



## NATIONAL ASSOCIATION OF POSTAL SUPERVISORS

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November 15, 2022

### **Board Memo 029-2022: September 22 Consultative Meeting Minutes**

Executive Board,

Attached are the Consultative Meeting Minutes from September 2022 with the Postal Service.

Please share this information with your membership.

Thank you and be safe.

NAPS Headquarters



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### 0920-01

NAPS is requesting the USPS HQ characterize NAPS right to file "grievances" on issues relative to ELM 652.42 through 652.44, and issue guidance to the field as such. Attached, and below, are documents concerning USPS violation of ELM 650 that local NAPS officials dealt with while representing a supervisor of customer service whose schedule kept getting changed.

The USPS officials at Step C who decided that EAS 17 and below cannot file appeals regardless what ELM 650, 662, and 666 states, are Central Area Labor Relations Specialist Thomas Hebl who wrote "Section 650 of the ELM is reserved for issues pertaining to disciplinary matters, not operational matters" (Step C Decision.pdf), and the final decision letter signed by Mindi Doleshal, acting Director, Field Human Resources.

ELM 652.41 clearly states "Employees in EAS-17 and below, regardless of length of service, may appeal letters of warning, emergency placement in a nonduty status, and other matters not covered by 652.2 by using the procedures in 652.42 through 652.44 (emphasis added)."

Attached are:

Step A & B All Documents.pdf

(I scanned everything as a single document. Page 1 is most recent and as you scroll down, you will see the step b decision, step b appeal, step a decision, step a appeal; all supporting documentation.)

Request for Central Area Review.pdf

(Letter I wrote to Mindi Doleshal, a/HR Manager Central Area)

(Technically called a Review letter; some like to call it a Step C Appeal)

Step C Decision.pdf

(Mindi Doleshal's reply, with LR Specialist Thomas Hebl as writer)

(Since Ms. Doleshal signed the letter, she owns it)

No Fear act 2022 Slide.jpg

(snippet of slide on training I took this year for the "No Fear Act")

Slide on may Appeal ELM 652.jpg

(snippet of slide that states EAS can Appeal - read caption below picture in slide)

(even training I took this year supports our argument and advocacy for NAPS member Sara Bell)



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(this training is on Postal Policy - USPS wrote this and should abide by their own rules)

### ELM 666.24 Grievance Procedures

Employees covered by a collective bargaining agreement may file grievances regarding wages, hours, and working conditions in accordance with the provisions of the applicable agreement. **Nonbargaining unit employees at EAS-17 and below may use the procedure in ELM 652.4 to appeal matters other than suspensions or adverse actions.** Nonbargaining unit employees at EAS-18 and above may use these procedures to appeal letters of warning and emergency placement in a nonduty status.

An Area level LR Specialist and Postal Lawyers should already know these rules and regulations. Why aren't they following them?

**Response:** Grievances of individual employees shall not be matters which may be included as agenda items for consultation. The Postal Service, as a courtesy, is open to discussing this matter outside of this forum.

### 0920-02

In terms of VMF levels, APWU members received a contractual pay raise. Currently, level 10 Lead Auto Technicians make nearly \$2,000 dollars more than a VMF Manager. VMF Managers manage, at times, multiple facilities and oversee the administrative, contractual, environmental and day to day operations of a complex fleet facility. NAPS has requested a meeting with the Fleet manager at USPS HQ on several occasions without success. NAPS is further requesting the that Postal Service undertake a service-wide evaluation of the VMF Manager position, and upgrade those positions as necessary to reflect the additional vehicles and responsibilities that these facilities have taken on over the last several years.

**Response:** NAPS submitted an agenda item in May 2022 inquiring on grades of VMF Managers and the criteria for upgrades. NAPS stated that employees were informed that the VMF positions would be analyzed to determine whether the existing grades were appropriate. We responded to NAPS on behalf of Organization Design, Organizations Effectiveness and Fleet Management that the VMF structure would be studied, and we would not wait until all vehicles are deployed. As explained to NAPS in prior meetings, the Supervisory Differential Adjustment is based on the most populated bargaining unit position, level and step which is the Level 8 Automotive Technician. Although a senior, Level 10 Lead Automotive Technician can have a higher salary than a VMF Supervisor or Manager at the

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SDA minimum, it is not higher than all VMF Managers and Supervisors. The September 24 pay increase for non-bargaining employees and the PFP awards in January 2023 will result in higher salaries for non-bargaining employees to include VMF Managers and Supervisors.

0530-04 NAPS is requesting the policy and procedures for upgrades of VMF managers. What is the criteria for level upgrades for VMF Managers? As background, VMF have received, in some cases, hundreds of additional Mercedes vans with more on the way. Headquarters has told VMF Managers that no pay level increases are going to occur until the final deployments are completed (whenever that is). At that time, a decision on the appropriate pay levels could be determined. This delay is unacceptable the VMF manages increased numbers of employees and vehicles while this delay is occurring, without additional compensation.

