



NATIONAL ASSOCIATION OF POSTAL SUPERVISORS

National Headquarters
1727 KING STREET, SUITE 400
ALEXANDRIA, VA 22314-2753
(703) 836-9660

May 14, 2026

Board Memo 019-2026: 2026 January NAPS USPS Consultative Meeting Minutes

Executive Board,

Attached are the NAPS USPS Consultative Meeting Minutes for January 2026.

Please share this information with your membership.

Thank you, and be safe.

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FINAL

1-27-01

NAPS is bringing back to the table an issue that was not satisfactorily addressed in the USPS response from the Nov/Dec 2025 consultative, specifically the issue of tenured employees:

NAPS has been made aware of a change in practice by USPS concerning ELM 652 appeal rights for EAS employees promoted from the craft serving an additional 1-year probationary period and completing a minimum of 12 months of combined service without a break of a workday in the same line of work in the Civil Service and the Postal Service. NAPS contends this is a change in policy and no consultation occurred with NAPS as required by 39 US Code Section 1004. NAPS is providing an email from previous Labor Relation Policies and Programs Director Bruce Nicholson indicating that USPS policy agrees there is no need for an EAS that has served a probationary period as a craft employee to serve an additional probationary period once promoted:

From: Nicholson, Bruce A - Washington, DC <bruce.nicholson@usps.gov>

Sent: Wednesday, January 5, 2022 9:44 PM

To: Ivan Butts <naps.ib@naps.org>

Cc: Chuck Mulidore <naps.cm@naps.org>; Jim Warden <naps.jw@naps.org>

Subject: RE: [EXTERNAL] FW: NAPS Issue with ELM 650 Hearing Correspondence to VP Labor Relations Kate Attridge

Ivan,

ELM 652.21 requires that an employee meets both A and B of the provision to be eligible to appeal a letter of decision before a hearing officer.

652.21 Coverage

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

a. All nonprobationary EAS and PCES Level I employees; and

b. EAS, and PCES Level I 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.

Although an argument was made to the hearing officer that the appellant did not meet the requirements of section A nor Section B of ELM 652.21, the hearing office nor Mr. Farley (and referenced in his attached denied hearing letter) based their decision on whether the appellant met the requirements of section A, a nonprobationary employee.

The appellant ... completed his probationary appointment as a bargaining unit employee. An employee must complete a probationary appointment and there are no additional appointments. Therefore, there is no disagreement with NAPS on whether the employee had served his probationary appointment.



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Further USPS has denied even an ELM Chapter 650 Appeal to employees who fall under this change in USPS policy when facing an Adverse Action. NAPS is requesting USPS cease this practice, and at minimum, provide ELM Chapter 650 Appeal rights to any EAS who faces an Adverse Action with less than a year in the position. NAPS contends that denying ELM 652 appeal rights is in violation 39 USC 1001(b), specifically tenured employee rights to due process.

The original USPS response seems to be that USPS did not change the ELM. Technically, that may be correct. Rather it is an apparent USPS reinterpretation of who gets the right to a hearing. As such, what has changed is the decision not to comply with Handbook EL 312 and grant hearing rights to tenured employees, as defined by Handbook EL 312, Sections 584.33, 584.34 and 584.44, of a right to an ELM 652 hearing, and instead, impose a 2nd probationary period without any basis for doing so.

Traditionally, all federal employees serve a probationary period. 5 C.F.R. Part 11...During this period, employees may be terminated: (1) based on the employee's performance or conduct, (2) the needs and interests of the agency, (3) if continued employment does not advance organizational or the government's goals, or (4) if continued employment does not advance the efficiency of the service. 5 C.F.R. §11.5(d). For this reason, absent termination for an unlawful reason (*e.g.*, discrimination), probationary employees do not have MSPB rights as they do not fall within the definition of "employee." Exhibit 1 - 5 U.S.C. § 7511(a)(1).

Title 39 of the United States Code does not provide for postal employees to serve a probationary period. The U.S. Postal Service has the authority to impose the probationary periods set out in Handbook 312 - Section 584 (Exhibit 2) given its authority under 39 U.S.C § 401(2) and based the case law on 39 U.S.C. §1001 discussing probationary periods for craft employees. For EAS employees, EL 312- § 584.33 designates the length of probationary period as one (1) year. For new employees who switch positions, postal policy provides that "[a] career probationary employee who is promoted, demoted, or reassigned from one position to another during the probationary period, must complete the probationary period uninterrupted in the new position." EL 312 - § 584.34...further, if reassigned, "[t]he probationary period that begins before a reassignment continues uninterrupted after the reassignment." EL 312 - § 584.44.

Craft employees' probationary period is only 90 days, EL 312 - § 584.32. Unless a craft employee is promoted within 90 days to an EAS position Section 584 does not require the employee to serve a new or additional one-year probationary period if promoted after they satisfy this 90-day period.



