

# MEMO

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



Mark Judd  
Walt McGregory  
Joe Golonka  
Jackie McGregory  
Cathy Tondreau  
Jim Powell  
Scott Watts  
Michele Szafran  
Gloria Warthen  
Felicia Davis  
Leonard Zawisa  
Kris Shaw  
Mark Owen  
Bryon Hendricks  
Melvin MacDonald  
Darryl Clay  
Symone Coleman  
Yvonne Jackson  
Denise Viola  
Lillian Bogosian  
Chris Biegalski  
Phil Ashford  
Scherrie Lacey  
Dave Reise  
Erik Venzke  
Joshua Nagy  
Shavon Alexander  
Elizabeth Bays  
Valerie Watkins  
Jennifer Rake  
Tamara Bosman  
Diego Forshaw  
Kristie Nelson  
Keith Benedict  
Scott Horn  
Tracy Mitchell  
Nakia Whitfield  
Katrina Jones  
Ananias Epps  
John Hite  
Ramon Robinson  
Tyler Haverstick  
Paul Bordine  
Mike Tredway  
Danita Smith

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.

August 31, 2020

Mr. Fredric V. Rolando  
President  
National Association of Letter  
Carriers, AFL-CIO  
100 Indiana Avenue, NW  
Washington, DC 20001-2144

Re: Q16N-4Q-C 20345187  
Class Action  
Washington, DC 20260-4101

Dear Mr. Rolando:

Recently, we met at the Interpretive Step to discuss the above referenced case. Time limits were extended by mutual consent.

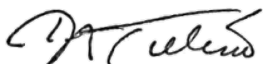
The issue in this case concerns the implementation of a test of the delivery initiative entitled Expedited Street/Afternoon Sortation (ESAS).

After reviewing this matter, we mutually agree to the following:

1. The parties agree that the ESAS pilot test is concluded and terminated as of August 19, 2020.
2. Any future modifications or alternate applications to Expedited Preferential Mail (EPM) Delivery Program, as enumerated in Section 144 of the Handbook M-39, *Management of Delivery Services* and Sections 223, 450, and 924 of the Handbook M-41, *City Delivery Carriers Duties and Responsibilities*, will be subject to discussion through the City Delivery Task Force.

The above-referenced agreement constitutes a full and complete settlement of national grievance Q16N-4Q-C 20345187. Any grievance pending as of the date of this agreement at any step of the Dispute Resolution Process asserting the ESAS delivery initiative violated the collective bargaining agreement will be closed.

This agreement is made without prejudice to the parties' position in this or any other matter and may only be cited to enforce its terms.



Doug A. Tulino  
Vice President, Labor Relations  
U.S. Postal Service



Fredric V. Rolando  
President  
National Association of Letter  
Carriers, AFL-CIO

Date: 8-31-2020

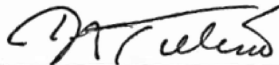
**MEMORANDUM OF UNDERSTANDING  
BETWEEN THE  
UNITED STATES POSTAL SERVICE  
AND THE  
NATIONAL ASSOCIATION OF LETTER CARRIERS, AFL-CIO**

**Re: Annual Leave Carryover for Leave Year 2021**

The parties agree that for leave year 2021, regular work force career employees covered by the USPS-NALC Agreement may carry over 520 hours of accumulated annual leave from leave year 2020 to leave year 2021.

In all other respects, the ELM provisions for payment of accumulated leave are not changed because of this Memorandum.

This MOU will expire December 31, 2021.



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Doug A. Tulino  
Vice President, Labor Relations  
United States Postal Service



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Fredric V. Rolando  
President  
National Association of Letter Carriers , AFL-CIO

September 3, 2020

## **HATCH ACT INFO FOR LETTER CARRIERS**

NALC encourages all members to be engaged in a wide range of political activities to advance the letter carrier agenda. However, it is crucial to remember that all active letter carriers, career and non-career alike, are federal employees, and your political activities are governed by The Hatch Act—including online activities that involve social media (for example, Facebook and Twitter) as well as e-mail.

Until 1993, active letter carriers were barred from taking any significant volunteer role for any political campaigns. The primary sentiment behind the law was to protect federal employees from being strong-armed and intimidated into helping their bosses run for re-election. But as times and campaigns changed, many recognized that federal employees were being wrongfully left out of the political process.

So, in 1993, Congress amended The Hatch Act to allow federal employees to take an active part in political campaigns for federal offices. While there are still some restrictions on what federal employees (including you and your fellow active carriers) can do, there is much greater latitude for letter carrier political participation in campaigns for president, the Senate and the House of Representatives, as well as for state and local elected officials.

