



NATIONAL ASSOCIATION OF POSTAL SUPERVISORS

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October 28, 2024

Board Memo 163-2024: NAPS Response Concerning USPS Extraordinary Measures

Executive Board,

Attached is the latest correspondence being issued as guidance during the “Election Mail Extraordinary Measures” that began on October 21, 2024, and will run until Election Day, November 5, 2024, with possible extension based upon individual state deadlines for ballot acceptance.

NAPS has spoken with USPS HQ several times concerning the lack of definitive actions to address handling of Election mail received after an office’s DOV due to carriers on the street still delivering America’s mail or last arriving transportation to Plants/RPDC’s. The only directives that were given on the Ambassador/Election Mail taskforce zoom calls and in the corresponding documentation from those calls were that overtime and travel were not authorized.

Despite representatives from CRPO and CRDO stating on the last call which NAPS HQ participated, and that produced the attachments in this email and on local USPS calls, it has been stated that overtime and travel were authorized. However, as you can see, this latest documentation still does not address the issue.

As a reminder to USPS EAS Supervisors, Managers, Postmasters and other managerial personnel, attached are directives that have been issued on the requirement that EAS are to be paid.

In addition, attached also are:

- USPS Management Instruction on EAS Privately Owned Vehicle (POV) Program, which outlines the **required** personal auto insurance rider prior to utilizing a POV for work purposes.
- USPS Legal Department memorandum on Supervisor’s Use of Personal Vehicles While on Duty.

Please read all documents and protect yourself and your family as you continue to Deliver For America.

Thank you and be safe.

NAPS Headquarters

Mandatory Stand-Up Talk

Oct. 23, 2024

2024 Election Mail Extraordinary Measures

On September 26, 2024, the Chief Officers from Retail and Delivery Operations (CRDO), Processing and Distribution Operations (CPDO), and Logistics (CLO) signed and distributed a 2024 General Election Extraordinary Measures Memorandum to all Postal Service employees.

From past elections, we know that many ballots to and from voters will enter the mailstream, close to, or on, Election Day. The memorandum explains that — consistent with our practices in past federal election cycles and in addition to our ongoing procedures for this election cycle — extraordinary measures beyond our normal course of operations are authorized, and in many cases required to be executed by local management, to accelerate the delivery of mailpieces that the Postal Service is able to identify as containing ballots.

These extraordinary measures began Monday, October 21, and will continue nationwide through (and in some cases after) Election Day, Tuesday, November 5, 2024.

The memorandum addresses the specific extraordinary measures that are authorized and required to be used for CRDO, CPDO, and CLO.

Further details are provided in the memo's appendices for **Retail and Delivery Operations (Appendix 1)** and **Processing and Distribution Operations and Logistics (Appendix 2)**. Keep in mind that the instructions included in the appendices to the memo represent the procedures in place for the 2024 General Election only and may deviate from standard policies and practices.

Employees should familiarize themselves with the contents of the 2024 Extraordinary Measures Memorandum, and Managers and Supervisors must take time to fully explain to your direct reports the contents of the memorandum.

Managers and Supervisors: POST FOR EMPLOYEES AFTER ISSUING

We are working tirelessly to ensure our operational preparedness for the 2024 General Election and will rely on our longstanding policies and procedures, which have proven successful in facilitating the timely delivery of Election Mail. Providing consistent guidance across the organization is critical to our success.

As mentioned in the Extraordinary Measures Memorandum, attached is a chart with Election Day deadlines and extended ballot-delivery deadlines, if applicable.

A copy of the memorandum can be found on the Postal Service intranet at blue.usps.gov and externally at usps.com/electionmail.

Thank you for your hard work and dedication in delivering the nation's Election Mail.

###

State Deadlines for Return Delivery of Mail-in Ballots

(as of October 11, 2024)

The following chart broadly summarizes the mail-in ballot deadlines for the 2024 General Election on Tuesday, November 5, 2024, for domestic, non-military voters in each state and the District of Columbia.

