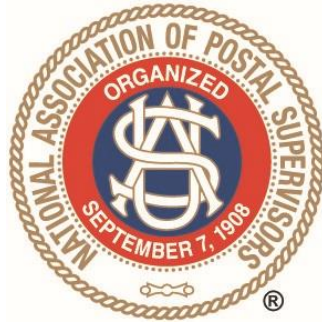


NATIONAL ASSOCIATION OF
POSTAL SUPERVISORS



**OFFICER TRAINING
MANUAL
(OTM)**

Revised 03/22

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1. Introduction

This is a complete revised edition of the National Association of Postal Supervisors (NAPS) Officer Training Manual (OTM), produced by the Education and Training Committee. It is designed as a permanent reference work for the officers of a NAPS branch. Although many of the procedures described in later sections will never change, updates, if necessary, will be made.

1.1. Responsibility for Maintaining this Manual

The branch president is responsible for maintaining this manual. If printed with branch funds, the OTM should be considered the property of the branch, not the property of an individual officer or member. As new officers are elected each should review the chapter which describes the duties and responsibilities of the office to which they are elected.

1.2. How this Manual Is Organized

This manual provides information on the duties and responsibilities of all elected officers, standing committees and the legislative representative. The sections are organized as follows:

- Section 1 Introduction
- Section 2 President's Responsibilities
- Section 3 Secretary's Responsibilities
- Section 4 Treasurer's Responsibilities
- Section 5 Committees
- Section 6 Protocol
- Section 7 Legislative & Political Affairs
- Section 8 Discipline, Grievances and Appeal Procedures
- Section 9 Adverse Action Appeals Under ELM Section 650
- Section 10 Debt Collection Act Under ELM 450
- Section 11 Disciplinary Defense Fund (DDF)
- Section 12 Office of Inspector General (OIG) Warnings
- Section 13 NAPS Logo Trademark Policy and Use

1.3. Terminology

References to officers, offices and documents in this manual, where a location is not explicitly noted, are to NAPS national officers, offices and documents. For example, references to president (other than those in the section on *branch* presidents) concern the nationally elected NAPS president. References to Headquarters refer to NAPS Headquarters. References to the Constitution and Bylaws refer to the national (not branch or Auxiliary) document. References to the Executive Board concern the NAPS national governing body. References to “supervisor” or “supervisors” refer to all active members that include managers, postmasters, and other EAS personnel eligible for NAPS membership.

1.4. Additional Copies

Additional copies may be downloaded from the NAPS home page, via the *Members Section* tab, subsection *Forms and Documents* and then *Training*.

1.5. Additional Information Available on the NAPS Web Site

NAPS' web site is:

<http://www.naps.org/>

NAPS members can find regularly updated timely information on the website. The following information categories are available, but are subject to change:

1.5.1. ABOUT US

This is an overview of the organization for prospective or new members, including the object of the organization and its structure, the Executive Board and how to contact them.

ABOUT US

[History & Mission](#)

[Executive Board](#)

[Membership](#)

[Local NAPS Branches ▶](#)

[Training & State Conventions](#)

[2018 National Convention](#)

[National Auxiliary](#)

[FAQ's](#)

[NAPS Newsroom](#)

1.5.2. Legislative Center

Timely information is posted by NAPS' Legislative Team about pending legislation that may affect the membership and/or the Postal Service, our legislative agenda for the year, information on postal reform, NAPS Chat, legislative officer update forms, SPAC contribution forms and "Hatch Act Do's and Don'ts."

LEGISLATIVE CENTER

[Legislative Affairs Home & Breaking News](#)

[SPAC](#)

[Legislative Training Center](#)

[NAPS Chat - Weekly Podcast](#)

1.5.3. Members Section

This section, which is not password protected, allows all NAPS members to have access to various information, content, publications and forms. Some of the contents available in this section include:

- * NAPS Constitution & Bylaws;
- * Student scholarship information;
- * Current and archived issues of *The Postal Supervisor*;
- * Latest NAPS/USPS Pay and Benefits Package;
- * Title 39, U.S.C.;
- * ELM 650 Procedures; and,
- * Links to the USPS, other postal organizations, congressional and legislative information, TSP, the Government Printing Office and the Library of Congress.

MEMBERS

[External Resources](#)

[Forms & Documents ▶](#)

[NAPS Legislative Library](#)

[The Postal Supervisor](#)

[Bulletin Board ▶](#)

[Benefits](#)

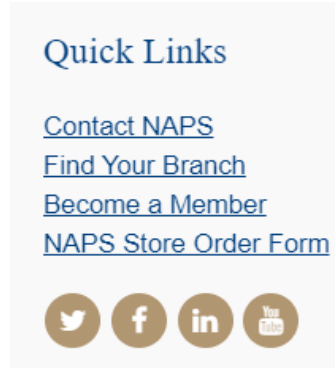
[NAPS Store](#)

1.5.4. News

It includes any recent or current news from NAPS Headquarters or news from USPS Headquarters.

1.5.5. Quick Links

Quick links provide access to other information that may be of interest to members. Clicking on each link provides immediate access to contact NAPS headquarters, Find Your Branch, Become a Member and the NAPS Store.



1.5.6. Contact NAPS

This section lists various NAPS contacts available to assist membership. Comments and suggestions are welcome from anyone accessing our web site and may be emailed to NAPS Headquarters at napshq@naps.org.

ABOUT US

[History & Mission](#)

[Executive Board](#)

[Membership](#)

[Local NAPS Branches ▶](#)

[Training & State Conventions](#)

[2018 National Convention](#)

[National Auxiliary](#)

[FAQ's](#)

[NAPS Newsroom](#)

1.5.7. FAQ Contact NAPS

NAPS Headquarters will answer any questions you may have regarding your membership or NAPS' work on Capitol Hill. In this section you will find frequently asked questions that we regularly receive in our office. If you have any additional questions, please do not hesitate to contact us at NAPS Headquarters.

2. President's Responsibilities

This section contains information on the duties and responsibilities of a branch president, including instructions for accomplishing the basic tasks assigned to the individual elected to this position. New branch presidents are encouraged to study this section closely and to benefit from their predecessors' experiences.

2.1. Definition of a Branch President

The branch president should be the catalyst and heart of the branch. The branch president should be elected because he or she has a genuine desire to improve the lot of supervisors, managers, postmasters and the Postal Service; must be willing to dedicate long hours to the position and be prepared to receive little or no recognition for his or her efforts; and, must be able to communicate both verbally and orally with a high degree of skill.

The president is the branch's leader and presiding officer. The president's plan of operation is prescribed in the branch's constitution and bylaws. Further enhancement of the branch president's leadership and achievements is augmented by the:

- branch executive board;
- the committees which carry on the branch's projects and activities; and,
- the president's ability to organize, lead, suggest and inspire.

The success of the branch is often based on the president's ability to select capable leaders who will serve as committee chairs, and the judicious delegation of responsibility to the committee chairs so as to receive the cooperation and enthusiasm for goals, objectives and work which is the key to success.

The suggestions, ideas and opinions of the committee chairs must be respected and given consideration. The advice must be accepted without diluting the president's responsibility and leadership.

2.2. Communication with NAPS Headquarters

NAPS Headquarters exists to coordinate national activities of the Association and to act as a liaison with Postal Service executives at the headquarters level. The resident officers also provide assistance to branch officers who need immediate assistance in the absence of an area or national regional vice president.

The branch secretary (see Section 3) handles most communication between NAPS Headquarters and branches. When a branch president requires more immediate assistance, however, the resident officers are always available for advice and information. Branch presidents are encouraged to direct questions to area and national regional vice presidents whenever possible.

2.3. Duties of the President

2.3.1. Presiding at Meetings

The president directs and controls the meeting. The president plans the agenda, sets the timeframe for agenda items, sets the meeting's tone, maintains order, and controls the pace. If there are guest speakers, the president knows who they are, their subject, and has a brief biography of each speaker prepared to give a proper introduction.

The branch president knows both the national and branch constitution and bylaws. The president must know if the branch has a quorum per its constitution before calling the meeting to order. The President uses *Robert's Rules of Order, Revised*, to govern branch meetings. The president should always stay within the established order of business except in unusual circumstances (such as a guest who must leave by a certain time) and with the permission of those in attendance. The usual order of business is the following (see Sample Meeting Agenda Figure 2-1 on Page 9):

1. Roll call of officers
2. Minutes from last meeting
3. Treasurer and Officer Reports
4. Report of committees
5. Unfinished business
6. New business
7. Adjournment

2.3.2. Maintaining Order

The branch president:

- maintains order by allowing everyone an opportunity to speak at least once on an issue, unless the question has been called before all can speak.
- never gets caught up in the discussion, but monitors the membership.
- watches for those who wish to be recognized and speak on the business being discussed.
- keeps the session moving at a brisk pace and avoids losing control of the meeting.
- sets a time to discuss a topic.
- controls long-winded individuals who talk, but adds nothing to the discussion.
- recognizes other members to speak on the issue.
- maintains order when a guest speaker is presenting and handles the Q&A that may follow.
- does not allow the membership to become rude or badger a guest. If a member becomes rude or unruly, it is the president's responsibility to maintain order and see that the guest is afforded every courtesy.

2.3.3. Assigning Tasks to Fellow Officers and Members

The president guides and conducts business for the branch. Most branch constitutions stipulate duties and responsibilities for each officer. However, it is the president who has the responsibility of ensuring that other officers perform their duties. The president is charged with conducting the business of the branch. This entails assigning tasks to various branch officers and members, which may include research on a particular subject, obtaining a hall for the next meeting, coordinating a branch social event, or arranging for a guest speaker.

2.3.4. Appointing Committees

Committees are a very important part of branch activity. They are the method whereby the branch conducts business and develops future officers. The president appoints committees to accomplish tasks for the branch. Committees cover a wide range of areas from membership to elections. The president selects committee chairs carefully, as this usually determines how effective committees are. The president stays informed of the committees' progress and problems and is prepared to lend assistance or guidance as needed.

2.3.5. Communicating with Postal Service Officials

The branch president is the individual charged with representing branch members. The president communicates with higher-level management on behalf of the branch and individual members. The president develops an open communication channel with local postal leadership and other higher-level postal managers depending on the branch's location. The importance of a good working relationship with postal officials cannot be over stressed. NAPS seeks to resolve member problems at the lowest level, in the shortest possible time. The president's ability to communicate immediately with the necessary postal officials is vital to quick resolution of problems.

The president telephones or meets with the senior official in a timely manner. A good working relationship, rapport and an open communication channel are vital to the success of a branch president on behalf of the member. The president presents a member's case to the responsible postal official, who also may be the same individual who does the president reports as a postal employee. NAPS is not a union; it is a management association. NAPS exists for the betterment of our membership and the Postal Service.

Resolving conflicts with senior postal managers is best accomplished at the lowest level through direct communication.

2.4. Types of Branch Meetings

The purpose of the meeting determines the type and extent of preparation needed. There are two types of meetings:

- * regular meetings (such as monthly, or election meetings); and,
- * special meetings (such as the installation of officers and holiday meetings).

2.4.1. Regular Branch Meetings

Even when scheduling regular branch meetings, held in the same place, on the same day, at the same time each month, the president reminds the members of the meeting. It is important that each member receive a meeting notice. Whenever possible the agenda should be sent with the meeting reminder. Figure 2-1 (*See OTM page 9*) shows a sample of a typical meeting agenda.

Some typical issues addressed at branch meetings would include approving dues increases, planning for special meetings, selecting delegates for conventions, representatives for area or regional training seminars and discussing new postal policies.

2.4.2. Special Branch Meetings

The site for special meetings is usually different from that of the regular branch meeting. This requires more advance planning and notification of the event to the members.

When selecting the site for a special meeting, the president determines if the facility meets the needs of the branch:

- Is the room large enough?
- Location—Is the facility conveniently located to ensure attendance of as many members as possible?
- Food and Beverage—What will be served? What will the cost be to the members? Will there be a (cash) bar?
- Equipment—Is there a podium, microphone, A/V equipment?
- Is a flag available?

Once the arrangements are finalized, the president prepares the meeting notice and asks members and guests to RSVP. This is essential since most restaurants/hotels ask for a guarantee, or a minimum number of people attending, several days prior to the event.

Note: Most facilities prepare enough meals for three percent (3%) more guests than indicated by the guarantee. Since this figure varies, the person in charge of meeting arrangements finds out what the facility's policy is and uses this in determining if there are enough meals for the few unexpected guests who usually attend such functions.



Branch XYZ Meeting Agenda

1. Call to order
2. Invocation
3. Pledge of Allegiance
4. Roll call
5. Reading or disposition of minutes
6. Report of Treasurer
7. Reports of standing committees
8. Reports of special committees
9. Old business
10. New business
11. Announcements
12. Adjournment

Figure 2-1, Sample Meeting Agenda

2.5. Guidelines and Rules for Conducting Branch Meetings

There are both guidelines and rules branch presidents should follow when preparing for and conducting branch meetings (regular or special).

2.5.1. Pre-Meeting Planning

Before the meeting begins, note the following guidelines:

- Review the agenda.
- Know the background behind all business items to be discussed.
- Bring a list of all committees and committee members.
- Contact all those participating in the program to verify they are adequately prepared.
- Bring a copy of both NAPS' and the branch's Constitution and Bylaws *and Robert Rules of Order, Revised* to the meeting.

2.5.2. Guidelines for Conducting the Meeting

- Start and end the meeting on time.
- Follow the prepared agenda.
- Determine if a quorum is present. A quorum is required to conduct any business to be voted on and which is binding on the branch.
- When an officer, committee chair or speaker is unable to attend, make arrangements for a written report to be read or for a substitute to provide the report.
- Allow only one question at a time.
- Require a member to stand when presenting motions or questions.
- If two members rise and address the chair simultaneously, recognize the one who has not spoken or has spoken the least, or the member who represents a point of view different from the last speaker.
- Tactfully interrupt any member whose comments are not relevant to the discussion underway. Tell the member his or her remarks "are not relevant" to the discussion. Do not say the member's remarks are "out of order."
- Be sure a full and free debate is conducted before voting on a motion.
- Whenever possible, permit the person making the motion to open and close debate on the motion.
- Put all motions to a vote.
- Restate all questions brought up before the membership.
- Decide all questions in order.
- Pass non-controversial motions using the unanimous consent procedure, to expedite business during the meeting. The president may say, "Is there any objection to this motion? If not, the motion is passed." If a member objects, then a vote must be taken.
- Follow parliamentary procedures strictly to preserve order and decorum at all times.
- Use the gavel sparingly.

2.5.3. Rights of the President/Presiding Official

During a debate the president or presiding officer has certain rights which should be exercised judiciously:

- The president may provide factual information if it increases the understanding of the group or if members request it.
- The president may debate a motion, but if this is done the president should appoint someone to take the presiding official's place until the full issue has been decided by the membership. After the vote has been completed on the motion, the president resumes control of the chair.
- The president enjoys full voting privileges, but should not vote unless it is necessary to do so. Voting on every issue lessens the attitude of impartiality a good president should strive to preserve. The president usually votes only to break a tie or to create a tie (Tie defeats a motion).

For additional information on parliamentary procedure, consult *Robert's Rules of Order, Revised*.

2.5.4. Follow-up after a Meeting

After the meeting the president confers with the committee chairs to make sure they understand what projects/tasks are assigned to them. Once the branch secretary completes the minutes the president should review them. If the branch requires an activity report, the president completes it.

2.6. Discipline/Adverse Actions/Grievances

The branch president is usually the person charged with representing members in adverse action and disciplinary situations and in debt determination situations. However, in some branches, individuals or committees are assigned these tasks.

Branch presidents must treat every adverse action or disciplinary case seriously and act accordingly, paying particular attention to time frames. (See OTM, Section 8 and 9, respectively).

2.7. Information on File

Periodically correspondence is emailed from NAPS Headquarters to area vice presidents, who then distribute them to branch presidents. This correspondence is also posted on the NAPS website. The correspondence usually deals with significant changes to existing postal policy or the announcement of a new policy of importance. Branch presidents must ensure such correspondence is passed on to the other branch members, including branch officers.

See the NAPS Home Page, **Members Section**, *Bulletin Board* and *Forms and Documents* for this correspondence including forms and letters, which can be printed or downloaded to a computer file. A sample of topics are included below:

- Title 39, U.S.C.
- Discipline;
- Miscellaneous;
- Policy Updates;
- EAS Pay Policies;
- Tax information for Branches;
- Vacancies; and,
- Workload Credits

This is not intended to be a comprehensive list, but representative of the types of letters, documents, and policies that every branch must be familiar with and have readily available if necessary. Additional letters are referenced in subsequent sections of this manual.

For information on other policy-setting letters, contact your area vice president.

NOTE: The OTM does not have a section for Vice President Responsibilities. Each branch utilizes the Vice President position differently. In most cases, the Vice President assumes duties and responsibilities as assigned by the branch President. In addition, most branches have outlined the duties of their respective Vice President(s) in their branch Constitution & Bylaws.

3. Secretary's Responsibilities

This section contains instructions for completing those tasks generally assigned to the person elected branch secretary. If the branch chooses to combine the secretary and treasurer positions, the individual elected should review this section and Section 4, Treasurer's Responsibilities.

3.1. Definition of a Secretary

The secretary's primary responsibilities include:

- membership rolls;
- correspondence;
- attendance records; and,
- meeting minutes.

Accuracy in such records is essential. For example, many branches require a certain level of attendance at meetings for members to be eligible for office or to represent the organization at conventions. Attendance books may be used to keep track of this attendance. Members are asked to sign in at all meetings, thus enabling the resolution of disputes over eligibility for office or delegation.

The time taken in keeping careful and accurate minutes, correspondence and records saves many hours and resolves many disputes and makes life easier for officers in the future.

3.2. Dues Check-Off (DCO) Printout

Branch secretaries use one document more than any other for purposes ranging from resolving membership questions to setting branch budgets to verifying voting strength at a national convention. That document is the Dues Check-Off printout, or DCO. The DCO is a computer-generated list of active and associate members generated monthly by NAPS Headquarters, and which is emailed to an officer or officers as indicated by the branch.

The DCO indicates the number of active and associate members by branch, the total amount of dues collected for a given month by the USPS Postal Data Center (PDC), the portion of the dues withheld for that month by NAPS Headquarters (i.e., per capita), and the portion of the dues remitted to the branch. Dues are remitted electronically to the branches monthly and DCO printouts are emailed approximately 3-5 days following remittance.

The amount of the per capita withheld by NAPS Headquarters, the amount remitted to the branch and other details are based on which membership category an individual is listed under (see next section for details).

3.2.1. Membership

The branch secretary's responsibilities require a complete understanding of each membership category; eligibility for membership; the methods for collecting dues; and the method for changing a member's type of membership.

There are three membership categories:

- active members,
- associate members, and
- honorary members.

3.2.2. Active and Associate Members

Active membership is open to “all supervisory/managerial and postmaster personnel who are not subject to collective bargaining agreements under Chapter 12 of Title 39, US Code, and who are employed in processing and distribution centers and facilities, including, but not limited to: Headquarters, area and district offices, post offices, network distribution centers; and other installation personnel.”

“NAPS is not the representative of personnel employed as PCES installation heads and postal inspectors, or other like positions in the USPS Headquarters or field facilities.”

There are two methods for paying active members' dues:

- dues withholding, and
- direct pay.

Dues-Withholding Members

Members who have their dues automatically deducted from their paychecks are called dues-withholding members. It is recommended that every new member become a dues-withholding member.

Each month NAPS Headquarters transmits an electronic deposit to the branch’s designated financial institution account for their share of the money withheld under the DCO program. All branches are required to be on “Direct Deposits” for receipt of dues withholding checks. (See National Constitution Article XIII, Section 9).

Forms 1187

The Form 1187 authorizes automatic dues withholding from an eligible member’s paycheck. Branch officers may obtain blank forms from the NAPS web site.

When submitting Forms 1187 for new NAPS members, the completed original, along with a copy, is submitted directly to NAPS Headquarters. NAPS no longer uses the 4-part color-coded carbonless Form 1187. It is imperative that Form 1187 contain all pertinent information, including the person's USPS Employee Identification Number (EIN). The branch should make a copy for their branch files and one for the new member. New members are added to *The Postal Supervisor* mailing list from the original Form 1187.

When signing up a newly promoted EAS from the craft, the new member should be encouraged to complete a Form 1188 canceling their dues allocation from the bargaining unit organization and annotating on the Form 1188 the words “Promoted to EAS on _____. (*Specify date*)

The membership rolls are an essential record, and should be kept up-to-date. This information is vital to proper financial records, and national office records. Addresses of members must also be kept up-to-date. Without proper addresses, members do not receive the publications and communications from NAPS Headquarters or the local branch and problems with dues and other matters become difficult to resolve.

Forms 1188

The Form 1188 cancels the authorization for dues withholding. Blank forms are obtained from USPS Human Resources offices.

NAPS Headquarters cannot go directly to the PDC requesting to have members removed from the DCO printouts and have their dues withholding stopped. A Form 1188 must be completed and submitted to USPS Shared Services (HRSSC) of the person wishing to be canceled. If the reason the member is canceling is due to a reduction to a craft position, it should be noted as such on the Form 1188 along with the effective date of the action. NAPS Headquarters removes members from active membership status when the person is actually listed as canceled on the dues withholding printout. (For further instructions see Employee and Labor Relations Manual, Section 925 *Cancellation of Dues Withholding Authorization*).

When a member is listed on the monthly DCO printout with the notation "SEP" (separated), "CAN" (cancel), "DEATH" or "RET" (retired), the member's name is automatically removed from the active roster and mailing list at NAPS Headquarters. If the name has been erroneously removed, the member must resolve the problem through HRSSC. Members who retire are not automatically converted to associate member status. The retired member or branch must notify NAPS Headquarters in writing to continue association membership. The newly retired member or branch may complete and send directly to NAPS Headquarters a Form 1187-A (Associate Membership Form) requesting associate membership.

Direct Pay Members

Members who send their dues directly to the branch are called direct-pay members. Very few members pay their dues in this fashion, and members should be discouraged from doing so.

When a new direct-pay member joins the branch, the branch secretary must send the member's name and mailing address to NAPS Headquarters along with the member's Social Security # and USPS EIN. When a direct-pay member leaves the NAPS branch, NAPS Headquarters is notified in writing. Per capita is withheld until NAPS HQ is notified. *No refunds are made for months prior to notification.*

NAPS Headquarters withholds the national per capita of \$3.50 per pay period per direct-pay member from the dues returned to the branch monthly. Dues for direct-pay members are due to the branch each January. The branch bills direct-pay members—for dues (both national and local)—and deposits the money in the branch treasury. Dues may be prorated, by pay period, for active members joining during the year. National per capita tax for all active members is \$91.00 per year.

Associate Members

- Former active members of this Association who were in good standing at the time of retirement may not be denied associate membership. Associate members may affiliate with a local or state branch of their choice.
- Associate members shall be entitled to all the same benefits granted active members.
- Associate members shall pay dues at the national or branch level no less than an amount one-half the national per capita tax, which will include a subscription to *The Postal Supervisor*.
- Associate members who hold offices at the national level shall pay the full share and same dues and assessments as active members of their branches.

Associate Member Per Capita

Associate members pay dues at the branch level, but no less than one-half of the national per capita amount, which includes a subscription to *The Postal Supervisor*. Associate members' national dues \$45.50 a year. NAPS Headquarters withholds national per capita at the rate of \$1.75 per pay period per member, from the per capita that is to be returned monthly in DCO proceeds.

Associate member dues are normally due to the branch each January. The branch may charge associate dues that are higher than the NAPS national annual per capita of \$45.50. The branch bills associate members the respective dues the branch has established for associates and deposits the amount received in the branch treasury. (The branch is being paid in advance by the associate member for the national per capita that will be deducted on the monthly DCO printouts). Per capita may be prorated at \$1.75 per pay period for associate members joining during the year. Do not send the associate member's per capita to NAPS Headquarters. If it is sent to NAPS Headquarters it is returned.

Adding/Deleting Associate Members

The only time NAPS Headquarters adds or deletes an associate member to or from the membership rolls is if the written request comes directly from a branch officer or the respective associate member.

When a branch requests the addition of an associate member, it is assumed they are only making the request for those eligible for this membership category. Branch officers, not NAPS Headquarters, must verify the person's eligibility. Branches are encouraged to complete an Associate Membership Form 1187-A for all persons who request and are eligible for associate membership. Form 1187-A's are to be sent directly to NAPS Headquarters for processing.

NEW/UPDATED OFFICER INFORMATION AND NEW OFFICE NOTIFICATION FORM

Mail copies to:

NAPS Headquarters
Area Vice President
State Branch President

- New Officer
- Current Officer
- Delete – No Longer Holds This Office

Date _____

Branch Number and Name/State _____

USPS EIN or Last 4 S.S. # (Required) _____

Branch Officer Title _____

Name of New/Current Officer _____

Who is this officer replacing? _____

Mailing Address (for branch correspondence) _____

City, State, ZIP+4 _____

Home Phone Number _____

Office Phone Number _____

Cell Phone Number _____

Email Address _____

Nickname _____

- Check here if this is the branch officer who is designated to receive the monthly e-DCO Membership Report. This officer may then forward the e-DCO to other branch officers as needed.

**ORIGINAL FORM
MAKE A COPY BEFORE USING**

Figure 3-1, New/Updated Officer Notification Form

MEMBER CHANGE OF ADDRESS FORM

Mail copies to: NATIONAL ASSOCIATION OF POSTAL SUPERVISORS
1727 KING ST STE 400
ALEXANDRIA VA 22314-2753

Submitted by: _____ Branch #: _____ Date: _____
Officer Name, Title _____
Street Address _____
City, State, ZIP+4 _____
Daytime Telephone Number _____

EIN or Last 4 S.S. # (Required) _____

Membership Type: Active Associate

Name _____
Street Address _____
City State, ZIP+4 _____
Daytime Telephone Number _____

EIN or Last 4 S.S. # (Required) _____

Membership Type: Active Associate

Name _____
Street Address _____
City State, ZIP+4 _____
Daytime Telephone Number _____

**ORIGINAL FORM
MAKE A COPY BEFORE USING**

Figure 3-2, Member Change of Address Form

It is the responsibility of the branch secretary to maintain addresses and billing for associate members. It is not necessary for branch officers to supply NAPS Headquarters with a list of their associate members indicating that payments have been received. The only time the branch needs to contact NAPS Headquarters concerning associate members is if someone is to be added and/or deleted from the printout or has an address change.

