



M 00590

UNITED STATES POSTAL SERVICE  
475 L'Enfant Plaza, SW  
Washington, DC 20260

January 29, 1985

Mr. Moe Biller  
President  
American Postal Workers Union,  
AFL-CIO  
817 14th Street, N.W.  
Washington, D.C. 20005-3399

✓ Mr. Vincent R. Sombrotto  
President  
National Association of Letter  
Carriers, AFL-CIO  
100 Indiana Avenue, N.W.  
Washington, D.C. 20001-2197

Gentlemen:

As information, enclosed is a copy of material we have provided our regional General Managers of Labor Relations which deals with the recently implemented provisions of Article 8 involving penalty overtime pay.

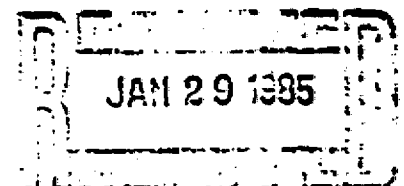
Bruce Evans of my staff is available (245-3662) should you have any questions regarding either the overview or the questions and answers.

Sincerely,

*W. E. Hunsley Jr.*  
for James C. Gildea  
Assistant Postmaster General  
Labor Relations Department

Enclosure

VINCENT R. SOMBROTTO'S OFFICE  
WASHINGTON, D.C.



1984 NATIONAL AGREEMENTS  
USPS - APWU/NALC  
USPS - NPOMH  
ARTICLE 8 BRIEFING INFORMATION

The following is a brief overview of the new Article 8 provisions involving Penalty Overtime Pay:

- o The new provisions of Article 8, Hours of Work, of the 1984 National Agreements with the APWU/NALC and the Mailhandlers were effective 1/19/85.
- o New language in Article 8, Section 4 provides for a new category of pay entitled Penalty Overtime Pay. Penalty Overtime Pay is paid at two times the base hourly straight time rate. Penalty overtime pay will not be paid for any hours worked in the month of December.
- o For full-time employees, Penalty Overtime Pay is paid for all work in contravention of the restrictions identified in Article 8, Section 5.F. Article 8, Section 5.F provides that full-time employees may not be required to work:
  1. overtime on more than four of the employee's five regularly scheduled workdays.
  2. over 10 hours on a regularly scheduled workday.
  3. over 8 hours on a non-scheduled day.
  4. on more than 1 non-scheduled day.
- o Violations of any of the above requires the payment of Penalty Overtime Pay; whether or not the employee volunteers or is required to work.
- o Beginning the first full pay period after 9/1/85, excluding December, part-time employees will receive Penalty Overtime Pay for all work in excess of 10 hours in a service day or 56 hours in a service week.
- o Article 8, Section 5.G provides that full-time employees not on the ODL may not be required to work overtime until all available employees on the list have worked up to 12 hours in a day or 60 hours in a week. Employees on the ODL may not work more than 12 hours in a day or 60 hours in a service week.
- o In addition a related memorandum requires that ODLs are to be annotated to indicate those employees volunteering to work up to 12 hours on 4 of their 5 regularly scheduled workdays. The ODLs would then have 2 categories of volunteers:

1. volunteers who wish to work up to 12 hours per day and a maximum of 60 hours per week.
2. volunteers who wish to work up to 10 hours per day and a maximum of 56 hours per week.

M 00590

Labor Relations Department  
January 23, 1985

## QUESTIONS AND ANSWERS

M 00590

The following is a compilation of questions and answers concerning the application of the new provisions of Article 8, Sections 4 and 5.

1. Will penalty overtime be computed manually or by the PDCs?

Answer:

See Postal Bulletin 21495 dated January 14, 1985.

2. Is an employee entitled to penalty overtime pay even if that employee volunteers to work in excess of the restrictions identified in Article 8, Section 5.F?

Answer:

Yes, excluding December, any work in excess of those restrictions should be compensated at the penalty overtime pay rate; regardless of whether or not the employee volunteered. By signing the overtime desired list, an employee has indicated a willingness to work up to 12 hours in a day and 60 hours in a service week; the employee will receive penalty overtime pay for all hours which exceed the provisions of Article 8, Section 5.F.

3. Have there been any negotiated changes to the policies concerning providing overtime work to either part-time flexible employees or full-time employees?

Answer:

No.

4. Must all employees on the overtime desired list work 12 hours per day before an employee not on the list works any overtime?