The second column below, “**Election Day Deadline**,” lists the date and time by which a mail-in ballot would be counted as timely if it is received by the appropriate election office. Generally, the Election Day Deadline is on Tuesday, November 5, but please note that Louisiana requires mail-in ballots to be delivered by the *day before Election Day*, Monday, November 4.

The third column below, “**Extended Deadline**,” provides the deadlines for the 18 states and the District of Columbia that accept as timely certain mail-in ballots that are delivered after Election Day.

The Postal Service must make every reasonable effort, including the extraordinary measures that we previously communicated, to ensure that completed mail-in ballots are delivered to the appropriate election office by the applicable “Election Day Deadline” (second column). In states with an “Extended Deadline,” the Postal Service must make every reasonable effort, including the extraordinary measures that we previously communicated, to ensure that any ballots that were not delivered by the “Election Day Deadline” are delivered to the appropriate election office as quickly as possible and no later than the applicable “Extended Deadline” (third column).

Reach out to the Election & Government Mail Services team or to the Law Department if you have specific questions about a particular state’s deadline(s).

State	Election Day Deadline* (all efforts should be made to return ballots by this deadline)	Extended Deadline (if you have ballots that were not delivered by the Election Day Deadline, all efforts should be made to return them by this extended deadline)
	*All times are local	
Alabama	12:00 p.m. (noon) on Election Day	None
Alaska	Election Day (presumably close of polls, 8:00 p.m.)	Friday, November 15 (10 days after Election Day), if postmarked by Election Day
Arizona	7:00 p.m. on Election Day	None
Arkansas	7:30 p.m. on Election Day	None
California	Close of polls on Election Day (8:00 p.m.)	Tuesday, November 12 (7 days after Election Day), if postmarked by Election Day
Colorado	7:00 p.m. on Election Day	None
Connecticut	Close of polls on Election Day (8:00 p.m.)	None
Delaware	Close of polls on Election Day (8:00 p.m.)	None

District of Columbia	8:00 p.m. on Election Day	Friday, November 15 (10 days after Election Day), if postmarked by Election Day
Florida	7:00 p.m. on Election Day	None
Georgia	Close of polls on Election Day (7:00 p.m., but 8:00 p.m. for municipal general elections in cities whose populations are 300,000 or more)	None
Hawaii	Close of polls on Election Day (7:00 p.m.)	None
Idaho	8:00 p.m. on Election Day	None
Illinois	Close of polls on Election Day (7:00 p.m.)	Tuesday, November 19 (14 days after Election Day), if postmarked by Election Day
Indiana	6:00 p.m. on Election Day	None
Iowa	Close of polls on Election Day (8:00 p.m.)	None
Kansas	Close of polls on Election Day (7:00 p.m. but localities can extend time to 8:00 p.m.; varies by locality)	Friday, November 8 (3 days after Election Day), if postmarked by Election Day
Kentucky	Close of polls on Election Day (6:00 p.m.)	None
Louisiana	4:30 p.m. on the <u>Monday, November 4</u> (the day before Election Day)	None
Maine	Close of polls on Election Day (8:00 p.m.)	None
Maryland	8:00 p.m. on Election Day	10:00 a.m. on Friday, November 15 (10 days after Election Day), if postmarked by Election Day
Massachusetts	Close of polls on Election Day (generally 8:00 p.m., but could be earlier; varies based on election and locality)	5:00 p.m. on Friday, November 8 (3 days after Election Day), if postmarked by Election Day
Michigan	Close of polls on Election Day (8:00 p.m.)	None
Minnesota	8:00 p.m. on Election Day	None
Mississippi	Election Day (presumably close of polls, 7:00 p.m.)	Wednesday, November 13 (5 business days after Election Day), if postmarked by Election Day
Missouri	Close of polls on Election Day (7:00 p.m.)	None
Montana	Close of polls on Election Day (8:00 p.m.)	None