To add new associate members to a branch, the secretary submits a Form 1187-A or prepares a letter to NAPS Headquarters with the following:

1. State that the branch has a new associate member.
2. State the per capita for the year has been received by the branch.
3. Provide the associate member's name and social security number.
4. Provide the associate member's address.
5. Indicate the month the membership is effective.

To delete associate members from a branch, the secretary submits a letter to NAPS Headquarters prepared as follows:

1. State the branch is deleting an associate member.
2. Provide the associate member's name and social security number.
3. Indicate the month the cancellation is effective.

NAPS Headquarters *does not* refund dues should the branch fail to promptly cancel an associate's membership.

3.2.3. Honorary Members

NAPS members in good standing at the time of retirement or promotion are entitled to honorary membership. They are not required to pay dues and, except for attending meetings, are not eligible for any membership benefits.

An individual becomes an honorary member at the discretion of the local branch. NAPS Headquarters provides no information or materials for the honorary member, and thus does not need to be notified when someone is given this status.

3.3. Communicating with NAPS Headquarters

There are many ways of facilitating the secretary's duties, especially as they concern communications with NAPS Headquarters.

3.3.1. Branch Officer Information

It is the responsibility of the branch secretary to notify NAPS Headquarters of all officer changes. When submitting a list of branch officers to NAPS Headquarters include each person's full name, EIN or last 4-digits of their social security number, address where each officer wants to receive NAPS communications, home and office telephone and the office to which the person was elected or named.

It must be noted in the letter if this is the officer who is to receive the dues withholding printouts each month. Include only personal email address, if available. Do not submit usps.gov email addresses. Figure 3-1 (*See page 17 of OTM*) contains a form that may be copied and used to notify NAPS Headquarters of an officer change.

3.3.2. Member Change of Address Form

When NAPS members move, it is necessary for NAPS Headquarters to be notified immediately if the member is to receive issues of *The Postal Supervisor* without interruption (and any other communication from NAPS Headquarters). Members' changes of addresses made through the Postal Service does not transfer to NAPS Headquarters. Figure 3-2 (*See page 18 of OTM*) contains a form that may be copied and used for this purpose.

3.3.3. Correspondence

Correspondence should be kept for future reference, either in a file by date of receipt, or if volume necessitates, by both date and subject.

When a branch officer writes to NAPS Headquarters, the name, EIN or last 4-digits of social security number, daytime phone number, complete mailing address and title of the officer referenced should be included in the correspondence. This assists NAPS Headquarters in verifying branch officer information and keeping the list current.

When referring to a member, include their full name, EIN or last 4-digits of social security number, and individual's type of membership (i.e., dues withholding, direct pay, associate, etc.). The staff at NAPS Headquarters can immediately refer to the proper files if this information is included.

Branch dues increases or decreases that have been voted by the membership should be conveyed to NAPS Headquarters in writing and signed by an officer. List the new amount of "bi-weekly" dues to be withheld from the dues-withholding members' pay and the effective date of the change. Please be aware that it may be two (2) months before the dues change is seen on the DCO printouts. Changes are uploaded to the PDC only once a month, after completion of the DCO processing, and each DCO is processed the month after the withholdings have been made. (i.e., if NAPS Headquarters is notified of the dues change in the month of June *before* the corrections are uploaded to the PDC, it should be effective with the withholdings for July. The July DCO reports are processed and emailed to the branch in August. If the notification is received at NAPS Headquarters *after* the upload to the PDC, it will be one additional month before the change is seen on the printouts.)

3.4. Record Keeping

Record keeping is one of the most important responsibilities of branch officers, and is most often delegated to the branch secretary. Records should be kept up-to-date and legible. Constant updating is required. If an officer's handwriting is semi-legible, arrange for word processing or typing. Make sure records are centrally kept and turned over promptly to new officers.

Keeping accurate, standard and up-to-date financial records is essential to the fiscal health of an organization, and is the primary responsibility of the treasurer. See Section 4, Treasurer's Responsibilities, for details.

3.4.1. Suggested Schedule for Retaining Branch Records

Most documents kept in branch files usually are retained because they may be useful or pertinent to some future situation. There are other reasons for retaining them, such as the statutes of limitations. There is not a single statute, but many. They vary widely from state to state. Business record retention also is required by the Internal Revenue Code, among others.

In the event of an IRS audit, IRS requires the branch to produce some, if not all, of the records in Figure 3-3 (*See page 22 of OTM*), a schedule for retaining records. This is only a guide. Legal and branch requirements may vary. Consult a lawyer and/or CPA concerning specific needs of the branch.

3.5. Meeting Minutes

Minutes are a very important record for an organization. They reflect the decision making of the organization in its meetings. The secretary should not hesitate to stop the meeting to clarify the language of any resolutions, motions or decisions. Minutes should be kept in a file, and copies should be distributed to all officers charged with implementing decisions contained in the minutes. Some branches require that copies be sent to all members.

Not every comment or suggestion needs to be in the minutes, but decisions and reports should be covered. Minutes from the previous meeting are read at the current meeting to give attendees background information to assure accuracy.

The minutes follow the same order as the meeting's order of business or agenda, but should also include such information as:

- location, date and time of meeting;
- officers present at meeting;
- the list of reports presented;
- resolutions and motions presented and what action was taken on them;
- names of delegates voted/appointed to attend conventions or training conferences;
- nominations and results of elections;
- appointments; and
- other notes of importance.

SUGGESTED RETENTION PERIOD FOR BRANCH RECORDS

ITEM	SUGGESTED RETENTION PERIOD	ITEM	SUGGESTED RETENTION PERIOD
Annual financial reports	P	IRS tax ID number	P
Audit reports	P	Invoices (issued or received)	7
Bank deposit slips	3	Leases	7
Bank reconciliation's	3	Ledgers and journals:	
Bank statements	7	Accounts payable ledger	7
Budgets	3	Accounts receivable ledger	7
Bylaws	P	Cash journal	P
Charter	P	Voucher journal	10
Check ledger	P	Minute books	P
Checks paid and canceled	7	Payroll records	7
Correspondence:		Personnel files, terminated	3
Accounting	5	Petty cash records	7
General	3	Purchase invoices	7
Legal	P	Tax correspondence	P
Deposit slip copies	3	Tax records (including worksheets, bills and statements, etc.)	P
Depreciation schedules	7	Income	P
Equipment leases (after expiration)	6	Personal property	P
Financial reports:		Travel records (employee, officer)	7
Audited	P	Uncollectible account records	7
Annual	P		
Interim	3		
IRS determination letter for nonprofit status of the branch	P		

KEY

P means that the records are kept permanently. If the branch does not have a permanent headquarters in which its files may be stored, these records must be transferred from the outgoing officer to the incoming after each election.

3-10 means the number of years.

Figure 3-3, Retention Period of Branch Records

3.6. Branch Newsletters and Web Sites

The first and probably most important step in a communications program is keeping members informed. Unless members are periodically reminded of the branch's activities, they become inactive.

A newsletter is the best and simplest way to keep members informed. It may be a typewritten sheet, copied at the local quick-copy shop and mailed out quarterly, or it may be more elaborate. But a newsletter keeps the members abreast of important information, such as meetings and events, new members, retirements and illnesses, transfers, new regulations and other activities.

A good method of extending the reach of the newsletter is to arrange with the local postmaster for an EAS or NAPS bulletin board. This affords space to post the newsletter and other notices of branch meetings, events, etc.

If the branch establishes a website, it should be kept up-to-date. Many branches publish information contained in their newsletters on the web, along with meeting dates and the latest local information that may be helpful to their members.

Branches may have their web sites hot linked on the NAPS Headquarters Home page. To do so, an officer should send the request along with the web address to NAPS Headquarters. It may take approximately two weeks for the hot link to be established.

3.7. Merging Branches

To disband a branch or merge an entire branch with another, the branch takes a vote on the issue just as they would on any resolution. If it passes, this decision is relayed by letter to NAPS Headquarters. The letter should state that the branch wishes to merge with another branch and to which branch or branches the members are transferring. The receiving branch or branches of the disbanded branch members should advise NAPS Headquarters in writing that they are accepting the respective members into the receiving branch.

Members of the merging branch **should not** sign Form 1187 or 1188. This is another frequent error. NAPS Headquarters notifies the PDC of the transfer and changes in dues, where applicable, and changes their branch affiliation in NAPS Headquarters' records. (Forms 1188 are *only* used to cancel membership in the Association, not membership in a specific branch; Forms 1187 are *only* used for signing up eligible nonmembers of the Association, not for branch affiliation changes).

All outstanding bills are paid before merging. If there is a treasury of the merging branch an audit should be conducted and funds transferred to the new affiliated branch or state branch. IRS rules prohibit a branch from dividing treasury funds among their membership.

3.8. “The Postal Supervisor” Distribution

Members automatically receive a subscription to *The Postal Supervisor*. Only when a change-of-address form is not submitted at the time a member moves is delivery interrupted. Members should be reminded to add *The Postal Supervisor* to their list of publications notified when submitting change-of-address forms. A change-of-address may be sent to NAPS using Figure 3-2 (*See page 18 of OTM*).

3.9. Invitations to National Officers and NAPS Headquarters

Any branch may request a National Officer (area and region vice president or resident officer) to attend and address a branch function, such as a meeting, annual banquet, retirement dinner, training seminar or other special program. Invitation requests are sent by the branch secretary and directed to the specific area vice president, regional vice president and/or resident officer with the date of the function and the purpose. If possible, it is highly recommended that a branch secretary submit their request(s) in writing at least three (3) months in advance of the desired function.

Schedules of the national officers fill up fast during a calendar year. The sooner an invitation is received, better the chance a branch has in having either an Area Vice President, Regional Vice President, resident officer or all attend. If an invitation is received less than the preferred three (3) months' notice, national and resident officers will do their best to accommodate the request.

4. Treasurer's Responsibilities

This section contains instructions for completing those tasks generally assigned to the person elected branch treasurer. If the branch chooses to combine the treasurer and secretary positions, the individual elected reviews this section and Section 3, Secretary's Responsibilities.

Keeping accurate, standard and up-to-date financial records is essential to the fiscal health of an organization and the primary responsibility of the treasurer. Therefore, branches should not hesitate to spend a few dollars on bookkeeping, reference books or an accountant to set up a bookkeeping system. A few dollars spent now may save many more later. Especially in larger branches with larger accounts, the treasurer's responsibilities may be supplemented with outside assistance.

It may be worthwhile, but must at least be done annually or when there is a change in financial officers, to have the treasury (books) periodically audited, for the protection of both the treasurer and the organization. If an audit by an outside firm is deemed unfeasible or unnecessary, there are many finance supervisors or associate members with finance experience who would be glad to assist, not only in setting up the books, but also in doing an annual audit.

4.1. Definition of a Treasurer

The treasurer's job is different in each branch. In general, the treasurer prepares the branch budget, pays the expenses, accounts for the receipts, and handles the checking account. The treasurer is someone with very specific qualifications, because the treasurer is responsible for maintaining the financial integrity of the branch.

The treasurer must be experienced in money matters and know how to document all sources of income and expenditures with receipts, invoices and checks. Informality and organizational accounting do not mix.

4.2. The Job Description

These elements constitute the job of the treasurer:

- preparation of an annual budget;
- maintenance of checking and/or savings accounts;
- investment of funds;
- receipt of per capita remittances;
- collection of meal funds at functions;
- issuance of checks;
- preparation of a financial report for each branch meeting;
- preparation of the organization's tax returns; and,
- preparation of an annual financial report to the membership.

4.3. Branch Dues

When a branch drafts or revises its constitution and bylaws it is possible, with a little time and attention, to ensure that the dues structure will be as useful in ten years as it was when first prepared.

This manual does not contain recommended language for a branch's constitution and bylaws relative to every officer's function. In the case of the treasurer, however, two exceptions are made because of the critical importance of precise language.

4.3.1. Recommended Language for the Article on Dues

Using carefully crafted language is essential to communicating clearly a dues structure that involves both a local organization and a national one. Organizations that are subsidiaries of a higher body, such as a NAPS branch, should be flexible about their dues structure.

Here are three examples of language for a constitution and bylaws that attempt to reflect such flexibility.

Example I—Amount of dues. Dues for active members of this branch shall be equal to the sum of the following: national per capita, state branch per capita, state branch legal fund assessment, and \$78.00 per annum (\$3.00 per postal pay period) for the operating expenses of the branch. *Note: Biweekly collection.*

Example II—Amount of dues. Dues for the active members of this branch shall be \$182.00 per annum (\$7.00 per postal pay period). *Note: Biweekly collection.* This amount shall include the national and state per capita taxes, the state legal fund assessment (as imposed at the 1976 state convention and duly and legally amended thereafter), and the state convention assessment (as imposed at the 1982 state convention and duly and legally amended thereafter). The dues shall automatically be increased by any lawfully passed increase in the national or state per capita in the same amount as passed by the respective body.

Example III—Amount of dues. Dues for the active members of this branch shall be \$286.00 per annum (\$11.00 per postal pay period). *Note: Biweekly collection.* Said amount is based on 26 postal pay periods in a year and shall include the national per capita, the state per capita, and the state branch legal fund assessment.

Which example is best? In Example III the treasurer would need membership approval for an increase in dues caused by action of either the national or state convention. The process would take up to four months in most branches. In Example I, the constitution states the fixed amount for one subsection over which there is control—the amount for the operating expenses of the branch. As a subsidiary of the national and the state it is bound to pay any legally imposed increases of those bodies. Example II is a perfect example of legalistic mumbo-jumbo.

Obviously, Example I is the best. It provides for automatic increases in the dues structure for dues and certain assessments of the parent bodies. The only time this branch needs to go to its membership for an increase in dues is when the branch's operating fund needs to be increased.

4.4. Bank Accounts

References to financial institutions in the branch constitution and bylaws and the choice of financial institutions are two situations that have become more complicated in recent years. Special consideration to each situation is urged not only for new branches, but also for existing branches. Branches are urged to review the adequacy of their own documents and the locations of their funds.

4.4.1. Banks Accounts in the Constitution and Bylaws

Special attention and consideration must be given to the language used in the branch constitution and bylaws concerning the choice of bank accounts needed to ensure flexibility as expressed in the previous subsection. Some branches seek to tie up the treasurer by specifying in which bank or bank office the funds shall be deposited. In today's fluid banking world this could be unwise. Many accounts that previously were provided free to nonprofit groups are now being saddled with monthly service charges.

In the branch constitution and bylaws, it is better to use the phrase, "nationally or state insured financial institution." Branches that may want to fund future training and/or convention expenses by allocating a set amount of funds for investment in an account that earns a higher rate of return.

The following paragraph is recommended for inclusion in branch bylaws:

Maintenance of funds. The treasurer shall maintain the funds of this branch in a recognized federal or state insured financial institution approved by the executive board. Sufficient funds shall be maintained in a checking account. Other funds beyond immediate need shall be placed in an interest-bearing account (i.e., savings, money market, certificate of deposit).

4.4.2. Rules to Remember

When conducting financial transactions, the treasurer considers the following rules.

1. Run all transactions through the checking account. Do not attempt to have some payments by cash and others by check. If the branch has a savings or investment account, make all deposits to the checking account and then write a check transferring the funds. When it comes time to use the savings account, transfer funds back to checking and write the check.
2. If the branch has an interest-bearing account, supply the bank with the tax ID number for the branch. (See Sections 4.7.2 and 4.7.3.)
3. Carry no cash at the end of the calendar or fiscal year. Make sure all cash has been deposited into the appropriate account.
4. Balance checking account monthly. It saves time later in reconciling. It also prevents embarrassment for mistaken overdrafts.
5. File new signature cards with the bank when new officers are elected or appointed. At the same time audit the books. Specify at least three or four people on the signature card.
6. All withdrawals should require an authorized officer's signature. A branch may opt to require two officer signatures on all branch checks, depending on the "checks and balances" that the branch has in place. In most cases, specific officers are not always available to sign checks or make withdrawals. Having back-ups ensures the business of the branch continues.
7. An officer should not approve their own expenses and write the check to pay themselves.
8. Begin new pages at the start of each calendar or fiscal year as appropriate.

Branches must not use a member's social security number to open a branch savings/checking account. If an account was opened with a member's social security number, contact the financial institution and change the bank information to the branch's Taxpayer Identification Number (TIN).

4.5. Communicating with Headquarters

There are a number of occasions when the treasurer needs to communicate with NAPS Headquarters. This section provides essential information a treasurer reads before initiating such contact.

4.5.1. Raising the Amount Withheld for Branch Dues

When a branch votes to raise the dues withheld from all members according to the provisions of the branch's constitution and bylaws, it is necessary that the branch president or secretary notify NAPS Headquarters immediately. A blanket authorization for all DCO members is accepted. It must include the effective date; the old and new dues amounts and be signed by a branch officer. The information is sent by electronic file from NAPS Headquarters to the USPS PDC. The branch treasurer need take no action on behalf of the individual members to notify the Postal Service. The dues increase will take approximately two pay periods following the end of the month in which the notice to NAPS Headquarters is sent.

All Form 1187's submitted following the dues increase submission to NAPS Headquarters must contain the new dues withholding amount.

4.5.2. Dues Check-Off (DCO)

The Dues Check-off Printout, or DCO (detailed in Section 3, Secretary's Responsibilities), is a computer-generated list of active and associate members generated monthly by NAPS Headquarters, and which is e-mailed to a designated branch officer(s).

The DCO indicates the number of active and associate members by branch, the total amount of dues collected for a given month by the USPS Postal Data Center (PDC), the portion of the dues withheld for that month by NAPS Headquarters (i.e., per capita), and the portion of the dues remitted to the branch. Dues are remitted electronically to the branches monthly and DCO printouts are e-mailed approximately 3-5 days following remittance.

If there is an error on the DCO printout, the treasurer or secretary writes to the national office, giving the name, EIN or last 4-digits of social security number, and post office finance number for the person(s) involved and stating the error in question and the correction to be made.

Each month NAPS Headquarters transmits an electronic deposit to the branch's designated financial institution account for their share of the money withheld under the DCO program. All branches are required to be on "Direct Deposits" for receipt of dues withholding checks. (See National Constitution Article XIII, Section 9).

4.6. The Annual Budget

One of the primary responsibilities of the treasurer is the preparation of an annual budget. However, before preparing the budget the treasurer considers several questions.

Many branches have gone to the funding method of operations; where the branch Constitution & Bylaws set aside a specific amount or percentage of income for functional areas. For example, a branch may set aside fifteen percent (15%) of the branch's annual income for attendance at national conventions, twenty-five percent (25%) for state conventions, fifteen percent (15%) for seminars and training, fifteen percent (15%) for social events, twenty percent (20%) for general expenses, and ten percent (10%) for reserve. However, every few years the treasurer must adjust these percentages because of overruns or excessive funding.

Other branches adopt an annual budget. A good example is one that can be built upon and used year after year. The budget in Figure 4-1, Part 1 & Part 2 (*See pages 31 and 32 of OTM*) has been used as a guideline by a branch for a number of years.

Whatever type of funding authority the branch has established, the idea is to live within the budget. Consequently, the membership of the sample budget has been quite generous in several areas in the amount allocated in order to allow for any unforeseen expenses that might arise.

Adoption of a budget allows officers to focus their attention on running the branch. It relieves the branch membership from the tedium of discussing business matters at each meeting.

4.6.1. Bookkeeping

Once a budget has been approved by the membership, the treasurer has the budget categories needed to set up branch records that are balanced monthly.

An inexpensive accounting ledger, a simple computer accounting program or even a computer spreadsheet, such as Excel, may be used.

4.6.2. Reports to the Membership

At each meeting the treasurer is called upon to give a financial report. Some branches prefer a full financial accounting, listing the source of all income and all checks. Other branches prefer only a financial statement since the last meeting. Either is acceptable.

The treasurer should prepare an annual financial report to the membership. This annual report should provide a summary of total annual income and expenses and if the branch had a net income or loss. This annual report may also compare budgeted items against actual expenses.

4.6.3. Audit Committee

At least once each year and whenever there is a change in treasurers, the audit committee must audit the branch's books. Within the branch there may be members working in the finance area qualified to do the annual audit and who require little or no training. Someone familiar with audit procedures is selected chair of the committee. The audit committee consists of at least three members, all appointed by the president. However, some branch constitutions provide for elected trustees to conduct this function.

Prior to the audit, the treasurer must have all items posted and all receipts cross-referenced, before submitting the books to the audit committee. Receipts are arranged in chronological order. Copies of all bank statements and dues-withholding (DCO) statements are available for examination. Any bank registers, vouchers and canceled checks are turned over to the audit committee. Prior to the audit, the treasurer prepares the annual financial statement. This allows the audit committee an opportunity to review and to amend the report prior to its submission to the membership.

4.6.4. Annual Report

At the end of each fiscal year, a detailed financial report is required from the treasurer. The report may be published in the branch newsletter or copies are made available to the members. The budget serves as the basis for preparing an annual report and parallel closely the approved budget. Some treasurers seek to compare the budgeted amount with the expended amount. Other treasurers conduct a multi-year analysis of expenses and receipts.

Branch XYZ Proposed Budget—FY

RECEIPTS

Dues Withholding (117 members @ \$7.50 a month x 12 months)	\$10,530.00
Interest Income	<u>\$ 225.00</u>

TOTAL RECEIPTS \$10,755.00

EXPENDITURES

FEES AND ASSESSMENTS

State Dues and Convention City Assessment 117 members @ \$9.25 a year)	\$ 1,082.25	
Legal Fund (branch and/or state (117 members @ \$.25 a month x 12 months)	<u>\$ 351.00</u>	\$1,433.25

MEETING EXPENSES

Business Meeting Rooms and Refreshments	\$ 120.00	
Reserve—Retirement Dinner (January Year)	\$ 1,100.00	
Attendance Prize (4 meetings @ \$25 a meeting)	\$ 100.00	
Branch Bar-B-Q	<u>\$ 600.00</u>	\$ 1,920.00

STATE CONVENTION

Registration Fee (5 @ \$45 a delegate)	\$ 225.00	
Hotel Accommodations (maximum) (5 delegates x 3 nights x \$114 a night)	\$ 1,710.00	
Transportation (maximum for all)	<u>\$ 65.00</u>	\$ 2,000.00

Any money remaining from state convention fund will be transferred to the regional fund to enable more delegates to attend.

REGIONAL SEMINAR

Registration Fee (3 @ \$25)	\$ 75.00	
Hotel Accommodations (3 delegates x 2 nights x \$120 a night)	\$ 720.00	
Food Allowance (3 delegates x 2 days x \$50 a day)	\$ 300.00	
Transportation (3 delegates x \$175 a delegate)	<u>\$ 525.00</u>	\$ 1,620.00

Figure 4-1, Sample Branch Budget, Part One

Branch XYZ Proposed Budget—FY ####, Continued

NATIONAL CONVENTION			
Reserve for (<i>Year</i>) National Convention		\$ 1,000.00	
LEGISLATIVE TRAINING SEMINAR			
Reserve for (<i>Year</i>) Legislative Training Seminar		\$ 300.00	
PUBLICATIONS			
Bulk Mail permit	\$ 190.00		
Printing	\$ 200.00		
Postage	<u>\$ 300.00</u>	\$ 690.00	
MISCELLANEOUS ITEMS			
Retirement Awards	\$ 250.00		
Condolences and flowers	\$ 300.00		
Bank charges and check printing	\$ 200.00		
Supplies	\$ 50.00		
Election of branch officers	\$ 50.00		
Box Rent	\$ 48.00		
Auxiliary Support	\$ 100.00		
President's Fund	<u>\$ 150.00</u>	\$ 1,148.00	
TOTAL EXPENDITURES			<u>\$10,111.25</u>
GENERAL RESERVE BALANCE			<u>\$ 643.75</u>
ADJUSTMENTS			
Reserve from (<i>Year</i>) budget for regional or area seminar		<u>\$ 500.00</u>	
EXCESS OF INCOME OVER EXPENDITURES			<u>\$ 1,143.75</u>

Figure 4-1, Sample Branch Budget, Part Two

4.7. IRS Issues

There are a number of issues related to the Internal Revenue Service (IRS) which every treasurer must understand.

4.7.1. Form 990, 990EZ, 990-N (ePostcard) -- For Non-Profit Branches only

Form 990 (or 990EZ or 990-N *ePostcard*) is the annual income tax report every IRS designated non-profit branch is required to file with the IRS. **Note: A branch must apply and receive a letter from the IRS designating them as non-profit/tax-exempt. Do not assume your branch is non-profit.**

Branches with less than \$50,000 in annual income may file on-line at the IRS.gov website with Form 990-N (*ePostcard*). Branches with annual income between \$50,000 and less than \$250,000 may file the simplified return, Form 990-EZ. Larger branches with annual income greater than \$250,000 and branches which hold a state convention may have to file a complete Form 990. Many states may require a form similar to the IRS version. Branches should contact their state IRS office regarding state tax filing requirements.

Failure to file required IRS tax returns can cause penalties to be assessed by both the IRS and the state tax agency. Normally, penalties may be waived if an organization proves the delayed report was not willfully done and the problem is corrected. However, there is no guarantee a branch will not be assessed penalties. There is no fee to file a non-profit IRS tax return. Once the first year's report has been completed, the branch has an example for future years.

4.7.2. Tax Identification Number (*Employer Identificaiton Number*)

All branches must file for a federal identification number from IRS. This federal ID is also known as a Tax Identification Number (TIN) or Employer Identification Number (EIN). Publication 557 *Tax-Exempt Status for Your Organization* is available from the IRS to assist with this responsibility. To expedite this process, a branch can request an EIN online via the IRS.gov website. There is no filing fee to receive a federal identification number. However, having a tax identification number does not grant a branch tax-exempt status (non-profit). This is a separate procedure (discussed below).

At the same time that the branch is filing for a federal identification number, a state corporation identification number (which may be referred to by a different name in some states) may need to be obtained from the branch's respective state. Check with your state's Secretary of State.

4.7.3. Tax Exempt Status

NAPS Headquarters has been granted an exempt status. However, this is not a blanket exemption that covers all of our branches. The national Association is exempt under Section 101(1) of the 1939 Internal Revenue Code, which corresponds with Section 501(c)(5) of the 1954 code. Branches may apply for nonprofit status under the same section of the code.

NOTE: NAPS Headquarters is exempt for federal income tax only—not sales tax or any other tax.