Response: There is no frequency to change the grade of a VMF Manager, up nor down. We discussed in the past and agreed that we should not establish a frequency that upgrades a manager level and then downgrades the manager's level within weeks of the upgrade. We do not intend to wait to study the VMF structure, levels of Managers and complement of Supervisors, until all vehicles are deployed but will revisit this in the coming months. Once we are ready to make changes to the formula that establishes VMF Managers and Supervisors, we will include NAPS in the development of any changes.

### **0920-03**

NAPS has heard from members in the field that the USPS is now requiring OSHA to obtain warrants prior to entry at postal facilities rather than accommodate OSHA inspectors who arrive unannounced at postal facilities. This is a significant change in how the Postal Service has approached these types of OSHA inspections in the past. The attached news article supports NAPS contention. NAPS is requesting an explanation of this new position by the Postal Service. What are EAS to do when confronted by OSHA inspectors? Who do they contact at USPS? The USPS response in turning away OSHA investigators and asking for a warrant appears to be a short-term tactic to buy time and to give the Postal Service the chance to better prepare before OSHA investigators start looking around, talking to representatives, employees, etc. Demanding warrants only prolongs the inevitable. OSHA only needs to prove probable cause to secure a warrant, a low legal standard, and they will return with a

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warrant specifying the inspection's scope, and likely be even more intrusive than they may have been without the requirement of a warrant.

**Response:** The statement regarding "the USPS is now requiring OSHA to obtain warrants" is not true.

In April messaging was sent to the Field Safety staff, in response to concerns from the field of what to do when OSHA arrives, that included a new poster making it simpler to understand the process of what the facility needs to do when OSHA arrives for an inspection. The poster has been uploaded to the Safety & Health Management Tool and is available to anyone who wants to download and print it. It has been pushed out as a news item and has been posted in the Library under Standard Work Instructions.

Additionally, there is guidance published in the ELM. Chapter 825 covers all of our processes and protocols. The most pertinent section is below:

### *825.4 Procedures*

#### *825.41*

*Arrival of Inspectors and Verification of Credentials OSHA may conduct its inspections without prior notice. Compliance Safety and Health Officers (CSHO) generally conduct inspections during normal working hours but may arrive on any tour. On arrival at a Postal Service facility, the CSHO should ask to meet with the ranking Postal Service official. The senior Postal Service official must meet promptly with the CSHO. The senior Postal Service official, or designee, must review all CSHOs' credentials and may request verification from the OSHA area office. Once the CSHO has presented appropriate credentials, the senior Postal Service official must immediately notify, by telephone or in person, the district manager and area Human Resources manager (or their designees) of OSHA's presence and the scope of the inspection and request that a safety professional come to the facility immediately for the inspection.*

#### *825.42 Consent to Entry and Cooperation*

*The CSHO must be informed that he or she will be permitted to enter any Postal Service facility for inspection or investigation purposes without delay once a safety representative reaches the site or area, or once the area Human Resources manager or designee agrees that the inspection may proceed without such attendance.*

Reference Note:

For additional material concerning OSHA inspections refer to:

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- *Handbook EL-802, Executives' and Managers Safety and Health Program and Compliance Guide.*
- The OSHA publications summarized and referred to therein.

The CSHO should be informed that a request for a representative has been made, that the Postal Service request is not intended to delay or interfere with the inspection, but to ensure that the Postal Service participates in a professional manner, and that the presence of the representative will expedite completion of the inspection. Postal Service officials must cooperate fully with OSHA CSHOs. During an inspection, if the Postal Service official determines that the CSHO believes that a violation exists because the CSHO does not have complete information about a particular condition, the Postal Service official (subject to advice from the safety professional) should attempt to make the CSHO aware of all relevant additional information.

### **0920-04**

NAPS has expressed grave concerns in the past over arbitration rulings that impact EAS based on the Joint Statement on Violence in the Workplace that the NALC typically files against supervisors, managers and postmasters in the performance of their official duties. The USPS has been reluctant to intervene and appeal these often-negative rulings in defense of their EAS in field operations. NAPS is requesting that the USPS appeal the attached decision that prevents an EAS from supervising craft employees, and further contests the subsequent union position that this EAS may not accept a MPOO position based on a JSOV arbitration ruling.

Response: Grievances of individual employees shall not be matters which may be included as agenda items for consultation. The Postal Service, as a courtesy, is open to discussing this matter outside of this forum.

### **0920-05**

NAPS continues to have concerns with the Postal Service's process relative to on-boarding of new employees. The on-boarding process continues to fail to get qualified and competent candidates in front of the managers, supervisors, and postmasters who need these resources to complete their daily tasks of processing and delivering America's mail in a timely manner, without being forced to violate collective bargaining agreements. NAPS is requesting monthly updates on the on-boarding process timelines in getting applicants in front of the leadership that will be directing the day-to-day work activities of the employees.



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Response: A request for a monthly update on hiring of bargaining unit employees is unrelated to Title 39 § 1004. The Postal Service, as a courtesy, is open to discussing this matter outside of this forum. If NAPS has interest in discussing this, then clarification should be provided on the request for monthly updates and suggestions on how NAPS's members can contribute to an effective onboarding experience.