Nebraska	Close of polls on Election Day (7:00 p.m. for the Mountain time zone, and 8:00 p.m. for the Central time zone)	None
Nevada	Close of polls on Election Day (7:00 p.m.)	5:00 p.m. on Friday, November 8 (3 days after Election Day), if not postmarked 5:00 p.m. on Saturday, November 9 (4 days after Election Day), if postmarked by Election Day
New Hampshire	5:00 p.m. on Election Day	None
New Jersey	Close of polls on Election Day (8:00 p.m.)	8:00 p.m. on Thursday, November 7 (48 hours after the close of polls), if not postmarked 8:00 p.m. on Monday, November 11 (144 hours after the close of polls), if postmarked by Election Day
New Mexico	7:00 p.m. on Election Day	None
New York	Close of polls on Election Day (9:00 p.m.)	Wednesday, November 6 (1 day after Election Day), if not postmarked Tuesday, November 12 (7 days after Election Day), if postmarked by Election Day
North Carolina	7:30 p.m. on Election Day	None
North Dakota	Election Day (presumably close of polls, which is anytime between 7:00 p.m. and 9:00 p.m.; varies by locality)	5:00 p.m. on Monday, November 18 (13 days after Election Day), if postmarked <u>before Election Day</u>
Ohio	Close of polls on Election Day (7:30 p.m.)	Saturday, November 9 (4 days after Election Day), if postmarked <u>before Election Day</u>
Oklahoma	7:00 p.m. on Election Day	None
Oregon	8:00 p.m. on Election Day	Tuesday, November 12 (7 days after Election Day), if postmarked by Election Day
Pennsylvania	8:00 p.m. on Election Day	None

Rhode Island	8:00 p.m. on Election Day	None
South Carolina	Close of polls on Election Day (7:00 p.m.)	None
South Dakota	Close of polls on Election Day (7:00 p.m.)	None
Tennessee	Close of polls on Election Day (7:00 p.m. for the Central time zone, and 8:00 p.m. for the Eastern time zone)	None
Texas	Close of polls on Election Day (7:00 p.m.)	5:00 p.m. on Wednesday, November 6 (1 day after Election Day), if postmarked by 7:00 p.m. on Election Day
Utah	Election Day (presumably close of polls, 8:00 p.m.)	12:00 p.m. (noon) on Tuesday, November 12 through Tuesday, November 19 (depending on the date of the official county canvass, which varies by county and takes place between 7 and 14 days after Election Day), if postmarked <u>before Election Day</u>
Vermont	Close of polls on Election Day (7:00 p.m.)	None
Virginia	Close of polls on Election Day (7:00 p.m.)	12:00 p.m. (noon) on Friday, November 8 (3 days after Election Day), if postmarked by Election Day
Washington	8:00 p.m. on Election Day	Monday, November 25 (before certification of an election, which occurs 21 days after a general election), if postmarked by Election Day
West Virginia	Close of polls on Election Day (7:30 p.m.)	Wednesday, November 6 (1 day after Election Day), if not postmarked Tuesday, November 12 (before the canvass, which occurs the 5th day after Election Day but not on Saturdays, Sundays or legal holidays), if postmarked by Election Day
Wisconsin	8:00 p.m. on Election Day	None
Wyoming	7:00 p.m. on Election Day	None

Management Instruction

EAS Privately Owned Vehicle (POV) Program

Overview

This management instruction (MI) provides Postal Service policy and procedure for the EAS Privately Owned Vehicle (POV) program.

Policy

Key Terms

EAS POV Program. The EAS Privately Owned Vehicle (POV) Program (“EAS POV Program” or “Program”) is designed to compensate eligible supervisors and other nonbargaining EAS employees — i.e., supervisors who perform street supervision, and postmasters who must drive to or between remotely managed post offices (RMPOs) — for the incremental costs associated with the use of their privately owned vehicles for work-related purposes. Under the Program, eligible employees who use their privately owned vehicles for work-related purposes will be reimbursed for the following:

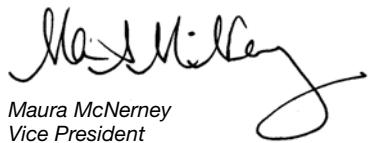
- a. Their mileage.
- b. The cost of adding business-use coverage or a commercial rider on their existing insurance policies, if necessary.

The Program is strictly voluntary. No employee is required to participate in the Program.

Management. Unless otherwise specified, the term “management” in this MI means the employee’s immediate supervisor or manager.