### **DO's (while off the clock, out of uniform)**

Active letter carriers may—on their own time, away from work, out of uniform, and without using a postal vehicle:

- Be candidates for public office in non-partisan elections (that is, elections in which none of the candidates are to be nominated or elected are representing a political party).
- Register and vote.
- Sign and circulate candidate nominating petitions and ballot initiative positions.
- Assist in voter-registration drives.
- Speak and write publicly and otherwise express opinions about candidates, ballot measures, and issues.
- Attend political rallies, meetings, and other events.
- Attend fundraisers and contribute money to political organizations and campaigns.
- Volunteer for political campaigns and encourage others to volunteer.
- Participate in phone-banking and precinct-walking for candidates and ballot measures.
- Display bumper stickers, lawn signs, and other campaign paraphernalia.
- Raise money for the Letter Carrier Political Fund from other NALC members. (Note: Letter carriers while detailed to 204b or other higher-level assignments should not solicit contributions to the Letter Carrier Political Fund from postal employees who may be viewed as their subordinates.)
- Volunteer, run for, and hold an office in a local or state political party or club.

### **DON'TS (while on the clock, at the workplace, in uniform, or in a postal vehicle)**

Active letter carriers may not—while on the clock, at the workplace, in a postal uniform or in a postal vehicle—engage in any of the otherwise permissible political activities listed in the “Do’s”

above. For example, while on the clock, at the workplace, in a postal uniform, or in a postal vehicle, you may not:

- Send or forward a partisan political e-mail.
- Wear or display any political or campaign material, even as a computer screensaver or desktop wallpaper.
- Circulate partisan political materials to co-workers.
- Sign up electronically to contribute to the Letter Carrier Political Fund or solicit other letter carriers to contribute.

## **DON'TS (ever)**

Active letter carriers may not—even on their own time, away from work, out of uniform, and without using a postal vehicle:

- Use their official titles or positions when engaging in otherwise permissible activities.
- Raise money for partisan political groups or campaigns (except for the Letter Carrier Political Fund), including phone-banking, letter-writing, selling tickets, hosting a fundraiser, inviting people to attend a fundraiser, or allowing your name to be used in a fundraising appeal.
- Otherwise solicit, receive, or handle contributions for a partisan political group or campaign.
- Run for elective office in partisan (party-label) elections (even if you report "No Party Affiliation").
- Raise money for the Letter Carrier Political Fund from non-NALC members (except from their immediate family members in the same household).

## **ONLINE (general guidelines for social media and e-mail)**

In general, all federal employees may use social media/email and comply with The Hatch Act if they remember the following guidelines:

1. Do not engage in political activity while on duty or in the workplace. (Federal employees are "on duty" when they are in a pay status, other than paid leave, or are representing the government in an official capacity.)
2. Do not engage in political activity in an official capacity at any time.
3. Do not solicit or receive political contributions at any time. (This does NOT include contributions to the Letter Carrier Political Fund solicited from fellow NALC members while off the clock.)

"Political activity" refers to any activity directed at the success or failure of a political party or partisan political group (collectively referred to as "partisan groups"), or candidate in a partisan race.

**Remember:** Retirees, spouses, and family members (including NALC Auxiliary members) are not bound by The Hatch Act.

The U.S. Office of Special Counsel has updated its Hatch Act Social Media and Email Guidance for federal employees. Letter carriers should review this guidance to avoid inadvertent Hatch Act violations. It can be accessed at <https://osc.gov/Pages/Hatch-Act-Social-Media-and-Email-Guidance.aspx>. Visit [www.nalc.org/hatch-act](http://www.nalc.org/hatch-act) for additional information regarding letter carriers and The Hatch Act.

# Mandatory Stand-Up Talk

**Aug. 27, 2020**

## **Families First Coronavirus Response Act leave** **Understanding how leave impacts retirement and TSP deductions**

The Families First Coronavirus Response Act (FFCRA) provided employees with two additional types of leave: Emergency Paid Sick Leave, and Expanded Family and Medical Leave for child care needs. This leave benefit became effective April 1, 2020, and continues through December 31, 2020.

Since the introduction of the new leave types, the Office of Personnel Management has provided official guidance that leave payments under the FFCRA are not eligible for retirement and Thrift Saving Plan (TSP) deductions.

If you took leave under FFCRA, any deductions withheld for TSP or retirement as a result of FFCRA leave will be refunded to you in pay period 20-2020, retroactive to April 1, 2020. Retirement refunds will show on your October 2, 2020, paycheck. These refunds will not impact creditable service time towards retirement eligibility.

