

MEMO

To the Branch 2184 Leadership Council, Aug. 25, 2020



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As with previous Leadership Council Memos, this one will begin with a Branch 2184 administrative update. First, regarding Steward meetings and Executive Board meetings; these will continue to be done by teleconference until further notice. Steward meetings in September are scheduled for Tuesday, September 15 and Monday, September 21. The September Executive Board meeting is scheduled for Monday, September 28. All other September meetings and events, including the regular membership meeting scheduled for Wednesday, September 2 and the annual MDA “fill the satchel” event that was scheduled for Sunday, September 13 have been canceled.

Branch President Mark Judd will continue to monitor developments regarding the ongoing COVID-19 pandemic as well as government mandates and will make decisions regarding subsequent meetings and events based on the situation as known at the time. The Branch’s focus during the forthcoming autumn and winter months will remain first and foremost on the health and safety of our members, including officers and stewards. Contract enforcement will remain paramount on the work floor of every Branch 2184-represented USPS installation, and member services will continue, although mostly done by utilizing alternative methodology.

Stewards, as an extremely contentious National election approaches, please be aware that work floor discussions between some letter carriers can and likely will become heated in nature, especially when considering the current focus on the role of the USPS in the forthcoming election. Union representatives have one paramount responsibility when such situations occur, which is to ensure that our members are protected from adverse consequences that can result from work floor verbal altercations. This means being proactive whenever possible, not just reactive after this occurs. Although the Hatch Act does not specifically prohibit work floor discussion of politics, it does prohibit partisan political activities in the workplace, including those that could be construed as partisan.

Additionally, work rules in the M-41 Handbook and other applicable USPS regulations specifically prohibit loud talking and work floor outbursts. There are some misguided letter carriers that falsely believe that First Amendment “freedom of speech” protections give them the unfettered “right” to say what they want, whenever and wherever they want to. Such a belief can be and will be hazardous to their continued USPS employment. Moreover, all employers including the Postal Service have the right to make and enforce internal rules regarding the conduct of employees while at work. Our bottom line – when workplace disputes occur, be a leader. Remember that we represent everyone, no matter how misguided their personal or political beliefs might be.

The subject of “Sunday premium” pay (Article 8, section 6 of the Contract) has long been misunderstood by many letter carriers. Sunday premium is an extra 25% pay for work performed during the 24-hour period from midnight Saturday to midnight Sunday. However, it only applies to career employees, not to CCAs. Additionally, premium pay rates are not “pyramided” – which means that full time regular carriers working their Sunday NS day only receive the higher of applicable rates, which is overtime (150%) for the first 8 hours. Essentially, for our purposes, Sunday premium only applies to career PTFs.

On a related note, we have received reports that some of our career PTFs that have performed work on Sundays may not have received Sunday premium pay and thus improperly paid. In Branch 2184-represented offices where there are career PTFs working and that are scheduled to do Sunday work, stewards should follow up to ensure that they received Sunday premium pay.

A question arose about the "leave blocking" provisions of our Branch 2184 Local Memorandum of Understanding (LMOU), as to whether they applied to COVID-19 absences for childcare. The short answer to that question is "yes." The pertinent provisions in our LMOU (Item 4, section 7.c and Item 12, section 2.c) state in part, that "*A vacation slot may be considered unavailable for each letter carrier off work on extended leave of five (5) days or more due to illness or injury, as well as absences of five (5) days or more that qualify for coverage under the provisions of the Family and Medical Leave Act (FMLA) or Sick Leave for Dependent Care (SLDC).*" As COVID-19 related childcare absences are authorized through an extension of the Family and Medical Leave Act, the "leave blocking" language would be applicable to them.

Also, regarding the LMOU provisions discussed above, stewards should NEVER just take management's word regarding the nature and duration of an absence that management claims is covered by the "leave blocking" language. The applicable LMOU language regarding this subject also states that "*Evidence of an employee's extended absence if submitted and available, must be provided to local Union representatives upon request.*" Stewards should always request this evidence whenever management claims that they can block an open vacation slot with the name of a carrier on an extended absence.

If management claims in response that they have no evidence submitted or available to support blocking vacation slot(s) with the name of a carrier, this itself raises a red flag as to the dubious nature of their claim. In a number of past situations, it was subsequently discovered that management had blocked vacation weeks based merely on speculation, and the carrier whose name was on the board was not off work during those weeks. Finally, regarding this subject, only the names of carriers not at work due to qualifying absences (listed above) can be used to fill open vacation weeks. The names of light or limited duty carriers, including those working partial schedules, as well as carriers off work on USPS details, military leave, or other kinds of absences CANNOT be used to fill vacation slots under any circumstances.

Staffing continues to be a significant problem in many if not most Branch 2184-represented USPS installations. Although some of this is due to pandemic-related employee absences, much of it is simply the result of ineptness and poor decisions at the station level and especially at the District level. Because of recent CCA conversions to career status, as of mid-August the USPS Detroit District was well under the 15% district-level CCA "cap." Thus, they can do some hiring. Keeping a newly hired CCA is a whole other thing, though. It is hoped that the end of the choice vacation period (either the beginning or end of September, depending installation size) and some competently done hiring will help to ease the staffing crunch, at least somewhat. On a related note, the USPS has requested a VERA (Voluntary Early Retirement Authority) from the Office of Personnel Management (OPM) for non-bargaining unit employees ONLY. If approved, this would apply to mostly to management employees.

A question arose regarding the timing of the placement of the senior bidder on a posted vacant assignment. Article 41, section 1.C.3 provides that "*The successful bidder must be placed in the new assignment within 15 days except in the month of December.*" Although the senior bidder is customarily placed on the new assignment on a Saturday, this can occur on any day of the week, as long as it is within 15 days of the posting of the notice of successful bidder.