Each branch must file separately with IRS for a tax-exempt status (non-profit). The local IRS office in the branch's area provides the proper forms and publications. There is now a substantial application fee for this procedure. IRS provides information on the amount of the fee and procedures for paying. The IRS publications will explain how to obtain tax-exempt status.

One IRS requirement for tax-exempt status is a dissolution clause in the branch constitution indicating what is done with the branch treasury in the event the branch is dissolved. The dissolution clause does not allow the branch to distribute the branch treasury among the branch members.

NAPS Headquarters' accountants have suggested the following language be used as the dissolution clause to conform to IRS requirements:

Upon dissolution of the organization, assets shall be distributed for one or more exempt purposes within the meaning of Internal Revenue Code section 501.

The assets will be audited and the members from the organization will be transferred to a local or state branch of the National Association of Postal Supervisors within the same geographic area. In addition, the assets will be transferred to the branch receiving the membership of the dissolved organization.

Upon dissolution, no part of the net earnings of the branch shall inure to the benefit of or be distributable to its members, trustees, officers or other private persons, except that the branch shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purpose in Article _____. " (Insert the article number stating the object/purpose of the branch.)

For additional information on the application form, tax filings, etc., contact the IRS, or the branch's accountant. NAPS has provided detailed instructions and templates on its website under the "Forms and Documents" section. Contact the NAPS National Secretary/Treasurer for further assistance in completing the forms if interested in applying for tax-exempt status.

4.7.4. Retention of Records

The IRS requires the retention of several branch financial reports for specified periods of time. See Figure 3-3, (*See page 22 of OTM*) for more information.

5. Committees

Every branch organizes its work by establishing several committees that are responsible for specific duties.

5.1. Effective Committee Work

To make committees most effective in their work, the president follows these essential guidelines:

- Make committee appointments based on indicated interest, capacity and willingness to work. The chairperson for each committee is a member with a demonstrated ability in the field of the committee's work and is appointed by and reports to the branch president.
- Provide each committee with a statement of its function and responsibilities.
- Have committee chairs determine programs of work at the beginning of each year and submit these programs in writing to the branch president.
- Determine the frequency of committee meetings set at the discretion of the committee members. Have written reports furnished to the branch president following each committee meeting. Have each committee make a report at each branch meeting.

5.2. Types of Committees

There are several different committees recommended for all branches:

- Membership
- Grievance/Discipline
- Resolutions
- Constitution and Bylaws
- Audit/Budget
- Social and Recreation
- Attendance
- Program
- Legislation

Each committee is discussed in the following sections.

5.2.1. Membership Committee

The Membership Committee is responsible for the important task of strengthening the branch through retention of existing members and signing up new members. There are several possible approaches, but it is important that the first contact made with a potential new member be made in person. This has proven to be much more effective, especially as the initial gesture, in recruiting new members.

NAPS Branch XYZ

Date

Dear (name):

As (branch title) of (branch name) Branch (number) of the National Association of Postal Supervisors (NAPS), I have been appointed chairperson of the membership Committee. I realize that we may have a few supervisors and managers in our office who have not yet been asked to join our association.

I have included a list of the current slate of officers of Branch (number) for your information. I know that any of our board members would be glad to answer any questions you have about NAPS. On the reverse side of the list is a calendar of meetings and events our branch has scheduled for the year.

Also enclosed is a Form 1187 to encourage you to join NAPS. The benefits are many, as you can read in the enclosed NAPS History and Mission Statement. *(Print a copy from NAPS website).*

Please take a few moments to read the information provided and consider the benefits this organization has accomplished for postal supervisors, managers, and postmasters and send the completed Form 1187 in the self-addressed, stamped envelope provided.

We in Branch (number) look forward to your participation and hearing from you soon.

Sincerely,

(name)
(branch title)
(branch address)

Figure 5-1, Sample Member Recruitment Letter #1

NAPS Branch XYZ

Date

Dear (name):

As (branch title) of (branch name) Branch (number), I would like to express a welcome to you from all Branch (number) members and advise you that you are eligible to be a member of NAPS.

I am sending you this letter to introduce you to the National Association of Postal Supervisors (NAPS). It is the only organization composed of supervisors, managers, and postmasters working for the betterment of our members who are employed in the US Postal Service. Our objective is to promote, through appropriate and effective action, the welfare of our members.

Membership in NAPS grows day-to-day because those in postal management realize they need a national organization that can express their views to the Postal Service, Congress and general public. We invite you to be a member of this outstanding organization.

Enclosed is a Form 1187 to encourage you to join. Please complete the form and return it in the self-addressed, stamped envelope provided.

We look forward to your participation in NAPS and hearing from you soon.

Sincerely,

(name)
(branch title)
(branch address)

Figure 5-2, Sample Member Recruitment Letter #2

NAPS Branch XYZ

Date

Dear (name):

It has been some time since I first contacted you regarding the National Association of Postal Supervisors (NAPS). It is the only organization composed of supervisors, managers, and postmasters working for the betterment of our members who are employed in the US Postal Service. Our objective is to promote, through appropriate and effective action, the welfare of our members.

We hope you will accept this personal invitation to join our association by completing the enclosed Form 1187 and returning it in the self-addressed, stamped envelope provided.

Sincerely,

(name)

(branch title)

(branch address)

Figure 5-3, Sample Member Recruitment Letter #3

NAPS Branch XYZ

Date

Dear (name):

Welcome to the National Association of Postal Supervisors! We are pleased to have you as a member of Branch (number).

Soon you will be receiving your first issue of *The Postal Supervisor* magazine, which will be most informative on current issues from the national level. You will also be receiving information periodically regarding upcoming branch meetings and other events. We encourage your participation.

As a NAPS member, your spouse or designated family member may enroll in our Auxiliary and is invited to take an active part at the Branch (number) Auxiliary meetings.

We welcome your involvement. This is your Association, working for and in the interest of all members.

Sincerely,

(name)

(branch title)

(branch address)

Figure 5-4, Sample Member Welcome Letter #4

A. Personal Contact

When contacting a potential member in person, recruiters keep in mind these techniques which other branch presidents have found to be very effective:

- Be prepared. Know the potential member's name, and greet them by name and with a handshake and a smile. Consider taking along another branch member, preferably one who already knows the nonmember.
- Wear the NAPS pin to reflect pride and enthusiasm.
- Bring along a membership packet or materials such as:
 - ◆ NAPS Historical Sketch
 - ◆ *The Postal Supervisor*
 - ◆ Legislative Update
 - ◆ State/local branch newsletter
 - ◆ Auxiliary information
 - ◆ Organizational chart of representation
 - ◆ Correspondence from NAPS Officials

As these materials are presented, the recruiter stresses that these are just some of the examples of the communication materials NAPS provides its members. The recruiter also mentions NAPS has a legislative counsel in Washington to protect supervisors' interests in Congress.

- Mention and explain the Disciplinary Defense Fund (DDF).

After signing up a new member, be sure to follow-up with a letter of welcome that is shown above. (Figure 5-4, *See page 39 of OTM*).

B. Contact by Mail

The first step is getting organized and determining who are the nonmembers. A nonmember list for your designated branch will be provided monthly via email to a designated branch officer and your branch's respective NAPS area vice president who can provide you with a copy. The nonmember list does not include home addresses, nor does it include postmasters.

If you know the home address, send a letter to each nonmember on the list from the branch, inviting them to become a member, and include a Form 1187 (Figures 5-1 through 5-3 shown above are examples of the types of letters sent – *See pages 36-38 of OTM*). If no response is received, it's time for some one-on-one contact.

Resolution 1

WHEREAS, To help process resolutions at NAPS Headquarters, do not place a caption at the top of each sheet; do use a single sheet of plain, white paper, 8 1/2” x 11” double-spaced, one side only for each resolution, and

WHEREAS, It is necessary to remove all reference to your branch, its meeting dates, etc., do substitute “National Association of Postal Supervisors” or “NAPS” for the name of the branch in WHEREAS and RESOLVED portions, and

WHEREAS, It is necessary to place name and number of the branch under each resolution, but do not include names of branch officers or any similar information at the bottom of the sheet, and

WHEREAS, For identification purposes, it is necessary to attach a letter signed by a branch officer certifying that the resolutions were adopted at a meeting (or convention) of the branch and furnish the date and location of the meeting (or convention); but do not use WHEREAS any more than necessary for understanding, therefore be it

RESOLVED, That this resolution format will be used in forwarding all original resolutions—no copies—to the national office for action.

State Branch Name and Number or
Local Branch Name and Number

Figure 5-5, Sample Resolution

5.2.2. Grievance/Discipline Committee

The branch may establish a committee to handle representation cases relative to ELM section 650 and Debt Collection. Cases that may go to the Merit System Protection Board (MSPB) is handled by the NAPS DDF provider. Guidelines related to this committee are contained in Sections 8 through 10 of the OTM.

5.2.3. Resolutions Committee

This committee may propose resolutions for presentation to the biennial national convention. The committee must give adequate attention to both the content of the resolution and its format. Make sure the resolution is grammatically correct and the language is not ambiguous. Deadlines for submitting resolutions at a national convention are set by NAPS Headquarters and announced in *The Postal Supervisor* in January of the national convention year. Figure 5-5 (*See page 41 of OTM*) contains an example of the proper format.

When typing resolutions note in the sample:

- the text is double-spaced;
- the words WHEREAS and RESOLVED are the only words typed in all capital letters (do not submit resolutions typed in all capital letters);
- the first letter of the first word after WHEREAS and RESOLVED is capitalized;
- the first line of each WHEREAS and each RESOLVED is indented five spaces;
- note where there are commas;
- resolution(s) approved by a state convention are submitted with the name of the state branch, not the local branch and not both branch names.

All approved resolutions are emailed in a WORD.doc format to the Executive Vice President at NAPS Headquarters.

5.2.4. Constitution and Bylaws Committee

The function of this committee is to constantly review the Constitution and Bylaws of the local or state branch and to propose revisions as needed. The committee must know that no local constitution or bylaws may conflict with the national Constitution and Bylaws, and ensure the local document is in compliance with same. In the event of a conflict, the National Constitution and Bylaws supersedes the local document.

5.2.5. Audit/Budget Committee

This committee, including the treasurer, prepares an annual budget for the branch and submits it to the branch president. This committee is responsible for seeing that an annual audit of the branch financial records is conducted.

5.2.6. Social and Recreation Committee

Social events help fulfill one of the branch functions. People who work together and share so much else also may share a good time. By tying these in with a meeting, the branch increases interest and attendance.

The committee chair picks social events appropriate for the branch's size and interests based on the committee chair's experience in running such events. It is best to start out small. As interest grows, the committee chair may make more elaborate plans, such as having a meeting at a restaurant and arranging for a buffet dinner afterwards.

Events held outside of meetings add vitality to the organization. Consider getting people together for a softball team or bowling league, a picnic, dance or barbecue. By getting the members and their families together the committee accomplishes its function for more membership involvement.

There is no magic involved in running a good, well-attended meetings; just planning, strategy, and leadership. The committee must work all details out ahead of time, analyze weaknesses and make adjustments to correct them.

5.2.7. Attendance Committee

The Attendance Committee keeps attendance up by contacting members and encouraging attendance at branch functions. Telephone campaigns, as one example, are effective. The committee chair assigns committees to each unit (i.e., stations/branches, plants, maintenance, etc.). Attendance by 50 percent of eligible members is an attainable goal.

5.2.8. Program Committee

There are many reasons for inviting speakers to meetings, which is the responsibility of this committee. Their presentations make the meeting more interesting to the attending members and provide them with useful information. Also, the branch builds good relations and communications with the speakers, who provide a break in the routine of the business meeting. Who should the branch invite? Here are a few examples:

- the local postmaster,
- employee relations specialist,
- EEO counselor,
- postal inspector,
- labor relations specialist,
- representative of the Social Security Administration,
- representative of the Merit Systems Protection Board,
- state branch president,
- resident officer, national or area vice president,
- local college faculty members,
- local Chamber of Commerce or speakers' bureau official, and
- institution/organization representative.

5.2.9. Legislation Committee

The work of the legislation committee is detailed in Section 7 (*See page 53 of OTM*).

5.3. Public Relations

Local NAPS newsletter, *The Postal Supervisor* and the *NAPS website* are the branch's best sources for distributing information about branch activities. The road to good publicity has two lanes—good information and good pictures. No reporter prepares a story unless the reporter has enough factual information from which to work. Any story sent to a newspaper or NAPS' magazine includes, at the very least, the five "w's" and one "h":

- who,
- what,
- where,
- when,
- why, and
- how.

5.3.1. The Postal Supervisor (TPS)

NAPS accepts articles for its monthly publication, *The Postal Supervisor (TPS)*, from all branches. The individual sending the article must be the designated branch correspondent. The branch president must send a cover letter with the first article by a new correspondent indicating this author is so designated.

Articles may not exceed 250 words, and must be prepared in the following manner:

- Articles must be typed, double-spaced, in WORD.doc computer file format. Due to how *TPS* is prepared for editing and publication, no hardcopy articles will be accepted.
- Email articles to the Secretary/Treasurer at NAPS Headquarters.
- Articles are subject to editing for clarity and style.
- Photographs are welcome when they are of high digital quality.
- Articles must have the following header information:

NAME

BRANCH #

OFFICER TITLE

AUTHOR'S PERSONAL OR BRANCH EMAIL ADDRESS

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6. Protocol

In keeping with tradition and policy of NAPS, conventions and other Association meetings are identified as NAPS activities and should not be held jointly with other organizations.

6.1. Protocol at Meetings, Conventions and Seminars

The state president should confer with the convention chair, who is appointed by the host branch, in setting up a state convention or state seminar. The state president appoints all committees and it is the president's responsibility to issue invitations to Postal Service officials and NAPS national and area officers. The state president presides at all times, except perhaps during the opening ceremonies, which may be presided over by the host branch president or convention chair.

The convention chair is responsible for the overall management of the convention and sees to all necessary arrangements. The local branch president, or chair, should invite the mayor (for a welcoming address) and local clergy. Copies of the convention program should be mailed as soon as possible to all guests listed in the program.

State presidents should consult with other state presidents within the surrounding area, and with the area vice president, before setting dates for the following year. Convention dates and location are sent to NAPS Headquarters by the state branch president or secretary in January. This is very important so a national officer can be assigned to the convention, if possible.

State presidents and convention planners should keep in mind that USPS Headquarters may only send a representative to those conventions having 150 or more active employees in attendance. Letters requesting a USPS representative must be sent to NAPS Headquarters at least sixty to ninety days prior to the activity asking NAPS HQ to request on the state's behalf a USPS HQ speaker. The letter should be addressed as follows:

National President
NAPS Headquarters
1727 King Street, STE 400
Alexandria, VA 22314

Although you may request a specific USPS manager by name, there is no guarantee he/she will be available. Because of this, you should specify whether or not you want a substitute speaker, as well as the subject area(s) about which you are specifically interested in hearing. Provide inclusive dates and the specific location of the convention, including room name/location and date and hour you wish to have him/her speak. If at all possible, arrange to have someone pick him/her up or greet them at the entrance to take them directly to the appropriate room. However, there is no guarantee that a USPS Headquarters' representative will be sent.

6.1.1. Requests for Public Officials

Where the governor/senator or their representative is invited, usually they are asked to attend the grand banquet. Where local/state dignitaries are invited, the following is suggested:

1. mayor--opening session;
2. senator/representative--afternoon business session (invite these individuals and Auxiliary speakers to lunch);
3. governor--grand banquet or lunch;
4. USPS and regional officials--business sessions, and scheduled subsequent to a member of Congress and the governor; and,
5. NAPS representative--scheduled last at the banquet.

The above sequence should be adjusted depending on who accepts the invitation. An invitation sent to the mayor, members of Congress and the governor, even if their schedule does not permit them to attend, puts NAPS' name on their desk. This lets them know NAPS exists as a vital, organized group.

6.1.2. Other Invitations

Assignments of NAPS national officers are made by the national president starting in early March. It is an act of courtesy to extend a formal invitation to national and area vice presidents.

6.1.3. Name Tags

A person's name is important. Print the full name on a name badge in bold letters and encourage the member to wear it on the right lapel where it is most easily read. Also, make sure the spelling of the name and title are correct. If it is a NAPS or Auxiliary officer, it is good preparation to check *The Postal Supervisor* for the correct spelling of the person's name. If it is a postal official, check with their department to ensure the correct spelling and title.

Special guests should be met by a member of the VIP Committee and Hospitality Committee; registration and name tags should be prepared in advance and provided for such guests.

6.1.4. Order of Speakers/Presentation

The area manager speaks the first day. If no official from USPS Headquarters is to speak at the banquet, then the area manager is one of the featured speakers. This procedure is optional and may be reversed. Not more than two speakers should be scheduled for any one session and they should be notified in advance of the exact time and place, and the amount of time allotted.

If there is to be a question-and-answer panel, it should be limited to two hours or less. Make arrangements with the Postal Service if panel members are desired from their offices. The moderator should be an enthusiastic person.

The installation of new officers should be scheduled at the final business session. The installation ceremony should be held even if all incumbents have been reelected. The installation may be at either the last business session or during the closing banquet.

The dinner or banquet should begin at least by 7:00 p.m., but no later than 7:30 p.m. and have a two-hour time limit. If there is a cocktail hour, it should be scheduled before the banquet and should be listed in the program. It must start and end promptly. Consideration should be given to special dietary needs.

6.1.5. Order of Seating, Introductions

At branch meetings, retirement dinners and installation ceremonies, there appears to be a problem with who sits where; who is recognized; who sits at the head table; who speaks first; who speaks last, etc. It is a matter of protocol worked out by the state and branch presidents and the chairpersons of those functions.

Many organizations are moving away from large head tables and instead using a standing lectern for introductions and speakers. A reserved table(s) may be set up close to the lectern for special guests and senior branch officers.

If a head table is used, place cards are left at each seat on the head table. An example of a seating chart is shown in Figure 6-1 (*See page 49 of OTM*). The place of highest honor is at the right of the master of ceremonies (facing the audience). A member of Congress or an official from USPS Headquarters would sit there. The highest-ranking NAPS national officer would sit to that person's right.

If there were no national officer present, then the highest-ranking regional officer would sit on the right.

Usually those at the head table, other than the above, are the national vice president and the Auxiliary national officers; NAPS area vice president and Auxiliary area vice president; state and local branch presidents; Auxiliary state and local presidents; host postmaster; and, clergy.

Advance notice must be given to both seating at the head table and the reserved tables for special guests of VIPs and spouses. (The seat to the right of the podium is the seat of highest esteem; second is to the left of the podium; third is right; fourth is left, and so on.)

Introduction of the head table should start from the master of ceremonies' far left up to the podium. Then the introductions start from the MC's far right up to the principal speaker. Say, "I will introduce the next guest later." Usually, the principal speaker is given special recognition. Special introduction of principal speaker is optional.

The master of ceremonies should introduce special guests and officers at the reserved tables, as well as those at the head table. All possible recognition should be accorded the Auxiliary and its officers by NAPS.

There is too much unused talent among NAPS members to have an outsider as master of ceremonies. It could be the state president or the host branch president, but regardless of whom is selected, it should be a NAPS member.

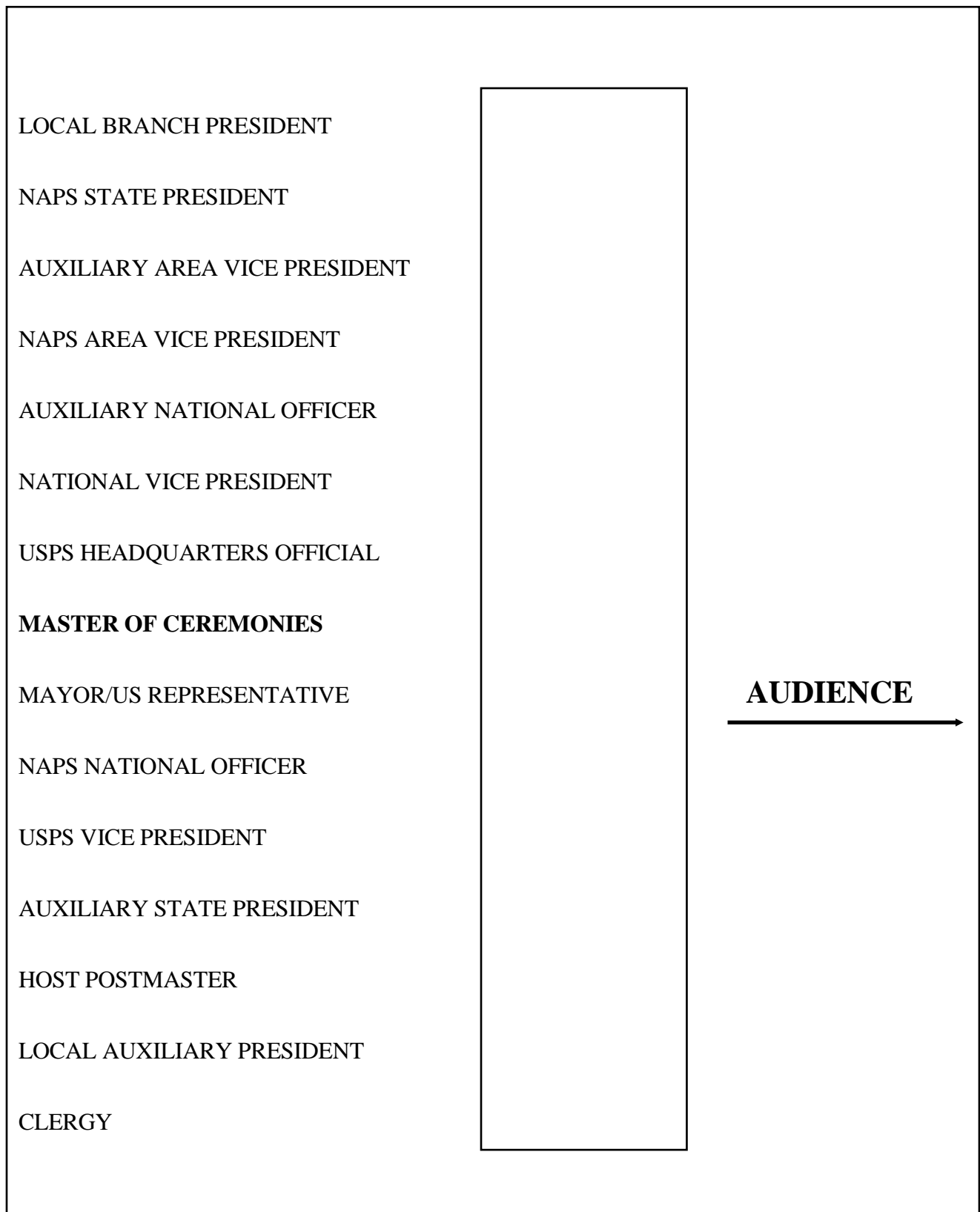


Figure 6-1, Sample Head Table Seating Chart

Use Figure 6-1 (*See page 49 of OTM*) as a guide to head table protocol. The invited guest(s) is/are the responsibility of the state or branch president, and when there is a dance following a dinner, the state/branch president has the invited guest(s) at his or her table. Do not let the guest wander around or stand-alone. If there are a large number of guests, it may be advisable to set up an additional table for them.

The preceding may be adjusted for other occasions. A general rule accepted in seating guests is, as previously stated; the highest honor is at the right of the MC.

On the program, the principal speaker should have the word "address" opposite his or her name. Other guests who will be called upon should have the word "remarks" opposite their name.

Usually, speakers know the time limitations between an address and remarks. An address is twenty to thirty minutes long, while remarks are only five to ten minutes.

6.1.6. Installation Ceremony

The following is the NAPS oath of office:

Raise your right hand and repeat after me: "I promise, on my honor to the best of my ability to fulfill the duties and responsibilities of the office to which I have been elected. I promise to uphold the Constitution and Bylaws of the National Association of Postal Supervisors and Branch _____. I promise to attend all meetings of the branch and executive committee unless hindered by reasons beyond my control. I promise to protect all records, property, and funds coming into my custody and to turn them over to my successor when he or she is elected. So, help me God. Lower your hand. By virtue of the authority vested in me as your installing officer, I now declare the officers of Branch _____ duly installed.

6.1.7. Pledge of Allegiance/Invocation

The president should ask someone to lead in giving the Pledge of Allegiance:

I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one nation, under God, indivisible, with liberty and justice for all.

The following is an example of an invocation appropriate for a NAPS function:

Our heavenly Father, we thank Thee for all the privileges we enjoy in this Thy world. We thank Thee for the opportunity we have to meet with one another in business and friendship. We ask Thy continued guidance and pray that Thy wisdom will lead us into decisions reflecting the greater purposes of our organization.

In the current proposed postal legislation, which is essentially involved with human rights, we ask the blessing of Thy wisdom for our national officers and congressional leaders as they work together in our best interests, so that their decisions will lead to the strengthening of local branches.

Throughout the world wherever there is strife or unrest, hunger or poverty, we implore Thy presence in the hearts of all national and state leaders in the ongoing work of peace on this earth.

As each of us turns toward home at the conclusion of this _____, we ask that Thou would travel with us, keep us safe from harm and enlighten our spirits that we may better serve our fellow man and Thee.

Dear God will Thou bless each one here bowed in humility before Thee, bless the food which has been prepared and set before us that it may nourish our bodies and preserve our spirits, guide us and provide for us at all times.

7. Legislative and Political Affairs

The Legislative and Political Affairs Department is our liaison on Capitol Hill informing and lobbying our lawmakers on issues and legislation of vital importance to NAPS and the Postal Service.

7.1. Breakdown

7.1.1. Purpose

The Legislative and Political Affairs Department's purpose is to foster relationships between NAPS and members of the United States Senate and House of Representatives. These relationships are built through constructive ongoing dialogue between department staff and lawmakers and their staff. In addition, rigorous and targeted financial support through the Supervisors Political Action Committee (SPAC) reinforces the relationships and enhances NAPS visibility. These relationships ensure that our members' interests are always well represented on Capitol Hill.

7.1.2. Goal

The ultimate goal of the department is to enhance NAPS' profile on Capitol Hill, protect the benefits and livelihoods of EAS employees and defend the integrity of America's Universal Postal Delivery System.

