

National Association of Postal Supervisors

God Bless America!



Employee and Labor Relations Manual (ELM)

650 Non-Bargaining Disciplinary, Grievance and Appeal Procedures (Version 55)

The Basics!

Filing an EAS Grievance

ELM 55 - Employee and Labor Relations Manual
March 2024

■ Transmittal Letter	■ 6 Employee Relations
■ Summary of Changes	■ 610 Employee Services
■ How to Use the Summary of Changes	■ 620 Contests
■ 1 Organizational Structures	■ 630 Reserved
■ 110 General Information	■ 640 Employee Claims
■ 120 Structures and Staffing	■ 650 Nonbargaining Disciplinary, Grievance, and Appeal Procedures
■ 130 Organizational Change Criteria	■ 660 Conduct
■ 140 Organizational Change Analysis	■ 670 Diversity, Equal Employment Opportunity, and Prevention of Employment Discrimination
■ 150 Organizational Change	■ 680 Participation in Supervisory and Managerial Organizations
■ 160 Monitoring and Assessment	■ 690 Inventions and Patents

Zoom Into Training!

Presented by Brian J. Wagner
NAPS Past National President



Training Overview

- ELM Version (*Current Version 55, March 2024*)
- NAPS Representation
- ELM 651 Disciplinary and Emergency Procedures
- ELM 652.4 Other Appealable Actions
 - (Grievances for Specific EAS)
- EAS Grievance Process under ELM 650
 - (Step A, B & Area HR Review)
- EAS Grievance Timelines
- EAS Grievance Strategies
- Actual Grievance Case Study



650 Nonbargaining Disciplinary, Grievance, and Appeal Procedures

Emergency Placement in Off-Duty Status

Letters of Warning and Grievances

Who does NAPS Represent?

NAPS MEMBERS!

- Unlike postal unions, NAPS does not represent non-members.
- Sign up newly promoted EAS as soon as possible with NAPS Form 1187.
- Disciplinary Defense Fund (DDF) is available 90-days after an EAS employees joins NAPS, ***unless*** joins within 60-days from being promoted from craft.



650 Nonbargaining Disciplinary, Grievance, and Appeal Procedures

ELM 651 Disciplinary and Emergency Procedures

651.2 Representation

Subject to prohibitions regarding Executive and Administrative Schedule (EAS)/Craft representation, employees have free choice of representation.

Representatives designated by employees, if postal employees and if otherwise in a duty status, are granted a reasonable amount of official time to respond to notices of proposed disciplinary action, to prepare for and represent the employee at a hearing held in accordance with 652.24, and/or to represent an employee who has appealed a letter of warning or emergency placement in a non-duty status in accordance with 652.4. Employees covered under these provisions may request representation during investigative questioning if the employee has a reasonable belief disciplinary action may ensue.



650 Nonbargaining Disciplinary, **Grievance**, and Appeal Procedures

652.4 Other Appealable Actions

ELM 652.41 Coverage

Employees in EAS-17 and below, regardless of length of service, may appeal letters of warning, emergency placement in a nonduty status, **and other matters** not covered by [652.2](#) (Adverse Action) by using the procedures in [652.42](#) through [652.44](#). (Step A, B & Review)

PCES Level I, and EAS-18 and above employees have access to these procedures only to appeal discipline in the nature of a letter of warning and emergency placement in a nonduty status.



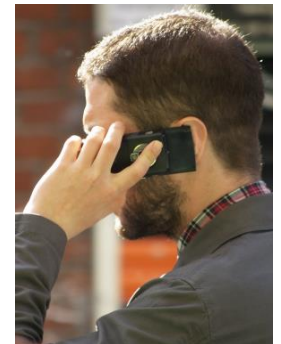
650 Nonbargaining Disciplinary, **Grievance**, and Appeal Procedures

652.4 Other Appealable Actions

What can lead to a respective EAS 17 or below to file a Grievance per ELM **652.4 Other Appealable Actions?** **“Other Matters”**

Violation of USPS Policy, Memo or Management Instructions

- Failure to pay Additional Straight-time Pay (T-Time)
- Involuntary Reassignment
- Instruction to use POV for USPS business
- Annual Leave Requests / EAL / SL / AWOL
- Bullying and Harassment
- Instructions to work outside medical restrictions
- Higher-Level pay denied
- Being “On Call” during Vacation or NSD
- Answering personal phone while on-duty/off-duty or USPS when off-duty



650 Nonbargaining Disciplinary, **Grievance**, and Appeal Procedures

652.4 Other Appealable Actions

What can lead to a respective EAS 17 or below to file a Grievance per ELM **652.4 Other Appealable Actions**?

ELM 665.15 Obedience to Orders

Employees must obey the instructions of their supervisors. If an employee has reason to question the propriety of a supervisor's order, the individual must nevertheless carry out the order and may immediately file a ***protest*** in writing to the official in charge of the installation or may appeal through official channels.





