



NATIONAL ASSOCIATION OF POSTAL SUPERVISORS

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0217-01 NAPS is requesting the Postal Service policy on family members working in the same office, specifically EAS. A supervisor in Boise, Idaho was reassigned from her supervisor position when her father was promoted to Manager of that office. This was known to Postal leadership in that district at the time of the promotion, since the supervisor had been at that office for a relatively long period of time. NAPS Northwest Area VP John Valuet appealed the involuntary reassignment to Jim Davey whose response is below. While NAPS understands there is a potential for impropriety in such a situation, why was that not taken into consideration at the time of the promotion to Manager? What specific postal policy or regulation governs this type of decision to involuntarily move the EAS supervisor to another office?

Good morning Jim,

I am requesting your review and reconsideration of the involuntary reassignment of [REDACTED] from the Boise Main Office to the Five Mile Station in Boise, ID. I have spoken with both ... the Postmaster and MPOO with no resolution... Prior to the involuntary reassignment letter being issued to [REDACTED], I had discussed this at length with Michelle Grigoroff. At that time, I told her that if there was a policy that drove this decision, I would be more than happy to inform her myself. She said at that time that there was no policy that drove the decision. I also informed Michelle that if there was some kind of investigation that made this reassignment necessary, I would again inform [REDACTED] myself. Again, she said there had not been. The issued letter stated this action was being taken to "protect you and the Service from potential issues."

..... The OIG investigated and found [REDACTED] worked for her dad. That was known when he was promoted since his daughter was already a supervisor there for some time. She does not state in any way that they found any impropriety. She only states that he would have the ability to engage in some impropriety.... Outside of the simple fact that they did involuntarily reassign her, I find it at best, disappointing they didn't make an issue of this prior to his promotion. If they had, they could have made the decision individually whether he would accept the promotion knowing she would have to move or decline the promotion so she did not have to move.

John Valuet



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From: Davey, James A - Denver, CO

Date: Fri, Jan 20, 2023 at 2:34 PM

Subject: RE: [EXTERNAL] [REDACTED] Involuntary Reassignment

Good Evening John,

Per your request, I have reviewed this matter. It is my determination that local HR acted reasonably and within their capacity. Per the letter you provided, it does appear the Office of Inspector General received this issue and referred it to us for review. Typically, the way the OIG becomes aware, is through an employee concern. They do not randomly review reporting relationships looking for nepotism concerns. Reporting relationship issues come to us in many different ways but typically, like in this case, someone raises a concern and it is incumbent upon local HR to review. It does not matter whether the OIG interviewed personnel or not - or whether they already found specific violations. Even if a particular reporting relationship is not prohibited under the ethics regulations, it could still cause workplace concerns. It is ultimately up to the appropriate HR office to determine whether a particular reporting relationship is problematic, even if it does not automatically violate an ethics regulation. Local HR will review and take appropriate proactive actions to prevent future complaints, litigation, and possible corrective action where needed. In this case, given the way the issue was presented to us, it is safe to assume someone locally already has concerns and reached out to the OIG. To leave the reporting relationship intact, is to place both employees in a situation where actions are constantly under scrutiny, subject to personal interpretation, and where it is likely at some point we will have continuing complaints from the workforce. Even the smallest of ethics violations, intentional or not, could put either or both employees in a position to be disciplined or removed. Therefore, I believe the action taken was reasonable in this case. Our decision stands as outlined in Amy Bennett's letter to you. Should [REDACTED] father move, or other jobs become available, we can certainly re-evaluate down the road.

Response: In accordance with the provisions of Title 39, section 1004 paragraph c.2.B, "Grievances of individual employees shall not be matters which may be included as agenda items under this paragraph."

Employees designated as selecting officials are informed, and must certify, when selecting a candidate for a position, that the selected candidate will not be in a reporting relationship to a relative. If that selected candidate will be in a reporting relationship to a candidate, then the



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selecting official must contact their manager and Human Resources to discuss before any selection is made. Even if a particular reporting relationship is not prohibited under the ethics regulations, it could still cause workplace concerns. It is ultimately up to the appropriate HR office to determine whether a particular reporting relationship is problematic, even if it does not automatically violate an ethics regulation.

