

REVISED CHAPTER 6

TRANSITIONAL EMPLOYEES

Introduction

This supplement to Building our Future by Working Together, the USPS-NALC Joint Training Guide on the September, 1992 Memorandums of Understanding outlines the new rules governing the use of letter carrier transitional employees. This material includes relevant information from the December 21, 1992 Memorandum on Transitional Employees/PTF Conversions and should be used instead of Chapter 6 of the Joint Training Guide.

This supplement also satisfies the parties' requirement to write a training booklet outlining their joint understanding of how and when letter carrier transitional employees may be utilized by the Postal Service.

Background

On January 16, 1992 Arbitrator Richard Mittenthal issued an interest arbitration award (TE Award) creating the new letter carrier job category of transitional employee. The TE Award resolved a contractual dispute left outstanding from negotiation of the 1990-1994 National Agreement.

Subsequently the parties have executed two Memorandums of Understanding which have clarified the Award's meaning and altered its terms in certain ways to further their joint interests:

Memorandum of September 17, 1992. The first Memorandum was part of the six September, 1992 memorandums. It resolved certain disputes that arose over the interpretation of Arbitrator Mittenthal's January 16, 1992 arbitration award on Transitional Employees. This Memorandum has been reprinted as Appendix F to the USPS/NALC Joint Training Guide.

Memorandum of December 21, 1992. This second Memorandum further altered the rules governing the use of transitional employees; it also provided that all part-time flexible letter carriers on the roles as of December 21, 1992 would be offered the opportunity to convert to regular status no later than November 20, 1994. The memorandum, which is reprinted at the end of this supplement, made two major changes in the TE rules:

1. It eliminated the "DSSA analysis" as a basis for figuring the Postal Service's ceiling for TE employment due to automation impact, substituting the simpler DPS impact analysis methodology for such TE

M-1307

hiring after December 21, 1992. This methodology is contained in Chapter 3 of the Joint Training Guide, The Future-Unilateral Process, outlined on pages 21-25.

2. The parties also agreed that in offices (automation impacted and non-impacted) where the number of PTF conversions exceeds the number of TE's allowed under the above impact formula, additional TE's may be hired to replace PTF's who are converted to regular.

This supplement is based upon the TE Award and both Memoranda of Understanding, summarizing in outline form the rules governing the use of transitional employees in the letter carrier craft.

Rules Governing Transitional Employee Hire and Use

Effective December 21, 1992, Management may hire additional transitional employees only under three basic circumstances:

A. Delivery Point Sequencing (DPS) Impact calculation plus "triggers"

This method is used to hire TE's to cover positions held pending reversion, carrier opting, and PTF attrition, as explained above.

DPS impact calculation. Before the Postal Service may hire and utilize TEs in this situation, it must have or obtain recent route inspection data (within the past 18 months) and then perform a DPS impact calculation to estimate the total impact within a delivery unit of the anticipated delivery point sequencing of letter mail.

To make this estimate, management must start with the recent route inspection data and then apply the estimation methodology outlined in Chapter 3, "The Future-Unilateral Process," of the Joint Training Guide (pp. 21-25). The separate impact estimates for each individual carrier are then added to find a total estimated impact on the unit, stated in hours.

This impact would represent the maximum TE hours that may be used in the delivery unit to cover positions effected by the "triggers" explained below. TE's hired under these circumstances will be separated when automation is on line and operative in the delivery unit.

Triggering events. Sections 1.c(1)-(4) of the TE Award provide certain "triggers" or events which must occur before the Postal Service gains the right to use TE hours. The TE Award sets forth three such "triggering" events:

- 1). **Held pending reversion.** A residual vacancy is held pending reversion-- slated for later abolishment due to automation.
- 2). **Opting only on assignments withheld or held pending reversion.**
- 3). **PTF attrition.** A part-time flexible carrier leaves the letter carrier craft.

B. TE Use to Cover Assignments Withheld For Excessing

The TE award also permits USPS to use TE hours to cover vacancies withheld for excessing pursuant to Article 12. (These TE hours are not limited by the ceiling established by the DPS impact calculation.) The Mittenhal Award provides that the Postal Service may use TEs to cover only those residual vacancies withheld for excessing since September 3, 1991.

