



NATIONAL ASSOCIATION OF POSTAL SUPERVISORS

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May Consultative Meeting Agenda 5/14/2019 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 Secretary Treasurer
Tim Ford, NAPS Chairman of the Board
(via telecon)

0519-01 NAPS has received questions from the field in regards to NTE details in District MOPS shops that people remain in for years.

NAPS contends that the USPS has more than demonstrated the need for the new EAS positions and requests that all NTE details in the MOPS shop be converted to the Form 50 FTE EAS positions that are warranted.

Response: The Postal Service is not aware of any Not to Exceed (NTE) assignments in District MOPS shops.

0519-02 NAPS is bringing back to the table for an update agenda item 0419-06;

0419-06 NAPS has received from field EAS the following information that impacts its members;

Eastern Area – Pittsburgh Plant Reopening – Pittsburgh District

Pittsburgh District

Regular operations will resume Friday, April 5, 2019, at 5 a.m. ET for the **Pittsburgh NDC**, 300 Brush Creek Rd, Warrendale, PA 15095.

We appreciate your patience during this unexpected closure.

NAPS HQ is very disheartened that the leadership of the USPS has failed to engage NAPS on issues that impact the health and welfare of our membership.

However, now that this facility that is a major hub for all classes of mail is being reopened after a thirteen day closure, NAPS is requesting a briefing on the mitigating factors for the PFP process due to this closure which has impacted NPA scores on a national, Area, District, MPOO Area, Lead Finance Number & Unit Finance Number. The shutdown of this facility has negative impacts on various NPA scores. These impacts apply across the nation across multiple NPA indicators, not just service indicators.

NAPS would like to know the exact number of mail articles that have had the Event Code 75 applied to them.

Based on USPS correspondence received by recipients and mailers concerning mailed articles, NAPS believes and requests that mitigations for this event be made now based on the known data on only the destroyed mail articles, but also on the numerous mail articles that were delayed in processing during this 13-day shut down of the Pittsburgh NDC.

Response: 6,248 mail articles had Event Code 75 (event messaging) applied to them. These pieces were disposed of by USPS.

As we responded during the April consultative meeting, it is too soon to determine whether there were any impacts to NPA indicators resulting from the closure of the NDC.

NAPS further asked how many pieces were delayed from the shutdown, and USPS responded that this information is not known at this time.

0519-03

NAPS is requesting an update on agenda item 0219-01 in which the USPS stated;

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.

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.

Response: The Postal Service completed a review and has determined that the Learning Development and Diversity Specialist (EAS-16) (Occupation Code: 0201-0356) position is non-exempt under the Fair Labor Standards Act (FLSA). Employees affected by this change were notified on Friday, May 10, of the immediate reclassification and procedures for positions under FLSA non-exempt. As a result of being misclassified, the notice provided instructions on how to submit information for any unpaid overtime in these assignments made effective on October 13, 2018 to the District HR Manager for review.

0519-04 NAPS is bringing back to the table agenda item 0219-02 in which the USPS stated;

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.

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 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.

Based on the documented financial ROI being reported by the USPS, NAPS is requesting that all NTE ACO details be converted to Form 50 FTE EAS positions.

Response: As we responded during the February consultative meeting, the initiative had a 5% sick leave target with a savings opportunity of \$132,448,243. However, the Postal Service only achieved a savings of \$18.35M after the initial review period. The NTE ACO assignment was extended for an additional year to measure the effectiveness of the program. USPS will make a determination at that time on the future of ACO position after reviewing all of the results.

0519-05

On July 13, 2018, the National Labor Relations Board issued the attached consent order. This consent order has a fiduciary cost of \$17,500 per incident in addition to \$100 per day for each day the Court finds the violations to have continued.

This case involves the timely fulfillment of Requests For Information (RFI) made by the union to USPS.

The USPS has created this violation through the continuous overburdening of EAS to complete functions other than ensuring America's mail is processed and delivered.

The consent order contents that the USPS is in a position to significantly reduce the liability of the consent order by way of a review request in the first twelve months after its entry to the Board's Assistant General Counsel or designee. If the determination of the Board's Assistant General Counsel or designee is that the Postal Service was in substantial compliance during this 12-month period, the prospective fine structure outlined above will be reduced to up to \$12,000 for each future violation of this Consent Order and up to \$60 per day for each day the Court finds the violations to have continued.

NAPS contends that this fiduciary release can best be achieved with EAS Leadership that is focused on timely completion of this task without the numerous diversion that faces Field EAS attempting to process and deliver America's mail.

NAPS is requesting that the USPS create Form 50 FTE EAS positions for RFI Coordinators in each District. NAPS proposes that these positions be created 1 EAS per 3,000 District employees for proper compliance and District coverage.

Response: The Postal Service does not agree with the need to establish fulltime RFI Coordinators in each District. AD-HOC assignments for RFI Coordinators (Gatekeepers) have been put in place to assist some Districts that were cited for violations by the NLRB for untimely responses or the complete failure to respond to RFI's. These employees will assist in coordinating and monitoring supervisor responses. In addition, in-person and WebEx training for all supervisors and managers in these locations are being conducted.

It is important to note, primary causes for the violations were supervisor's failure to respond to RFI's for up to 60 days or completely ignoring it.