7.1.3. Organization

The Legislative and Political Affairs Department consists of the following:

- * National Executive Vice President (chair)
- * National President (ad hoc member)
- * National Secretary/Treasurer (ad hoc member)
- * NAPS State Legislative Chairs
- * NAPS Branch Legislative Representatives
- * NAPS Legislative and Political Director
- * NAPS Legal Counsel
- * Assistant to the NAPS National President (ad hoc)

The state legislative chair is either elected to the position or is appointed by the state president and selected from one of the following NAPS membership categories: active or associate. The branch legislative representatives are appointed or elected, depending on the branch's constitution, from the same membership categories.

7.1.4. Role of the National Auxiliary

The National Auxiliary to NAPS was organized in 1933 when postal supervisors were fighting to keep those benefits that had already been gained. Prior to the 1993 changes in the Hatch Act, our Auxiliary Members played a key role in lobbying. Their current duties still remain to assist NAPS in its efforts to provide a voice for a better Postal Service, to assist at NAPS direction, securing beneficial legislation, and to promote the welfare of all NAPS members as a whole.

The work performed by Auxiliary members is essential to the successes of NAPS' legislative program. Working under the direction of the NAPS Legislative Department, the Auxiliary promotes the Supervisors Political Action Committee (SPAC), a key part for NAPS' continuing success.

The Auxiliary's work in the legislative field is always under the direction and jurisdiction of NAPS. No steps are taken, or policies voiced by the Auxiliary, without NAPS' approval.

Furthermore, under the direction of the NAPS Legislative Staff, the Auxiliary is an integral part of SPAC fundraising at NAPS events in the field and at the national level. Fundraising activities planned by the Auxiliary should always occur with the consultation and approval of a NAPS Legislative Team member from National Headquarters in order to ensure these activities comply with the Federal Election Law and SPAC's national fundraising strategy.

7.2. Duties and Responsibilities

Each level of the network has specific responsibilities designed to maximize the level of communication among network members.

7.2.1. National Headquarters

The Executive Vice President directs all legislative activity, working with the Director of Legislative and Political Affairs in initiating, identifying and promoting legislation of interest to NAPS and works in conjunction with the NAPS' legal counsel and other national level officers and staff. The makeup of the national legislative team is:

Executive Vice President

- * Direct overall organization legislative strategy
- * Lobbies Senators, members of Congress and their staff
- * Represents NAPS at political fundraisers
- * Keep the membership informed of vital legislation
- * Oversee fundraising efforts for SPAC as Chairperson
- * Serves as the SPAC Treasurer for FEC compliance

Director of Legislative and Political Affairs

- * Primary point of contact between NAPS and legislators
- * Lobbies Senators, Members of Congress and their staff
- * Represents NAPS at political fundraisers
- * Represents NAPS on the Federal Postal Coalition
- * Consults with NAPS headquarters on legislative and political issues

- * Develops and delivers the training curriculum for annual Legislative Training Seminar
- * Develops and updates the NAPS web page and the Legislative Center
- * Provides timely updates to members on postal legislation
- * Prepares the SPAC budget
- * Files all compliance reports with the Federal Election Commission (FEC) under the supervision of the SPAC Treasurer (Executive Vice President)
- * Trains NAPS members on fundraising strategies and FEC rules/requirements under the supervision of the SPAC Treasurer
- * Works with State Legislative Chairs on support for candidates who support NAPS initiatives
- * Works with campaigns on NAPS participation at national and local campaign fundraising events

Legal Counsel

- * Works with the Executive Vice President and the Director of Legislative and Political Affairs to develop and execute legislative strategy

NAPS Headquarters provides training and/or training aids as directed by the Executive Board.

7.2.2. State Legislative Chair

The state legislative chair acts as a link between NAPS Headquarters and local and state level legislative advocates. The chair directs and coordinates the activities between these individuals and the branch legislative representatives in their state. The chair establishes, builds and maintains relationships between NAPS and members of Congress and their staff.

The State Legislative Chair is responsible for:

- * Maintaining a personal dialogue with a senator and/or staff member in the state of residence and reporting their findings to NAPS Headquarters
- * Coordinating statewide SPAC fundraising activities
- * Coordinating SPAC activities with local branches in their respective states
- * Recommending actions to be taken by branches
- * Scheduling and coordinating visits in conjunction with the annual Legislative Training Seminar held in Washington, D.C.

7.2.3. Branch Legislative Representative

The branch legislative representative is responsible for:

- * Maintaining a personal dialogue with a senator and/or staff member in the state of residence and reporting their findings to NAPS Headquarters
- * Overseeing the collection of branch SPAC funds and their transmission to NAPS Headquarters

The branch legislative representative's activities are coordinated with the state representative.

7.3. Communication & Contacting Congress

7.3.1. Overview

One of the primary missions of the Legislative and Political Affairs Department is to keep members informed of any and all national legislative developments that could have a bearing on the overall health of the United States Postal Service as well the benefits of both active and retired postal employees. In order to fulfill this objective; the Department uses the following tools:

- * NAPS.org website (specifically the legislative center)
- * Social Media Tools (Facebook, Twitter, etc.)
- * *NAPS Chat*
- * *The Postal Supervisor* magazine
- * *Legislative and Regulatory Updates from the Legislative Department*

7.3.2. NAPS.org

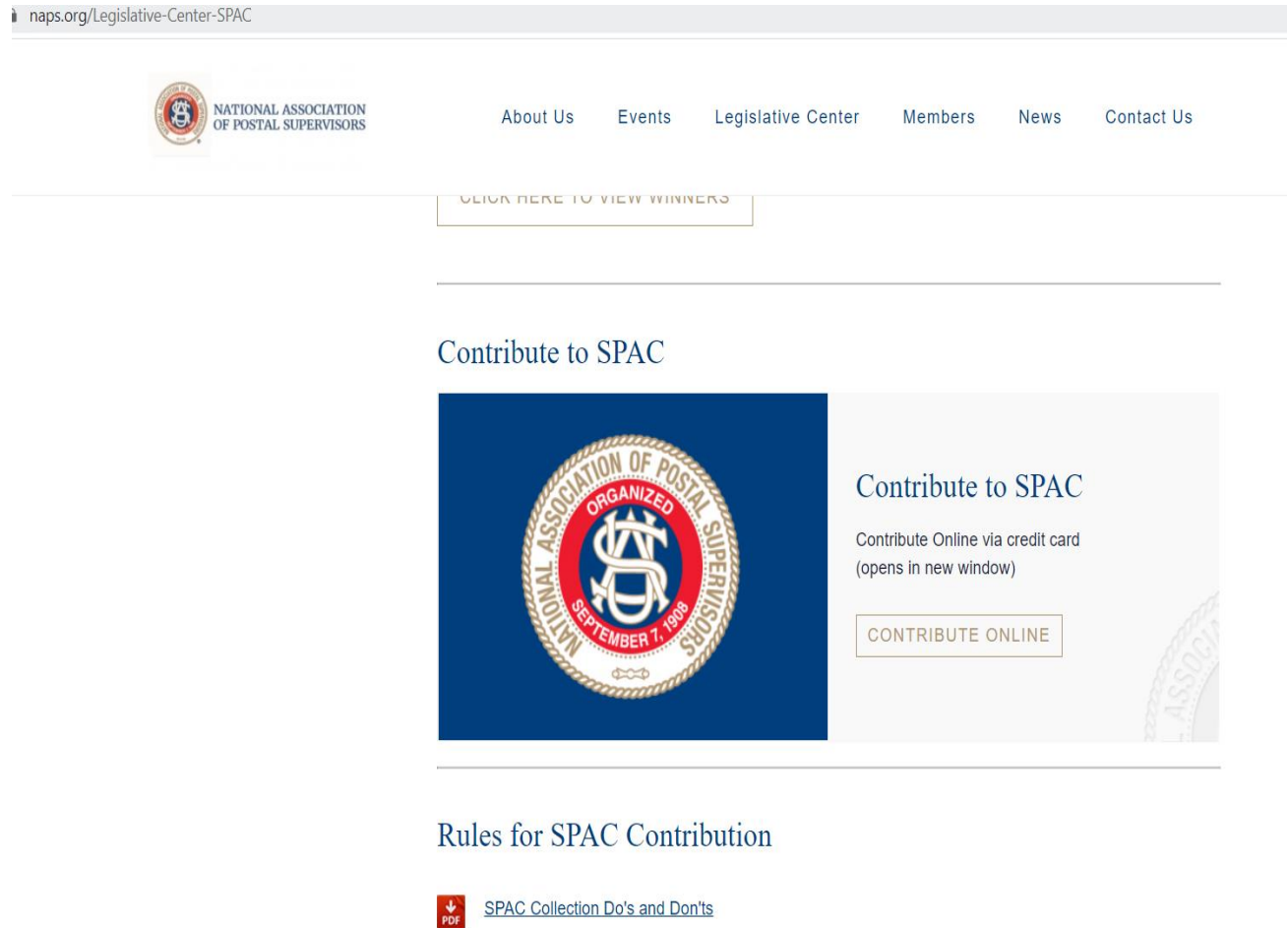
The NAPS Home Page provides legislative information and breaking news within the Legislative Center tab. The URL is: <http://www.naps.org/>. (See the following website screenshots)

Below - Screenshot from the NAPS Legislative Center



The Legislative Center is the information hub on all matters dealing with the Legislative and Political Affairs Department. From the Center, you can check on breaking legislative news, find information regarding how to contribute to SPAC and how to reach out to your lawmakers.

Below - Screenshot from the SPAC Section:



The SPAC section allows you to examine all of the various means to give to SPAC and to understand the rules and regulations regarding giving to the Political Action Committee.

7.3.3. Outreach Methods

The Legislative and Political Affairs team uses various outreach tools at its disposal:

1. Social Media
2. Traditional correspondence (Letter Writing)
3. Telephone Calls

7.3.4 NAPS Chat

NAPS Chat is a weekly podcast intended to inform NAPS members about the latest legislative and political goings-on within our nation’s capital. Hosted by the NAPS Director of Legislative and Political Affairs.

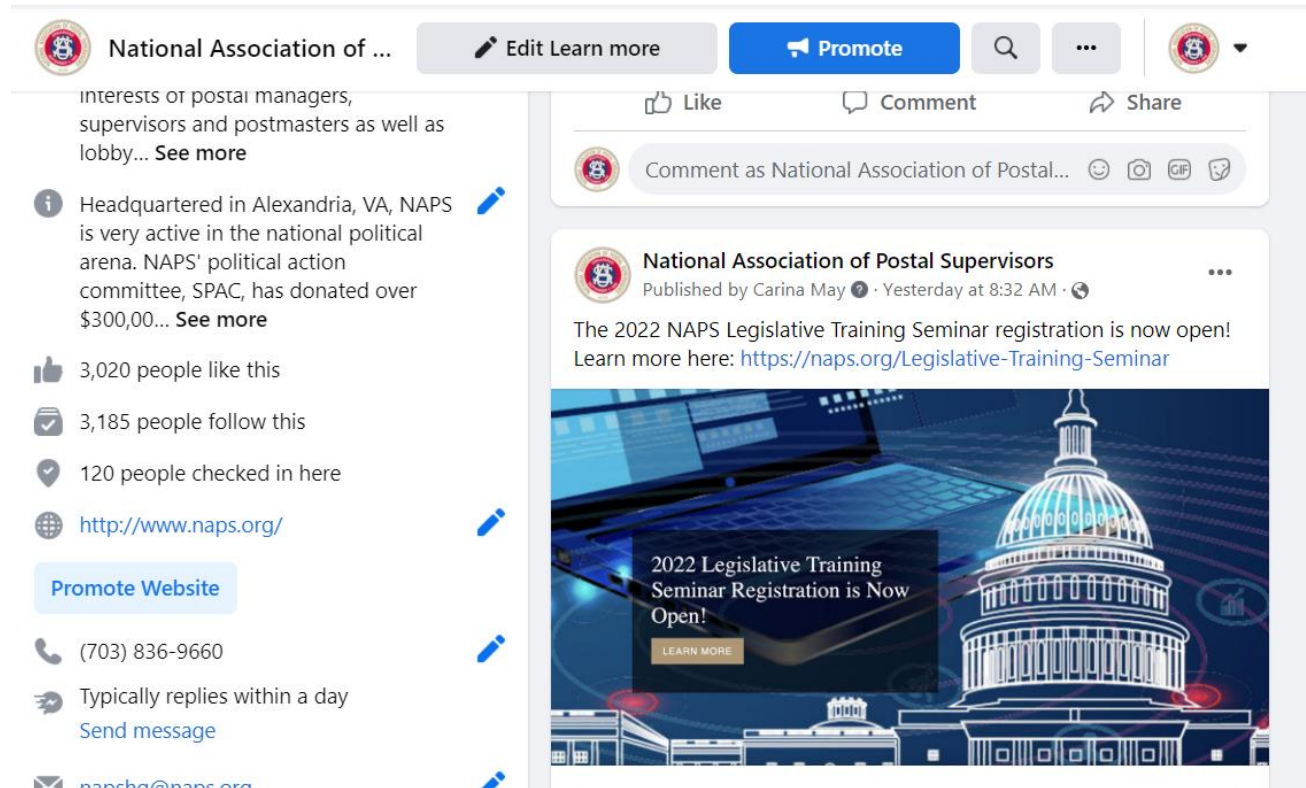
7.3.5. Social Media

NAPS has several available social media outlets at its disposal for members to use- these include:

a. Facebook

- a. **Facebook.com/postalsupervisors**
- b. **Twitter.com/napshq**
- c. **Content:**
 - i. **Member photos;**
 - ii. **Information of interest**
 - 1. **News clips;**
 - 2. **NAPS press releases;**
 - 3. **USPS announcements;**

NAPS Facebook Page:



7.3.6. Letter Writing

Writing a traditional letter to your legislator is still an effective tool in reaching out to your Member of Congress/Senator. However, all mail directed to the offices of our legislators is now screened and irradiated resulting in a delay of delivery. We highly recommend that if the issue you want to write about is available on our website application, you can use that particular NAPS legislative tool to contact your Member of Congress.

As a constituent, a letter from you carries much more weight than correspondence from the national office. Because of this, we encourage our members to reach out to their lawmakers (using whatever avenues they prefer) and layout NAPS' official position on various topics.

Letters are written for different reasons:

- * to express a stance on an issue and to ask for support;
- * to congratulate or thank a Senator or Member of Congress for a particular vote; and,
- * to express disapproval of a vote (politely, of course).

Here are some helpful hints to remember when writing letters:

- * Keep letters as short and to the point as possible.
- * Write on the organization's letterhead or use personal letterhead, and place a signature above the typed name at the end of the letter.
- * Identify what the subject of the letter is and state the name and number of the legislation (e.g., H.R. 79 or S. 2558).
- * State the reason for writing, including personal experiences that pertain to the matter.
- * Do not be argumentative.
- * Do not resort to name calling.
- * If the author has met the member of Congress personally or has some connection over and above that of a constituent, draw attention to it in the letter.
- * Ask legislators to state their positions on the issue by written reply.
- * Write as soon as possible, preferably while a bill is still in committee. Senators and representatives are usually more responsive to an appeal at that time.
- * Write to legislators when they have voted in a way that pleases NAPS. Never miss a chance to show approval of the actions taken by Members of Congress.
- * Never threaten political repudiation if the member of Congress disagrees with NAPS' position.
- * Avoid standard phrases that give the appearance of form letters. They have less impact than a more personal one.
- * Ask family members and friends to send letters too, the more the better!
- * Send copies of letters and any replies to NAPS.

Whenever possible, instead of writing, talk to Members of Congress when they are home during Congressional recesses. You are urged to speak to the administrative assistant or legislative aide if the legislator is unavailable.

Once a letter is written, send it off right away. When it arrives is just as important as what it says.

To better understand the importance of format, Figure 7-1 provides an example of a constituent's letter.

Date

Honorable Sally Smith
or Honorable John Doe
US House of Representatives
or US Senate
Washington, DC 20515 or 20510

Dear Representative Smith:
or Dear Senator Doe:

As a voter and constituent represented by you, I am writing to urge you to oppose/support S ____/HR ____, a bill to _____. This bill will be considered soon by the Committee on _____ (or on the floor of the Senate/House).

Passage/defeat of this legislation is important to me as a member (spouse of a member) of the National Association of Postal Supervisors and an employee (retired employee) of the Postal Service.

When this bill comes up for consideration, I urge you to vote for/against it because (in your own words, state your reason—state your expertise on the matter—relate personal experiences that are relevant).

I would appreciate your support of this position and would like to know your views on the issue and how you intend to vote on this bill.

Thank you for taking time to consider my view.

Sincerely,

Jane Smith
111 Main Street
Your Town, ST 54321
(010) 555-1212

Figure 7-1, Sample Letter to a Member of Congress

7.3.7. Telephone Calls

Another effective way of communicating with legislators is through telephone conversations. Every representative and senator has an office in their home district or state. Phone calls to a member's office are effective even when it isn't possible to speak to the member directly. The staff member relays a constituent's views to Washington, especially if there are a large number of responses on an issue.

In certain situations, it may be necessary to contact Washington directly. If the office number is not known, the Capitol operator connects any caller with the appropriate office (including committee offices). The Capitol operator number is 1-202-224-3121.

Members of Congress and their staff are very busy, so have an idea of what issues are to be discussed. Always ask for the member's position on the issue in question. If the member indicates how he or she intends to vote, immediately pass the information through the network so the news is spread.

7.3.8. Meeting Face-to-Face

The face-to-face meeting is the best way to communicate NAPS' positions on legislative issues. Many individuals are afraid to lobby their legislators because they feel unprepared for such a meeting. Legislators often appreciate constituents giving their opinions. Many decisions made by legislators are based on public response.

Appointments to see legislators may be made when they are home or when they are in Washington. It is always good to bring a delegation along, as it shows the broad-based support for our position. When preparing for a meeting, plan out the interview in advance. Legislators should feel the time spent with constituents was well spent.

Remember to be friendly and cordial. Personal contacts are the basis for successful lobbying.

Don't be disappointed when scheduled to meet with a staff member instead of the elected official. Staff members are just as important and informative as members of Congress, and their influence and importance should never be underestimated. Members of Congress always receive from staff members reports of constituent visits, including how organized the individual or group was during the visit.

7.3.9. Constituent Gatherings

This last route of communication, the constituent gathering, is usually held when the legislator is in their home state or district. It is here the legislator and the constituent may come together in a more relaxed atmosphere. Most legislators are eager to attend a gathering of voters, because the legislator has the opportunity to learn voters' views and lobby for their support at the polls.

7.4. How a Bill Becomes a Law

For a bill to become a law it must move through Congress in an ordered process. A bill must proceed through:

- * introduction;
- * committee action;
- * scheduling for debate;
- * floor action;
- * two-house passage; and,
- * Presidential action.

7.4.1. Introduction

A bill may be introduced in either chamber of Congress by a senator or representative. When a bill is introduced, it is given a bill designation and a bill number. These two items tell in what chamber the bill was introduced (House or Senate), and what number it is, in the order of bills introduced. For example, HR 79 means the bill was introduced in the House of Representatives and was seventy-ninth in the order of bills introduced.

Legislation may also be introduced in the form of resolutions. Simple resolutions are denoted as S Res or H Res, and are numbered sequentially. They deal primarily with matters concerning only one chamber of Congress.

Concurrent resolutions, which are denoted as S Con Res or H Con Res, are used to deal with matters that affect both chambers or to express the sentiments of both on an issue.

Lastly, joint resolutions, indicated by SJ Res or HJ Res, are like bills, in that they deal with matters affecting the United States. They require approval in the same form (a majority in both chambers). They must be signed by the president and have the force of law.

7.4.2. Committee Action

After its introduction, a bill is then referred to a committee, which usually then refers it to a subcommittee for in-depth study. Sometimes NAPS gives testimony before these committees and subcommittees when a bill deals with an issue that affects NAPS members or the USPS. (Testimony may be given in person, or submitted in writing.)

When the work has been completed at this level, the subcommittee reports the bill with recommendations back to the full committee. The full committee usually discusses the bill further. They may amend, reject or approve the bill. If approved, the bill is "reported out" of committee, usually accompanied by a committee report explaining the bill's provisions and the committee's decision.

7.4.3. Scheduling for Debate

A bill is then scheduled for debate by the full House or Senate. In the House, a bill is scheduled by the Rules Committee, which determines when a bill is debated, how much time is spent on the debate, and whether or not amendments to the bill from the House floor are to be allowed. In the Senate, however, bills go on the Senate calendar and are scheduled for debate by the majority leadership. There is no time limit on debate in the Senate unless there is a unanimous vote from all members.

7.4.4. Floor Action and Two-House Passage

Next, a bill is sent to the House or Senate floor for consideration by all members. The bill is debated, sometimes amended, and then potentially voted up or down. If approved by one body, the bill is sent to the other to go through the committee procedure. If the second body passes the bill with no changes, it is then sent to the president for signature. However, if the House and Senate pass separate versions of the bill, it is sent to a conference committee. Both the House and the Senate appoint members from the committees that first considered the bill to serve on the conference committee to resolve the differences. These members are called conferees. Failure to compromise leads to the death of the bill in the conference committee. On the other hand, if the committee members reconcile their differences, the bill goes back to the Senate and House for passage. At this point there can be no further changes; the bill must be voted up or down.

7.4.5. Presidential Action

After a bill has been sent to the White House, the president has three choices:

- * Sign it within ten days, wherein it becomes law.
- * Take no action for 10 legislative days, after which the bill becomes law.
- * Veto the bill and send it back to the House and Senate, where it can only be overridden by a two-thirds vote of both chambers.
- * Exercise a "pocket veto," or withhold approval of a bill until after Congress has adjourned, killing the bill.

7.4.6. Obtaining Copies of Bills

All bills are available through the Internet. Bills are not put up the same day as introduced, and amendments may not be posted for several days. To find bills check the following website:

Thomas (Library of Congress)

<http://thomas.loc.gov/>

7.5 Electing Members of Congress: Supervisors Political Action Committee (SPAC)

With the influence Congress wields over the future of the Postal Service, and its control over the benefits of working and retired postal supervisors, managers, and postmasters it is increasingly important that NAPS members do everything possible to help elect or re-elect members to both the House and Senate who are supportive of NAPS members' and their families' interests. To accomplish this goal, NAPS formed the Supervisors Political Action Committee (SPAC) to give NAPS members a bullhorn on Capitol Hill and make sure their voices are heard.

Affiliated PAC's such as SPAC collect contributions from individuals who are from the same organization or company and uses these funds to make political contributions. The PAC can then make a more substantial contribution to a legislator's campaign in the name of the respective organization or company than any individual.

SPAC is a bipartisan PAC, with funds primarily going to campaigns of Senators who sit on the Homeland Security and Government Affairs Committee (HSGAC) and to a Member of Congress who sits on the House Oversight and Government Reform Committee (HOCR). HSGAC and HOCR are the two committees that have jurisdiction over the USPS in Congress. SPAC donations can only be solicited from NAPS members (including retired members) and their families. They may be collected at branch and legislative meetings, and at state and national conventions, **but never on federal property, including any postal facility.**

7.5.1 SPAC Recognition

Pins: NAPS and Auxiliary members contributing at least \$100, \$250, \$500, \$750 and \$1,000 or more in a calendar year receive special recognition from SPAC in the form of a lapel pin corresponding to their donor level. The five donor levels from lowest to highest are: *Supporter, Chairman's Club, Secretary's Roundtable, VP Elite and President's Ultimate Oval*. Additionally, members who achieve these different donor levels will have their name appear in an issue of the NAPS magazine, *The Postal Supervisor*, recognizing them for their contribution. Their name will appear under the column heading for their donor level usually the month after the contribution that allowed the member to reach a particular SPAC level.

For example, if Joe Smith made a \$100 contribution to SPAC in January, his name would appear as a *Supporter* in the February issue of *The Postal Supervisor*, but not in any subsequent issue until he donated at least another \$150 allowing him to reach the next SPAC level. If this case, if he then made a \$150 contribution in April, his name would appear as a *Chairman's Club* member in the May issue of the magazine. Additionally, if a donor skips a donor level, such as giving a first-time donation of \$250 in a given month, that donor will not appear under the *Supporter* level in that calendar year. Furthermore, if a donor reaches the *President's Ultimate Oval* level, that person's name will appear in every issue of the magazine after the level is achieved for the rest of the calendar year. This is regardless if the member makes another contribution throughout the year. Be advised that there will be no automatic recognition of the actual dollar amount a member donates in *The Postal Supervisor*, only recognition of the donor level achieved.

Continuous Contributor Club: The Continuous Contributor Club (CCC) is a special program designed to encourage members to sign up for automatic SPAC contributions. By contributing through PostalEASE Payroll Deduction or OPM Annuity deduction to SPAC, these donors are automatically enrolled in the CCC. As recognition for their contributions, CCC members receive a special lapel pin for their membership, special acknowledgment in *The Postal Supervisor* for joining the CCC the month after their first CCC contribution of the year was made, as well as automatic entrance into special raffles SPAC holds for CCC members throughout the year.

State Recognition: Additionally, each month in *The Postal Supervisor* magazine, NAPS will publish the top five states that have raised the most SPAC funds, year-to-day, as well as the top five states in per capita. NAPS will also publish SPAC rankings of different States, Branches, Areas and Regions as it deems appropriate in *The Postal Supervisor*, as well as on the NAPS website.

An Officer's Role in SPAC's compliance with the Federal Election Commission:

An officer's primary job in relation to SPAC is to encourage their members to contribute to SPAC. However, there are some rules that every officer must follow when not only raising money for SPAC, but collecting SPAC donations and sending those donations to NAPS Headquarters. Here are some the key rules to follow while fundraising for SPAC:

- * Do not deposit any SPAC donations into any account. The only bank account that SPAC checks can legally be deposited into is the national SPAC account managed by the Executive Vice-President and the PAC Manager.
- * All contributions to SPAC must be sent to NAPS Headquarters within five days.
- * Do not accept checks from Branch or Auxiliary bank accounts, or checks drawn from a contributor's business account or farm account.
- * If a contribution was accepted during a collection at a meeting, have the contributor fill out a receipt for the contribution, or fill out a receipt for them.
- * Forward all cash collected to headquarters via money order or certified check. (Cash contributions cannot exceed \$100.) Neither personal nor branch checks may be used to forward cash donations to SPAC.
- * Do not use money from the contribution to pay the money order fee. Branch funds can cover the money order fee.
- * Do not accept third party checks (checks from one member, made out to a second, endorsed over to SPAC) under any circumstances.
- * Federal law prohibits SPAC from soliciting donations from anyone who is not a NAPS member, Auxiliary member, or the family member of a NAPS Member.

