

# MEMO

To the Branch 2184 Leadership Council, July 28, 2020



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This leadership Council Memo will again begin with an administrative update concerning Branch and NALC-related matters during the ongoing COVID-19 pandemic. Branch President Mark Judd has determined that until further notice, we will continue to conduct all Steward and Executive Board meetings by teleconference. Decisions regarding forthcoming membership meetings scheduled in the fall will be made by Mark after a review of relevant developments, governmental mandates, and other pandemic-related matters.

As discussed in a previous Leadership Council Memo, the branch will not be conducting our annual MDA “fill the satchel” event on Sunday, September 13, as there is no way to feasibly and safely do so. However, we will continue to look at all other possibilities and ideas to assist our MDA fundraising during this difficult year. Additionally, because our annual MDA cannister collection in each office is not impacted by virus concerns, the branch will be making a concerted effort to maximize the success of this fundraising effort this year. ALL stewards are requested to make every effort to personally contact each member in your station to request a contribution to the cannister drive. It is also helpful if can enlist others to assist with this effort in your station.

The NALC and USPS have agreed to further extend the Memorandum of Understanding, “Liberal Changes of Schedule and Leave” (M-01914) through Friday, September 25, 2020. As a reminder, stewards should include this Memorandum in ALL attendance-related disciplinary actions.

Additionally, the NALC and USPS have agreed to and signed three additional COVID-19 pandemic related Memorandums of Understanding, which are M-01924, M-01925, and M-01926. The first MOU (M-01924) extends five previous Memorandums of Understanding through Friday, September 25, 2020. The now further extended MOUS pertain to use of the 7:01 rule; Temporary Additional Paid Leave for CCAs; Temporary Expanded Sick Leave for Dependent Care During COVID-19; Temporary Workplace Changes to Promote Social Distancing; and Temporary Carrier Assistants.

The second MOU (M-01925) extends the Temporary Time Limit Extension on Step B and Arbitration Appeals through September 25, 2020. The third MOU (M-01926) extends the agreement, Re: Signing Overtime Lists – COVID-19, where the local parties can agree to a sign up process that allows carriers that did not place their names on the ODL sign up lists during the third quarter sign up period (June 16-30) to do so for the duration of the 3<sup>rd</sup> quarter. The National parties have also agreed to revisit all of these issues immediately prior to the expiration of these agreements in September.

A subject that results in frequent misunderstanding (as well as the spread of misinformation) for our members concerns medical documentation required by management for sick leave absences due to approved FMLA conditions. There persists a myth that once a FMLA request is certified and approved following the submission of necessary documentation to support it, that those using paid leave such as sick leave for FMLA purposes cannot be required to provide additional medical documentation of these absences if requested by management. This position is erroneous and it is unsupported either contractually or legally. An explanation of this follows:

USPS medical documentation requirements for sick leave absences are found in the Employee and Labor Relations Manual (ELM) sections 513.361 through 513.364. This includes the right of management to request documentation of any sick leave absence that is three days or less, per the ELM 513.361. Such requests by management are of course always subject to the grievance procedure, and a grievance will be successful if the documentation request can be shown to be arbitrary and capricious in nature. However, management does have the right to make this request to begin with, **even for an FMLA-related absence. FMLA protections for absences and USPS leave rules are entirely separate matters.**

Always keep in mind that the documentation provided to obtain certification for FMLA protections merely allow absences for the approved conditions and reasons to be protected under the Act itself. This has nothing to do with internal employing agency regulations for the use of paid leave. If a letter carrier requests paid USPS leave (typically sick leave) for an FMLA-protected absence from work, then USPS leave rules continue to apply. Again, management's arbitrary abuse of these leave rules is a subject for the grievance procedure.

A reminder to all stewards to very carefully monitor the work floor in your station on a daily basis to ensure that ALL fulltime regular letter carriers in your station that have fulltime bid assignments **are actually working on their bid assignments on all of their regularly scheduled days.** Individual carriers have NO authority to engage in "deals" with management to perform work in lieu of their bid assignments on regularly scheduled days.