Answer:

Not in all circumstances. All available employees on the overtime desired list must be required to work up to 12 hours per day and 60 per week prior to utilizing an employee not on the overtime desired list. "Available" is the key. For example, if it is not possible to complete the required work in the time available using only overtime desired list employees; then employees not on the list may be used.

5. Does an employee's non-scheduled day of overtime affect the number of days an employee is eligible to work overtime in a service week?

**Answer:**

No. - An employee may work overtime on one non-scheduled day and 4 of the 5 scheduled days in a service week. These days may be consecutive calendar days.

6. May letter carriers not on the overtime desired list be required to work overtime on their own route?

**Answer:**

Yes. Seek to use auxiliary assistance first; but when such assistance is not available, use the non-overtime desired list carrier on his/her own route.

7. Can you require a full-time employee to work overtime on more than 4 of the employee's 5 scheduled days as long as you pay penalty overtime?

**Answer:**

Employees work as directed by management. Normally, the employee should not be required to work overtime on the fifth day, with the exception of December.

8. Can you require a full-time employee not on the overtime desired list to work over 10 hours per day?

**Answer:**

Employees work as directed by management. A full-time employee not on the overtime desired list should not be required to work over 10 hours per day, with the exception of December.

9. Can you require a full-time employee to work more than 8 hours on a non-scheduled day?

**Answer:**

Employees work as directed by management. With the exception of December, a full-time employee should not be required to work more than 8 hours on a non-scheduled day whether or not the employee is on the overtime desired list.

10. Is it permissible to require a full-time employee who has Friday and Saturday as non-scheduled days to work Sunday of week 1 through Thursday of week 2?

**Answer:**

Yes, assuming appropriate application of the overtime desired list, because the employee would be working only one non-scheduled day in each of the service weeks.

11. Can we require those employees on the "10 hour" overtime desired list to work an 11th hour before going to those employees on the "12 hour" overtime desired list?

Answer:

That may be permissable, if no "12 hour" employees are available.

12. Article 8, Section 5.G provides that employees not on the overtime desired list may be required to work overtime only if all available employees on the overtime desired list have worked up to 12 hours in a day or 60 hours in a service week. Does this mean that the supervisor will maintain a continuous tally of overtime worked?

Answer:

Local records will need to be kept.

13. In the case of overtime requirements early in a service week, how would a supervisor know whether all overtime desired list employees would be utilized for 60 hours that week?

Answer:

Overtime would be scheduled that day based upon immediate needs.

14. Can an employee who is not on the overtime desired list voluntarily work overtime if an available employee on the overtime desired list has not been directed to work more than 10 hours?

Answer:

The available overtime desired list employee should be required to work; even though it may require the payment of penalty pay.

15. If an employee not on the overtime desired list works overtime, are you obligated to work all those on the list 12 hours?

Answer:

Not necessarily. Factors to consider would be the availability of those on the overtime desired list and the operational timeframe available in which to accomplish the work.

16. If it were necessary that all employees (overtime desired list and non-overtime desired list) work 2

hours overtime; must the overtime desired list employees be provided 2 additional hours of work?

Answer:

If there were no operational timeframes or constraints which had first required scheduling to include non-overtime desired list employees, then those available overtime desired list employees would be entitled to 2 additional hours of overtime work.

17. Would it be considered a violation if an employee not on the overtime desired list were required to work overtime when those on the list have been scheduled to work 12 hours on a particular workday?

Answer:

No.

18. What is the preferred method to indicate those employees interested in working in excess of 10 hours in a day?

Answers:

The preferred method would be to annotate those employees' names on the overtime desired list by use of an asterisk.

19. In view of the provisions of the overtime memorandum, should an addendum to the present quarter's overtime desired list, i.e., that which is in effect on January 19, 1985, be posted for signing by employees who wish to work more than 10 hours a day?

Answer:

This should be discussed with the local union. Locally arrange an interim method to allow a brief period for redesignation by employees.

20. After exhausting the names of the employees on the overtime desired list desiring to work 12 hours, can those "10 hour employees" be forced to work 12?

Answer:

Yes; before using employees not on the overtime desired list.

21. Is an employee permitted to volunteer to work in excess of 12 hours per day?

Answer:

No, except in the month of December.

22. Is an employee permitted to volunteer to work in excess of 60 hours in a service week?

Answer:

No, except in the month of December.

