



## NATIONAL ASSOCIATION OF POSTAL SUPERVISORS

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### February Consultative Meeting Agenda 2/13/2019 Held at USPS HQ

#### US Postal Service Headquarters

Bruce Nicholson, USPS Labor Relations  
Phong Quang, USPS Labor Relations  
Henry Bear, USPS Labor Relations

#### National Association of Postal Supervisors

Brian Wagner, NAPS President  
Ivan Butts, NAPS Executive VP  
Tim Ford, NAPS Chairman of the Board  
(via telecon)

0219-01

NAPS is requesting reconsideration to the decision of the USPS to classify the Learning Development and Diversity Specialist (EAS-16) Occupation Code: 0201-XXXX as an FLSA Exempt position. The USPS made this position to identify the work that is being done in the PEDC by Human Resources Specialist (EAS-16) Occupation Code: 0201-0078 as an FLSA Non-Exempt position.

The USPS in prior discussion has cited U.S. Department of Labor (DOL) Fact Sheet #17C as the guidance for making this FLSA change. Upon review of this documentation, NAPS reached out to DOL based on our objection of the application of DOL Fact Sheet #17. NAPS contention is that the position (current or prior) fails to meet the DOL requirement for exempt status as found in DOL Fact Sheet #17-Administrative Exemption.

NAPS has met with Ben Searle, a representative of the Wage and Hour Investigation Unit of the DOL, for review of this job classification. DOL has provided NAPS with additional fact test that must be made in the determination of an FLSA status.

DOL put at that the USPS classification of the position fails to meet the test of discretion and independent judgment as found in CFR 29, Part §541.202 (attached). The position of Learning Development and Diversity Specialist (EAS-16) Occupation Code: 0201-XXXX does not exercise any discretion and independent judgment in the performance of their job duties and responsibilities. The positions work at the direction of the Manager, Learning Development and Diversity.

In addition, this discretion and independent judgment is required to be the employee's primary duty. DOL defines primary duties in CFR 29, Part §541.700 (attached) as, principal, main, major or most important duty that the employee performs. This is also not the case for this position.

Based in the clarifications of DOL on the proper classification of Administrative Exempt positions, NAPS requests that the newly created position of Learning Development and Diversity Specialist (EAS-16) Occupation Code: 0201-XXXX be classified as FLSA Non-Exempt as its prior position Human Resources Specialist (EAS-16) Occupation Code: 0201-0078 was properly classified as FLSA Non-Exempt.

**USPS Response: The Learning Development and Diversity Specialist (EAS-16) (Occupation Code: 0201-0356) position is being reviewed to determine if any changes in FLSA classification are necessary.**

0219-02 NAPS is requesting a briefing on the financial benefits for the USPS in extending the Attendance Control Officer NTE (EAS-19) Occupation Code: 0201-0355 detail.

NAPS would like this briefing to include the Return-on-Investment (ROI) that has been recorded and reported by the USPS during the EOY review process of this function.

**USPS Response: John Prokity, Manager Workforce Planning, Insights & Analytics attended the meeting to address Employee Availability. The ACO initiative had a 5% sick leave target with a savings opportunity of \$132,448,243. From the inception of the ACO and into Quarter 1 of FY2019, the Postal Service has achieved a reduction in Career Sick Leave of 598,924 hours, with a savings of \$18.35M.**

*USPS further responded that the Not-To-Exceed (NTE) Attendance Control Officer (ACO) positions were approved last February/March 2018. The ACO's mission is attendance control and improving employee availability. While the SL decreased, the USPS noticed an increase in Leave-Without-Pay (LWOP) usage. The Postal Service will continue the NTE ACO position through FY2019. USPS will make a determination on whether to continue having the ACO position in the future after reviewing FY2019 leave results.*

*NAPS further asked the USPS to look into the issue of postal employees who have retired. The issue is that until OPM finalizes an employee's retirement, they remain on the postal rolls, and their time is coded in TACS as LWOP. NAPS inquired whether or not the USPS makes an adjustment to LWOP to account for the retirement issue. USPS will investigate and advise NAPS on its findings. NAPS' position is that this retirement LWOP needs to be factored out of the LWOP percentage usage and not charged against the NPA Employee Availability Unit Indicator.*

RES-50 Delegates at the 2018 National Convention expressed by resolution, the following issue for discussion;

EAS Supervisor complement ratio to craft employees has diminished and the workload continues to increase. EAS have been instructed to take an extended lunch in order to keep their work hours under ten hours. EAS have been pressured into working only eight hours each day, regardless of any extenuating circumstances.