PS Form 1799. PS Form 1799, *Quote Request*, must be completed jointly by management, the employee, and the employee’s insurance provider. It contains information about the EAS POV Program, describes the employee’s expected work-related driving (e.g., the employee will drive between a number of RMPOs), estimates the employee’s anticipated work-related mileage, and notifies the insurance provider of specific provisions that must be included in the insurance policy in question (see the “Approval” section). To see the latest edition of PS Form 1799, access <http://blue.usps.gov/formmgmt/forms/ps1799.pdf>.

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Number	FM-640-2015-3
Obsoletes	N/A
Unit	Corporate Accounting


Maura McNerney
Vice President
Controller

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Eligible employees. The following employees are eligible to participate in the Program:

- a. Field supervisors who regularly perform street supervision.
- b. Postmasters who must drive to or between RMPOs.

Headquarters employees are *not* eligible to participate in the Program. The Program does not cover standard travel expenses, which are dealt with in Handbook F-15, *Travel and Relocation*.

Selection for Participation

Management at each Postal Service installation has the discretion to select EAS employees to participate in the EAS POV Program. No employee is entitled to participate. Rather, based on the installation's business needs, management identifies and selects eligible employees who meet any of the following conditions:

- The employee is a supervisor who regularly performs street supervision.
- The employee is an administrative Post Office (APO) postmaster who must travel between RMPOs.
- The employee is a postmaster in an RMPO who must travel between RMPOs.

Employee's Eligibility

To be eligible for the Program, employees must meet the following criteria:

- Meet the Postal Service's eligibility criteria for driving positions (see Handbook EL-312 section 517). The employee must complete PS Form 2480, *Driving Record*.
- Possess a valid driver's license (see Handbook EL-312 section 516).
- Own a vehicle fit for the expected work-related driving.
- Possess an insurance policy on his or her privately owned vehicle (for limits on deductible reimbursement, see the "Claims for Damages or Injuries" section).

Management may select only eligible employees to participate in the Program.

Employee's Responsibilities

An employee who is selected to participate in the EAS POV Program and who agrees to participate must do the following:

- Read, complete, and submit the "EAS POV Program Participation Agreement Form" — go to <http://blue.usps.gov/travelhelp>; under "Important Information," click on *EAS POV Participation Agreement Program Form*.
- Complete section B of PS Form 1799 (management will fill out sections A and E).
- Give PS Form 1799 to his or her insurance provider.

- Once PS Form 1799 is completed and returned by the insurance provider, submit the form to management, or submit other appropriate documentation (see the “Insurance Provider’s Responsibilities” section).
- If approved, obtain the quoted business-use policy or commercial-insurance rider. **Note:** The employee cannot use his or her travel card to pay for this expense.
- Provide management with all necessary documentation proving that he or she paid for the business-use policy or commercial-insurance rider (see Step 7 of the “Process and Procedures” section).
- Use his or her vehicle for the work-related purposes described in PS Form 1799.
- Follow all Postal Service driving policies.
- Promptly report any collision, accident, or other driving-related incident that occurs during the course of the employee’s Postal Service duties (see the “Employee’s Conduct During Participation in the Program” section).
- Cooperate fully in any accident- or incident-related Postal Service investigation (see the “Employee’s Conduct During Participation in the Program” section).
- Reimburse the Postal Service for the cost of the business-use policy or commercial-insurance rider on a prorated basis if, before the end of the paid-for coverage, the employee does either of the following:
 - a. Chooses to end his or her participation in the Program.
 - b. No longer uses his or her vehicle for work-related purposes.
- Promptly report to management any event that would result in no longer meeting eligibility requirements.

Management’s Responsibilities

If management chooses to implement the EAS POV Program in a given installation, it must do the following:

- Select suitable employees to participate in the Program based on identified business needs.
- Ensure that any employee selected to participate is eligible (see the “Employee’s Eligibility” section).
- Provide the employee with information about the Program.
- Complete sections A and E of PS Form 1799.
- Determine whether the quoted business-use policy or commercial-insurance rider meets the approval criteria (see the “Approval” section):
 - a. If the quote does not meet the approval criteria, refuse the employee’s request and indicate the reason for the refusal on PS Form 1799, and retain a copy of the form.
 - b. If the quote meets the approval criteria, approve the employee’s request and sign PS Form 1799, and retain a copy of the form.