23. Is an employee permitted to volunteer to work the 7th day in a service week if the total hours for the week do not exceed 60 hours?

Answer:

No, except in the month of December.

24. Is an employee permitted to volunteer to work overtime on more than 4 of the 5 scheduled days?

Answer:

No, except in the month of December.

25. Can an employee work overtime on 5 or more consecutive days?

Answer:

Yes. For example, an employee could work overtime on 4 consecutive scheduled days and on one non-scheduled day.

26. When a full-time employee is called back to work does the penalty pay provision apply?

Answer:

Yes. Penalty Overtime Pay is paid whenever the total work and paid leave hours exceed 10 hours on a service day.

27. Must employees on the ODL be used for 4 hours of overtime on their scheduled workdays prior to using non-ODL employees for any overtime?

Answer:

Yes, unless there are no ODL employees available to work the needed overtime.

28. Does "Holiday Worked Pay" count towards the 56 and 60 hour limits?



**Answer:**

M 00590

No. "Holiday Worked Pay" is a premium paid to eligible employees for hours worked on a holiday. However, since employees are given credit for paid leave hours for overtime calculations, "Holiday Leave Pay" does count towards the 56 and 60 hour limits.

29. If non-ODL employees are required to work overtime are they entitled to Penalty Overtime Pay for all overtime hours worked?

**Answer:**

No, they are only entitled to Penalty Overtime Pay if the hours worked are in contravention of the restrictions in Article 8, Section 5.F.

30. Article 8, Section 4.E states "...employees will receive penalty overtime pay for all work in excess of..." What is the intent of the word "work"?

**Answer:**

The term "work," as used in Section 4.E, means a combination of work hours and paid leave hours.

31. Does an employee, who studied a scheme off-the-clock and who became qualified and was placed into the duty assignment, retroactively receive Penalty Overtime Pay for those hours in contravention of the restrictions in Article 8, Section 5.F?

**Answer:**

Yes, if the hours spent studying were on or after January 19, 1985, for full-time employees, and after the September, 1985 implementation date for part-time employees.

32. Article 8, Sections 4.D and 4.E apply to full-time regular and part-time flexible employees. How are part-time regular employees handled?

**Answer:**

For Penalty Overtime Pay purposes, PTRs will be treated the same as part-time flexible employees, with the same effective date in September, 1985.

33. Although employees on the ODL are limited to no more than 12 hours work per day or 60 hours in a service week, how is payment made for work in excess of those limits?

Answer:

M 00590

Penalty Overtime Pay rules will apply. However, no pyramiding of overtime rates will occur.

34. Article 8, Section 5 refers to "full-time employees" and "full-time regular employees", is there a difference for the application of the Penalty Overtime Pay provisions?

Answer:

No, the Penalty Overtime Pay provisions for full-time employees are applicable to full-time regular and full-time flexible schedule employees.

35. RE: Memorandum. What does the sentence, "In the event these principles are contravened, the appropriate correction shall not obligate the employer to any monetary obligation, but instead will be reflected in a correction to the opportunities available within the list," mean?

Answer:

Where we are not obligated to a monetary payment by the earlier Memorandums, which deal with the administration of the overtime desired lists; we are not further obligated by the 1984 Memorandum.

36. Is it permissible to exceed the 12 or 60 limits to complete a guarantee period?

Answer:

No, the employee should be considered unavailable. However, the employee should be allowed to fulfill a guarantee period if the employee is working.

37. If we must work a full-time employee, who already has worked 56 hours, on a non-scheduled can we work the employee 4 hours and pay 4 hours guarantee pay at the regular overtime rate?

Answer:

Yes, the employee is entitled to be paid as if the entire day was worked. Therefore, the last 4 hours would be Guarantee Overtime Pay.

38. Do paid leave hours for part-time employees count towards the 10 and 56 hour limits?

Answer:

Yes, this is the same as for full-time employees.

39. If an employee's non-scheduled day falls within the holiday schedule period, may that employee be scheduled for more than 8 hours on that non-scheduled day?

M 00590

Answer:

No.

40. In excluding the month of December from the penalty overtime provisions, is it intended that the December time period be the same as under the previous Agreement?

Answer:

Yes.

41. Do employees from another schedule, working a temporary assignment in the PS schedule, become eligible for the penalty overtime provisions of the PS schedule?

Answer:

No. Employees temporarily assigned to the PS schedule carry with them the rules for the schedule from which assigned.