Understand and Adhere to Filing a Timely Grievance

To File an EAS Grievance -- Member should:

- Call NAPS representative immediately!



ELM 651.2 Representation

Subject to prohibitions regarding Executive and Administrative Schedule (EAS)/Craft representation, employees have free choice of representation.

- Have facts (dates/times/issue) available for NAPS Representative to prepare grievance filing.
- Filing an EAS Grievance should be done within 10 calendar days from date of incident or member was made aware USPS leadership was violating postal policy, directive, MI, Memos, etc.
- ***10-calendar days includes weekends & holidays!***



Understand and Adhere to Filing a Timely Grievance

Action by NAPS Representative

- **Verifies NAPS Membership** – DCO or call NAPS HQ
- **Gathers NAPS Member's Information for Grievance**
 - Name, address;
 - non-postal email;
 - personal phone #;
 - USPS Title/Level and Office of domicile.
- **Is aware that grievance is timely**
- **Have NAPS Member sign "Request for Representation & Release Form"**



Employee has free choice of representation
(Per ELM 651.2 Representation)



National Association of Postal Supervisors

Request for Representation & Release Form

I, _____, a dues paying member in good standing with the National Association of Postal Supervisors, Branch _____, request disciplinary representation from NAPS Branch _____.

On (date) _____, 20____, I was issued discipline in the form of a _____

(Letter of Warning--LOW, Letter of Warning in lieu of a seven (7) day suspension, Letter of Warning in lieu of a fourteen (14) day suspension, **adverse action -- removal, suspension of more than 14 days, furlough, or reduction in grade/pay.**)

I understand that NAPS Branch _____ reserves the right to provide representation. I also understand that Branch _____ and their elected officers nor members are not paid employees of the NAPS organization nor are they legally bound to provide representation. I further understand that NAPS Branch _____ and its officers are not lawyers or legal advisors, and I will not hold them legally or financially responsible for the results that transpire from my disciplinary case.

I agree to cooperate fully with my NAPS representative by providing him/her with factual written statements and documentation to support my disciplinary appeal. If during my disciplinary appeal process, I provide my NAPS representative or any USPS official with false written and/or verbal statements or documentation; NAPS Branch _____ may exercise their right to withdraw their representation.

My request for NAPS Branch _____ representation is voluntary and is void of duress. I reserve the right and may (verbally or in written form), at anytime during my appeal process, withdraw my request for representation from NAPS Branch _____

(Signature of NAPS Member)

(Date)

NAPS

“Request for Representation & Release Form”

See NAPS.org
under

Members tab
*Forms & Documents
Section*



National Association of Postal Supervisors

Request for Grievance Representation & Release Form

I, _____, a dues paying member in good standing with the National Association of Postal Supervisors (NAPS) Branch #_____, request representation from said NAPS Branch to assist in filing an EAS Grievance in accordance with ELM 652.4 **Other Appealable Actions**.

On *(date)* _____, 20____, the US Postal Service violated the following USPS policy, USPS Directive, Management Instruction (MI), USPS Memorandum, resulting in personal, administrative or finance harm (briefly describe violation and attach copy of USPS policy, Directive, MI, etc.)

I understand the following:

- My respective NAPS branch reserves the right to provide representation.
- My assigned NAPS Branch representative may be an elected officer or trained advocate who is not a paid employee of the NAPS organization.
- NAPS is not legally bound to provide representation.
- NAPS branch officers or designated advocates/representatives are not lawyers or legal advisors, and will not hold them legally or financially responsible for the results that transpire from filing my requested EAS grievance.

I agree to cooperate fully with my designated NAPS representative and provide him/her with factual written statements and documentation to support my EAS grievance claim. My request for NAPS Branch representation is voluntary and is void of duress. I reserve the right and may *(verbally or in written form)*, at anytime during my appeal process, withdraw my request for representation from my respective NAPS Branch.

(Signature of NAPS member)

(Signature of NAPS Branch Officer)

Printed Name of Member

Printed Name of Branch Officer

(Date)

(Date Received)



Action by NAPS Representative

Member Requests to file an EAS Grievance

Prepare a Written Appeal & Evidence Package within 10-Days

- Get copies of respective USPS policies, USPS Directives, Management Instructions (MI's), USPS Memorandums, etc. that member claims USPS violated.
- Written witness statements
- Signed written statement from member
 - *This is the member's grievance - they need to tell their story.*
- Request information from USPS that substantiates member's grievance
 - TACS Reports, Form 50, PS 3971's, PS 1260's, work schedule, etc.