Article 41, section 1.C.4 clearly and directly states that "The successful bidder shall work the duty assignment as posted. Unanticipated circumstances may require a temporary change in assignment. This same rule shall apply to Carrier Technician assignments, unless the local agreement provides otherwise." The personal convenience of management and/or an individual employee is NOT an "unanticipated circumstance." Additionally, individual letter carriers cannot legally or contractually negotiate changes in work rules with management. Local NALC representatives also do NOT have this authority, except during local negotiations periods when matters that are listed in Article 30 as subjects to be negotiated locally can be added or modified by agreement of the local branch president and his/her management counterpart. **A local steward does not ever have the authority to either condone or to overlook any abrogation of the Contract by management or by letter carrier craft employees.**

A final note concerning the above discussion. The language of Article 41, section 1.C.4 applies specifically to letter carriers that do not have medical restrictions (light or limited duty) on their work. Letter carriers with work restrictions resulting from job-related injuries or medical conditions or that have approved light duty requests for such restrictions can be assigned work outside of their regular bid assignments in order to comply with these restrictions. Also, the assignment off fulltime letter carriers working on their nonscheduled days is governed by the provisions of our Branch 2184 Local Memorandum of Understanding, Item 21, section 4.

As part of actions being taken by the Postal Service on a number of fronts, it appears that there could be at least a small reduction in the number of existing management employees nationwide. Should this verify, it is possible that some supervisors that had previously been letter carriers could apply to return to the letter carrier craft through the transfer process. As such, stewards should very closely monitor this to ensure that 1) the provisions of Article 41, section 2.F (which should be read in conjunction with Article 12.2.B.2) and Article 41, section 2.G are correctly applied, as discussed in the JCAM on pages 41-23 and 41-24; and that 2) the existing ratio of CCA conversions and transfers that is applicable to that installation is strictly adhered to.

Briefly, two rules apply concerning the craft seniority of returning supervisors. If a former carrier left the bargaining unit and returns to the bargaining unit **in the same installation within two years or less**, he/she would receive seniority credit for time spent outside of the bargaining unit. However, if they return to the bargaining unit in an installation other than the one from which they left OR they return later than two years after leaving, they begin a new period of seniority, with no exceptions. Finally, under NO circumstances can a supervisor return to the letter carrier bargaining unit unless the current status of the CCA conversion/transfer ratio in that installation allows it. There are no special exemptions for returning former supervisors.



## Memo

To: All Branch 2184 Stewards

From: Mark Judd, Walt McGregory, and Joe Golonka

Date: 07/21/2020

Re: Attached Information, PS Form 1571 and M-41 Handbook Reporting Requirements

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As is now well known by everyone, the ongoing implementation of recent USPS policy changes has caused disruption in the established manner of providing timely service to USPS customers. All USPS installations in Branch 2184 and elsewhere are impacted, with an additional impact in our Trenton Installation, which the USPS chose as one of six stations for a ‘test’ of ESAS (Expedited to Street/Afternoon Sortation), which has been likened to Expedited Preferential Mail (EPM) on steroids.

For our less veteran contract enforcers, EPM is a long-established method of casing and delivery of mail which has existed since the 1980s, where “non-preferential” mail is worked in the office by the carrier after he/she returns from the street each day. ESAS takes this much further, relegating all casing of mail to the afternoon after return from the street. Moreover, even in our other, non-ESAS installations, time allowed for morning office work has been sharply curtailed, in most cases to just 30 minutes or even less.

An inevitable result of all this is curtailed mail and even more obstruction of timely delivery service to USPS customers. **However, we again must keep in mind that NOTHING within our Collective Bargaining Agreement as well as all of the USPS work rules incorporated in at has changed in any manner.**

Letter Carrier reporting requirements are unchanged and they are specifically annotated in the M-41 Handbook (City Delivery Carriers Duties and Responsibilities). A listing of the applicable M-41 sections accompanies this memo. Please use it for reference.

Additionally, it is essential that PS Form 1571, Undelivered Mail Report, is ALWAYS completed whenever mail that has been distributed to a carrier case is curtailed for ANY reason. This form is critical for properly documenting the delay of mail in response to management instructions.

Please impress upon our members the importance of always completing a 1571 whenever mail at a carrier case is curtailed. After completing the form, always sign it, give it to a supervisor, and get a copy. Copies of 1571s should be retained by letter carriers for their own protection as well as for documentation purposes.

Finally, it is very important that the “Reasons for non-delivery” portion of the 1571 is completed. In most cases mail is curtailed in response to instructions by a supervisor. In this situation, merely write “as instructed by supervisor \_\_\_\_\_.”

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M-41

#### 131.4 Reporting Requirements

131.41 It is your responsibility to verbally inform management when you are of the opinion that you will be unable to case all mail distributed to the route, perform other required duties, and leave on schedule or when you will be unable to complete delivery of all mail.