- Monitor the employee's work-related driving by conducting quarterly driver observations and documenting these observations on PS Form 4584, *Observation of Driving Practices*.

Insurance Provider's Responsibilities

Before an employee may participate in the EAS POV Program, the employee's insurance provider must complete sections C and D of PS Form 1799 and indicate one of the following:

- The employee will not need a business-use policy or commercial-insurance rider to cover the expected work-related driving because the employee's existing privately owned insurance policy will cover that driving.
- The employee will need a business-use policy or commercial-insurance rider to cover the expected work-related driving.

If the employee will need a business-use policy or commercial-insurance rider, the insurance provider must also give the employee a written quote for a policy that will cover the employee's expected work-related driving.

If the insurance provider refuses to complete PS Form 1799, it may alternatively provide the employee with copies of both of the following:

- a. Documentation showing the employee's current insurance coverage and current cost.
- b. A quote for a business-use policy or commercial-insurance rider that shows the expected cost of the additional coverage.

Approval

Management may approve a quote provided by the insurance provider only if the quote meets the following criteria:

- Covers the employee's expected work-related driving.
- Covers only the incremental cost of adding the business-use policy and does not increase the employee's current personal-use coverage.
- Does not exceed \$1,000 in additional annual cost over the employee's current policy.
- Includes an omnibus or other clause that provides coverage to the Postal Service as the employee's employer in situations in which the Postal Service is responsible for the employee's otherwise insured actions.
- Does not contain any specific or general exclusion of coverage liability for the United States or the United States Postal Service.

Reimbursement

Once management approves a quote provided by the employee's insurance provider, the employee may submit a claim for reimbursement through eTravel (see Step 10 of the "Process and Procedures" section). In eTravel, the employee must select "POV Insurance" as the expense type. Along with the reimbursement request, the employee must submit the following documents:

- A completed PS Form 1799.
- A copy of the business-use policy or commercial-insurance rider.

- The coverage page reflecting specific costs.
- Proof of payment.
- An itemized invoice, if available.

Note: Before submitting a reimbursement request, the employee must have obtained the business-use policy or commercial insurance rider (see Step 9 of the “Process and Procedures” section).

The employee will not always need a business-use policy or commercial-insurance rider. For instance, the employee’s existing privately owned insurance policy might cover the expected work-related driving. Employees who do not require additional coverage only need to register for the Program under the “My Info” module in eTravel (see Step 10 of the “Process and Procedures” section).

The employee will also receive mileage reimbursement as provided under sections 5-5.2.1.2 and A-1.2 of Handbook F-15.

Employee's Conduct During Participation in the Program

While participating in the EAS POV Program, the employee must comply with all Postal Service driving policies. Moreover, if the employee is involved in a motor vehicle collision or other accident or incident while driving in the scope of his or her official duties, the employee must do the following:

- Report the incident immediately to his or her manager.
- Provide the police and any third parties involved in the incident with the business-use policy or commercial-insurance rider information, if requested.
- Cooperate fully in any Postal Service incident investigation, which includes completing all necessary forms and providing all requested information, including photographs and statements.
- Submit the original investigative documents and relevant photographs to the district tort claim coordinator. See the National Tort Claim Coordinators and Accounting Service Center Directory at <http://blue.usps.gov/uspslaw/General/PracticeAreas/Torts/TCC-ASC%20Directory.pdf>.
- Report the incident to his or her insurance provider under the provisions of the business-use policy or commercial-insurance rider.

Claims for Damage or Injuries

If a third party files a claim against the Postal Service for injuries or damages arising out of a collision, accident, or other incident involving an employee driving his or her vehicle for work-related purposes under the EAS POV Program, the Postal Service’s district tort claims coordinator submits the claim to the employee’s insurance provider for resolution. See the National Tort Claim Coordinators and Accounting Service Center Directory at <http://blue.usps.gov/uspslaw/General/PracticeAreas/Torts/TCC-ASC%20Directory.pdf>.