The "One Third Rule":

The "One Third Rule" is a rule that governs the prizes raffled or auctioned off for SPAC that are bought with NAPS funds. If a prize is donated to SPAC by an individual, that is called an In-Kind contribution (see below), and is **NOT** subject to the "One Third Rule." The "One Third Rule" states that the fair market value of the donated item used for fundraising cannot exceed one-third of the money raised during the raffle or auction.

Successful Example: Branch 999 donates a \$100 pair of baseball tickets for a SPAC raffle using their branch's funds. As long as Branch 999 raises \$300 or more on the raffle, they will be in compliance with the "One Third Rule." This is because \$100 is one third of the value of \$300, and becomes less of a fraction as the money raised goes above \$300.

Unsuccessful Example: Branch 999 donates a \$300 gift basket to SPAC. Instead of raising the \$900 needed to be in compliance with the "One Third Rule," Branch 999 only raises \$600. To rectify this, SPAC would have to reimburse Branch 999 \$100 out of SPAC funds. By giving Branch 999 this \$100, Branch 999 would only have spent \$200 on the gift basket, which is one third of the \$600 raised.

Raffles v. Auctions: While the terms raffles and auctions are often used interchangeably, they have unique meanings within the context of the "One Third Rule." As you will see from the examples below, it is much easier to stay in compliance with the "One Third Rule" by holding a raffle versus an auction.

Raffle: Raffles consist of SPAC selling tickets for a uniform price for a prize to be drawn. If there is only one item in the raffle, and that item is donated by the branch, then that item must comply with the one third rule (see "Successful Example" above). However, if a raffle has two or more donated items, the values of each item are then added together, and the aggregate value of the gifts is subject to the "One Third Rule". This is beneficial because if one item proves to be more popular than the other, the raffle items will not be looked at separately, but collectively.

Raffle Example: If Branch 999 Raffles off both a \$200 gift card, and a \$100 necklace, the raffle must raise a total of \$900. For this example, it would be acceptable if the Gift Card raised \$700 and the necklace raised only \$200. While the necklace on its own is not compliant with the "One Third Rule," it does not matter because it was part of a larger raffle. To guarantee that this is applicable to all raffles, SPAC advises that all raffle tickets at an event are the same price, and that a branch **DOES NOT** establish a grand prize raffle and regular raffles that have different entrance costs, as that may complicate compliance with the "One Third Rule."

Auction: Auctions can be traditional with an auctioneer or silent with sealed bids for each auction item. In an auction, each auction item that is donated by NAPS must comply with the "One Third Rule" on its own. Whether the aggregate total of the event complies with the "One Third Rule" or not is irrelevant with auctions.

Auction Example: If Branch 999 auctions or silent auctions a \$100 bracelet and a \$200 pair of football tickets, each item must, on its own, comply with the "One Third Rule." So, if the bracelet raises \$600 and the tickets raise \$300, even though \$900 was raised (and would have been compliant if the items were raffled), only the bracelet was in compliance with the *One Third Rule*, and SPAC would have to reimburse the branch \$100 for the football tickets to make them in compliance with the One Third Rule. Because of this, SPAC strongly recommends doing raffles versus auctions with items that are subject to the "One Third Rule".

SPAC Record Keeping and Tabulation

The more information SPAC has the more effective it will be at raising funds. Knowing how often an individual contributes to SPAC, how much an individual gives per contribution, when an individual chooses to contribute, and an individual's preferred contribution method are critical facts when SPAC is planning its fundraising strategy. In turn, SPAC keeps detailed records of all contributions made to SPAC. These records are also those used to determine the recognition given to individual donors through pins, as well as track the rankings of regions, areas, states, and branches in relation to SPAC fundraising.

When calculating the rankings among different regions, areas, states and branches, it is important to remember that every contribution made by an individual will also count towards that individual's branch, and in turn, their state, area and region. Therefore, to comply with the law, recognize donors as much as possible for all of their donations, and employ more effective fundraising strategies, it is strongly preferred by SPAC that wherever possible, individual receipts are used for contributions instead of group contribution forms.

Members of the Executive Board are encouraged to ask for detailed reports of individual contributions from the PAC Manager prior to meetings so they can use that information to stimulate SPAC fundraising at local meetings.

Contributing to SPAC

There are several methods through which members can contribute to SPAC. In an effort to ensure that SPAC can raise as much money as possible, everyone from National Officers all the way down to Branch Legislative Chairs should always be prepared to accept a SPAC contribution (not while on federal property), or guide a member wanting to make a donation to the proper forum.

Sending Contributions directly to NAPS HQ: A member can always donate to SPAC by sending a check, money order, or credit card information directly to NAPS HQ. A copy of the receipt is available on the NAPS website. The receipt is found under the Legislative Center Tab, and then clicking *SPAC* and opening a PDF titled "Individual Contribution Form." A copy of the receipt is also included in every edition of *The Postal Supervisor* magazine.

Online Credit Card Contributions: A member can contribute via credit card, online at any time. The link to contribute online is found under the Legislative Center Tab. Click *SPAC*. Then in the middle of the SPAC page there the "Contribute Online via Credit Card" box. Click the box and follow the instructions.

Active Supervisor and Retiree Payroll Deduction: Active employees and retirees have the ability to contribute to SPAC automatically through their paychecks or annuities. This is the most secure way to contribute to SPAC. Contributions received through payroll deduction allow the Legislative team to better prepare the SPAC budget because the contributions received are consistent.

Active Employees: Active employees can sign up for this service through the USPS PostalEASE website. The instructions to sign up can be found on the NAPS website under the Legislative Center, and then clicking on *SPAC*. The instructions are available in a PDF form titled “How to Contribute to SPAC via USPS Payroll Deduction.” Contributions are taken out every two weeks to coincide with your USPS paycheck. These contributions will continue as long as a USPS paycheck is received, unless the donor cancels the allotment in PostalEASE.

Retirees: Retirees can sign up for this service through the OPM website. The instructions to sign up can be found on the NAPS website under the Legislative Center, and then clicking on *SPAC*. The instructions are available in a PDF form titled “How to Contribute through OPM Retirement allotment.” Contributions are taken out on the first of every month, and will continue until the donor cancels the contribution on the OPM website.

Collections at Meetings: NAPS meetings are one of the best times to raise money for SPAC. All contributions collected at NAPS meetings should be sent to the PAC Manager at NAPS Headquarters within five days of collection. There are several tried and true methods used to raise money for SPAC. While all of these are effective, as cited above, individual receipts should be always be used.

Pass the Hat: Pass the hat, while an effective way to raise money for many organizations contradicts the spirit of the regulations established by the Federal Election Commission (FEC) for PAC’s. As there are clear benefits for individual donors as well as SPAC’s fundraising operation to filling out individual receipts, all pass the hats should now include individual receipts to benefit both the individual and respective branch.

Raffles: At a meeting, as long as allowed by state law, SPAC can raffle off prizes with all of the funds going to SPAC. Raffles consist of drawing names or tickets out of a “hat” which is distinct from an auction. Raffle items can be donated by an individual. This is called an “In-Kind” contribution, which earns the donor the same credit for themselves and their branch as they would for contributing money. National, State, Branch or Auxiliary funds can be used to purchase gifts to be used in raffles, but are subject to the “One Third Rule” (see above). When calculating the “One Third Rule” for a raffle, all gifts subject to the “One Third Rule” can be aggregated together against all of the money raised during the raffle. When purchasing raffle tickets, all purchasers should fill out an individual receipt to make sure they receive proper credit for their branch as well as their individual donor level.

Auctions: SPAC can also hold auctions where prizes are given out to the highest bidder. The winner of an auction item should fill out an individual receipt for the money paid as that goes in as a donation for SPAC. However, different from raffles, each auction item is individually subjected to the “One Third Rule.”

Direct Donations: A NAPS member can also simply make a contribution to SPAC at a branch meeting by check, money order, or by putting their credit card information on a receipt. If a donor gives cash, the person responsible for SPAC collections, usually the Branch President or the Branch Legislative Chair should turn the cash into a money order, and send the contribution to NAPS HQ. The money order fee should never be taken out of the cash intended to go to SPAC, but should instead be paid by from the branch's general fund.

Competition: Competition is an effective tool when trying to increase fundraising. If two branches, states, areas or regions wish to compete against one another, the legislative team will happily generate reports with its fundraising database VOCUS, and keep track of the competition.

In-Kind Contributions: NAPS members, in addition to contributing to SPAC with money, can instead buy gifts and donate them to SPAC for raffles and auctions. All the members have to do is fill out a receipt, and on the bottom of the receipt provide the fair market value of the donated item, and a brief description of the item. In-Kind contributions count towards an individual's total and the total amount raised by the respective branch; as if it was an actual monetary contribution. Additionally, gifts donated by individuals are not subject to the "One Third Rule."

7.6 Electing Members of Congress: Working on Political Campaigns

The best way to ensure that Members of Congress support legislation of concern to NAPS is to help elect incumbents and candidates who we know are supportive of our Association and its members. NAPS members can influence who is elected to Congress:

- * by contributing money to SPAC, as the previous section explains, and
- * by contributing time to a political campaign.

Rules for what you, as a federal employee, may and may not do when participating in political campaigns were approved during Franklin Roosevelt's Administration with passage of the Hatch Act. Congress approved major changes to the Hatch Act that took effect in February 1994. Those changes allow postal and federal employees the opportunity to become very involved in congressional races when working on such campaigns off the clock and out of uniform.

NOTE: Violation of the Hatch Act carries severe penalties, including removal. NAPS officers at any level do not have the authority to grant approval of political activity. The Office of Special Counsel is responsible for investigating reports or complaints concerning Hatch Act violations and provides information on what is and is not allowed. If you have questions about whether or not a specific political activity is allowed, call the Office of Special Counsel:

1-800-85-HATCH (1-800-854-2824)

7.6.1. Branch Political Activity

The reformed Hatch Act allows NAPS Headquarters and branches to participate actively in congressional campaigns. A partial list includes the following:

- * Endorse Senate candidates.
- * Endorse House candidates.
- * Send delegates to Washington for legislative training seminars.
- * Invite incumbents and candidates to speak at state conventions.
- * Invite incumbents and candidates to speak at branch meetings.
- * Hold workshops to educate members on Hatch Act do's and don'ts.
- * Organize a voter registration campaign for branch members.

7.6.2. Individual Political Activity

The reformed Hatch Act allows NAPS members to participate actively in congressional campaigns. A partial list includes the following:

- * Volunteer for the NAPS Congressional Liaison Network.
- * Develop a political action plan for your branch in an election year.
- * Work on a political campaign.
- * Contribute to the SPAC.
- * Contribute directly to a political party or campaign of your choice.
- * Write House and Senate candidates and determine whether they support NAPS issues.
- * Offer friends, neighbors and relatives a ride to a polling location on Election Day.
- * Write an article supporting a political candidate.
- * Make legislation and politics a major part of a branch's activities.

Some specific examples of **acceptable activity** include the following:

- * You can work on a campaign when you are off the clock and out of uniform.
- * You can make speeches on behalf of a candidate, stuff envelopes, make phone calls to encourage individuals to vote for a candidate, put a sign in your yard or a bumper sticker on your personal vehicle.
- * You can solicit campaign contributions, but only from NAPS members.
- * You may be a candidate for public office in nonpartisan elections.
- * You may register and vote as you choose.
- * You may assist in voter registration drives.
- * You may express opinions about candidates and issues.
- * You may contribute money to political organizations.
- * You may attend political fundraising functions.
- * You may attend and be active at political rallies and meetings.
- * You may join and be an active member of a political party or club.
- * You may sign nominating petitions.
- * You may campaign for or against candidates in partisan elections.
- * You may make campaign speeches for candidates in partisan elections.
- * You may distribute campaign literature in partisan elections.

- * You may hold office in political clubs or parties.
- * You may campaign for or against referendum questions, constitutional amendments, and municipal ordinances.

Some specific examples of **prohibited activities** include the following:

- * You may not use your official authority or influence to interfere with an election.
- * You may not collect political contributions unless both individuals are members of the same federal labor organization or employee organization and the one solicited is not a subordinate employee.
- * You may not knowingly solicit or discourage the political activity of any person who has business before the agency.
- * You may not engage in political activity while on duty.
- * You may not engage in political activity in any government office.
- * You may not engage in political activity while wearing an official uniform.
- * You may not engage in political activity while using a government vehicle.
- * You may not solicit political contributions from the general public.
- * You may not be a candidate for public office in partisan elections.
- * You may not wear political buttons on duty.

7.7 References

For additional legislative information, consult any of the following references.

- * *The Postal Supervisor*, mailed to each member from the National office monthly, is a source of information on current legislative activity.
- * NAPS website - www.naps.org; Legislative Center.
- * NAPS Director of Legislative and Political Affairs.
- * NAPS regional, area, state or branch seminars are held on a variety of issues, including legislation, and are an excellent source of up-to-the-minute information.
- * Local newspapers publish information on members of Congress, including their voting records.

7.8 Congressional Leadership

Most bills of interest to postal supervisors that are introduced in Congress most often are handled by only a couple of committees in the House and Senate. It is especially important that branches whose members reside in the same districts and states as the members of Congress on these committees develop and maintain the best possible rapport with the members. And because scheduling a bill for action is critical to passage, members of the network should be familiar with the House and Senate leadership as well.

Lists of Democratic and Republican leaders are provided at every NAPS legislative training seminar. See the branch legislative representative for a copy.

7.9 Glossary of Congressional Terms

It is sometimes difficult to understand all the congressional jargon when someone is new to grassroots political activity. This glossary of terms is helpful for even the "greenest" of Congressional Liaison.

Act	A bill that has passed through the legislative process and become a law.
Adjournment Sine Die	The final adjournment of a session of Congress.
Amendment	A proposal to change the language of a bill or Act.
Appropriations Bill	A bill reported out of the House or Senate Appropriations Committee, which assigns government funds to spending bills.
Authorization Bill	A bill reported out of an authorizing committee. This type of committee authorizes a government program and the funds necessary to finance it.
Bill	A legislative proposal introduced by a member of Congress. Bills are designated as HR (House of Representatives) or S (Senate) according to the body in which they are introduced, and assigned numbers according to the order in which they are introduced.
Budget	The document sent to Congress by the US president early each year estimating government revenue and expenditures for the ensuing fiscal year.
Budget and Impoundment Control Act of 1974	The law in which Congress changed its budget process; the act also created the Congressional Budget Office and the Senate and House Budget Committees.
Budget Committees	A committee in each chamber that coordinates spending legislation and formulates the overall congressional budget.
Budget Resolution	Concurrent resolution of both the House and Senate which prescribes spending limits in the various areas of government activity.
By Request	A phrase used when a senator or representative introduces a bill at the request of somebody else.
Calendar	An agenda for pending legislative business.
Clerk of the House	The chief administrative officer of the House of Representatives, with duties corresponding to those of the secretary of the Senate.

Cloakrooms	Small rooms for Democrats and Republicans located off the floor of the Senate and House of Representatives, where members can go for informal conferences and phone calls.
Closed Rule	A rule granted by the House Rules Committee that prohibits amendments to a particular bill during House floor action. Under a "closed rule" the House must either accept or reject the bill as recommended by the sponsoring committee.
Cloture	The procedure by which a filibuster can be ended in the Senate. Cloture requires the signatures of 16 senators and the votes of three-fifths of the entire Senate membership.
Committee of the Whole House	This device enables the House to act with a quorum of 100 instead of the normally required 218. The House itself becomes "committee" and is assisted by the parliamentarian. All debate is confined to the pending bill. After it has considered a bill as a "committee of the whole," the "committee" is dissolved and the House then takes up the bill for final action.
Conference Committee	A special committee formed to reconcile differences between differing versions of a bill passed by the Senate and House. Conference committee members, or conferees, are appointed from the bill's sponsoring committees in each chamber.
Congressional Record	The daily printed account of the proceedings of the House and Senate.
Congressional Terms of Office	Congressional terms normally begin on January 3 of the year following a general election. They are two years in length for representatives and six years for senators.
Enacting Clause	A clause included in every bill: "Be it enacted by the Senate (or House of Representatives)..."
Engrossed Bill	The final copy of a bill as passed by the House or Senate.
Enrolled Bill	The final copy of a bill which has been passed in identical form by both the Senate and the House.
Executive Session	A closed meeting of a Senate or House committee.
Filibuster	A delaying tactic of unlimited debate, used only in the Senate.
Germane	Pertaining to the purpose of a bill.

Hearings	House and Senate Committee sessions in which testimony regarding legislation is taken from interested parties.
Hopper	A box on the House clerk's desk where bills are placed to be introduced.
Joint Committee	A committee composed of members of both the Senate and the House.
Line-Item Veto Act	Gives the President carefully defined authority to cancel dollar amounts of discretionary spending, items of new direct spending, and limited tax benefits, which may only be overridden by a two-thirds vote in Congress.
Majority Leader	The leading spokesperson and legislative strategist for the party in control of either the House or the Senate.
Majority Whip	The assistant majority leader in the House or Senate.
Marking Up a Bill	The process of going through a bill section-by-section in committee and considering possible changes.
Minority Leader	The leading spokesperson and legislative strategist for the minority party in either the House or Senate.
Minority Whip	The assistant minority leader in either House or Senate.
Omnibus Bill	A bill containing several separate but related items.
Ordered Reported	A full committee approves a bill and orders it "reported" to the House or Senate. The bill has cleared the committee but is not quite ready for floor action. The committee first must write a report explaining the bill. The report may contain not only the "majority views" (opinion of the committee's majority), but the "minority views" and "individual views" or "additional views." The bill and report are then filed in the House or Senate and at that point the bill is considered "reported."

Override a Veto	A procedure that Congress enacts when the US president refuses to sign a bill into law. Congress must have a two-thirds vote in each chamber to override the veto. If this vote occurs, the bill then becomes law over the US president's objections.
President of the Senate	The presiding officer of the Senate, normally the US vice president.
President Pro Tempore	The presiding officer of the Senate in the vice president's absence, elected by the full Senate.
Quorum	The required minimum number of members present in order for the House or Senate to conduct official business (fifty-one in the Senate, 218 in the House).
Recommit to Committee	A motion to return a bill to the committee that reported it after it has been debated on the floor.
Reconciliation	The process whereby Congress enforces a budget resolution which requires the authorizing and appropriations committees to spend within the resolution's prescribed limits.
Reporting a Bill	A committee that has been examining a bill referred to it by the parent chamber "reports" its findings and recommendations to the chamber when it completes consideration and returns the measure. The process is called "reporting" a bill.
Rider	An amendment, usually not germane, which its sponsor hopes to get through more easily by including it in other legislation.
Rule	The instructions on the time and substance of debate on a bill, which are attached to the bill when reported out to the floor by the House Rules Committee.
Secretary of the Senate	The chief administrative officer of the Senate, responsible for overseeing the duties of Senate employees, educating Senate pages, administering oaths, handling the registration of lobbyists, and handling other tasks necessary for the continuing operation of the Senate.
Select or Special Committee	A committee set up for a special purpose and, usually, for a limited time by resolution of either the House or Senate.

Speaker of the House	The elected presiding officer of the House of Representatives.
Special Session	A session held after Congress has adjourned sine die. Special sessions are convened by the US president.
Suspension of Rules	The process where the Senate and House may suspend their usual rules on the first and third Mondays of each month and during the last six days of a session if two-thirds of a quorum vote affirmatively. A bill may now be brought up immediately for a debate limited to twenty minutes for each side. No amendments are permitted.
Unanimous Consent	Proceedings of the House or Senate and action on legislation often take place upon the unanimous consent of the chamber. Unanimous consent is used to expedite floor action and frequently is used in a routine fashion, such as when a senator requests the unanimous consent of the Senate to have specified members of his staff present on the floor during debate on a specific amendment.
US Code	A consolidation and codification of the general and permanent laws of the United States arranged by subject under fifty titles. The first six deal with general or political subjects, and the other 44 are alphabetically arranged from agriculture to war. Title 39 covers the Postal Service.
Veto	The rejection of a bill by the US president.
Well	The area in front of the speaker's rostrum from which House members address the House.
Yielding	When a member has been recognized to speak, no other member may speak unless he obtains permission from the member recognized.

Equipped with these important words and phrases, it is easier to communicate with a legislator with confidence.

8 Discipline and Grievances and Appeal Procedures

This section establishes procedures for appealing discipline (issued to an EAS employee) and filing a grievance (filed by an EAS employee). The Postal Service's *Employee and Labor Relations Manual (ELM) Section 650* addresses discipline and appeals for non-bargaining employees. All members should review and be familiar with ELM Section 650.

Nondisciplinary Corrective Measures ELM 651.3

Accountable managers/supervisors are responsible for the direct day-to-day performance management of subordinates. The accountable manager/supervisor monitors subordinates' performance and provides appropriate resources, coaching and feedback to subordinates. The manager/supervisor is responsible for leading the employee to a higher level of achievement. Performance improvement should be a shared concern and effort between manager and employee. Early dialogue and guidance are critical to achieving positive results and continuance of an effective manager/employee relationship.

Discipline can be taken against any EAS employee; a grievance can be initiated only by employees EAS-17 and below.

There are three types of discipline:

- emergency placement in off-duty status or other appealable action ELM 651.4
- letter of warning (LOW), ELM 651.5
- letter of warning in lieu of time-off suspension. ELM 651.6

All three are forms of discipline, but the process for appealing a letter of warning in lieu of time-off suspension is different.

A letter of warning in lieu of a time-off suspension was created in 1996 as a result of consultations between NAPS and the Postal Service. The concept is to create a means to identify inappropriate management behavior and recommend a constructive means of addressing and changing this behavior—without leaving a permanent record in the member's OPF.

NOTE: Federal statute requires time-off suspension in some situations, defined in Postal Service's Employee and Labor Relations Manual (ELM). These suspensions may be appealed under the process defined in ELM Section 650 or through the Merit Systems Protection Board (MSPB). See Section 9 of the OTM for ELM Section 650 Hearing and MSPB appeal procedures.

8.1 Representation ELM 651.2

Representation rights apply to both discipline and grievance situations. Employees have free choice of representation. Postal employee representatives in a duty status designated to assist employees receive a reasonable amount of official time to respond to a notice of proposed disciplinary action, prepare for and represent the employee at a hearing, and to represent an employee who has appealed a letter of warning or emergency placement in a nonduty status.

Members may request representation during investigative questioning if they have reasonable belief disciplinary action may ensue.

8.2 Grievances ELM 652.4-652.44

8.2.1 Definition

A grievance is an employee-initiated appeal of working conditions or postal policy violations. Grievances must be filed under the provisions contained in ELM Section 650.

8.2.2 Appeal Process Eligibility

Access to appeal procedures is determined by an employee's grade and the nature of the discipline: Employees EAS-17 and below, regardless of length of service, can appeal a letter of warning, emergency placement in non-duty status, and other matters concerning all working conditions (such as an employee's schedule or treatment by the individual's manager) using the procedures listed in the next section. PCES Level I and EAS-18 and above employees have access to these procedures only to appeal discipline in the nature of a letter of warning and emergency placement in a non-duty status.

8.2.3 Filing A Grievance

Employees follow the same procedures whether appealing discipline or filing a grievance:

- Step A,
- Step B, and
- Review.

8.2.4 Step A

- There are specific time and procedure requirements in Step A:
- The employee may file a grievance within 10 calendar days of learning its cause.
- The grievance must be in writing to the immediate supervisor.
- The employee or representative has the right to discuss the grievance with the supervisor during this period.
- The employee must receive a decision in writing within five (5) calendar days after filing the grievance.
- If time limits cannot be met, reasons for the delay must be explained in the decision.

8.2.5 Step B

There are specific time and procedure requirements in Step B:

- The employee or representative has seven (7) calendar days after receipt of Step A decision to appeal to the next higher level of management.
- The Step B official discusses the appeal with the employee or representative and issues a decision in writing within 10 calendar days. Usually, this appeal is final.
- If the employee believes the decision is unfair, the employee may request a review. The Postal Service must provide a review if requested.

8.2.6 Review

There are specific time and procedure requirements in the Review:

- The employee may request a review of a Step B decision to the area manager of human resources.
- The request must be in writing and must give the specific reasons why a review is necessary.
- The request must be submitted within 15 calendar days after the Step B decision is received.
- The review of the appeal is based solely on the record, and there is no opportunity for the employee or the employee's representative to meet with the reviewing official.
- The reviewing official issues a written decision, and there is no further right of administrative appeal. In consultation with USPS, it was agreed that a benchmark should be established for review when these actions are appealed and that, generally, 60 days would be appropriate to complete the review and issue a decision.

8.3 Discipline (LOW and Other Appeals)

8.3.1 Letter of Warning ELM 651.5

When warranted by the failure of nondisciplinary corrective measures such as discussions or counseling, or by the seriousness of the offense, a letter of warning (LOW) may be issued, usually by the employee's immediate supervisor. The written warning contains specific reasons for the letter, and a statement of appeal rights.

8.3.1 (a) Retention Period

A letter of warning remains in the employee's Official Personnel Folder (OPF) for up to two (2) years after issuance provided there is no intervening disciplinary action. If intervening disciplinary action is taken, active letters of warning may be cited as a past element. An employee or representative may negotiate a lesser period of retention at any step of the appeal process and should attempt to do so if immediate removal of the letter is not possible. A letter of warning may also be reviewed by the employee's supervisor before the two-year period has elapsed. The letter may be removed from the employee's personnel record, when appropriate, at the discretion of the employee's supervisor or manager. Use PS Form 8043 to remove from eOPF.

8.3.2 Emergency Placement in Off-Duty Status ELM 651.4

An employee may be placed in an off-duty nonpay status immediately but remains on the rolls when he or she (a) exhibits characteristics of impairment due to alcohol, drugs or other intoxicant, (b) fails to observe safety rules, (c) fails to obey a direct order, (d) provides reason to be deemed potentially injurious to self or others, or (e) disrupts day-to-day postal operations in any other way. Placement in an off-duty nonpay status is confirmed in writing, stating the reasons and advising the employee that the action is appealable. The employee should be returned to duty after the cause for nonpay status ceases unless individual circumstances warrant otherwise. Use of these emergency procedures does not preclude disciplinary action based on the same conduct.

8.3.3 Letter of Warning in Lieu of a Time-Off Suspension ELM 651.66

The appeal procedures for this form of discipline are different than for LOW or emergency placements. Federal statute requires time-off suspension in some situations, as defined in the ELM.