C. PTF Conversion. The December 21, 1992 Memorandum allows for the employment of one full time equivalent TE (40 hours of TE use) for each part-time flexible letter carrier converted to regular status, whether or not the Postal Service has performed a DPS impact calculation. This means that in non-automated sites or installations having no recent route inspection data, TEs may be hired per PTF conversions or to cover assignments withheld for excessing. When recent route inspection data becomes available, an authorized TE ceiling will then be established. Those TEs who cannot be justified on the basis of withholdings or this newly established ceiling, will be separated no later than November 20, 1994.

D. Additional Considerations.

1. Information Sharing

The national parties have decided to act jointly in the implementation of the TE Award and this Memorandum. As with the other September, 1992 memoranda, here again the national USPS and NALC strongly urge the local parties to use joint and cooperative efforts to solve problems and plan for the future.

Information sharing is an essential element of a joint endeavor, and this language requires local managers to provide local NALC representatives all relevant information on which the DPS impact analysis are based, and to give the union reasonable time to review the calculations and discuss them with postal managers. In turn, union representatives are expected to be reasonable in their requests for information and time.

2. No Pyramiding

Section 1.c(3) of the TE Award permits the Postal Service to use TE hours: "(1) cover the vacancy created by a part-time flexible, reserve or unassigned letter carrier opting for the held pending reversion assignment or subsequent vacancy created by multiple opts."

Local managers may use an additional 40 hours after a residual vacancy is held pending reversion (Trigger No. 1). However, the TE Award does not permit any additional TE use when another carrier opts on the assignment held pending reversion. That would be "pyramiding" or double-counting the TE entitlement.

3. Assignments Held Pending Reversion -- Rules for Filling Positions

After a vacancy occurs and is identified as "held pending reversion" -- slated for later abolishment due to automation -- the assignment must then be posted for bid. The bid posting will indicate that the assignment is being held pending reversion. If a carrier bids on the assignment, the resulting residual vacancy is available for opting or, if no carrier opts on it, for filling by a TE (see "triggering event" No. 2, above).

When assignment is abolished. When the assignment held pending reversion is eventually abolished, what happens next depends on whether the Local Memorandum of Understanding contains Article 41.3.O. If not, the carrier assigned to the abolished position becomes an unassigned regular.

If 41.3.O does apply, there are two possibilities:

1. **Held by the junior regular.** If the abolished assignment is occupied by the junior regular, he or she becomes an unassigned regular.
2. **Held by other than the junior regular.** Where a regular other than the junior one is occupying the assignment when it is abolished, then all assignments held by more junior carriers are posted for bid, as required by Article 41.3.O.

Unassigned regular rights. When a carrier becomes an unassigned regular as a result of these changes, the carrier is eligible to bid on any assignment within his or her bidding area -- including residual vacancies, other positions held pending reversion and positions withheld for excessing.

4. PTF Scheduling Priority

This language reaffirms that part-time flexible letter carriers will have first priority for work scheduling over transitional employees. Of course, once TEs are called in, their 4-hour work hour guarantee must be honored.

5. No Excessing Permitted to Hire Transitional Employees

The TE Award was never intended to permit the Postal Service to employ TEs to displace career employees who are working full-time assignments. This language reaffirms that excessing may be initiated only when a full-time position can no longer be maintained due to legitimate operational changes. Only where that is demonstrated may management excess a letter carrier and then use a TE to perform part of the excessed carrier's work.

- **Priority arbitration scheduling.**

Disputes over this matter will be given a high priority in regional arbitration scheduling; only removal cases will have a higher priority.

M-1307

E. Resolution of TE Grievances

The December 21, 1992 Memorandum contemplates that the parties will meet at the local level to review the current TE complement and attempt to resolve any pending grievances over the hiring of transitional employees. The NALC and the USPS have further agreed that the rules that were in effect at the time the transitional employees were hired will be used to determine whether a violation occurred.

If there were violations and a remedy is appropriate, the Postal Service's liability is limited to those transitional employees hired in excess of the allowable limit and to the time period from date of hire through 12-21-92. This remedy will be formulated locally.

If the parties have reviewed the TE complement and determined that transitional employees are on the rolls in excess of the allowable limit, those excess TE's must be relocated to another delivery unit where the allowable limit has not been exceeded or removed from the rolls, or, management must reduce the work hours per TE, so as to stay within the allowable limits. These actions must be accomplished by 3/1/93.

NOTE: Section 5. of the December 21, 1992 memorandum does not require that management use the new Hempstead methodology to justify the retention of TE's hired under the old DSSA analysis.