0217-02 NAPS is inquiring about IT technology upgrades? The USPS has advertised this \$2 billion investment, and based upon the concerns listed below, this investment is needed immediately.

1. Offices continue to disconnect scanner cradles several times a day to make sure that the PASS cart will route packages,
2. Several times a week scanned item pictures from PASS cart cannot be pulled.
3. Almost daily there are issues to upload scanned items, unless the scanner is on the cradle,
4. When all RSS counters in offices use the network speed drops down to dial up level
5. Using Apps like DMS, RIMS, US Bank Voyager and others get more difficult due to a speed of the network.

The IT help desk response often is to not create ticket# as the postal network is slow and not much they can do about it. Offices need the internet running, need RSS's and SSK's running without placard "Internet issues", scanners need to connect with their base, PASS cart needs to route and much more. Offices are often on accountability telecoms yet their IT equipment is slow and outdated. When will this technology upgrade begin to show results?

Response: Significant investment is being made to our capital investments with technology upgrades that have been ignored for decades. This includes investing in our state-of-the-art facilities such as our Sorting and Delivery Centers. One example of an immediate investment is the deployment of 30,000 laptops to managers, supervisors and field operations.

0217-03 The reason ALL Level 18-22 became SPECIAL exempt is because of the new initiative with NAPS and USPS regarding Postmasters and Managers being compensated when required to deliver mail. As a result, Postmasters and Managers are being required to clock their hours with a timecard, and not be on auto rings. NAPS has been told that some districts are requiring POOMs to track the hours when a Manager or Postmaster may be working 12-14 hours in a day to cover vacant EAS assignments, open and close their offices, spend some part of the day delivering mail, and other necessary required assignments that force the Manager or



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Postmaster to work beyond 8 hours. If it is determined they did NOT carry mail for that entire time frame they may be required "to pay the money back." NAPS HQ is asking for clarification of this clocking process so that Managers and Postmasters can accurately record their workhours.

Response: Handbook F-21 -Time and Attendance. Exhibit 141.h – Recording Time

Level 23 and below

- a. *When daily clock rings are required, they may be recorded electronically, mechanically (using a time clock), or manually (written in) at the discretion of local management.*

Handbook F-21 -Time and Attendance

141.3 Employees Who Are Not Required to Record Daily Clock Rings

The following employees are not required to record daily clock rings:

- b. PCES employees.
- c. Postal inspectors.
- d. Attorneys (RSCU).
- e. Exempt employees in Headquarters and Headquarters field units.
- f. FLSA exempt employees in grades EAS 24 and above.
- g. Other FLSA exempt employees whose schedule and position does not include premium pay eligibility. (Certain employees in this category are eligible for overtime during the designated Christmas period. These employees must record daily clock rings for those weeks in which overtime may be earned.)
- h. Exhibit 141
- i. Recording Time**
- j. This exhibit shows which employees are required to record daily clock rings and sign their timecards. All employees must record leave hours on PS Form 3971 and enter the appropriate leave hours on their timecard or other approved media (such as timesheets or EBRs).



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Exhibit 141

Recording Time

This exhibit shows which employees are required to record daily clock rings and sign their time cards. All employees must record leave hours on PS Form 3971 and enter the appropriate leave hours on their time card or other approved media (such as timesheets or EBRs).

	Daily clock rings required?	Must employee sign time card?
FLSA exempt		
PCES Employees	N	N
Postal Inspectors	N	N
Attorneys (RSC U)	N	N
SMD Mgmt Interns/Trainees (RSC J)	N	N
EAS Employees		
Level 24 and above	N	N
Level 23 and below	N ^{1, 2}	N ³
FLSA nonexempt		
EAS employees	Y ²	N ³
CAG L Postmaster/Leave Replacements	(see 147)	
Bargaining Unit Employees ⁴	Y ⁵	N
Rural Carriers	(see chapter 5)	

1. If schedule and position include premium eligibility, daily clock rings are required.
2. When daily clock rings are required, they may be recorded electronically, mechanically (using a time clock), or manually (written in) at the discretion of local management.
3. If the time is written in, the employee must sign the time card.
4. Also includes casual employees.
5. These employees are required to use a time clock. If a time clock is not available, clock rings must be written in.