8.4 Appealing Discipline for LOW, Emergency Placement in an Off-Duty Status and other matters concerning working conditions ELM 652.4-.44

The process for appealing a letter of warning and emergency placement in an off-duty status is different from the process for appealing a letter of warning in lieu of time off suspension. This section describes the first of those two processes.

Employees follow the same procedures whether appealing discipline or filing a grievance:

- Step A, 652.42
- Step B, and 652.43
- Review. 652.44

8.4.1 Step A ELM 652.42

There are specific time and procedure requirements in Step A:

- The employee or representative may file an appeal within 10 calendar days of receiving the LOW or the Notice of Emergency Placement in Nonduty Status or other appealable action.
- The appeal must be in writing to the immediate supervisor.
- The employee or representative has the right to discuss the discipline with the supervisor during this period.
- The employee must receive a decision in writing within 10 calendar days after filing an appeal.
- If time limits cannot be met, reasons for the delay must be explained in the decision.

8.4.2 Step B ELM 652.43

There are specific time and procedure requirements in Step B:

- The employee or representative has seven (7) calendar days after receipt of Step A decision to appeal to the next higher level of management.
- The Step B official discusses the appeal with the employee or representative and issues a decision in writing within 10 calendar days. Usually, this appeal is final.
- If the employee believes the decision is unfair, the employee may request a review. The Postal Service must provide a review if requested.

8.4.3 Review ELM 652.44

There are specific time and procedure requirements in the Review:

- The employee may request a review of a Step B decision to the area manager of human resources.
- The request must be in writing and must give the specific reasons why a review is necessary.
- The request must be submitted within 15 calendar days after the Step B decision is received.

- The review of the appeal is based solely on the record, and there is no opportunity for the employee or the employee's representative to meet with the reviewing official. The reviewing official issues a written decision, and there is no further right of administrative appeal. In consultation with USPS, it was agreed that a benchmark should be established for review when these actions are appealed and that, generally, 60 days would be appropriate to complete the review and issue a decision.

Quick Reference Appeal LOW

What Does a NAPS Officer Do When . . .

An EAS employee reports receipt of a Letter-of-Warning (LOW)?

There are specific time and procedure requirements.

- The NAPS President/designee **FIRST** verifies the EAS employee is a NAPS member.
- Have member sign a Request for NAPS Representation form.
- Submit written request from USPS for copies of all relevant documents.
- Within 10 calendar days of receiving LOW, the Member & NAPS representative will prepare and file a written (Step A) Appeal (See ELM 650) and send to the issuing manager.
- The member and/or NAPS representative have the right to discuss the discipline with the issuing manager during the 10-day appeal period.
- Within five (5) calendar days after submitting the STEP A appeal, NAPS member must receive a written decision from the issuing manager. If the 5-day decision is late, a reason(s) for the delay must be explained in the decision.
- If the written STEP A decision is not acceptable to the NAPS member, then the member may file a STEP B appeal to the next higher-level manager (i.e., Postmaster or Plant Mgr.)
- A STEP B appeal must be filed within seven (7) calendar days of receiving the STEP A Decision. The STEP B appeal may be written or verbal.
- Be professional. Be prepared. Usually, you or your member will know the STEP B manager. Expect the STEP B decision-making manager to be prepared and a “little” defensive. Do not lose control. NAPS is not a union, but a management association.
- During the STEP B appeal, stand firm but not unbendable. State the facts. Have a solution in mind—negotiate. Put the Interpersonal Communication Skills you have learned to work to your advantage.
- The Step B official discusses the appeal with the employee or representative. If the STEP B Deciding Official is unmoving and you realize it is a losing issue—try for at least a retention reduction (less time in member’s OPF).
- The Deciding Official will issue a written decision within 10 calendar days after receipt of the STEP B Appeal. This decision is usually final and stays in the members OPF for 2 years.
- If the member/NAPS representative believes the STEP B decision is unfair, they may request an ELM 650 Review from the Area HR Manager. This request must be made in writing within 15-days of receipt of the STEP B decision. The USPS must provide a review if requested.
- The 650 Review is based solely on the record, and there is no opportunity for the member or NAPS representative to meet with the reviewing official.
- The Reviewing Official issues a written decision. There is no further right of administrative appeal.
- In consultation with USPS, it was agreed that a benchmark should be established for review when these actions are appealed and that, generally, 60 days would be appropriate to complete the review and issue a decision.

8.5 Appealing a Letter of Warning in Lieu of a Time-Off Suspension ELM 651.6

A letter of warning in lieu of a time-off suspension was created in 1996 as a result of consultations between NAPS and the Postal Service. The concept is to create a means to identify inappropriate management behavior and recommend a constructive means of addressing and changing this behavior—without leaving a permanent record in the member’s OPF.

A letter of warning in lieu of a time-off suspension replaces a time-off suspension for nonbargaining employees, except when required by statute. In addition, this policy does not preclude management from placing a nonbargaining employee in an indefinite nonpay, nonduty status when there is reasonable cause to believe the employee has committed a crime for which a sentence of imprisonment may be imposed.

A LOW in Lieu of may be issued only in lieu of either a 7- or 14-day suspension. Unless required by statute, suspensions of more than 14 days are prohibited, except for indefinite suspensions.

Letters of warning in lieu of a time-off suspension are equivalent to time-off suspensions as an element of past discipline and may be cited as such in future disciplinary actions.

A LOW in lieu of time off suspension is issued in a two-step process:

- the proposed letter of warning 651.63 Notice
- the letter of decision. 651.75 Decision

8.5.1 Proposed Letter of Warning ELM 651.63 - 651.65

A Notice (651.63) proposed letter of warning in lieu of time-off suspension states the following information:

- specific and detailed reasons for the letter;
- instructions for responding to it;
- name and title of deciding official;
- the right of the employee or representative to review all material used in determining the action, and;
- when, where and from whom the material is available.

The employee and/or his or her representative may reply to the proposed letter of warning in lieu of time-off suspension in writing and/or in person to the deciding official (management at a higher level of authority than the individual who issued the proposed letter of warning in lieu of time-off suspension) within 10 calendar days of receipt. ELM 651.64

The deciding official, after full consideration of the facts of the case and the employee’s response, issues a letter of decision after the expiration of the 10-calendar day period for reply, but no later than 30 calendar days following the receipt of the employee’s response. The decision letter will advise the employee that he or she may appeal in writing within 15 calendar days of receipt of the letter of decision.

8.5.2 Appeal Procedures ELM 651.65

The employee may appeal the letter of decision in writing within 15 calendar days of receipt. If the employee is assigned to Headquarters or a Headquarters field unit, or is in the Inspection Service, or if an area vice president is the deciding official in an action taken, the request is directed to the vice president of Human Resources at the address shown in the letter of decision. If the employee is assigned to a field installation, the request is directed to the area Human Resources manager at the address shown in the letter of decision.

The review of the appeal is based solely on the record, and there is no opportunity for the employee or his or her representative to meet with the reviewing official. The reviewing official issues a written decision, and there is no further right of administrative appeal. In consultation with USPS, it was agreed that a benchmark should be established for review when these actions are appealed and that, generally, 60 days would be appropriate to complete the review and issue a decision.

8.5.3 Retention Period

A letter of warning in lieu of a time-off suspension remains in the employee's OPF up to two (2) years after issuance, provided there is no intervening disciplinary action. If intervening disciplinary action is taken, any active letter of warning in lieu of time-off suspension may be cited as a past element.

A letter of warning in lieu of time-off suspension may be reviewed by the employee's supervisor before the two-year period has elapsed. The letter may be removed from the employee's OPF when appropriate at the discretion of the employee's supervisor or manager. Use PS for 8043 to request letters be removed from eOPF.

8.5.4 Determining Cause

One effective means of determining if there was cause for disciplinary action is for the employee and representative to review the following questions:

- Did the Postal Service have a rule/order which reasonably related to the efficient and safe operation of the business?
- Was the supervisor forewarned or did the employer have knowledge of the possible or probable disciplinary consequences of the employee's conduct?
- Did the Postal Service investigate before administering discipline to determine that the supervisor did in fact disobey a rule or management order?
- Have all related causes received the same disciplinary action? Have the penalties been applied evenhandedly and without discrimination?
- Was the discipline administered reasonable in light of the seriousness of the offense and the past record of the supervisor?

ELM 650 Mediation for Letter of Warning in Lieu of Time-Off Suspension

If a non-bargaining employee is issued a “proposed letter of warning in lieu of a time-off suspension” pursuant to Management Instruction EL-650-2014-3, the employee may request mediation as an alternative prior to the traditional “reply” to the deciding official. The mediation will be between the employee and the proposing official. If there is no resolution reached during the mediation, the employee may “reply” to the proposed charges pursuant to the provisions in the Management Instruction.

PRIOR TO RESPONDING WITHIN THE 10-DAY RESPONSE PERIOD THE EMPLOYEE MAY REQUEST MEDIATION. THOUGH LETTERS OF WARNING IN LIEU OF 7- OR 14-DAYS ARE NOT CONSIDERED ADVERSE ACTION, THEY ARE INCLUDED IN THE MEDIATION PROCESS. FOLLOW THE STEPS IN THE BODY OF THE NOTICE OF PROPOSED LOW IN LIEU OF TIME OF SUSPENSION

IT IS ALWAYS WISE TO REQUEST MEDIATION AS ANOTHER AVENUE OF ATTEMPTING TO RESOLVE THE ISSUE AT THE LOWEST LEVEL. THIS IS THE ONLY OPPORTUNITY TO MEET WITH THE ISSUING MANAGER.

REMEMBER THE 10-DAY RESPONSE PERIOD BEGINS AFTER MEDIATION.

ALTERNATIVE DISPUTE RESOLUTION is explained in ELM 652.5-652.53

The Postal Service supports the use of the Alternate Dispute Resolution (ADR) process of mediation to address employee appeals relating to nonbargaining disciplinary actions. Participation in mediation by an appellant is voluntary.

Mediation may not be appropriate in cases where the charges involve egregious misconduct, criminal activity, repeated misconduct, inability to perform and other conduct as determined by the Postal Service. Additionally, mediation may not be appropriate where the appeal concerns issues beyond the control of the Postal Service, such as the denial of Worker’s Compensation benefits, retirement eligibility determinations and similar matters adjudicated by other agencies. The determination of whether to grant mediation in a particular case is within the discretion of the Postal Service.

Note: At any time during this period of the proposed action you should meet with the issuing official or designee to seek a resolution to the situation. If unsuccessful, proceed with the formal process.

Quick Reference Appeal LOW in Lieu of **What Does a NAPS Officer Do When . . .**

An EAS employee reports receipt of a Letter-of-Warning in Lieu of Time-Off Suspensions?
There are specific time and procedure requirements.

A LOW in lieu of time off-suspension (7 or 14 Days) is issued in a two-step process:

- The proposed letter of warning, and
- The Letter-of-Decision.

A proposed letter of warning in lieu of time-off suspension states the following:

- specific and detailed reasons for the letter,
- instructions for responding to it,
- the right of the employee, or representative to review all material used in determining the action, and when and where the material is available.

Preparation is very important -- **Reply to the proposed LOW in Lieu 7 or 14 Days**

- The NAPS President/designee FIRST verifies the EAS employee is a NAPS member.
- Have member sign a Request for NAPS Representation form.
- Submit written request from USPS for copies of all relevant documents.
- Within 10 calendar days of receiving LOW-7 or 14, the member, and NAPS representative prepare and file an appeal. Appeal may be written and/or in person.
- Send appeal to the deciding official (management at a higher level of authority than the individual who issued the proposed letter).
- Member receives a Letter-of-Decision from official within 30 calendar days.
- The member may appeal the Letter-of-Decision in writing within 15 calendar days of receipt. The request is directed to the Area Human Resources manager at the address shown in the letter of decision.
- The review of the appeal is based solely on the record, and there is no opportunity for the employee or his or her representative to meet with the reviewing official.
- The reviewing official issues a written decision, and there is no further right of administrative appeal.
- In consultation with USPS, it was agreed that a benchmark should be established for review when these actions are appealed and that, generally, 60 days would be appropriate to complete the review and issue a decision.

Retention Period

- A letter of warning in lieu of a time-off suspension remains in the employee OPF up to two years after issuance, provided there is no intervening disciplinary action. If intervening disciplinary action is taken, any active letter of warning in lieu of time-off suspension may be cited as a past element.
- A letter of warning in lieu of time-off suspension may be reviewed by the employee's supervisor before the two-year period has elapsed. The letter may be removed from the employee's OPF when appropriate at the discretion of the employee's supervisor or manager.

9 Adverse Action Appeals Under ELM Section

There are two methods for appealing adverse actions:

- * the Employee and Labor Relations Manual (ELM) Section 650 process, or
- * the Merit Systems Protection Board (MSPB) process.

This section reviews Section 650 appeals as well as MSPB appeals. Whether appealing through Section 650 or MSPB, active NAPS members may use NAPS' Disciplinary Defense Fund (DDF). See Section 11 for DDF procedures.

9.1.1 Adverse Actions Defined ELM 651.71

There are four types of adverse action:

- * removals,
- * suspensions of more than 14 days (issued only when required by statute),
- * furloughs, and
- * reductions in grade or pay.

Adverse actions may be taken against an employee for any of three situations:

1. because lesser measures do not result in the correction of deficiencies in behavior or performance,
2. because of the gravity of the offense, or
3. because of non-disciplinary reasons, such as the correction of a position mis-ranking.

An employee may appeal any of the above adverse actions under ELM Section 650 Procedures or through the MSPB.

NOTE: If MSPB rights are exercised, the employee waives access to the ELM Section 650 process.

Either appeal process provides an employee with the right to a hearing, but there are other differences between the two processes:

- Under the ELM Section 650 process the hearing is conducted by the Postal Service, the decision is rendered by the Postal Service, and if necessary, any appeal of the decision is made to the Postal Service.
- Under the MSPB process the hearing is conducted by an impartial administrative law judge who then renders the decision. Any appeal of the decision is made to the full Board, which may or may not accept a petition for review.

9.2 Issuing Adverse Action

This section reviews procedures for issuing adverse actions against nonbargaining employees and appeal procedures as described in the Employee and Labor Relations Manual (ELM).

There are three elements in issuing an adverse action:

1. Notice of Proposed Adverse Action,
2. Response to the Notice of Proposed Adverse Action, and
3. Letter of Decision.

9.2.1 Notice of Proposed Adverse Action ELM 651.73

Defined

An adverse action begins with a written Notice of Proposed Adverse Action issued by an employee's immediate supervisor (unless the circumstances of a particular case make it impracticable). The written notice contains the following information:

- * the action proposed, with specific and detailed reasons,
- * the instructions for responding to the notice, and
- * a statement of the rights of the employee or representative to review all material relied upon in proposing the action, when and where the material is available for review, and the name of official rendering the decision.

The proposal advises the employee that a reasonable amount of official time is allowed for the preparation and presentation of a reply if the employee is in a duty status, and advises that the proposed action is final no sooner than 30 calendar days after the employee receives the notice.

Notice of Proposed Adverse Action ELM 651.73

If a non-bargaining employee is issued a written notice of “proposed adverse action” pursuant to ELM 651.73, the employee may request mediation as an alternative prior to the traditional response notice set forth under ELM 652.54. The mediation will be between the employee and the proposing official. If there is no resolution reached during the mediation, the employee may respond to the deciding official only in writing pursuant to the provisions outlined in ELM 651.74; as further referenced in ELM 652.54. **REMEMBER THE 10-DAY RESPONSE PERIOD BEGINS AFTER MEDIATION.**

Exclusions

Where an employee has been accused of a crime and is issued a “shortened” notice period of 7 days pursuant to ELM 651.76, the employee will not be offered

Duty Status ELM 652.76

The employee, unless otherwise provided in ELM 651.77, remains in a pay status either on the job or on administrative leave, at the option of the employer, during the notice period. The notice period must be at least 30 calendar days, unless covered by ELM 651.77. Discharged or indefinitely suspended employees who appeal remain on the rolls in a nonpay, nonduty status until the disposition of the case through the chosen appeal procedures.

Normally, disposition of the case would be a final decision from the MSPB or a Step 1 decision in an administrative 650 appeal. In cases where the MSPB has mitigated an adverse action in an initial decision and the Postal Service files an appeal, the employee's status will be handled in accordance with MSPB regulations regarding interim relief. (ELM Section 651.76)

Exceptions to the 30-Day Notice ELM 651.77

When there is reasonable cause to believe an employee is guilty of a crime for which a sentence of imprisonment may be imposed, the advance notice may be reduced to no less than seven (7) calendar days. At the expiration of the reduced notice period the decision is issued, resulting in one of two situations:

- If the decision is to suspend the employee indefinitely, the individual remains on the rolls in a nonpay, nonduty status pending a final decision or until the suspension is otherwise terminated.
- If the decision is to remove the employee, the individual remains on the rolls only if a timely appeal is filed.

9.2.2 Response to Charges

The employee and representative prepare a thorough written response to each individual charge by stating facts that will rebut or prove the charge to be erroneous or untrue. To prepare such a response the employee and representative must take these steps:

- Obtain statements from witnesses, if any, who can testify on the employee's behalf.
- Obtain supporting documents favorable to your case.
- Research all the agency's documents to understand the basis of the charges.

Note: At any time during this period of the proposed action you should meet with the issuing official or designee to seek a resolution to the situation. If unsuccessful, proceed with the formal process.

Initial Preparation

Upon receiving a Notice of Proposed Adverse Action, the **employee** takes the following actions:

1. Reads the proposed charges and notes the date, time and name of the issuing official.
2. Carefully reviews the instructions pertaining to answering the charges, representation, reviewing the materials and documents relevant to the charge(s), and the final date for answering the charges.
3. Requests assistance from the local branch president immediately.
4. Gives the president or designee the content of the proposed actions.
5. Makes five copies and have them available for the branch president or designee.
6. Reads and examines the charges for facts, just cause, misrepresentation of the facts, untrue statements and mitigating circumstances.

7. If necessary, asks for an extension of time for answering the charges. Valid reasons include the following:
 - inaccessible representative,
 - inadequate time to prepare for the case, or
 - inability to understand the charges.
8. In writing, requests copies of all materials, documents (including investigative memorandum) used to render a decision.
9. Meets with the representative to determine the validity and seriousness of the proposed action. (Charges must be specific in nature and contain detailed reasons for the action.)
10. Gets advice from the representative before answering if unsure how to respond.
11. Isolate anything useful in the employee's defense. Look for contradictions, implications, admissions and mistakes that may be used to build your case. Perform a role-playing exercise, assuming the part of each participant involved.

NOTE: The employee's or designee's response must be submitted within 10 calendar days to the decision-making authority or designee, unless an extension has been granted, or the employee has requested mediation.

Written Response to Charges ELM 651.74

The employee and representative prepare a thorough written response to each individual charge by stating facts that will rebut or prove the charge to be erroneous or untrue. To prepare such a response the employee and representative must take these steps:

- Obtain statements from witnesses, if any, who can testify on the employee's behalf.
- Obtain supporting documents favorable to your case.
- Research all the agency's documents to understand the basis of the charges.

Meeting with the Decision-Making Official

To conduct a successful meeting with the decision-making official, the employee *and* designee follow these guidelines:

- Make and bring extra copies of your written response to the meeting.
- Notify and discuss the appointment with your representative, as well as appropriate tactics and behavior for the meeting.
- Deliver a professional and courteous presentation, avoiding confrontations with the agency's official.
- Cover all specifics.
- Provide brief, concise answers.
- Get advice from the representative before answering if unsure how to respond.
- Isolate anything useful in the employee's defense. Look for contradictions, implications, admissions and mistakes that may be used to build your case. Perform a role-playing exercise, assuming the part of each participant involved.

NOTE: The employee and representative must read all documents, statements, correspondence to and from everyone connected with the issue in any way.

Preparation Questions

One effective method of preparing for a hearing is to think the case through from start to finish—beyond the hearing to the final decision and what the employee and representative want to achieve. Before meeting with the decision-making official, the employee and representative review each of these questions:

- Why did the proposing official decide on this action?
- Why did the proposing official make a decision that led to discipline?
- Are there any underlying motives, not spoken or written, from anyone involved in this issue?

9.2.3 Letter of Decision ELM 651.75

The deciding official, who must be higher in authority than the proposing official, considers the employee's response and gives a written decision, including reasons for the decision, as soon as possible after the employee's time to respond has expired, *but no later than 60 calendar days following the receipt of the employee's response. In field installations, the installation head or designee usually makes the decision.* In other offices, the decision is made by a branch manager or above. If the decision is to affect the adverse action or to modify it to a lesser penalty, the employee's appeal rights, including Merit Systems Protection Board (MSPB) appeal rights, if applicable, are stated. (ELM 651.75)

Duty Status ELM 651.76

The employee, unless otherwise provided in ELM 651.77, remains in a pay status either on the job or on administrative leave, at the option of the employer, during the notice period. The notice period must be at least 30 calendar days, unless covered by ELM 651.77. Discharged or indefinitely suspended employees who appeal remain on the rolls in a nonpay, nonduty status until the disposition of the case through the chosen appeal procedures.

9.3 The Appeal ELM 652.1-652.252

This section reviews the ELM Section 650 appeal procedures for employees not subject to the provisions of a collective-bargaining agreement. These procedures do not deprive an employee of the right to remedy an allegation of discrimination through equal employment opportunity procedures. These procedures also do not deprive a preference eligible or other entitled employee of the right to appeal an adverse action to the MSPB.

Eligibility

Upon receipt of a letter of decision ordering an adverse action, the following employees may appeal: (ELM 652.21)

- All non-probationary EAS and PCES Level I employees and all employees of the Office of Inspector General.

- EAS and PCES Level I and Office of Inspector General employees who have completed a minimum of 12 months of combined service, without a break of a workday, in positions in the same line of work in the Civil Service and the Postal Service – unless any part of this service followed a temporary appointment in the competitive service with a definite time limitation.
- Officers (PCES Level II employees) are not covered by these procedures. ELM 652.22.

9.3.1 Request for Hearing and Decision ELM 652.231

These employees may submit a written request for a hearing, or waiver of a hearing, within 15 calendar days of receipt of a letter of decision on an adverse action. This appeal is made to the Step 1 official (Headquarters vice president Labor Relations or designee). A copy of the appeal is sent by the appellant to the official taking the action, who forwards the case file to the Step 1 Official. (ELM 652.231)

If the employee does not request a hearing, the Step 1 official determines whether the issues on appeal can be decided on the record and on written submissions by the employee and management. If the appeal cannot be judged fairly without a hearing the Step 1 official schedules a hearing. (ELM 652.241)

If the employee requests a hearing, a hearing is held as soon as possible, usually at the installation where the employee is located. The employee receives at least seven-calendar days' notice of the hearing. In most instances this will be done by your designated representative.

Prehearing Conference Preparation

Before the hearing date in a teleconference or on the morning of the hearing, the USPS hearing officer or the MSPB administration judge conducts a prehearing conference between you, your representative and the Postal Service. During that conference the employee and representative take these actions:

- Discuss a settlement, mentioning what the employee is willing to settle for, if anything,
- Advise the hearing officer or judge of attempts to settle with the Postal Service's representative and provide a copy of that individual's response.
- If the employee or representative refuses the USPS offer, review the reasons why.

The officer or judge conduct the hearing somewhat informally, but consistent with the orderly presentation of the case. Witnesses give testimony under oath or affirmation. Although legal rules of evidence do not apply, testimony and evidence are held within reasonable bounds of relevancy. Both the employee and the employer have these rights:

- to be present at the hearing,
- to be represented,
- to present evidence and witnesses, and
- to cross-examine the other party's witnesses.

An employee or representative who is a postal employee in a duty status receives a reasonable amount of official time to prepare for the hearing. The employee may also choose self-representation. (ELM 652.242c)

Before the hearing, both management and the employee advise the Step 1 official or the hearing officer of their choice of representative and witnesses and the nature of their testimony. Both parties exchange this information.

Management Obligation for Witnesses ELM 652.243

Management has an obligation to make available witnesses who are postal employees approved by the hearing officer as having relevant testimony, unless it is administratively impracticable to do so. In those cases, witnesses may be required by the hearing officer to answer written questions.

Work Hours Compensation ELM 652.244

If the employee, representative and witnesses are postal employees in a duty status at the time of the hearing, the Postal Service compensates them for straight time hours spent at the hearing that are part of their regularly scheduled workday. Witnesses are not present at the hearing except when testifying, unless they are also acting as representatives or technical advisors.

Noninterference Rule ELM 652.245

The employee, representative and witnesses are not subject to restraint, interference, coercion, discrimination or reprisal.

Transcript

A written transcript of the hearing, taken by a court reporter or other qualified person, is normally made of the hearing proceedings. The office or installation initiating the adverse action will arrange for and pay all costs of the transcript. If, because of geographical remoteness or other unusual circumstances, a written transcript cannot be obtained, an exception to the procedures must be authorized in advance by the appropriate area manager of human resources.

Preparing for a Hearing

Upon notification of a selected hearing officer and a date of the hearing, the employee and representative prepare for the hearing following this checklist:

1. Check the representative's availability.
2. Determine if any new material has been received by the Postal Service (and if it has, request copies). Ask for a change in the hearing date, if necessary, to review and prepare a response to any new material.
3. Notify the hearing officer of the names of the employee's representative and their witnesses, including information about the nature of the witnesses' testimony. The employee is entitled to the name of the agency's representative and agency's approved witnesses. All witnesses must be approved by the hearing official.
4. Review the list of Postal Service witnesses.
5. Prepare three copies of all documents and exhibits to be introduced or used.
6. Prepare an opening statement, questions for each witness, and a tentative closing statement (subject to modification).
7. Decide what type of settlement is acceptable.

Determining Cause

One of the most effective means of preparing for a hearing is determining whether there was cause for disciplinary action by asking these questions:

- Did the Postal Service have a rule/order that reasonably related to the orderly, efficient or safe operation of the business?
- Was the supervisor forewarned of probable disciplinary consequences or did the employer have knowledge of the possible or probable disciplinary consequences of the employee's conduct?
- Did the Postal Service investigate before administering discipline to determine that the supervisor did in fact disobey a rule or management order?
- Have all related cases received the same disciplinary action? Have all resulting penalties been applied evenhandedly and without discrimination?
- Was the administered discipline reasonable in light of the seriousness of the offense and the past record of the supervisor?