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At the completion of the probationary period, a federal worker is tenured and has a property interest in their federal employment entitling them to due process prior to removal. ^[1]

^[1] This proposition is discerned from cases discussing probationary rights. While case law does not specifically state when an employee becomes tenured, a Court wrote, “[w]hile tenured employees are afforded a panoply of rights for the more serious of these actions, including the right to 30 days’ notice, to answer charges, to be represented by an attorney, to a written decision and ultimately to an appeal to the Merit Systems Protection Board, 5 U.S.C. § 7513, probationary employees are pointedly excluded. Id § 7511(a)(1)(A). *Connolly v. U.S.*, 554F Supp. 1250, 1257 (Cl. Ct. 1982), *aff’d in part, rev’d in part*, 716 F .2d 882 (Fed Cir 1983). The fact U.S. Postal Service is providing employees with notice and opportunity to respond is evidence that they are tenured.

Federal law in Title 39 requires these employees to be given the right to a hearing prior to removal, 39 USC 1001(b). NAPS is again seeking USPS grant EAS employees in this situation, at minimum, an ELM 652 hearing.\

Response: The arguments that NAPS provided regarding probationary periods are not relevant because they are not the requirements that the nonbargaining employees NAPS provided as examples failed to meet. Here, and as provided in our Nov/Dec 2025 consultative meeting response to this item, there has been no reinterpretation of the ELM language. The ELM language requires an individual to have 12 months of continuous service as an EAS or PCES Level I in the same or similar position, in addition to being non-probationary. If NAPS has any evidence to support their allegation that we apply the policy different from how we applied it in the past, they should provide it to us so that we can review.



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1-27-02

NAPS been alerted from the field that the exception credit data for December on the PS Form 150 has changed. Offices with carrier stations/branches were originally given exception credit on Line 12 on the PS 150 in November, in December offices get the exception credit on Line 13 of the PS 150. Why has this changed? The exception credit on Line 12 is greater than on Line 13. Exception credits are based on whether the office has delivery of any kind. If yes, it should be 3 credits per office. If not, then the office gets 2. This skewed data is preventing offices from an immediate upgrade. Why did USPS make this change?

Response: Field Staffing Org. Design is aware of this issue, and corrections have been made that are reflected in the January PS150 Model.

Field Staffing determined the offices that fell under immediate upgrade status, along with the offices meeting the 24 months ZOT, and submitted Form 50 actions to HRSSC for processing that were effective 1/24/2026.

1-27-03

What is the total logistics complement now that the expeditors are moved under logistics from mail processing? Does the new ratio warrant adding duties to a current Network Specialist position or is USPS authorizing a new Network Specialist Supervisor position? If USPS authorized a NSS position, can current NS EAS lateral into those positions or will the NSS position be posted?

Response: The ratios have stayed the same. There were offices that had network specialists who had no supervisory responsibility, the expeditors coming in had no supervisors. The changes occurred in those facilities giving Network Specialist positions supervisor duties. These Network Specialists were given the option to lateral into those positions.

1-27-04

Currently two Manager, Fleet Operations (Region) positions are vacant. The Southern Region position has been vacant since May 1, 2025. NAPS is enquiring when these positions will be posted?

Response: The Manager, Fleet Operations positions are currently being evaluated by HR. Once the position evaluations are completed we will have more information on the posting timelines.

1-27-05

The Bryan S&DC location is approximately two hours away from the VMF. As a result, VMF personnel are required to work outdoors and are exposed to the elements. Are there any plans to construct or provide a permanent structure to better support VMF operations at this location? (See attached photo).

Response: There are no immediate plans to provide a permanent structure at the Bryan



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S&DC.

1-27-06

USPS provided a response to an October 2025 consultative question from NAPS concerning SPM scanning, below is an excerpt of that response:

While the suggested utilization of MyPO to alert the carrier of randomly selected delivery points may be possible, the intent of the Service Performance Measurement (SPM) is to ensure timely availability and accurate delivery of the mail. This includes carrier scanning of live mail pieces at the point of collection and the point of delivery on randomly selected days. To maintain the integrity of the Service Performance System, carriers are only given notice at the point of collection or delivery.

As follow up NAPS is inquiring why clerks are provided advance knowledge of the SPM scan? Carriers could also be provided with advance notification to ensure all scans are completed. If there was integrity issue with a carrier scan, that could be addressed with available tools and accountability. USPS could score 100 percent compliance with advanced notifications.

Response: Post Office PO box sections do not have Geolocation capability that can be centered to a PO Box. The SPM PO Box Sampling requests are provided via MyPO. Prior to beginning delivery to PO Boxes clerks are to block all boxes identified for sampling. Any mail for a blocked box that has a sampling request is set aside. Once all PO Box mail is delivered, the mail with the SPM request is scanned and delivered. Blocking the boxes is critical to ensure that only mail for the current day is scanned and also ensures that customers do not retrieve any of the current day's mail while still being delivered and prior to being scanned.