131.42 Inform management of this well in advance of the scheduled leaving time and not later than immediately following the final receipt of mail. Management will instruct you what to do.

131.43 Complete applicable items on PS Form 3996, Carrier-Auxiliary Control, if overtime or auxiliary assistance is authorized in the office or on the street.

131.44 Report on PS Form 1571 all mail undelivered - including all mail distributed to the route but not cased and taken out for delivery. Estimate the number of pieces of mail.

131.45 Do not curtail or eliminate any scheduled delivery or collection trip unless authorized by a manager, in which case you must record all facts on PS Form 1571.

131.46 Before you leave the office, enter on PS Form 1571 the mail curtailed; when you return, add any mail which was not delivered and which was returned to the office. Follow any special local procedures set up to identify errors and corrective actions for mail returned because it was out of sequence.

131.47 Complete portions of the Edit Book, as required by management, or PS Form 1621, Delivery Management Report, according to instructions on reverse of form.

451 Complete PS Form 1571 in the morning for undelivered preferential and time-value mail.

452 Record non-preferential mail which you don't case in the afternoon before the end of your tour on PS Form 1571.

Note: If time permits during the following morning to distribute and deliver this uncased mail, advise your supervisor so that he/she can make a notation on the PS Form 1571 for the prior afternoon.

453 Normally, place flats in delivery sequence in the afternoon; then during the following morning, insert preferential flats in proper sequence.

642 Use of Curtailment Form - PS Form 1571

U.S. Postal Service  
**UNDELIVERED MAIL REPORT**

Delivery Unit \_\_\_\_\_ Route No. \_\_\_\_\_ Date \_\_\_\_\_

TO: Delivery and Collection Superintendent \_\_\_\_\_

The Following Mail Distributed To Me For Delivery Was Left In  
 The Office Or Returned Undelivered

NOTE: Material undelivered by return is not delivered on the  
 same day; the manager should explain the action taken

	Preferential	Other
Letters		
Newspapers		
Magazines		
Paid		
Samples		
Other Pieces		

For Use By Parcel Post Carrier Only

Parcel Post Distributed To Me For Delivery Was Left In The  
 Office Or Returned Undelivered

Sort	Count Pieces

Remarks: (Preferential or ordinary; Report if from another or unsorted  
 Add any other marks or instructions should be made.)

Qty	Sort or Type of Mail	Remarks

Account Manager (Signature)

Manager's Signature	Date
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**WHAT IS A 1571 – UNDELIVERED MAIL REPORT? WHEN IS IT USED?**

Whenever mail that has been distributed to your case is not  
delivered it must be reported.

Complete the top of the form:

- Delivery Unit, Route Number and Date
- Under Preferential and other:
- Record number of pieces or measured inches of mail that is undelivered by category – Letter, Newspapers, magazines, Flats, Samples, or other pieces (could be parcels/SPRs)

**IMPORTANT: Remarks – Reasons for nondelivery!**

Indicate: Regular, T-6 or PTF/CCA then Sign it. Make a copy for yourself-----+-----

From the Material Resource System (MRS)

**M-00413 Step 4**

**October 28, 1983, H1N-5F-C 12482** We agreed to settle this case based on our mutual understanding that forms 1571 and 3996 are to be completed on the day to which they apply.

## Sorting Equipment Rationalization (SER)

The USPS announced an initiative designed to review, evaluate and optimize the utilization of Post Office sortation equipment. Allegedly, benefits from this initiative are to reduce physical footprint, provide a safer work environment, will allow more space for packages and future revenue through space utilization. The Postal service will accomplish this by reducing every assignment down to one piece of equipment.

Handbook provisions branches should keep in mind are:

- ❖ M-41 section 141 Equipment and Supplies reads:
  - “All necessary equipment and supplies required will be furnished by the U.S. Postal Service®”
- ❖ M-41 section 221 **Carrier Cases** reads:
  - “221.11 Small separations (1” or 2” wide) are for letters.”
  - “221.12 Wide separations (approximately 10” wide) are for magazines, papers, and large flats.”
  - “221.41 If possible, letter separations should contain not more than two numbers of deliveries, particularly on motorized routes, so mail can be distributed in the order of delivery. This is done by placing mail for one number at the left side of separation and one at the right side.”
  - “221.42 When necessary to use three numbers per separation, mail for the middle address should protrude from the case in order to sequence without rehandling.”
- ❖ M-39 section 117.2 **Determine Carrier Case Requirements** reads in part:
  - “a. *Case Configurations*. Carrier cases will be six (6) equally spaced shelves for casing letters in a non-DPS environment where either one, two, or modified two-bundle systems are used, and in DPS environments where the composite bundle work method is used. In delivery units where the vertical flat DPS work method is selected by management, carrier cases will be six (6), five (5), or four (4) equally spaced shelves for casing.
  - b. *Two Deliveries Per Separation*. Letter cases should normally have two deliveries per 1 inch separation.
  - c. *Reserve CMU Spaces*. Designate 15 separations, each 1 inch wide, on the right of the bottom Item 124 letter-case shelf or on the bottom of the right wing case for central markup. In offices that have consistently low volumes of undeliverable-as-addressed mail, CMU spaces may be located on the top shelf in the same relative position, uniformly throughout those individual offices.
  - d. *When to Use Wing Cases for Letters*. Do not use wing cases for letters unless the total possible deliveries exceed 420 or the daily-cased letter volume exceeds 2,500 letters and not until all separations in the *Item 124 case have been used*. When a wing case must be used to provide additional letter separations, this wing case (Item 143 or 144) must be placed to the right of the Item 124 letter case.”
- ❖ The M-39 section 117.1.K reads:
  - “k. *Hold Mail*. Instruct the carrier to place hold mail in a central location **only** when space is not available at the carrier’s case.

Management has instructed the AMS department to reduce the cell sizes to two addresses per 1” cell for all Curb and Other delivery and all CBU and Centralized to 1” per Zip +4 or individual box, whichever is smaller.

This initiative also requires local management to “perform carrier consultations”.

If or when management start these consultations please remind carriers of the provisions listed above. Also, carriers should request a written copy of their remarks they give to management.

Should management not consider the carrier’s input and reduce cell sizes in conflict with the carrier’s input, branches should consider the following provisions from Article 5 of the National Agreement which reads (in part):

Article 5 prohibits management taking any unilateral action inconsistent with the terms of the existing agreement or with its obligations under law. Section 8(d) of the National Labor Relations Act prohibits an employer from making unilateral changes in wages, hours or working conditions during the term of a collective bargaining agreement.

# Social Distancing and Face Covering Reinforcement

## BACKGROUND

States and municipalities nationwide are moving through different stages of reopening while other states are re-imposing restrictions where hot spots and new cases are escalating. During this time of transition, it remains important for all employees to follow Centers for Disease Control and Prevention (CDC) protocols to provide the best defense and limit the resurgence of Coronavirus 2019 Disease (COVID-19).

Guidance for appropriate social distancing and use of face coverings is key for the health, safety and well-being of USPS employees and customers, particularly where mandates by states or municipalities may differ from CDC or USPS protocols.

Supply Management continues to procure and distribute products and supplies to support the USPS response to the COVID-19 pandemic. The Topeka Material Distribution Center (MDC) is distributing three new face coverings that are being provided to targeted employee groups as a part of a phased, push distribution strategy.

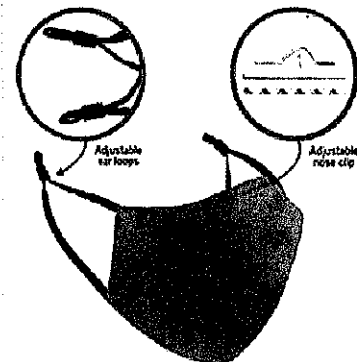
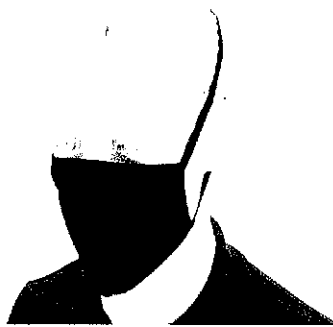
Each of these products have been tested in operations, and reviewed by USPS Safety as well as the CDC. Each has been confirmed effective in limiting the spread of COVID-19. Non-respirator mask type products often include disclaimers as to the level of protection of the product against viruses. Importantly, face coverings are worn to reduce the distance of travel for droplets expelled from the mouth or nose of a positive individual toward others.