Prehearing Preparation

To prepare witnesses for a hearing the employee and representative follow these guidelines:

- Interview your witness prior to the hearing.
- Determine if the witness knows the facts of the case.
- Familiarize the witness and prepare that individual with both the process of a hearing and with questions to be asked by the representative and the Postal Service.
- Make a witness comfortable so that during the testimony he or she responds truthfully and concisely.
- Explain how the witness fits into the case.
- Prior to the hearing, refresh the witness' recollection, going over evidence and planned questions.

Hearing Conduct and Tactics

The hearing officer expects the employee's representative to follow these general rules of conduct. Within these rules, however, the representative can use certain tactics to present the best possible defense and highlight weaknesses in the Postal Service's case.

- Do not lead a witness.
- Do not ask any questions you do not know the answer.
- Do not try to spring a surprise by presenting new evidence half way through the hearing.
- Do not continue to make the same point over and over.
- Do not call as a witness someone who does not want to testify.
- Do not ask compound questions.
- Do not ask leading questions.
- Do not alienate the hearing officer.
- Do not be argumentative throughout the hearing.
- Do not constantly object solely for the purpose of objecting.
- Do not argue with or interrupt your adversary.

Advice to Witnesses

Individuals called to serve as witnesses follow these guidelines:

1. Listen to questions carefully.
2. Be completely honest in answering questions.
3. Do not answer beyond the question asked.
4. If cross-examined, be honest. If you don't know the answer, say so.
5. Don't guess on times and places. If necessary, give approximate times and place.

Suitable Objections at a Hearing

There are three suitable objections to testimony delivered at a hearing:

- irrelevant testimony that lacks value to prove or disprove a fact at issue;
- immaterial testimony that lacks substantive importance and is too inconsequential and remote for considerations; or,
- incompetent testimony that lacks credibility.

9.3.2 Hearing Officer Action

The hearing officer prepares a proposed decision to include findings of fact and a determination whether the charge(s) is/are sustained. The hearing officer forwards the proposed decision, the transcript of the hearing, and all other records regarding the appeal to the Step 1 official within 30 calendar days following the hearing. (ELM 652.251)

9.3.3 Step 1 Official Action

Upon receipt of the hearing officer's proposed decision, the Step 1 official reviews it and the case file to determine if the hearing officer's proposed decision will be accepted or rejected. The Step 1 official will determine if the hearing officer's proposed decision is supported by the facts of the case; is in accordance with postal regulations or with postal policy; and, in Office of Inspector General cases, complies with Office of Inspector General policy. If the Step 1 official determines the hearing officer's proposed decision is inconsistent with the facts of the case or is not in accordance with postal regulations or with postal policy and/or Office of Inspector General policy as applicable, the Step 1 official may reject the hearing officer's proposed decision and issue a final decision which is in accordance with the aforementioned criteria. The Step 1 official will issue a final decision letter either accepting or rejecting the hearing officer's proposed decision within 21 calendar days of receipt of the file. If the hearing officer's proposed decision is rejected by the Step 1 official, the final decision letter will provide explanations for rejecting of the hearing officer's proposed decision. The decision of the Step 1 official is the final decision, and there are no further appeal rights. The final decision letter will be transmitted to the employee with a copy to the employing office for any necessary implementation. A copy of the written transcript of the hearing will be enclosed with the final decision. (ELM 652.252)

The difference in an ELM 650 hearing and a MSPB hearing is as follows:

- ELM 650 hearings appeal within 15 calendar days of receipt of a letter of decision on an adverse action.
- An MSPB hearing appeal must be filed within 30 days of the effective date of decision.

MSPB Hearing

A hearing is scheduled no earlier than 35 days after the date of the notice, unless both parties agree to an earlier date. The Postal Service must provide an appropriate hearing site upon request of the presiding official. A supervisor has the right to representation by an attorney or other representative. A transcript of the hearing is taken and a copy is furnished to the supervisor.

Initial Decision

The presiding official prepares an initial decision within 25 days after the closing of the record. The initial decision of the presiding official becomes final 35 days after issuance, if no timely petition for review is filed or the board has not reopened the case.

Petition for Review

After the initial decision the employee may file a petition for review to the full Board. Should the Board deny the petition for review, the initial decision becomes final five days after the Board's issuance. If the Board accepts the petition, the Board renders a written decision, which the Postal Service is required by law to follow.

Discharged or indefinitely suspended employees who appeal remain on the rolls in nonpay, nonduty status until the disposition of the case through the chosen appeal procedures. Normally, disposition of the case would be a final decision from the MSPB or a Step 1 decision in an administrative 650 appeal. In cases where the MSPB has mitigated an adverse action in an initial decision and the Postal Service files an appeal, the employee's status will be handled in accordance with MSPB regulations regarding interim relief.

Quick Reference Appeal for Adverse Action

What Does a NAPS Officer Do When . . .

An EAS employee is in receipt of Adverse Actions?

The proposal advises the employee that a reasonable amount of official time is allowed for the preparation and presentation of a reply if the employee is in a duty status.

Adverse Actions are:

- Removals
- Suspensions of more than 14 days
- Furloughs without pay (Letters of Emergency Placement in an off-duty status)
- Reductions in grade or pay

Adverse Actions can be appealed under:

- ELM 650
- Merit System Protection Board (MSPB) Note: If MSPB rights are exercised, the employee waives access to the ELM Section 650.

There are three elements in issuing an adverse action:

- Notice of Proposed Adverse Action,
- Response to the Notice of Proposed Adverse Action (Member's Appeal), and
- Letter of Decision (Written decision by USPS Deciding Official after appeal is filed)

Checklist: There are specific time and procedure requirements:

1. The NAPS President/designee FIRST verifies the EAS employee is a NAPS member.
2. Have member sign a Request for NAPS Representation form.
3. Submit written request from USPS for copies of all relevant documents.
4. The employee or representative may respond and present evidence, including affidavits, within 10 calendar days after receipt of the notice to the Deciding Official. The time limits for responding may be extended for reasonable cause.
5. At any time during this period, the proposed action should be discussed with the issuing official or designee to seek a resolution to the situation. If unsuccessful, proceed with the formal process by filing appeal within 10-days to Deciding Official.
6. The proposed action is final no sooner than 30 calendar days after the employee receives the notice or Letter of Decision, whichever is later.

You must determine the cause:

One of the most effective means of preparing an appeal is determining whether there was cause for disciplinary action by asking these questions:

- Did the Postal Service have a rule/order, which reasonably related to the orderly, efficient, or safe operation of the business?
- Was the supervisor forewarned of probable disciplinary consequences or did the employer have knowledge of the possible or probable disciplinary consequences of the employee's conduct?
- Did the Postal Service investigate before administering discipline to determine that the supervisor did in fact disobey a rule or management instruction?
- Have all related cases received the same disciplinary action? Have all resulting penalties been applied evenhandedly and without discrimination?
- Was discipline administered reasonably in light of the seriousness of the offense and the past record of the supervisor?

10 Debt Collection Act

Most supervisors have heard about letters of demand, but most don't realize that they cannot be issued to nonbargaining employees. EAS employees may still receive a letter requesting/demanding repayment of a debt that the USPS believes the employee owes. This section explains under what types of circumstances the Postal Service may make a request/demand for payment through a notice of involuntary administrative salary offset.

This section reviews the different circumstances under which a notice may be administered, and the procedures for responding to it. This section supplements, but does not replace, information contained in the Employee & Labor Relations Manual (ELM), Section 450, although portions of the ELM are quoted at length in this section.

10.1 The Debt Collection Act

The Postal Service procedures for recovering postal debts from nonbargaining unit employees are detailed in ELM Section 450, which came into being with the passage of the Debt Collection Act of 1982. As noted in ELM Section 450, the Act covers any debt owed the Postal Service by a current postal employee who is not included in any collective bargaining unit, including the following:

- * payroll related debts,
- * recovery of amounts due under federal benefits programs,
- * federal court ordered judgment for salary offset,
- * improper or disallowed payment on a travel voucher,
- * shortage in main stamp stock or stamp credit, or
- * improper salary payment.

Under the Debt Collection Act an employee may admit that the debt is rightfully due the Postal Service, but the employee may object to the amount of deduction to be made each pay period. In these cases, the employee has recourse to the Act proceedings to request a different payment schedule.

The Act seeks first to settle the debt informally. When agreement cannot be reached in an informal settlement, provisions are contained in the Act for a hearing before an administrative law judge.

NOTE: It is at this point that the employee needs the assistance of a qualified individual.

The agency is obligated to provide the employee with his/her rights at all steps of the proceedings. The limits are specific not only to the employee, but also to the agency in response to the employee's request.

10.1.1 Scope

These regulations apply to the collection of any debt owed the Postal Service by current postal employees not included in any collective bargaining unit. The regulations for retired/former employees are covered under ELM 470 Administrative Offsets for Former Postal Service Nonbargaining Unit Employees. Generally, the Postal Service may withhold a maximum of 15 percent of any employee's current disposable pay each pay period after providing the employee with certain due process rights. If, however, a federal court has granted judgment upholding the debt, up to 25 percent of the employee's current disposable pay may be withheld each pay period.

10.1.2 Representation

Employees have the right to, and free choice of, representation. An employee's designated representative, if also a postal employee and in a duty status, is granted a reasonable amount of official time to perform any function for the employee that is authorized by these regulations. Eligible NAPS members may use the Disciplinary Defense Fund (DDF). (See Section 11 of OTM)

10.2 Responding to a Notice/Informal Overview

This section provides an informal overview of situations where the Debt Collection Act is applied, how an employee responds to a letter of debt determination, and how a branch officer represents a member who receives a notice. See Section 11.3 for detailed instructions and information.

10.2.1 Case Histories

Consider the following two situations.

1. You are promoted from an EAS-16 to an EAS-18 position. Someone at your district, however, miscalculates the amount of the increase, overpaying you by \$10 a pay period. The error is not discovered for over a year. At that time the Postal Data Center (PDC) sends you a letter of demand for the amount of the overpayment.
2. You are the manager of a station with a retail unit. Postal inspectors discover a shortage in your reserve or main stock of more than \$500. Your postmaster sends you a letter of demand for the shortage.

How would you respond to each of these situations? If you are a branch officer and one of your members was placed into such a situation, what advice would you give the member? The answers lie in understanding the Debt Collection Act and the postal procedures established in response to it.

These two examples are situations when a supervisor could be responsible for a debt. The supervisor's manager should not send a letter of demand, but instead, send a letter of debt determination. However, if in the opinion of the postmaster or installation head the circumstances warrant that expeditious action must be taken the postmaster or installation head may initiate a notice of involuntary administrative salary offset.

If a supervisor is issued a letter of demand (which occasionally still occurs, even though they are no longer allowed), the supervisor (or representative) returns the letter, denies the demand, and refers the issuing official to ELM Section 450.

10.2.2 When a Notice Is Not Appropriate

The Postal Service may not hold a supervisor responsible for an employee shortage where the supervisor has no direct access to the credit, and/or the supervisor is not in collusion with the employee.

There are situations when postal policy prohibits sending a letter of debt determination/ salary offset, but some managers continue sending such letters anyway. These situations typically occur when a shortage in a credit created by one individual is transferred to another, usually that employee's supervisor.

As one example, a supervisor conducts a quarterly count of a clerk's stock, but several days after the deadline for the count. The supervisor determines there is a shortage of \$200. The supervisor issues a letter of demand to the clerk for \$200. The clerk grieves the notice. An arbitrator determines that the clerk is not responsible because the Postal Service failed to audit a credit in accordance with the terms of the National Agreement (i.e., the count was not conducted in a timely manner). Subsequently the supervisor's manager issues a letter of debt determination or involuntary salary offset demanding payment of the \$200 from the supervisor.

Letters from postal officials written since 1985—and that remain in effect—reiterate postal policy concerning the accountability of postmasters and supervisors in situations involving employee credit shortages where contractual or other reasons preclude collection of the shortage from the employee. (See NAPS Home Page at www.naps.org for these and other important letters.)

10.3 Notice to Employee of Debt (ELM 452.22)

The Postal Service will send the EAS employee an invoice reflecting an employee owed debt with written notice of the Postal Service's determination of the existence, nature, and amount of the debt.

10.3.1 Procedures When a Notice Is Not Appealed

When a NAPS member receives a Letter of Debt Determination (LDD), they may:

- voluntarily pay the debt in its entirety,
- agree to voluntary offsets of 15 percent or more of disposable pay, or,
- propose an alternative payment schedule
- request records within 10-days from receipt of the Letter of Debt Determination
- after review of the records, pay the debt.

10.4 Responding to a Notice of Involuntary Administrative Offset

10.4.1 Procedures for Appealing a Salary Offset

If the supervisor does not agree to pay the debt within 15-days from receipt of the Letter of Debt Determination or after receiving the documents requested, the Postal Service will issue the employee a Notice of Involuntary Administrative Salary Offset.

If the supervisor does not agree with the notice of involuntary administrative salary offset, the offset may be appealed by petitioning for a hearing on the Postal Service's determination of the existence or the amount of the debt. The hearing petition must be filed with the Recorder, Judicial Officer Department at USPS Headquarters on or before the 15th calendar day following the receipt of the notice. A timely request for a hearing will stay the commencement of the collection of the debt. (Part 961 § 961.5)

At a hearing, a NAPS member may be represented by a NAPS member or officer (or use the NAPS DDF provider, as explained in Section 11). While Title 39, part 961, refers to employees or attorneys authorized to practice law, hearing officials have ruled that employees may be represented by NAPS officials.

10.4.2 Burden of Proof

At a hearing, the employee always demands that the Postal Service proceed first with any evidence. The burden of proof is on the Postal Service to prove that the supervisor owes the debt in question, not on the supervisor to prove his or her innocence.

If supervisors do not exercise any of the rights set forth in ELM Section 450, the Postal Service will initiate the proposed offset 30 days from the date the notice was received.

10.5 Procedures Governing Administrative Salary Offsets

10.5.1 Determination and Collection of Debt

Depending upon the circumstances of a particular case, the determination of a debt subject to collection may be made by an official in the field or at the Minneapolis Accounting Service Center (ASC).

Regardless of the amount of the debt, it is the responsibility of the Minneapolis ASC to create a receivable for each debt and to forward an invoice to the postmaster or installation head at the facility where the debtor is employed. At the time a receivable is created, the ASC must ensure that the employee's records are flagged so that the final salary or lump sum leave payment for that employee is not made until the debt is paid.

10.5.2 Collection by the Postmaster or Installation Head

Each postmaster or installation head is responsible for collecting, in accordance with these regulations, any debt owed to the Postal Service by an employee under his or her supervision. Postmasters or installation heads may delegate their responsibilities under these regulations.

10.6 Voluntary Repayment Procedures

10.6.1 General

The procedures are intended to facilitate the informal resolution of employee-owed debts, and, in most cases, are followed before a notice of involuntary administrative salary offset under the debt collection act is issued. However, if in the opinion of the appropriate postmaster or installation head, the circumstances warrant that expeditious action be taken, a notice of involuntary administrative salary offset may be initiated immediately.

10.6.2 Notice to Employee

Upon receiving an invoice reflecting an employee-owed debt from the Minneapolis ASC, the postmaster or installation head must provide the employee with a copy of the invoice and with written notice of the Postal Service's determination of the existence, nature and amount of the debt. The letter must inform the employee that he or she may pursue one or more of the following options, as appropriate, in order to avoid involuntary salary offsets:

- The employee may request copies of all postal records relating to his or her particular debt.
- The employee may arrange to pay the entire debt.
- The employee may agree to voluntary salary offsets of 15 percent or more of a current disposable pay.
- The employee may propose an alternative offset schedule.
- The employee may request the Postal Service to reconsider its determination of the existence or amount of the debt.

10.7 Employee Response to Notice

10.7.1 Request for Copies of Postal Records

If an employee would like copies of records relating to a postal debt, he or she must notify the postmaster or installation head in writing within 10 calendar days of receiving notice of the Postal Service's determination of a debt. The postmaster or installation head is responsible for requesting copies of the pertinent records by telephone, if necessary, from the Minneapolis ASC and/or appropriate postal facility, and for providing the employee with copies of these records within five calendar days of receiving the employee's written request. Until collection of the debt is completed, the postmaster or installation head must keep a copy of all records provided to the employee at this stage.

10.7.2 Payment in Full

An employee who acknowledges the validity of the Postal Service's claim and wishes to repay the entire debt voluntarily is instructed to remit to the postmaster or installation head, for transmittal to the Minneapolis ASC, a check or money order for the full amount due, with the employee's Social Security number on its face. The employee submits the check or money order no later than 15 calendar days from the date the employee receives the notice of the Postal Service's determination of a debt if he or she does not request copies of postal records relating to the debt, or within 15 calendar days from the date the employee receives any requested records.

10.7.3 Consent to Salary Offsets

If an employee acknowledges the validity of the Postal Service's claim and would like to repay the debt voluntarily through offsets of 15 percent or more of his or her current disposable pay, the employee and the postmaster or installation head complete the appropriate sections of Form 3239, Payroll Deduction Authorization to Liquidate Postal Service Indebtedness. This form must be completed no later than 15 calendar days from the date the employee receives the notice of the Postal Service's determination of a debt, or within 15 calendar days from the date the employee receives any requested records.

10.7.4 Request for Consideration of Alternative Offset Schedule

If the employee acknowledges the debt, but contends that the proposed deductions of 15 percent of current disposable pay would be too severe, he or she may propose an alternative offset schedule.

Proposal

The employee's proposed offset schedule must be submitted in writing to the postmaster or installation head, along with a written statement and supporting documentation, stating the employee's reasons for believing the deductions proposed by the Postal Service would result in a "severe financial hardship."

The proposal must include the following information:

1. the amount to be paid each pay period,
2. the number of pay periods it would take to repay the debt under the employee's proposal, and
3. the date the first payment would be made.

The supporting documents must also show the following information relating to the employee and his or her spouse and dependents, for the one-year period preceding the Postal Service's notice and the repayment period proposed by the employee's alternative offset schedule:

1. total family income, assets, and liabilities;
2. number of dependents; and
3. total expenses for food, housing, clothing, transportation, medical care, and any exceptional expenses.

The employee is instructed to provide all information in his or her possession relating to the debt and to his or her financial ability to repay it so that the postmaster or installation head may make an informed decision on an employee's proposed alternative offset plan.

Time Frame

The employee's proposed alternative offset schedule and written submissions must be received by the postmaster or installation head no later than 15 calendar days from the date the employee receives the notice of the Postal Service's determination of a debt if he or she does not request copies

of postal records relating to the debt, or within 15 calendar days from the date the employee receives any requested records.

10.7.5 Failure to Resolve or Repay Debt

If an employee, after receiving notice of the Postal Service's determination of a debt fails, within the applicable time periods, to resolve a debt or to make satisfactory arrangements to repay it, the postmaster or installation head must initiate the statutory collection procedures.

10.8 Statutory Offset Procedures

10.8.1 Authority

Under Section 5 of the Debt Collection Act, 5 USC. 5514(a) (1982), the Postal Service may, after providing certain procedural rights, offset an employee's salary in order to satisfy any debt due the Postal Service. Generally, up to 15 percent of an individual's "current disposable pay" may be deducted in monthly installments or at "officially established pay intervals." A greater percentage may be deducted with the written consent of the individual debtor. If the individual's employment ends before the full debt is collected, deduction may be made from subsequent payments of any nature due the employee.

10.9 Notifying the Employee

10.9.1 Notice

At least 30 calendar days before making an administrative offset under this authority, the postmaster or installation head must provide an employee-debtor with the following:

1. two copies of a Notice of Involuntary Administrative Salary Offsets Under the Debt Collection Act, containing the information, and
2. a copy of the procedures that govern hearings under the Debt Collection Act set forth at 39 CFR Part 961.

10.9.2 Contents

The Notice of Involuntary Administrative Salary Offsets must notify the employee of the following:

- A. The name, work address, and telephone number of the postmaster or installation head issuing the notice.
- B. The Postal Service's determination of the existence, nature, and amount of the debt.
- C. The Postal Service's intention to collect the amount due by offsetting 15 percent of the employee's "current disposable pay" each pay period.
- D. The estimated amount, starting date (generally 30 days from the date the employee receives the notice), frequency, and duration of the intended deductions.
- E. The procedural rights available to the employee, as well as the appropriate method for requesting them. These rights include an opportunity to:
 1. obtain copies of Postal Service records relating to the debt,

2. avoid the need for involuntary offsets by paying the debt in full,
 3. consent to salary offsets of 15 percent or more of current disposable pay,
 4. enter into a written agreement with the Postal Service, under terms agreeable to the postmaster or installation head, to establish an alternative debt repayment schedule,
 5. obtain a hearing on the Postal Service's determination concerning the existence or the amount of the debt, or on the terms of the Postal Service's proposed repayment schedule.
- F. The employee must be informed that the timely filing of a petition for a hearing stays the collection proceedings.

10.10 Procedures Governing the Exercise of Employee Rights

10.10.1 Employee Options

Employees may pursue as many of the options available to them as they wish. It should be noted, however, that an employee's petition for a hearing on the Postal Service's determination of the existence or amount of a debt, or on the terms of the Postal Service's proposed repayment schedule, must be submitted within the time frame specified. If, after requesting a hearing, the employee is able to resolve the debt through another available option his or her hearing petition may be withdrawn.

10.11 Requests for Postal Records

If an employee wishes to request copies of any records, the employee and the postmaster or installation head proceed as follows:

Submission

At any time after receiving notice of the Postal Service's intention to collect a debt through involuntary salary offsets and before any requested hearing is held, a nonbargaining unit employee may request copies of any records he or she did not previously obtain. Requests for copies of postal records relating to an alleged debt must be made in writing and directed to the postmaster or installation head.

Response

The postmaster or installation head takes care to respond expeditiously to records requests so as not to deprive an employee of the benefit of any information that might resolve questions relating to the debt. Once a request is received, the postmaster or installation head must promptly request, as necessary, copies of the pertinent records by telephone from the Minneapolis ASC or appropriate postal facility and provide the employee, within five calendar days of receiving the employee's request, with copies of all records requested.

Notification

The postmaster or installation head must notify the employee in writing of his or her decision regarding the employee's proposed alternative offset schedule within 15 calendar days of receiving it from the employee.

Implementation

The postmaster or installation head and the employee must implement the terms of an acceptable alternative repayment agreement by completing the appropriate sections of Form 3239.

10.11.1 Debt Collection Hearing Usually Prepared by Labor Relations Admin Group, LLC

If an employee wishes to request a hearing, the employee and the Postal Service proceed as follows:

Hearing Request

If an employee desires a hearing prescribed by Section 5 of the Debt Collection Act on the Postal Service's determination of the existence or amount of the debt, or on the involuntary repayment terms proposed by the Postal Service, the employee must file a written petition for a hearing in accordance with the requirements of 39 CFR 961.4. The petition must be filed with the Recorder, Judicial Officer Department, US Postal Service, 2101 Wilson Boulevard, Suite 600, Arlington, VA 22201-3078, on or before the fifteenth calendar day following the employee's receipt of the Notice of Involuntary Administrative Salary Offsets Under the Debt Collection Act. The hearing procedures are set forth in 39 CFR Part 961, which is incorporated herein by reference.

Post-Decision Responsibilities

After an employee has been accorded a requested hearing and a written decision has been rendered, the general counsel of the Postal Service notifies the appropriate postmaster or installation head of the determination. If the hearing decision indicates that the employee is not indebted to the Postal Service, the postmaster or installation head must take the necessary steps to remove all references to the debt from the employee's records. However, if the decision authorizes the Postal Service to offset an employee's salary, the postmaster or installation head must initiate the authorized offsets by completing the appropriate sections of Form 3239.

10.11.2 Employee Failure to Respond

If, upon receiving notice of the Postal Service's intention to collect a debt through involuntary salary offsets, the employee fails to repay the debt, fails to consent to the Postal Service's proposed offsets, fails to propose an acceptable alternative offset schedule, and does not request a hearing on the Postal Service's determination of the debt or its proposed offset schedule, the postmaster or installation head may initiate the offsets specified in the Postal Service's notice to the employee, no earlier than 30 calendar days after the debtor's receipt of that notice, by completing the appropriate sections of Postal Form 3239.

10.12 Debt Collection Process Review

The following outline summarizes the process for responding to a notice of debt determination or notice of involuntary administrative salary offset.

1. An account receivable is established.
2. The installation head provides the employee with a copy of the invoice and with a written notice of the Postal Service's determination of the existence, nature, and amount of the debt. The notice must advise the employee of all available options.
3. Employee requests copies of all postal records used in the Postal Service's determination.
4. Employee considers all available options:
 - Employee may voluntarily arrange to pay the debt in its entirety.
 - Employee may agree to voluntary salary offset of 15 percent or more of disposable pay.
 - Employee may propose an alternative offset schedule.
5. If the employee requests copies of all postal records, the employee must do so in writing to the postmaster or installation head within 10 calendar days of receiving the notice of the Postal Service's determination of the debt. The employee receives copies of these records within five calendar days of receipt of the written request. At this point the employee must then consider what option to take from the other options listed in Step 4.

If the employee elects to voluntarily pay the debt in its entirety, the debt must be cleared within 15 calendar days of the date on which all postal records were provided to the employee if so requested, or 15 calendar days from the original notice of the Postal Service's determination of the debt.

6. If the employee consents to the Postal Service's claim and elects to pay by voluntary salary offset, the employee completes a Form 3239 within 15 calendar days.
7. If the employee acknowledges the debt, but contends that 15 percent salary offset would pose a severe burden or hardship, he/she may propose in writing to the installation head an alternative offset schedule. The installation head responds in 15 calendar days. The installation head provides for installment payments, which minimally provide 10 percent of disposable pay each pay period, and for a repayment period of no greater than one year.
8. If the employee challenges the very nature of the debt and requests reconsideration of the entire or part of the debt, the employee must submit in writing not later than 15 calendar days a statement and such supporting documents relating to the debt. The installation head shall make a determination of the debt's existence based on the documents of the Postal Service and those submitted by the employee.
9. Within 15 calendar days, the installation head shall notify the employee in writing of the findings.

