



January Consultative Meeting Agenda 1/9/2019 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
Chuck Mulidore NAPS Sec-Treasurer
Tim Ford, NAPS Chairman of the Board
(via telecon)

0119-01 NAPS has become aware that EAS position 1530-0022 SUPV STATISTICAL PROGRAMS EAS-17 has not been included as an FLSA special exempt position in addition to its inclusion on the "All Other Eligible" position group on the Occupation Codes Eligible for the Supervisor Differential Adjustment (SDA) that was effective September 1, 2018.

NAPS notes that the USPS has assigned supervisory duties of craft employees to this EAS position defined in the Duties and Responsibilities of the 1530-0022 SUPV STATISTICAL PROGRAMS EAS-17.

NAPS is requesting a current copy of the Standard Position Description (SPD) for the EAS title 1530-0022 SUPV STATISTICAL PROGRAMS EAS-17. NAPS would also like to be briefed on the craft staffing criteria for the Stats Program function.

NAPS is requesting that the EAS position 1530-0022 SUPV STATISTICAL PROGRAMS EAS-17 be changed to the USPS FLSA special exempt category and all persons entitled to compensation for all back additional pay hours be compensated appropriately.

Response: NAPS was involved when the Postal Service established the status FLSA special-exempt, and in the determination of those positions classified as special exempt.

There are different criteria for the Supervisor Differential Adjustment (SDA) and FLSA special exempt. The status for FLSA special exempt is defined in ELM Section 432.112 a. (2): career employees who are exempt from the Fair Labor Standards Act (FLSA) provisions, whose permanent assignments are to Executive and Administrative Schedule (EAS)-15 through -18 positions, and who directly supervise two or more equivalent bargaining unit employees in production operations.

The Supervisor Statistical Programs is responsible for supervising a group of Data Collection Technicians. These positions are not in a production operation.

Therefore, the Supervisor Statistical Programs is not entitled to special exempt status.

NAPS position is that an EAS 15-18 that supervises 2 or more equivalent bargaining unit employees should qualify for FLSA Special Exempt status, regardless of the terminology "production operation". NAPS accordingly believes that ELM 432.112a should be revised to eliminate the term "production operations" and that any EAS level 15-18 that supervises 2 or more equivalent bargaining unit employees be designated as Special Exempt.

0119-02 NAPS received a general interest letter dated December 12, 2018, from Alan S. Moore about the creation of a "Postal Uniform Guidelines."

NAPS is requesting in writing the steps the USPS is taking to support Field EAS in the implementation of the "Postal Uniform Guidelines".

Response: The "Postal Uniform Guidelines" referenced in the December 12 correspondence contains a booklet with general dress code guidelines for City Letter Carriers, Motor Vehicles Service (MVS) Drivers, and Retail Clerks. As guidance, the electronic booklet contains references to Employee and Labor Relations Manual (ELM) language as well as direction to section 930 of the ELM for Postal uniform policy.

NAPS is concerned that with the enforcement of the Postal Uniforms Guidelines policy, EAS will be subject to grievances from the unions, specifically JSOVW. NAPS is continuing to ask for additional support from the Postal Service in the enforcement of this policy.

RES-41 Delegates at the 2018 National Convention expressed by resolution, the following issue for discussion;

EAS are required to be available to our customers, be it at the window or on the phone.

EAS are required to contact customers and close out ECC's every night, regardless of their due date.

EAS are required to answer the phone within three rings and resolve the issue placed before them.

The issues presented by our customers at the counter or on the phone can take anywhere from three to seven minutes or more, depending on the complexity of the issue. EAS are required to do reports and street supervision for a minimum of two hours every day. EAS are expected to accomplish all of these tasks within their eight-hour day.

NAPS is requesting that the Postal Service be required to ensure the workload for every EAS is no more than eight hours of work in an eight-hour day to ensure harmony, stress reduction, success and a sense of accomplishment at the end of the day for every EAS, for the good of the service.

Response: This resolution is not adopted. Title 39 § 1004 provides a program for consultation between the Postal Service and NAPS. A courtesy notification is provided to NAPS when the Postal Service intends to make changes to duties and tasks for managers or supervisors. During consultation or notification, the Postal Service honors requests for briefings to address questions or concerns from NAPS at the National level.

RES-42 Delegates at the 2018 National Convention expressed by resolution, the following issue for discussion;

In cases where a Postal employee is married to a spouse who is also a Postal employee, two health benefits are earned.

Current FEHB regulations, if one spouse has selected a family coverage option, the remaining spouse is required to be covered under the family plan and does not receive their earned health benefit.

The Postal Service through Postal Reform Legislation intends to manage the Health Benefits of all Postal Employees, both currently employed and retired.

NAPS is requesting that with the enactment of Postal Reform that the USPS reimburse the full cash value to the Postal employee who controls the unused benefit (Lost Benefit).

Response: The Postal Service provides health benefits to certain eligible employees by participating in the Federal Employees Health Benefits (FEHB) Program, which is administered by the U.S. Office of Personnel Management (OPM), Office of Healthcare and Insurance. Handbook EL-521, Federal Employees Health Benefits Program Guide contains information on a wide variety of plans and coverage to help meet employee's health care needs. The consultative process, as defined by Title 39 § 1004 (b), is not the appropriate forum for NAPS's request.

RES-44 Delegates at the 2018 National Convention expressed by resolution, the following issue for discussion;

Exempt employees are routinely required to work a 6th day.

The ELM 519.733 states "When an exempt employee is directed to work a full day on a holiday or other full day in addition to normal workdays, the supervisor may grant a full day of personal absence without charging it to official leave. NAPS notes that the supervisor rarely approves a full day of personal absence, and exempt employees end up not being compensated for working the 6th day.

NAPS is requesting that ELM 519.733 be changed to reflect; "When an exempt employee is directed to work a full day on a holiday or other full day in addition to normal workdays, the supervisor will grant a full day of personal absence without charging it to official leave, of the employee's choosing."

Response: This resolution is not adopted. This discretion to grant a full day of personal absence without charging it to official leave should be left to the supervisory authority. There may be situations where FLSA-exempt non- bargaining employees may be required to work a full day in addition to normal workdays. As stated in an April 25, 2012 memo from Megan Brennan (COO at the time) to the Area Vice Presidents regarding work schedules of FLSA-Exempt Non- Bargaining Employees, “every effort to limit these situations consistent with the provisions outlined in Employee and Labor Relations Manual (ELM) Sections 432.112 (a) (1) and 432.34.”