If the employee’s vehicle is damaged when the employee is involved in a collision, accident, or other incident while driving his or her vehicle for work-related purposes under the Program, the employee might have to

pay a deductible. The employee may submit a request for reimbursement for the deductible's cost through eTravel. Along with the request, the employee must submit documentation showing the deductible's amount and proving that he or she paid the deductible. The Postal Service then reimburses the employee, in an amount not to exceed \$500, unless the employee was violating Postal Service policy at the time of the accident (e.g., texting or talking on a cell phone while driving, or driving while ability was impaired). The employee cannot use his or her travel card to pay for this expense.

End of Participation

Management or the employee may choose to end the employee's participation in the Program at any time. If the employee chooses to exit the Program before the end of the insurance coverage paid for by the Postal Service, or if the employee refuses to use his or her private vehicle for work before the coverage ends, the employee must reimburse the Postal Service for the cost of the coverage on a prorated basis.

Process and Procedures

The following is a step-by-step process for selecting and approving an employee to participate in the EAS POV Program:

Step 1: Management identifies a business need for an EAS employee to use his or her privately owned vehicle for work-related purposes.

Step 2: Management asks the employee whether he or she is willing to use his or her privately owned vehicle and provides the employee with information about the EAS POV Program.

Step 3: If the employee is willing to use his or her privately owned vehicle, management verifies that the employee is eligible to participate in the program.

Step 4: If the employee is eligible to participate in the program, management gives the employee PS Form 1799. The employee completes section B and returns the form to management, which completes sections A and E.

Note: PS Form 1799 is available on the Postal Service PolicyNet Forms website at <http://blue.usps.gov/formmgmt/forms.htm> and is also available on the eTravel web site page at <http://blue.usps.gov/travelhelp> (under "Important Information").

Step 5: The employee contacts his or her insurance provider and gives the insurance provider PS Form 1799.

Step 6: The insurance provider does one of the following:

- a. Completes sections C and D and returns PS Form 1799 to the employee.
- b. Gives the employee acceptable alternative documentation (see the "Insurance Provider's Responsibilities" section).

Step 7: The employee provides the completed PS Form 1799, along with a copy of the coverage-page cost summary of his or her existing insurance without the business-use policy or commercial-insurance rider, to management for review and further handling.

Note: Note: If the insurance provider refused to complete PS Form 1799, the employee provides acceptable alternative documentation — see the “Insurance Provider’s Responsibilities” section.

Step 8: Management determines whether the quote meets the EAS POV Program approval criteria (see the “Approval” section). If the quote does not meet the criteria, management denies the employee’s request and notes the reason for the denial on the Quote Request Form, retaining a copy of the form. If the quote meets the criteria, management approves the employee’s request and signs PS Form 1799, retaining a copy of the form.

Step 9: If approved, the employee obtains the quoted business-use policy or commercial-insurance rider from the insurance provider and provides management with all necessary documentation, including a copy of the complete insurance policy, the coverage page reflecting specific costs, and an itemized invoice if available. The invoice must both show the cost for the insurance rider and prove that the employee paid for the rider. If an itemized invoice is not available, the employee submits proof of both of the following:

- a. The cost of his or her private insurance before adding the business-use policy or commercial-insurance rider.
- b. The cost after adding the business-use policy or commercial-insurance rider.

Step 10: The employee submits a reimbursement request through eTravel using the documentation described in Step 9. Employees who participate in the Program and who do not incur any additional cost on their insurance policy must register for the Program under *My Info* in eTravel. These employees must have their insurance provider complete PS Form 1799 before registering. Afterwards, these employees register for the Program by doing the following:

- a. Log into eTravel and click on the *My Info* icon located in the upper right-hand corner on the eTravel Desktop page.
- b. Place the cursor in the field titled “EAS POV Program Start Date” and select the date that the approver signed PS Form 1799.
- c. Place the cursor in the field titled “EAS POV Program Attachment,” click “Browse,” and search for the PDF file containing PS Form 1799 and any other available documentation listed in Step 9. Please combine all documentation into a single PDF file not larger than 1MB. Next, click on the document title and then click the “Upload” button to add the report. Provide a description of the documentation in the Description field.