ELM - 434.143 Eligible for FLSA-Exempt EAS Additional Pay FLSA special exempt employees in EAS-18 positions and below are eligible for EAS additional pay if authorized to work over 8.5 hours on a scheduled day or any hours on a nonscheduled day, even while on a temporary assignment such as to an OIC position. When authorized work exceeds 8.5 hours on a scheduled day, EAS additional pay is received for the first half hour as well as for the authorized work over 8.5 hours. Regular FLSA-exempt employees in EAS-23 positions and below positions except postmasters and officers-in-charge are eligible during the designated Christmas period provided they are authorized to work over 8.5 hours on a scheduled day or any hours on a nonscheduled day and the additional hours are spent directly supervising



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0217-04 NAPS has been made aware of a safety issue that affects employees, including EAS, at the Tallahassee P&DC. Currently carriers are housed in a trailer behind the Tallahassee P&DC in an office called the Tallahassee GMF. Currently the trailer houses fourteen routes. There are plans to add another route. This trailer is located behind the platform of the Tallahassee P&DC. After the carrier's case their routes, they must go down wooden ramps, with mail, to exit the trailer.

Also, the clerks sort parcels outside in the parking lot. They do this in all kinds of weather. In January 2023, the low temperatures were in the mid 30's. They used to have kerosene heaters, but Patricia Becker, Plant Manager, Tallahassee P&DC eliminated them as a safety hazard.

In addition, Plant Manager Becker does not let Amazon back up to the platform. The Amazon driver uses a liftgate on the truck to lower pallets of mail. At times the pallets fall off the liftgate.

This whole operation is unnecessary as this unit could be moved into the plant, making it safer for all employees and abating OSHA violations. NAPS is requesting this operation in the trailer be moved into the Tallahassee P&DC.

Response: The Local safety office will conduct a site visit to identify whether there are any hazards and if found will establish an abatement plan. We have many facilities that house carrier routes in trailers and sorting and distribution areas are located outside of facilities. If an Amazon driver is not operating their lift gate safely, it should be reported just as with carriers unloading 2-ton vehicles with lift gates. Although there may be space in the adjacent plant, we are unsure whether the space is adequate and can be utilized by delivery carriers for all of their duties. For example, the plant dock may not have the proper platform height to load/unload LLVs and adequate ramps for carriers to push equipment to their vehicles.

0217-05 A retaliation case that was filed against a South Dakota plant manager in June 2022. There was an allegation of harassment resulting from a situation that occurred between a bargaining unit employee (VOMA) and the plant manager. There was a multitude of documents submitted resulting from this reported incident; all these documents were given to the IMIP fact-finders (at the Area level) for review and consideration in their fact-finding mission. The case required the Central Area to do an IMIP and it keeps dragging out while those that feel harmed are left with no answers. What is the status? The results were in weeks ago and nothing was said about more investigation was needed, just a review. LR Manager, Jinni Ramirez, has not provided responses to NAPS North Central Area VP Dan Mooney after repeated efforts. This issue of non-



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responsive Managers in the Central Area has been brought to the attention of Postal HQ previously.

Response: In accordance with the provisions of US Code Title 39, Part II Chapter 10 section 1004 paragraph c.2.b, "Grievances of individual employees shall not be matters which may be included as agenda items under this paragraph."

NAPS is not privy to investigation results. Once an investigation is completed, the Harasser and harassee are notified of the determination of the investigation.

0217-06 NAPS is bringing back to the table the issue of ELM 519.733 language:

519.733 Directed to Work

When an exempt employee is directed to work a full day on a holiday or other full day in addition to normal workdays, the supervisor may grant a full day of personal absence without charging it to official leave.