If you wish to keep your retirement and TSP contributions, you must change your FFCRA leave to a different leave type. Contact your supervisor to request an adjustment of your FFCRA leave to annual or sick leave. These adjustments must be in line with leave policies, covered by earned leave balances, and be entered in AdjustPay before September 11, 2020, to prevent a refund of retirement and TSP deductions. Employees receiving the TSP refund can increase their TSP election for the remainder of the year. All TSP eligible employees may change their TSP election at any time during the year.

Additional details about the FFCRA and other COVID-19 information can be found on the special COVID-19 pages of our employee websites, *Blue* or *LiteBlue*.

Thank you for listening, and thank you for your professionalism, commitment, and all you do for our customers, your co-workers and the Postal Service. Stay Safe.

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# NALC Fact Sheet

Department of Legislative and Political Affairs — National Association of Letter Carriers, AFL-CIO  
100 Indiana Ave. NW — Washington, DC 20001-2144 — 202-393-4695 — [www.nalc.org](http://www.nalc.org) © NALC

## The 2020 General Election: America Can Count on the U.S. Postal Service

The United States Postal Service, founded in 1775, is one of America's greatest democratic institutions. It has been central to our democracy from the beginning when it served as a disseminator of the Federalist Papers and promoted widespread citizen literacy via the low-cost distribution of newspapers and books. Starting during the Civil War, Americans have used the mail to vote, and the Post Office has been essential to our system of elections ever since.

In the Covid-19 Election of 2020, the Postal Service will be more important than ever when tens of millions of Americans will stay safe by casting ballots distributed by mail. Indeed, at least ten states and jurisdictions (CA, DC, CO, HI, MT, NV, OR, UT, VT and WA) will send all registered voters their ballots by mail this fall, while most other states will permit absentee voting without any "excuse." Further, several of the 15 states that require such an approved excuse to vote by mail have either waived the requirement this year or explicitly authorized "concerns about the Covid-19 pandemic" as a legitimate excuse to vote by mail.

The Postal Service's role in American elections goes far beyond the distribution of mail ballots, however. The 8,500 election boards that oversee and conduct our elections rely on the Postal Service for the entire process. They use it to register voters, certify candidates, provide voter guides, distribute sample ballots, notify citizens of their polling places, and to inform voters of their early voting options. Meanwhile, candidates, parties, civic groups and organizations of all kinds use the Post Office to disseminate information and campaign literature — a function that will take on added importance in a year in which physical canvassing will be difficult.

### USPS has the capacity to deliver

In 2016, 139 million Americans voted in the general election — and nearly one-fourth (32 million) voted on mailed-out ballots. This year, total turnout could surpass 150 million voters and vote by mail volume could double or more. Although millions of Americans drop off their ballots in person (in drop boxes, at polling places or at voting centers), millions also return their ballots by mail. This has raised questions for some about whether the Postal Service has the capacity to deliver such a high volume of ballots this fall. But even if every American voter returned his or her ballot by mail, the Postal Service has more than enough capacity to deliver the extra volume. Consider the facts:

- In 2019, the Postal Service delivered an average of 470 million pieces per day, six days a week — and scaled up to deliver more than 650 million pieces of mail per day during the peak holiday period in December.
- Currently, with the economy depressed by the coronavirus pandemic, USPS is delivering about 350-400 million pieces of mail per day — meaning that it has considerable excess capacity to handle any surge in mail volume.
- There have been neither lay-offs nor any kind of downsizing of our processing or delivery networks during the crisis — barring any adverse decisions by postal management, the Postal Service can meet any increased demand this Fall for political mailings and mail ballots.

The Postal Service affirmed its capability in a statement issued on August 3, 2020: "The Postal Service has ample capacity to adjust our nationwide processing and delivery network to meet projected Election and Political Mail volume, including any additional volume that may result as a response to the COVID-19 pandemic."

Although the recession and the public health crisis have reduced its letter mail revenues and raised its costs for personal protective equipment and other safety measures, the Postal Service has cash reserves that are more than enough to permit uninterrupted services through the election. Meanwhile, Congress is debating proposals to appropriate funds to the Postal Service to help it weather the negative impact of the pandemic.

### USPS election mail protocols

The Postal Service has always given election mail priority treatment, and postal employees have embraced an ironclad commitment to ensure every ballot is delivered safely and securely to voters and returned to election officials.