- d. When finished, click *Save and Return* to return to the eTravel Desktop page. At this point, registration for the Program is complete.

Note: Registration through *My Info* is required only for employees who will not incur additional cost to their insurance when participating in the Program.

Step 11: If the employee's vehicle is damaged in a collision, accident, or other driving-related incident ("Incident") while the employee is participating in the Program and the employee incurs the cost of a deductible, the employee may submit a reimbursement request for the cost of the deductible through eTravel. The Postal Service then reimburses the employee for the cost of the deductible up to \$500, unless the employee was violating Postal Service policy at the time of the Incident. In eTravel, the employee selects "Deductible" as the expense type, lists the date the accident occurred, and scans and attaches a PDF version of the documentation necessary to prove that the employee paid for the deductible. Such proof may include an itemized receipt or other documentation that shows the amount the employee actually paid. The employee cannot use his or her travel card to pay for this expense.

Step 12: The district manager of Operations Programs Support (or his or her designee) conducts periodic reviews at least annually to ensure that the Program is properly implemented.



March 12, 2004

VALERIE MARTIN

SUBJECT: Supervisors' Use of Personal Vehicles While on Duty

You requested advice concerning whether the Postal Service can require supervisors to use their own vehicle while conducting street observations.

Short Answer:

The Postal Service should not force or require supervisors to use their own vehicle to perform their job responsibilities, such as street observations or route inspections.

Discussion:

There are various laws and regulations that govern the different situations that may occur during a period when Postal employees are driving their personally owned vehicle in furtherance of their job duties. Those are explained below.

Damage to other parties and their property:

If Postal employees are involved in an automobile accident while driving their own vehicle in an on-duty status, they are covered by a statute that protects them from personal liability for their actions. This means that the Postal Service will pay for any damages to other parties which are attributable to the employee's wrongful or negligent conduct, provided that the employee was acting within the scope of his or her employment. If found liable, the Postal Service will pay for damages to the other vehicle, personal property, and personal injuries suffered by the other parties.

Personal injuries of our employee:

If our employees are injured in the accident, they will be entitled to Office of Workers' Compensation Program benefits under the Federal Employees Compensation Act, regardless of fault, provided that they were acting within the scope of their employment.

Damage to the Postal employee's personal vehicle:

The Postal Service will not pay for any damages to the Postal employee's vehicle¹ (even if the employee is not at fault), nor will it pay for any increase in premiums that an insurance company may charge an employee as a result of the employee's use of a personal vehicle in performance of his or her employment.

The rationale for this policy is that compensation provided to supervisors for the use of their own vehicle, whether through basic mileage payments or a standard drive out agreement, is intended to cover all associated expenses including gas, wear and tear on the vehicle, insurance for the vehicle, etc. If employees cause damage to their own vehicle, it is expected that their insurance, or the employees themselves if they have no collision coverage, will cover that damage. If a third party causes damage to the employee's vehicle, it is expected that the employee will pursue recovery, likely with the aid of their own insurance company, from the third party.

Supervisors' obligation to provide a personal vehicle:

While the Postal Service may require employees who are contractually obligated to use their personal vehicle (e.g., rural carriers) in order to perform their job duties, the Postal Service cannot require the same of supervisors since they do not have such contractual obligations. The reason for this distinction is that using their personal vehicle is not part of the supervisors' current job requirements and was never a term or condition of accepting a position as a supervisor. They are required to get to the job site by their own means, like a personal vehicle, but we have never issued anything that requires them to use the vehicle once they arrive. For example, if supervisors have to report to different sites everyday, we can require them to report to those sites. However, if they report to one site, we cannot then require them to use their vehicle to move from site to site during the day.