NAPS has requested that the word "may" be changed to "must", as all too often higher level managers are not granting this full day of personal absence to EAS working a holiday, or day other than a normal workday.

RESPONSE: This has been addressed in prior conversations and in consultative meetings with NAPS. The Postal Service does not agree that the language of ELM 519.733, *Directed to Work* needs to be changed. The discretion in granting a full day of personal absence without charging it to official leave should be left to the supervisory authority. There may be situations where FLSA-exempt non-bargaining employees may be required to work a full day in addition to normal workdays to evaluate and analysis office performance, typically on Saturdays. That intent would be for the Exempt Manager or Postmaster to implement improvements to increase efficiency and then return to their normal schedule. Managers should not require exempt employees to consistently work on their scheduled days off without rest days.

Exempt managers should develop subordinate staff as replacements for when the manager is not scheduled. The April 2012 Brennan memorandum, *Work Schedules, FLSA-Exempt Non-bargaining Exempt employees* is still in effect and explains that although exempt employees are not limited to working a specified number of hours in a service week, there is a practical limit to the extent and regularity of requiring additional hours of exempt employees. It further explains that the Postal Service will limit those situations consistent with Employee and Labor Relations Manual, section 432.

432.112 Nonbargaining Unit Employees

Nonbargaining unit employees are categorized as follows:

a. *Full-time salaried* — one of the following categories of salaried employees employed according to procedures established by the Postal Service:



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(1) *Exempt salaried* — career employees who are exempt from the FLSA provisions, are not limited to working a specified number of hours in a service week, and are expected to work or have excused leave for at least 40 hours per week fulfilling the responsibilities of their positions.

0217-07 NAPS HQ has become aware that the NALC is operating their Dispute Resolution Teams (DRT) under the old 67 district format due to the Collective Bargaining Agreement. The EAS DRT positions have been reduced to the new district alignment of 50 districts and USPS is using details for the rest. NAPS is requesting that those details be converted to full time positions again, barring a change in the collective bargaining agreement.

RESPONSE: These allegations are inaccurate. The Postal Service has 66 authorized Labor Relations Specialist (Region) EAS-21 positions for Regional Dispute Resolution teams. There are currently 8 vacant positions that are currently in the posting and selection process. The vacant positions are the product of the former incumbents receiving promotions, primarily into EAS-23 positions.

USPS/NALC MOU Re: Article 15 – Dispute Resolution Process: The Postal Service and the NALC will each determine their own method of selection for the Step B representatives.

Labor Relations Specialist (Region) EAS-21, OCC 0233-5018

Area	Authorized	Vacant
ATLANTIC	18	1
SOUTHERN	17	5
CENTRAL	18	0
WESTPAC	13	2
Total	66	8

0217-08 Typically the NPA payout is rolled into the first pay period of the year; however, in FY 2023, because the first day of the new pay period was in December of the calendar year 2022, this caused everyone's NPA to be delayed another two weeks, meaning the NPA didn't enter in the employee's checks until January 28th, 2023. Members feel they are being made short a salary raise by two weeks. NAPS is requesting that NPA be released in the exact first week of the new calendar year, regardless of when the last day of December is, and if any EAS pay was lost as a result of this issue at the end of December 2022, all affected EAS be made whole.



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Response: The statement that the NPA(PFP) payout is typically rolled out into the first pay period of the year is not accurate. Programming for pay is aligned with implementation of our salary schedules and the leave years. The first full pay period of calendar year 2023 was PP-03, January 14. Below are prior effective dates of the PFP.

Federal government payouts are also awarded the first full pay period but their work week starts on Sunday, so implementation of the changes was one pay period earlier this year. Below are effective dates of salary schedule changes and PFP awards in prior years that occurred more than one week after January 1. Last year, the date was 1/1/22 so this year is likely one of the latest dates for implementation.

1/17/2009
1/16/2010
1/15/2011
1/14/2012
1/12/2013
1/11/2014
1/10/2015

0217-09 In FY 2022, the F-4 parcels per hour were 270. Now in FY 2023, that has been raised to 300. Can the USPS explain what historical data was used to support this increase in productivity considering the APWU doesn't recognize any distribution standards? Are the measurement formulas used to determine 300 parcels sorting per hour in F-4 based on a theory or a proven method?