USPS has [well-established protocols](#) in place for handling election mail. There is a National Election Mail team based in Washington that oversees a network of state and local election mail coordinators who work election boards. They help design mailed ballots, aiming to speed delivery by encouraging the use of Intelligent Mail Barcodes and special visual identifiers that improve mailed ballot visibility in the mail stream. This allows election boards and voters to identify and track ballots and improves the public's confidence in the vote by mail process.



Every election cycle, the USPS distributes an official [Election Mail tool kit](#) to election boards and maintains a special [website](#) for local and state election officials to report Election Mail concerns directly to USPS, allowing a rapid response team to resolve such concerns. It also conducts training for employees that come into contact with election mail and monitors its service performance for election mail, aiming to surpass its normal 96% on-time goal for First Class Mail delivery.

Earlier this year, the Postal Service affirmed its commitment to deliver any mailed ballot back to its destination election board, even if it does not have proper postage. (USPS generally seeks reimbursement from election officials, budgets permitting.)

### **Ballot safety and security**

American voters can have complete confidence in vote by mail, both in how the Postal Service handles ballots and how election boards manage the process.

Within USPS, protecting the sanctity of the mail, regardless of the type of mail, is the highest priority. Tampering with any piece of mail – ballots included – is strictly prohibited. Employees who do so face federal prosecution and risk being fined and/or jailed. Indeed, the USPS polices its commitment to mail security with an internal security workforce, the [Postal Inspection Service](#).

As a result, the Postal Service is among the most trusted companies in America when it comes to [protecting privacy](#) and is by far the public's [favorite agency in the federal government](#), with an approval rating of 91 percent.

Election boards have also developed methods to minimize the possibility of voter fraud with mail ballots. Such fraud is [exceedingly rare](#) according to data compiled by the Heritage Foundation. In most states there are more security checks on mail-in votes than on in-person votes, according to Neal Kelley, the Republican Registrar of Voters in Orange County California. When it comes to ballot security, there is no discernable difference between “mail-in” ballots and “absentee” ballots. Ballots mailed to all registered voters, like those sent to voters who have applied for absentee ballots, are handled with all the same strict security protocols. For more information on how election boards use tried-and-true methods to make vote by mail safe and secure for all American voters, see the attached [FAQ sheet](#) or visit the [National Vote at Home Institute](#) website.

### **Federal action needed**

America's 210,000 city letter carriers and their union are totally committed to performing at the highest level when our country votes this fall. NALC is urging the U.S. Postal Service to create a special joint task force with the postal unions to overcome the unique challenges of serving America's voters and election boards during the current public health crisis. As we did during the primaries this year – when about

half of all votes cast involved mailed out ballots – we intend to meet these challenges.

Of course, the sudden and unplanned shift to the use of absentee voting in response to the Covid-19 crisis did not occur without logistical problems for local election boards and the USPS. In many cases (in Wisconsin, Maryland and Georgia), the surge in demand for absentee ballots overwhelmed under-resourced election boards, causing many such ballots to arrive late or not at all. Some voters were disenfranchised, even as overall turnout increased dramatically. It is imperative that these boards – and, where relevant, the Postal Service – learn from and correct any shortcomings in their operations before the November general election. **But state and local election bodies must have the resources to do so.**

The federal government must act. Congress must provide states the funding they need to make in-person voting safe in November and to expand their election boards' capacity to efficiently and expeditiously process the surge in mail ballots expected this year. The HEROES Act adopted by the House of Representatives in May provided \$3.6 billion for elections support. The Senate should embrace this funding proposal to protect our democracy, and the Trump Administration should approve it. With the loss of local tax revenues hampering state and local government budgets, only the federal government can fill the gap. At a minimum, Congress should take two actions:

- First, the U.S. Treasury should pay for or reimburse all American election boards for the cost of postage for all domestic mail ballots, both outgoing and return postage, using the excellent system we have in place for overseas voters under the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). This would cost no more than \$150 million.
- Second, to promote faith in our democracy and to prevent destructive political polarization, Congress should use its Constitutional authority to regulate the conduct of federal elections to ensure that all votes cast by Election Day are counted. That means that all ballots in the possession of the Postal Service at the end of November 3, 2020 should be counted, regardless of when they are received by election boards. Any funding approved for the 2020 election should mandate this.

### **Conclusion**

The United States is one of the world's greatest and oldest democracies, of which every American can be proud. The peaceful transfer of political power following elections has been a hallmark of our democracy for more than two centuries.

Voters in the United States can count on the Postal Service and its employees to honor that heritage in November. But Congress must do its part too to ensure a smooth 2020 election. The future of our country and the health of our democracy depend on it.