Units that have one EAS to open and close on Saturdays, are directed, instructed or told they will be paid only ten hours for the day, just don't clock. EAS are being instructed not to clock on Saturdays, that they will be paid 10 hours and comp time will be allowed during the same week.

Many EAS Supervisors have been clocking out, ending their tour, just short of ten hours to stay in compliance, yet stay and continue to work to finish their required daily duties, to avoid reprisal of punitive action.

NAPS is requesting that the Postal Service allow EAS to work the hours required to get their job done without fear of reprisal; or, alternatively, EAS manpower be added as necessary to ensure the success of their units and for the good of the service.

**USPS Response: Postal Service policy regarding eligibility of FLSA special exempt employees in EAS-18 and below jobs for EAS additional pay is outlined in ELM Section 434.143. Local NAPS representatives should cite the clear provisions of ELM 434.143 in the event of any local misunderstanding concerning application of the rule.**

**As for extended lunches, individual scheduling is a matter that should be addressed locally through discussion addressing local operating requirements and available resources. Local management should make every reasonable effort to prevent undue inconvenience and disruption to employees affected when efforts to schedule in order to meet local operating/business requirements are being made.**

**Supervisor and manager jobs are authorized based on the complement models, to include ratios to bargaining unit employees that were established in the consultation process of Title 39 § 1004 with NAPS.**

*NAPS further response: NAPS stated that the SWC determines supervisor staffing in an office. As such, authorized EAS have a set begin and end tour, which addresses the length of the employee's lunch. Having a supervisor work longer than their regular schedule and paying them T-Time is a cost of doing business. Changing an EAS' schedule to extend their lunch to avoid paying T-Time is improper. If a manager/postmaster needs a supervisor to stay longer in the day, they need to pay T-Time, not extend the supervisor's lunch period to avoid this cost.*

RES-53

Delegates at the 2018 National Convention expressed by resolution, the following issue for discussion;

The postal service continues to add remotely managed post offices (RMPO) to larger Administrative Post Offices (APO). The gaining offices now have additional responsibilities and duties. NAPS is requesting that proper credit be given to the AMPO for the workload involved in managing and the AMPO get additional credit to reflect the workload.

**USPS Response: Proper workload credit is applied in both the PS150 and SWC.**

**The Automated PS150 Worksheet measures and calculates workload for a Post Office. RMPO's revenue unit is added to APO's revenue unit in the worksheet.**

**The Supervisor Workload Credit (SWC) Worksheet identifies and measures the workload of supervisors. As RMPOs are mapped to their Administrative POs, all bargaining unit employees will receive credit in the SWC following existing business rules.**

RES-54

Delegates at the 2018 National Convention expressed by resolution, the following issue for discussion;

Level 18 Postmasters with multiple Remote Managed Post Office's, RMPO's, are required to visit these smaller Post Offices. The Level 18 Postmaster must make visits to these RMPO's using their personal vehicle. Visiting these RMPO's on a regular basis, puts mileage, wear and

tear on their personal vehicles. The Level 18 Postmaster must do all requirements at each office including safety observations for every RMPO assigned to that Post Office.

For the good of the service, NAPS is requesting that Level 18 Post Offices be assigned a staff car to be utilized by the Postmaster to complete all of the duties assigned to them for the RMPO's.

**USPS Response: The Postal Service does not recognize NAPS as the representative of Postmaster positions in accordance with Title 39 § 1004. Therefore, it would be inappropriate to discuss this agenda item as a matter of consultation with NAPS.**

*USPS further stated that a NAPS vehicle issue was addressed in Resolution #68 from the 2014 NAPS National Convention during the December 2014 NAPS/USPS consultative meeting. The result was the implementation of a January 2015 EAS Privately Owned Vehicle (POV) Program where supervisors and other non-bargaining employees will be compensated for the use of their POV to perform Postal Service duties, such as street supervision, travel between/among Administrative Post Offices (APOs) and Remotely Managed Post Offices (RMPOs). The program not only provides for reimbursement of mileage but also the cost of adding a business use coverage or commercial rider on the employee's existing personal insurance policies. This program is voluntary.*