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The three products being deployed include the following coverings:

- Blue gaiter, hot-weather lightweight face covering: Distributed and are available for mail carriers, vehicle maintenance facility employees and others who work outside where average temperatures are expected to reach 90 degrees or higher this summer.
- Black cooling mask face coverings: Distributed to mail processing facilities. Targeted to employees who primarily work indoors at more than 275 processing plants.
- Gray adjustable face covering: Designed to be worn indoors or outdoors. Distribution is to every USPS, Postal Inspection Service and Office of Inspector General employee. District deployment is proceeding and will be followed to Area Offices and then Headquarters units.

Each of these face coverings is reusable and designed to be washed and worn again.





## Ordering

The USPS Material Distribution Center in Topeka, KS, is initially automatically distributing these face coverings. District, area and headquarters sites **do not** have to place orders for these three coverings. Supplemental orders can be requested through the District Supplies Coordinators who will fill from their local inventories or request from the Topeka MDC.

## When will the new coverings be received?

The blue hot-weather gaiters and black face coverings are currently being distributed to targeted district offices. District and area offices will also receive the gray masks first, followed by headquarters in Washington, DC, and each headquarters field unit. See chart for details.

<b>New Blue Hot-Weather Gaiter Covering</b> NSN: 8415-18-000-6909	Targeted Carriers and VMF employees	Automatic Distribution from Topeka MDC	Began mid-June 2020	100+ washes
<b>New Black Cooling Mask covering</b> NSN: 6515-18-000-6920	Mail Processing employees	Automatic Distribution from Topeka MDC	Began mid-June 2020	125+ washes
<b>New Gray adjustable cloth covering</b> NSN: 6515-18-000-6919	Area and District employees	Automatic Distribution from Topeka MDC	Began mid-June 2020	140+ washes
<b>New Gray adjustable cloth covering</b> NSN: 6515-18-000-6919	HQ (DC), HQ field units, USPIS, USOIG employees	Automatic Distribution from Topeka MDC	Beginning July 2020	140+ washes
<b>Disposable Surgical face mask</b> NSN: 4240-18-000-2515	HQ, HQ Field Units and USPIS employees	District Supplies Coordinator	Started March 2020	one-time use
<b>Hanes white cloth masks</b> NSN: 6515-18-000-6807	District employees	District Supplies Coordinator	Started April 2020	up to 15 washes

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## Staff Distribution

The gray adjustable coverings are individually packaged with 10 coverings per box and 100 boxes per case for a total of 1,000 coverings per case. Each employee should receive one (1) reusable/washable mask, not one pack per employee. This covering includes adjustable ear straps and nose bridge for a better fit. The coverings are intended for USPS employees only and should not be distributed to contractors or other non-USPS individuals.

The blue gaiter hot-weather covering comes packaged as a pack of two and both should be distributed to employees.

The black cooling mask is individually packaged and distribution is one per employee.

## FAQS

1. Can employees request a choice of the 3 new face coverings?

Not all face covering types are being distributed to every facility. The face coverings were tested for suitability in different environments and working conditions. Supplemental orders will however be fulfilled as inventories are available by requesting through the District Supplies Coordinators who will fill from their local inventories or request from the Topeka MDC.

2. Are instructions provided to the employees on how to clean and care for each mask?

Below are specific care instructions. They will also be posted in the COVID-19 Playbook.

### **Care instructions/Durability with number of washes for cloth face coverings:**

Blue Hot-Weather Gaiter - *Machine washable on cold with mild detergent. Do not use fabric softeners or bleach. Air or line dry. Do not iron. (Good for 100+ washes)*

Black Cooling Mask covering - *Machine wash warm with like colors. Do not bleach. Tumble dry high. Cool iron if needed. (High quality and will withstand 125+ washes)*

Gray adjustable cloth covering - *Machine wash warm with like colors. Do not bleach. Tumble dry low. Cool iron if needed. (Extremely durable and can withstand 140+ washes)*

White cotton masks (HHS – Hanes) - *Machine wash warm up to 15 times before discarding. Tumble dry high. Do not use bleach chemicals or disinfectant to wash this product.*

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3. Can the mask and face coverings protect employees from COVID-19?

Face coverings reduce the distance of travel for droplets expelled from the mouth or nose of a positive individual. These coverings will help protect the people around you. According to the Centers for Disease Control and Prevention, cloth face coverings are most likely to reduce the spread of the coronavirus when they are widely used in public settings.

4. Can employees wear their own personal face coverings?

Yes. Employees are authorized to wear their own personal face coverings.