In the event management believes that it is important to be able to require supervisory employees to use their personal vehicle, a possible course of action would be to amend the job requirements for supervisors to require the use of a personal vehicle for route inspections, street observations, etc., on an "as-needed" basis. This requirement would become a term and condition of employment for an employee seeking the supervisory position. Employees interested in becoming a

¹ An exception to this rule is where employees who are driving their personal vehicle within the scope of employment are struck by another Postal employee (also driving within the scope of employment). In such a situation, the Postal Service will treat the employee whose vehicle was struck as a private party and pay for damages to the employee's vehicle. Other exceptions to this general rule are found at Section 640 of the Employee and Labor Relations Manual.

supervisor would be on clear notice that if they accept a supervisory position, they could be required to use their personal vehicle for route inspections/street observations, as needed. Of course, this requirement would not apply retroactively to current supervisors because, as previously stated above, it is not part of their job requirements, and was not a term and condition of them accepting the supervisory position.

Damages while driving a Postal vehicle:

If the employee is driving a Postal vehicle at the time of the accident, the Postal Service will be responsible for the damages to the Postal vehicle, except to the extent that Section 3 of Article 28 of the National Agreements (Mail Handlers, APWU and NALC) or Section 4 of Article 28 of the Rural Carriers' National Agreement applies.

This memorandum supercedes any previous advice on this specific matter. Please contact me if you have any questions or need additional information.



George H. Butler

cc: Eric Scharf
Charles Kappler
Michael Spates

JOSHUA D. COLIN, PH.D
CHIEF RETAIL AND DELIVERY OFFICER
AND EXECUTIVE VICE PRESIDENT



July 24, 2023

OFFICERS

SUBJECT: Supervisor Timecard Administration

The Time and Attendance Collection System (TACS) is the primary application for the collection of Postal Service employee time and attendance data. Supervisors are generally categorized as special exempt employees according to the Fair Labor Standards Act. Special exempt employees do not receive overtime but are eligible for extra straight time pay for extra hours worked.

It is critical that leadership ensures the accuracy of their supervisors' recorded workhours. In addition, all supervisors must adhere to their work schedules and record all hours, to include any extra hours worked.

Please ensure that documentation for timecard adjustments and supervisors working extra time is complete and recorded in TACS appropriately.

Our people are our greatest asset and together we will provide an engaging workplace that supports appropriate pay for actual hours worked.

Thank you for your continued support.

E-SIGNED by Joshua D Colin
on 2023-07-24 16:03:26 CDT

Joshua D. Colin, Ph.D.

DOUG A. TULINO
VICE PRESIDENT, LABOR RELATIONS



April 12, 2012

VICE PRESIDENTS, AREA OPERATIONS

SUBJECT: Payment of FLSA Special Exempt Employees

Employees who are in FLSA special exempt positions are eligible for additional pay as provided in Employee and Labor Relations Manual (ELM) Section 434.144. When these employees work as outlined in ELM 434.144, they are to be compensated in accordance with this Section.

ELM Section 434.144, *Eligible for FLSA-Exempt EAS Additional Pay* provides:

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

Please ensure that installation heads are aware of this policy and direct any questions they may have to their district and area managers of Human Resources.

A handwritten signature in black ink, appearing to read "Doug A. Tulino".

Doug A. Tulino

JOHN E. POTTER
SENIOR VICE PRESIDENT, OPERATIONS



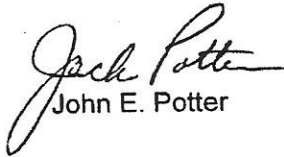
January 27, 2000

VICE PRESIDENTS, AREA OPERATIONS
MANAGER, CAPITAL METRO OPERATIONS

SUBJECT: Additional Pay for Supervisors

Under the terms of the current EAS pay package, FLSA special exempt supervisors are eligible for additional straight time pay when authorized to work more than 8.5 hours in a workday and for all authorized hours on a non-scheduled workday. It has come to my attention that certain managers have taken it upon themselves to interpret this provision as authority to change a supervisor's regular tour of duty from 8 to 8.5 hours on a daily basis. This was not the intention of the 1999-2000 EAS pay package and under no circumstances should this practice continue.

When on occasion supervisors perform incidental tasks of short-term duration (30 minutes or less), such time is deemed non-compensable. However, this should not be construed as authority to change a supervisor's schedule by adding 30 minutes to each tour. Please ensure that this clarification is disseminated appropriately to your operations managers.


John E. Potter

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