10. If the debt amount is affirmed or revised, the employee shall be advised that to prevent the initiation of involuntary offset proceedings, he/she must make arrangements to repay the debt.
11. Failing resolution of the debt at this point, the Postal Service must at least 30 calendar days prior to making administrative offset, notify the employee with two copies of the written notice of involuntary administrative salary offset under the Debt Collection Act and a copy of the procedures which govern hearings under the Debt Collection Act (39 CFR part 961).
12. The employee may request postal records not previously obtained.
13. The employee may consent to payment in full, consent to salary offset, propose an alternative offset schedule, or request a debt collection hearing.
14. If the employee requests a debt collection hearing, the petition must be filed with the Recorder, Judicial Officer Department, United States Postal Service, 2101 Wilson Boulevard, Suite 600, Arlington, VA 22201-3078 not later than 15 calendar days following the employee's receipt of the Notice of Involuntary Administrative Salary Offsets Under the Debt Collection Act. The hearing shall be conducted in accordance with 39 CFR, part 961. See ELM Exhibit 452.322 for particulars. The hearing is conducted in a similar manner to an MSPB hearing before an administrative law judge. The hearing officer must ensure that a decision is rendered in the case not later than 60 days following the employee's filing of the case.

Proceedings under the act are governed by very specific time limits. There is no grace for failure to adhere to the time limits. If the last day is a Saturday, a Sunday or a legal holiday, the time expires on the next day which is not a Saturday, Sunday or a legal holiday.

ELM 450 – Debt Collection Act

NAPS Short Version Appeal

- A. Letter of Debt determination (including statement of rights) given to the EAS Employee – NOT a letter of demand.
- B. Within 10 calendar days of receiving the letter of Debt Determination request copies of all postal records relating to the debt. The Postal Service has the obligation to provide these records within 5-days of the request.
- C. If the issue is not resolved, the Postal Service must issue a Notice of Involuntary Administrative Salary Offset, including a copy of the procedures for a hearing.
- D. Within 15 Calendar Days of the receipt of Notice of Involuntary Administrative Salary Offset, a written petition must be filed with the Recorder, Judicial Officer Department in Arlington VA. This is done by our NAPS DDF provider, Labor Relations Admin Group LLC, under the provisions of the disciplinary defense fund.

You must send to Labor Relations Admin Group LLC:

- a. the Letter of Debt Determination
- b. copies of all records received, if requested
- c. the Notice of Involuntary Administrative Salary offset along with the completed DDF request form.

**SEND THIS INFORMATION PRIORITY EXPRESS MAIL,
AS SOON AS IT IS RECEIVED TO ENSURE THE TIME LIMITS ARE MET!**

REMEMBER; THERE ARE NO EXCEPTIONS TO THE 15 DAY FILING LIMIT!!

NAPS Debt Collection Act Quick Summary

If, upon receiving notice of the Postal Service's intention to collect a debt through *Notice of Involuntary Administrative Salary Offsets Under the Debt Collection Act* (ELM 452.322), the employee fails to repay the debt and does not request a hearing on the Postal Service's determination of the debt, the Postal Service will collect the debt by automatic payroll deductions at a rate of 15 percent.

Debt Collection Act Procedures, Payment and Appeal Options

1. NAPS member receives a USPS Letter of Debt Determination (LDD)
 - a. Member voluntarily pays the debit in full within 15-days.
 - Debt issue is resolved

2. NAPS member receives a USPS Letter of Debt Determination (LDD)
 - a. Member requests records within 10-days of receipt of LDD (ELM 452.241).
 - b. USPS response for records due within 5-days.
 - c. Member receives records
 - d. Member voluntarily pays debt.
 - Debt issue is resolved

3. NAPS member receives a USPS Letter of Debt Determination (LDD)
 - a. Member does not respond to LDD.
 - b. After 15-days, USPS issues employee *Notice of Involuntary Administrative Salary Offsets Under the Debt Collection Act* (ELM 452.322).
 - c. Within 15-days of receipt of *Notice of Involuntary Administrative Salary Offsets*, a petition for a debt collection hearing must be filed.
 - d. The employee (NAPS DDF Provider) must file the petition on or before the 15th calendar day following the employee's receipt of the *Notice of Involuntary Administrative Salary Offsets Under the Debt Collection Act*. The hearing procedures are in 39 CFR Part 961.
 - e. Member/NAPS representative must also complete and send the NAPS Disciplinary Defense Fund (DDF) form and entire case file to NAPS DDF Provider prior to the 15-days of receipt of *Notice of Involuntary Administrative Salary Offsets*.
 - f. DDF Provider provides written petition within 15-days of receipt of *Notice of Involuntary Administrative Salary Offsets* to request a debt collection hearing.
 - g. Judicial review is held and debt decision is rendered by judge.
 - Debt issue resolved (no debit owed, entire debt owed or partial debt settlement).

4. NAPS member receives a USPS Letter of Debt Determination (LDD)
 - a. Member requests records within 10-days of receipt of LDD (ELM 452.241).
 - b. USPS response for records due within 5-days.
 - c. Member does NOT receive records within 5-days.
 - d. Member believes they do not owe debt and does not pay.
 - e. USPS issues employee *Notice of Involuntary Administrative Salary Offsets Under the Debt Collection Act* (ELM 452.322).
 - f. Within 15-days of receipt of *Notice of Involuntary Administrative Salary Offsets*, a petition for a debt collection hearing must be filed.
 - g. The employee (NAPS DDF Provider) must file the petition on or before the 15th calendar day following the employee's receipt of the *Notice of Involuntary Administrative Salary Offsets Under the Debt Collection Act*. The hearing procedures are in 39 CFR Part 961.
 - h. Member/NAPS representative must also complete and send the NAPS Disciplinary Defense Fund (DDF) form and entire case file to NAPS DDF Provider prior to the 15-days of receipt of *Notice of Involuntary Administrative Salary Offsets*.
 - i. DDF Provider provides written petition within 15-days of receipt of *Notice of Involuntary Administrative Salary Offsets* to request a debt collection hearing.
 - j. Judicial review is held and debt decision is rendered by judge.
 - Debt issue resolved (no debit owed, entire debt owed or partial debt settlement).

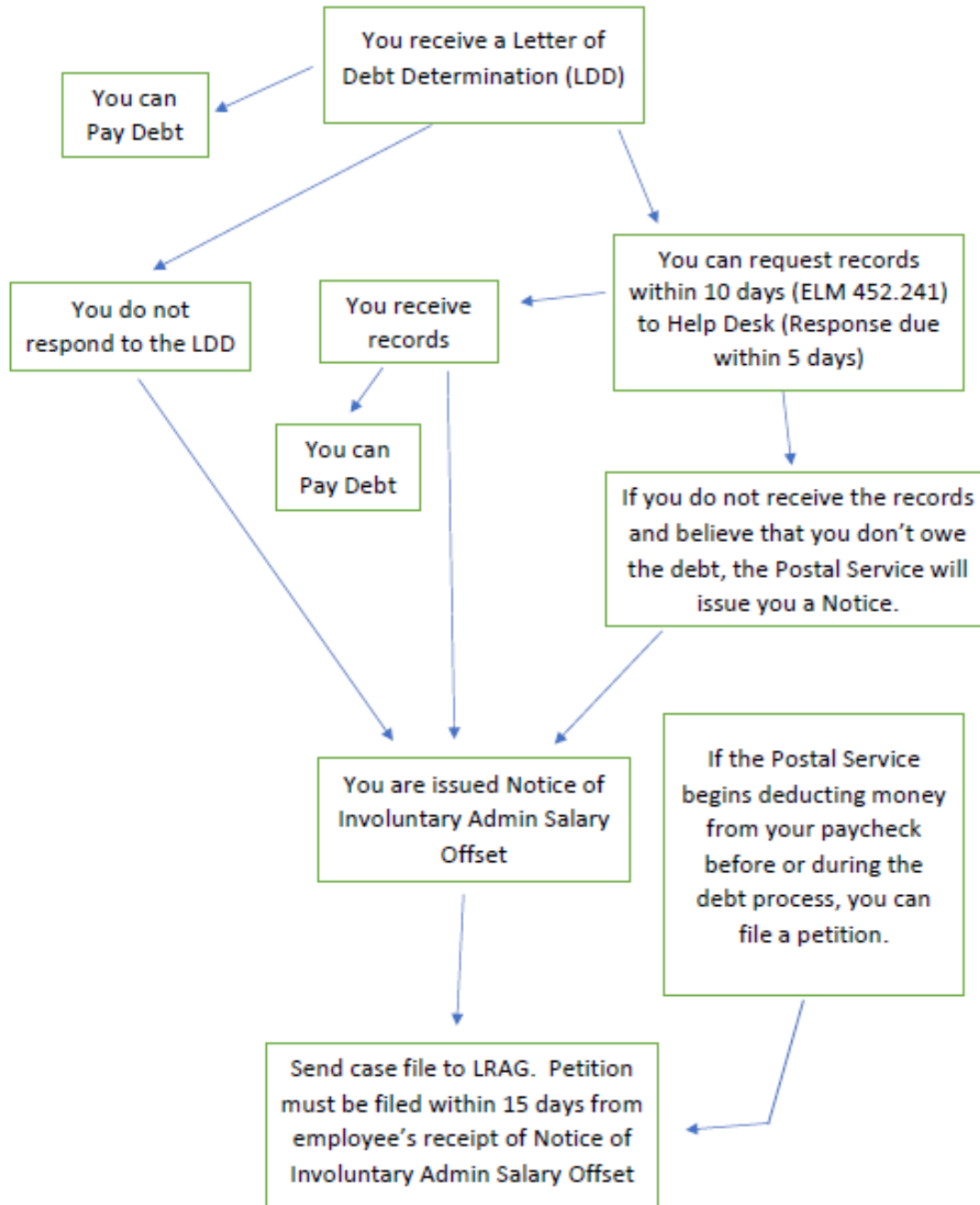
5. No USPS Letter of Debt Determination (LDD) is received.
 - a. USPS begins deducting money from member's paycheck before or during the debt process.
 - b. Member/NAPS representative complete the NAPS Disciplinary Defense Fund (DDF) form and sends form and entire case file to NAPS DDF Provider within 10-days from date from when member notices USPS is taking money from paycheck.
 - c. DDF Provider provides written petition immediate to request a debt collection hearing.
 - d. Judicial review is held to stop deduction of money from member's paycheck.
 - Judge issues order to stop the deduction of member's money from paycheck. Debt issue resolved (debit owed, entire debt owed or partial debt settlement).

Below is a Debt Collection Petition Flowchart by NAPS' DDF Provider, Labor Relations Admin Group, LLC. The flowchart is a summary designed to easily follow the debt collection process. NAPS highly recommends NAPS members and their representatives fully read the entire section of *USPS ELM 450 Collection of Postal Debts from Nonbargaining Unit Employees by Salary Offset* to have a complete understanding of USPS debt collection and Debt Collection Act process, including payment options and appeal procedures.

Labor Relations Admin Group LLC

DEBT COLLECTION PETITION

FLOW CHART



11. Disciplinary Defense Fund

This section establishes procedures for using the NAPS Disciplinary Defense Fund (DDF). NAPS established the DDF because it is committed to representing its membership in all areas, including adverse actions. The DDF provides professional representation for eligible members for adverse action or debt collection.

11.1 DDF Criteria

DDF representation is available for:

- appealing a reduction in grade or removal under ELM Section 650 or MSPB procedures,
- appealing a Notice of Involuntary Administrative Salary Offset under ELM Section 450 procedures, and
- appealing a Reduction in Force (RIF).

The member must have been a NAPS member: (1) No fewer than ninety days prior to the charged being issued or (2) have signed a NAPS membership application within sixty (60) days from the effective date of promotion from the craft.

11.2 Authorized DDF Provider

The DDF provides representation only through the NAPS provider. NAPS' DDF provider is:

Labor Relations Admin Group LLC
PO Box 25822
Brooklyn, NY 11202

The DDF will pay to the provider, and only to the provider, all approved fees and expenses, plus authorized evidentiary expenses resulting from the member's DDF representation not to exceed \$1,000; and all approved transportation expenses. Should a member decide to hire a lawyer or other representative, neither NAPS nor the DDF is responsible for any fees or expenses incurred.

The representative assigned by the provider may or may not be a lawyer. Representation extends to the best possible settlement at the discretion of the provider, in consultation with the member.

If fees and expenses for a member's defense are expected to exceed the authorized limit of the DDF, the provider must notify the member in advance. No additional fees or expenses are incurred without the member's authorization. If the member does authorize additional expenditures, the member is personally liable to the provider for those additional fees and expenses.

If legal fees are awarded by the MSPB, the member must reimburse the DDF for all amounts disbursed from the fund to the extent possible under the award.

11.3 Reviewing Appeal Procedures

Appeal rights under ELM Section 650 are found in Section 8. Appeal rights under the MSPB are also found in Section 9. Appeal rights under ELM Section 450 are found in Section 10.

11.4 DDF Procedures

Upon receiving a Notice of Proposed Adverse Action (ELM Section 650 or MSPB appeals) or a Notice of Debt Determination (ELM Section 450 appeal), a member requesting representation under the DDF must provide a copy of the Notice to the branch president.

The branch president or designee is responsible for assisting the member in responding to the Notice of Proposed Adverse Action or the Notice of Debt Determination. The branch president must *immediately* notify the member's respective:

- NAPS area vice president.
- NAPS regional vice president.

If the Notice of Proposed Adverse Action or Notice of Debt Determination is withdrawn and the issue is resolved, the branch president or designee must inform the NAPS Area and Regional vice president.

If the member receives a Letter of Decision imposing a reduction in grade or removal, the member must decide whether to appeal under:

- (1) ELM Section 650 or
- (2) MSPB procedures and comply with the procedures set forth in Section 9 of the OTM, as applicable. Upon receipt of a Notice of Involuntary Offset the member must comply with the procedures set forth in Section 10 of the OTM, as applicable.

After the Letter of Decision is received, the branch president or designee immediately sends copies of USPS notice, NAPS appeal, Decision Letter, DDF Form and all other relevant documents to:

Labor Relations Admin Group, LLC.

11.4.1 ELM Section 650 Appeal of the Letter of Decision

Upon receiving a Letter of Decision imposing either a reduction in grade or removal, the member may appeal under ELM Section 650. If the member chooses to use the DDF, (see Section 9 for more details), and IMMEDIATELY mails by Priority Express Mail the following materials to **Labor Relations Admin Group, LLC.**, the area vice president and regional vice president:

- copies of the request for a hearing,
- the Notice of Proposed Adverse Action and response,
- the Letter of Decision, including all supporting documents, and
- a completed Disciplinary Defense Fund Representation Request Form signed by the member and the branch president.

NOTE: The written request for a hearing must be submitted by Labor Relations Admin Group, LLC within 15 days of receipt of the letter of decision. See Section 9 for details on the Section 650 process.

11.4.2 MSPB Appeal of the Letter of Decision

Upon receiving a Letter of Decision imposing either a reduction in grade or removal, a member choosing to appeal the action to the MSPB must complete the following sections of the MSPB Appeal Form 185. The member then sends the following to Labor Relations Admin Group, LLC, the area vice president and regional vice president:

- completed MSPB Form 185,
- copies of the Notice of Proposed Adverse Action and response,
- the Letter of Decision, including all supporting documents, and
- a completed Disciplinary Defense Fund Representation Request Form signed by the member and the branch president.

Only MSPB Form 185 is still current. All other MSPB Forms are obsolete. Only the following information is required to be completed on Form 185 before sending to Labor Relations Admin Group, LLC for final processing. **However, the form must also be signed by the member:**

Information Required on Form 185

Question 1 - Name

Question 2 - Present Address

Question 3 - Home Phone or Cell

Question 4 - Name, Address of agency issuing action

Question 5 - Employment Status (Permanent)

Question 6 - Type of employment (Postal Service)

Question 7 - Position, Title, Grade, Duty Station

Question 8 - Veteran Status

Question 9 - Length of Service

Question 10 - Normally this is marked "No"

Question 11 – Hearing; Mark "Yes"

Question 12 - What was final decision?

Question 13 - Date of decision letter

Question 14 - Effective date of action

Question 15 - Did you attempt mediation?

Question 16 - Leave Blank – Not Necessary – *If statement is made USPS can use against member in case)*

Question 17 - Mark "No"

Questions 18, 19, 20, 21, 22, 23, 24, 25 - (Leave blank – Do Not answer)

Question 26 - Mark "Yes"; **DO NOT** complete the **DESIGNATION** section. *Labor Relations Admin Group, LLC will complete this section. However, you **MUST** sign and date at the bottom section of Question 26.*

Question 27 - **DO NOT** sign or date. *Leave blank for NAPS Representative to complete.*

The DDF provider completes the balance of the appeal form. On the NAPS website, www.naps.org, a sample MSPB Form 185 has been completed showing what section the member completes before sending to Labor Relations Admin Group, LLC, PO Box 25822, Brooklyn, NY 11202 for final filing. (See *Forms & Documents* section at www.naps.org)

NOTE: Original signatures (no photocopies) are required on Form 185 and the Disciplinary Defense Fund Representation Request Form. It is imperative that all parties realize the importance of processing and mailing all case documents *within the time limits established for the submission of appeals*. The time limit under MSPB is 30 days after the effective date of the decision. Use Express Mail to expedite handling if necessary—not a fax machine. See Section 10 for more information on the MSPB process.

11.4.3 ELM Section 450 Appeal of the Notice of Involuntary Administrative Salary Offset

If after submitting a response to the Notice of Debt Determination the member receives a Notice of Involuntary Offset, the member may appeal the action under ELM Section 450 procedures. If the member chooses to use the DDF, the member names the NAPS DDF provider as representative (see Section 11), and IMMEDIATELY sends the following to Labor Relations Admin Group, LLC, the branch's area vice president and regional vice president:

- copies of the Notice of Debt Determination and the response,
- the Notice of Involuntary Offset, including all supporting documents, and
- a completed Disciplinary Defense Fund Representation Request Form signed by the member and the branch president.

NOTE: The written request for a hearing must be submitted by Labor Relations Admin Group, LLC within 15 days of receipt of the notice of Involuntary Administrative Salary Offset. See Section 10 for details on the Section 450 process.

NAPS Disciplinary Defense Fund Representation Request Form

DDF Applicant Name: _____

USPS EIN #: _____

Office: _____

NAPS Branch: _____

Work Phone: () _____

Home Phone: () _____

Date of Notice of Proposed Action or Notice of Debt Determination: _____

Date of Letter of Decision or Notice of Involuntary Offset: _____

I request representation from the NAPS Disciplinary Defense Fund (DDF). Representation will be provided by Labor Relations Admin Group, LLC. The representative provided may not be an attorney. DDF covers an initial Merit System Protection Board (MSPB) hearing or debt collection case. DDF also covers the following expenses: representative's fees, all travel, and up to \$1,000 of pre-approved evidentiary expenses. All DDF expenses are covered by NAPS headquarters for initial MSPB and debt collection cases. Member is not required to pre-fund or make a deposit of monies to receive DDF representation.

In the event the MSPB should award any payment for my legal fees, it is understood that the monies will be used to reimburse the NAPS DDF for funds expended for my representation by Labor Relations Admin Group, LLC to the extent possible under the award.

**NOTE: I have been a member of NAPS since: Month _____ Year _____
If you have been a NAPS member less than 90 days from the date of the proposed action, you should supply a statement that you signed a NAPS membership application within 60 days of your promotion from the craft.**

I understand that should I seek representation through any means other than the NAPS DDF at any time, I will, in effect, discharge the National Association of Postal Supervisors and Labor Relations Admin Group, LLC of any further obligation regarding my case. Furthermore, I understand that I will have to bear the cost and consequence of any outcome resulting from this action.

Signature of Member

Signature of Branch President

Printed Name of Member

Printed Name of Branch President

Date: _____

Date: _____

Send this signed form and a copy of the adverse action file by **Priority Express Mail** to:

Labor Relations Admin Group LLC
PO Box 25822
Brooklyn, NY 11202

A copy of this completed DDF Form **MUST** be sent to **NAPS Executive Vice President** at NAPS HQ

NAPS Headquarters
1727 King Street, STE 400
Alexandria VA 22314

12. Office of Inspector General (OIG) Warnings

The Office of Inspector General (OIG) initiates investigations based on allegations it receives from multiple sources, including its Hotline, the U.S. Postal Service, and Congress. OIG conducts investigations to prevent and detect fraud and misconduct in Postal Service programs and operations, as required by the Inspector General Act. 5 U.S.C. app. 3, 4(a)(3).

The Inspector General Act also requires that OIGs report to the Attorney General “whenever the Inspector General has reasonable grounds to believe there has been a violation of federal criminal law.” The Attorney General has issued guidelines for OIGs when conducting investigations, including warnings to be used. These warnings ensure employees are fully advised of their rights and Department of Justice’s (DOJ) interests in the cases are safeguarded. The use of the DOJ warnings also promotes uniformity in OIG investigations. The warnings, listed below, are also called Advisements of Rights.

Information on OIG warnings and the specific forms used by the OIG to provide an employee with their rights can be found on the NAPS website at www.naps.org under the *Forms & Documents* section.

12.1 Miranda

Miranda warnings are given to subject to OIG investigations when they are placed under arrest or in the custody, as required by Miranda v. Arizona, 384 U.S. 436 (1966). Miranda warnings advise the subject of OIG investigations who are under arrest or otherwise in custody that they have a right to remain silent; that statements the subject makes can be used against them; that they have a right to an attorney during questioning; and that an attorney will be appointed for them if they cannot afford one.

12.2 Garrity

Garrity warnings are given to subjects in OIG investigations, who are not under arrest or in custody, as suggested by Garrity v. New Jersey, 386 U.S. 493 (1967). Garrity warnings are designed to ensure that employees’ interviews are voluntary. Garrity warnings advise subjects that they may remain silent on matters where there may be criminal exposure, but must report on activities for which there is no criminal exposure. Subjects are also reminded that the interview is strictly voluntary.

12.3 Kalkines

Kalkines warnings are given to subjects of OIG investigations to assure employees that their statements may not be used against them in any criminal proceeding, in accordance with guidance in Kalkines v. U.S., 473 F.2d 1391 (Ct. Cl. 1973). Courts have long held that once an individual’s statements are immunized, the employee no longer has a right to remain silent. Lefkowitz v. Cunningham, 431 U.S. 801, 806 (1977).

Kalkines warnings remind employees that they have a duty to respond to investigative questions and that agency disciplinary actions may follow if employees fail to cooperate or fail to answer fully and truthfully. Employees are also told that statements they provide may be used in civil or administrative proceedings, but cannot be used in criminal proceedings.

The Postal Service Employee and Labor Relations Manual (ELM), Section 665.3 requires that Postal Service employees “cooperate in any postal investigation, including Office of Inspector General investigations.” Employees may be disciplined for refusal to cooperate or for providing false statements during questioning. As an additional safeguard for employees, OIG agents have been trained to comply with all reasonable requests for union or management representation.

13. NAPS Logo Trademark Policy and Use

NAPS went through the process to trademark two (2) logos, the traditional historical logo and the sleek modern logo. Below are guidance and instructions for use of the trademarked NAPS logos. This information is also posted on the NAPS website to provide instructions to NAPS members and vendors. The intent is not to charge members for use of the trademarked logos, but to have control over who is using the logos, and for what purpose.

NAPS will review applications from vendors requesting to use its trademark logos and similarly seeks to know who is using the logo, and for what commercial purpose. Determinations on whether to charge for use of the logos for business purposes will be made on a case-by-case basis. For those vendors we have regularly done business with, and who contribute to our various NAPS functions, we will not necessarily charge for the use of the NAPS logos. Again, the main purpose for trademarking the logos was to control who is using them and for what purpose.

Below are the NAPS trademark applications to be completed by either a NAPS branch or vendor. Applications to use the NAPS logos, for members and vendors, must be sent to NAPS HQ for review.

NAPS BRANCH APPLICATION TO USE TRADEMARKS OF NATIONAL ASSOCIATION OF POSTAL SUPERVISORS

NAPS Branch _____ requests authorization to use the NAPS Trademark, as signified below:

- NAPS Historical Trademark – Certification Seal



- NAPS Modern Trademark



The Branch requests authorization to use the NAPS Trademark(s) for the following purpose(s):

In applying for authorization, the aforementioned Branch promises to use the signified trademark in accordance with all laws, rules and NAPS policies, including the following terms of use:

- The Trademark shall be used in a professional manner.
- The trademark, including the NAPS Certification Seal, may not be altered, redrawn, or reset typographically. Elements of the trademarks may not be separated, rearranged, or altered in any way, and original height-to-width proportions (aspect ratios) must be maintained.
- NAPS reserves the right to license its trademarks for fees and royalties in connection with third-party sale of goods and services bearing the trademark.
- Use of the trademarks may not violate the rights of others or applicable law, and may not state or imply NAPS' endorsement of any business or organization without NAPS' specific consent.
- Upon request from NAPS Headquarters, the Branch shall forward samples of use of the logos and graphics.
- Permission to use NAPS trademarks is revocable by NAPS.

NAPS Branch Name/Number **Date**

Applicant on Behalf of Branch **Branch Position**

Signature

Address/City/State/ZIP

Telephone

Email

=====

The National Association of Postal Supervisors authorizes

to use the requested NAPS Trademark(s) in accordance with all laws, rules and NAPS policies governing their use.

Name

Title

Date

THIRD-PARTY APPLICATION TO USE TRADEMARKS OF NATIONAL ASSOCIATION OF POSTAL SUPERVISORS

_____ requests authorization to use the NAPS Trademark,
as signified below:

- NAPS Historical Trademark – Certification Seal



- NAPS Modern Trademark



Applicant requests authorization to use the NAPS Trademark(s) for the following purpose(s):

In applying for authorization, the applicant promises to use the signified trademark in accordance with all laws, rules and NAPS policies, including the following terms of use:

- The Trademark shall be used in a professional manner.
- The trademark, including the NAPS Certification Seal, may not be altered, redrawn, or reset typographically. Elements of the trademarks may not be separated, rearranged, or altered in any way, and original height-to-width proportions (aspect ratios) must be maintained.
- NAPS reserves the right to license its trademarks for fees and royalties in connection with third-party sale of goods and services bearing the trademark.
- Use of the trademarks may not violate the rights of others or applicable law, and may not state or imply NAPS' endorsement of any business or organization without NAPS' specific consent.
- Upon request from NAPS Headquarters, the Branch shall forward samples of use of the logos and graphics.
- Permission to use NAPS trademarks is revocable by NAPS.

Name of Individual or Company

Date

Representative on Behalf of Company

Position

Signature

Address/City/State/ZIP

Telephone

Email

=====

The National Association of Postal Supervisors authorizes

to use the requested NAPS Trademark(s) in accordance with all laws, rules and NAPS policies governing their use.

Name

Title

Date