Response: The Postal Service completed a time study analysis of 186 offices for Customer Service Variance (CSV) in FY22. The offices studied encompassed offices of all sizes and varying route counts. In FY23, the results of the study were implemented in CSV.

Parcel productivity was adjusted from a flat 270 piece per hour target to fit the capabilities of each unit based on the number of routes requiring manual sortation. Now the parcel productivities have a scale of 9 different factors (show below from CSV productivity page) based on the number of routes in the office.

These are the raw factors before allowances for safety talks and breaks are added.



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43PAK	
Unit Distribution Parcels Rates: 0 - 10 Separations	328.00
Unit Distribution Parcels Rates: 11 - 20 Separations	313.00
Unit Distribution Parcels Rates: 21 - 35 Separations	281.00
Unit Distribution Parcels Rates: 36 - 49 Separations	271.00
Unit Distribution Parcels Rates: 50 - 63 Separations	264.00
Unit Distribution Parcels Rates: 64 - 77 Separations	258.00
Unit Distribution Parcels Rates: 78 - 84 Separations	250.00
Unit Distribution Parcels Rates: 85 - 116 Separations	241.00
Unit Distribution Parcels Rates: 117 - 999 Separations	227.00

The adjustment is a Variance system re-programming – not individual unit enhancements. It went live the third week of October, 2022.

0217-10 With regards to the S&DC, how will each NALC local agreement be handled? Will local negotiations take place for one agreement in the SDC, or will each current local agreement continued to be honored?

Response: The LMOU at the S&DC site is the controlling LMOU for that site and all the spoke routes/employees moved or excessed into the S&DC will be covered by the LMOU at the gaining facility (S&DC). As a reminder, an S&DC is its own installation.

If there are employees left at the losing or spoke site(s), the LMOU for their respective craft at the losing/spoke site(s) is still in effect. The January 13, 2013 MOU with the National Association of Letter Carriers established a process for reviewing LMOUs when carriers were moved to S&DCs.

- January 13, 2023 – Memorandum of understanding (MOU) concerning the agreed upon procedures to be followed regarding local memorandums of understanding (LMOUs) when all city letter carrier assignments are permanently moved from an independent installation to a sorting and delivery center (S&DC). The process outlined in this MOU does not apply when an installation is discontinued and/or consolidated, or when a station or branch is transferred or made independent in accordance with Articles 12.5.C.1, 12.5.C.2, and/or 12.5.C.3 of the National Agreement.

0217-11 NAPS is requesting an update on the F4 Back Office Play? Members continue to voice concerns over the requirement to staff this detailed position. NAPS was told in briefings on this pilot that it was through peak season, which obviously has ended. Many of the offices required to staff



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this position don't have the authorized complement to run the play and therefore most are covering the position with either their supervisor working 6 days or using an available 204b While there may be value having a supervisor start at the same time as the first scheduled clerk, EAS are overworked or simply cannot find and schedule an adequately skilled 204b to effectively run the play as designed. NAPS is requesting that if in fact Headquarters is going to continue the requirement to staff this unauthorized supervisory position that these positions be created as permanent positions as posted as such.

Response: The BT 2 DUT is an initiative designed to increase efficiency in AM Function 4 Operations with an emphasis earlier distribution up times and to drive Function 2 success. The Function 4 Back Office Play and the BT 2 DUT, although designed to increase efficiencies in Function 4, are different initiatives. The BT 2 DUT initiative has been modified following its establishment in peak season:

- Applies to all Tier 1-3 offices, LV 22 and above units with three (3) or more Supervisors. The Supervisor will start their day no later than 15 minutes from the first employees begin tour.
- In Amazon Night Owl sites, no later than 2 hours after the first employee arrives and within 15 minutes of the second night owl employee's Begin Tour.

If units do not have adequate supervisory staffing to comply with this initiative daily, then this should be discussed with district senior leadership.