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Date: May 10, 1989

To: National Business Agents

From: Lawrence Hutchins

We have been receiving inquiries concerning out of schedule premium pay for reserve letter carriers assigned to vacant duty assignments by management. Reserve letter carriers are full-time regular employees and therefore are covered by the provisions of Article 7, Section 1.A.1 which states:

Employees in this category shall be hired pursuant to such procedures as the employer may establish and shall be assigned to regular schedules consisting of five eight hour days in the service week. (emphasis added)

Reserve letter carriers may opt for vacant duty assignments under the provisions of Article 41, Section 2.B.3. When reserve letter carriers voluntarily opt on hold-down assignments they waive any entitlement to out of schedule premium pay.

Management may also assign a reserve letter carrier who fails to bid to a vacant duty assignment. This situation is described in the Step 4 decision M-00353 which states in relevant part:

A reserve letter carrier who does not opt for a "hold-down" shall nonetheless assumed the schedule of the "hold-down" if management elects to assign the regular letter carrier to the route or assignment anyway.

This settlement does not change the provisions of ELM Section 434.611 which states:

"Out of schedule premium" is paid to an eligible full-time bargaining unit employee for time worked outside of, and instead of, the employee's regularly scheduled workday or workweek when the employee is working on a temporary schedule at the request of management, provided that notice of the temporary schedule change is given to the employee by Wednesday of the preceding service week.

Accordingly, a reserve letter carrier assigned to a vacant duty assignment by management can be required to assume the new schedule. However, such a carrier is entitled to out of schedule premium for all hours outside of his or her regular schedule.

For example, if a reserve letter carrier with a normal schedule of 7:00 AM to 3:30 PM is notified by Wednesday of the preceding service week that he will be temporarily placed on a vacant assignment with the hours 8:00 AM to 4:30 PM, the employee would:

- 1) Not be entitled to pay from 7:00 AM to 8:00 AM.
- 2) Be entitled to out-of-schedule premium from 3:30 PM to 4:30 PM in accordance with ELM 434.612 (copy enclosed).

If however, the same employee is not notified by Wednesday of the preceding service week of the temporary

change of schedule, the employee would:

- 1) Be entitled to pay from 7:00 AM to 8:00 AM, when he did not work, since that was part of his regular schedule and the advance notice required by ELM Section 434.612 was not provided.
- 2) Be entitled to "out of schedule premium pay" from 3:30 PM to 4:30 PM,

In summary, a new schedule assumed by a reserve regular employee assigned to a temporarily vacant duty assignments is temporary, and not permanent, within the meaning of ELM 434. This is clearly demonstrated by the fact that upon the termination of such a temporary assignment, the affected employee reverts to his or her regular schedule without a new change of schedule notice being required. Furthermore, the assignment of a reserve letter carrier to a temporarily vacant position is not one of the exceptions enumerated in ELM 434.622.

The ELM provisions cited above are substantially the same as those in F-21 Section 232, and F-22 Section 233.

LGH/sh/ss
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