - 3	___	___
LEAD MANAGER - TOUR 2	___	___
MANAGER PLANT MAINTENANCE	___	___
MANAGER TRANSPORT	___	___
MANAGER PLANT SUPPORT	___	___
ORDER BOOK	___	___
OBS	___	___
COR	___	___
APWA	___	___
LEAD	___	___

RECEIVED

DEC 19 1995

PLANT MANAGER
ST PETERSBURG FL 33730-9997

VRA

VETERANS' READJUSTMENT APPOINTMENTS

4 EMPLOYMENT OPPORTUNITIES TO HELP VETERANS

By law, Federal agencies may hire qualified veterans of the Armed Forces directly under the Veteran's Readjustment Appointment (VRA) program. VRA appointees initially are hired for a two year period in the excepted service. Successful completion of the VRA leads to a permanent civil service appointment in the competitive service.

☉ AM I ELIGIBLE?

You are eligible for a VRA if you served for a period of more than 180 days active duty, all or part of which occurred after August 4, 1964, and have other than a dishonorable discharge.

☉ HOW LONG AM I ELIGIBLE?

If you served on active duty between August 5, 1964 and May 7, 1975, you have either 10 years after the date of your last separation from active duty or until December 31, 1995, whichever is later.

If you first entered duty after May 7, 1975, you have 10 years after the date of your last separation from active duty, or until December 31, 1999, whichever is later.

If you have a service connected disability of 30 percent or more, you have no time limit.

☉ WHAT KINDS OF JOBS ARE AVAILABLE?

Agencies can use the VRA authority to fill jobs up through GS-11 and equivalent jobs under other pay systems. The agency you apply to decides whether you meet the experience and education requirements for the job it wants to fill. Agencies may require passing a test for some jobs.

☉ HOW DO I APPLY?

Contact the personnel office at the Federal agency where you want to work to find out what jobs are available. Agencies can recruit candidates and make VRAs directly without using OPM examination lists. If you want a list of local agency personnel offices, contact your local OPM veterans' representative listed on the back of this sheet. If

you need career development help, contact your local State Employment Service or Department of Veterans Affairs Office.

☉ IS THE VRA PROGRAM MANDATORY?

No, it is an optional program. VRA eligibles are not guaranteed appointment. When agencies have vacancies to fill, they can choose candidates from civil service examination lists, agency employees, or current and former Federal employees with civil service status. The VRA program gives agencies another source to consider for selecting quality candidates. An agency picks the candidate it believes can do the job best.

☉ DO DISABLED VETERANS GET SPECIAL CONSIDERATION?

Yes. When hiring under the VRA program, agencies must give preference consideration to disabled veterans and other with veterans' preference over veterans who are not eligible for preference.

☉ WILL I RECEIVE TRAINING?

If you have less than 15 years of formal education, agencies are required to provide a training program for you. If you have 15 years or more, you may participate in training programs on the same basis as other employees. A training program could include on-the-job assignments or classroom training.

☉ WHAT IF I DID NOT SERVE LONG ENOUGH?

The requirement for more than 180 days active service does not apply to (1) veterans separated from active duty because of a service connected disability, or (2) reserve and guard members who served on active duty (under 10 U.S.C. 672 a, d, or g; 673 or 673 b) during a period of war, such as the Persian Gulf War or in a military operation for which a campaign or expeditionary medal is authorized.

O'Donnell, Schwartz & Anderson, P. C.

Counselors at Law

1300 L Street, N.W., Suite 1200

Washington, D. C. 20005

ASHER W. SCHWARTZ
DARRYL J. ANDERSON
MARTIN R. GANZGLASS
LEE W. JACKSON*
ARTHUR M. LUBY
ANTON G. HAJJAR**
SUSAN L. CATLER

(202) 898-1707
FAX (202) 682-9276



JOHN F. O'DONNELL
(1907-1993)

*60 East 42nd Street
Suite 1022
New York, N. Y. 10165*

(212) 370-5100

*ALSO PA. AND ME. BARS
**ALSO MD. BAR

M E M O R A N D U M

TO: Bill Burrus

FROM: Anton Hajjar

DATE: June 21, 1995

RE: Postal preference eligible employees' right to appeal RIF decisions to the MSPB

You asked whether postal preference eligibles need to have a year's continuous service in order to appeal RIF decisions. The answer is no. I will explain.

The MSPB has jurisdiction to hear appeals "from any action which is appealable under any law, rule, or regulation." 5 U.S.C. 7701(a). The RIF statute -- 5 U.S.C. 3502 -- makes no mention of a right to appeal. However, it does give OPM broad rulemaking authority. An OPM rule states: "An employee who has been furloughed for more than 30 days, separated, or demoted by a reduction in force action may appeal to the Merit Systems Protection Board." 5 CFR 351.901. The coverage of the RIF rules under 5 U.S.C. 531.202 is "each civilian employee in ... the executive branch of the Federal Government" and all other "parts of the Federal Government which are subject by statute to competitive service requirements" No exception is made for employees with less than a year of continuous employment. The basic treatises on MSPB procedure -- e.g., Vaughn and Broida -- do not say differently.

There is a statutory restriction on access to the MSPB for adverse actions. Section 7511(a) of Title 5 defines an employee as:

(B) a preference eligible in the excepted service who has completed 1 year of current continuous service in the same or similar positions ... (ii) in the United States Postal Service