10-6-2006

I Colleen Allmon hereby swear that on approximately 21st January Rachel Bettridge rang me and during the course of this conversation she admitted to me that she had sent Kate Rose a number of text messages including one that said 'You need a bullet and one that shot that Colleen Allmon'. Rachel Bettridge also told me that Kate Rose had sexually abused her daughter. She told me that she had sent numerous text messages that were intended to harass and offend Kate Rose. She also told me that she had made several phone calls to Kate Rose. Rachel Bettridge also told me that she had made several phone calls to Kate Rose. Rachel Bettridge also told me that she had made several phone calls to Kate Rose. Rachel Bettridge also told me that she had made several phone calls to Kate Rose.

Signed Colleen Allmon





NATIONAL ASSOCIATION OF POSTAL SUPERVISORS

Brian J. Wagner
3917 W. Cedar Hills Drive
Dunlap, IL 61525-9760
Brian4naps@aol.com • 309-253-5353

Office of
NAPS Immediate Past National President

December 11, 2023|

Postmaster Paul
USPS
456 Oak Street
Another City, IL 61633-9998

Subject: NAPS Request for Information for Pending ELM 650 STEP A Appeal

~~Supv.~~ Lee EAS Supervisor, Customer Service (EIN: 1234-5678)
Charge: Absence Without Leave (AWOL) Charge of November 22, 2023

Postmaster Paul,

Per USPS Employee and Labor Relations Manual (ELM), Section 651.2 Representation, I am Mr. ~~Supv.~~ Lee EAS Supervisor's designated National Association of Postal Supervisor (NAPS) Heart of Illinois Branch 255 representative.

Pending a formal ELM 650 STEP A Appeal of the charge of *Absent Without Leave (AWOL)* by the U.S. Postal Service against Mr. ~~Supv.~~ Lee EAS for Wednesday, November 22, 2023, NAPS is requesting the following information to prepare for this respective ELM 650 appeal and respective AWOL charge.

- Copy of the completed PS Form 3971 of ~~Supv.~~ Lee EAS, Supervisor, Customer Service (EIN: 1234-5678) used by the U.S. Postal Service to substantiate its charge of AWOL of Mr. Lee EAS for Wednesday, November 22, 2023.
- Copy of ~~Supv.~~ Lee EAS's current PS Form 3972 as of Monday, December 11, 2023.
- Copy of the USPS *Time and Attendance Collection System (TACS)* entry and/or report confirming the Postal Services' charge of AWOL against Mr. Lee EAS for Wednesday, November 22, 2023.

Please contact me at 309-253-5353 if you have any questions regarding this NAPS request for this information. Thank you for your cooperation.

Respectfully,

Brian J. Wagner

Brian J. Wagner
NAPS Immediate Past National President

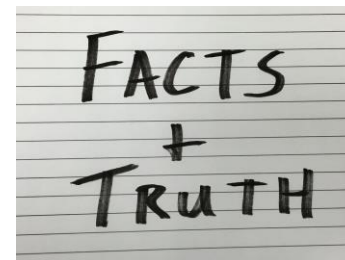
cc: ~~Supv.~~ Lee EAS, Supervisor, Customer Service,
President Heart of IL NAPS Branch 255



Action by NAPS Representative

Prepare a Written Grievance with Evidence . . .

- Only include information pertinent to your case.
- State what postal policy, ELM reference, Management Instruction (MI), Directive, Memo, Rule was violated by USPS.
- State the specifications of who, what, where and when the USPS violation occurred (*dates, names, locations, times, etc.*)
- State how the NAPS member was personally, financially or administratively “Harmed”.
- State resolve NAPS member is seeking from USPS to resolve violation and what will make member “whole”.



650 Nonbargaining Disciplinary, Grievance, and Appeal Procedures

Emergency Placement in Off-Duty Status

Letters of Warning and **Grievances**

652.4 Other Appealable Actions

652.41 Coverage



652.42 Step A (Filing an EAS Grievance)

652.43 Step B (Appeal of USPS Grievance Response)

652.44 Review (Appeal of USPS Grievance Response)



650 Nonbargaining Disciplinary, **Grievance**, and Appeal Procedures

652.4 Other Appealable Actions

ELM 652.41 Coverage

Employees in EAS-17 and below, regardless of length of service, may appeal letters of warning, emergency placement in a nonduty status, **and other matters** not covered by [652.2](#) (Adverse Action) by using the procedures in [652.42](#) through [652.44](#). (Step A, B & Review)

PCES Level I, and EAS-18 and above employees have access to these procedures only to appeal discipline in the nature of a letter of warning and emergency placement in a nonduty status.



652.4 Other Appealable Actions

652.42 Step A

- An employee or representative states the appeal (**Grievance**) in writing to their immediate supervisor (*NAPS Member's Manager*) within 10 calendar days of learning the grievance.
- The employee or representative has the opportunity to discuss the grievance with the Member's boss during this grievance period.
- **NAPS Note:** Try to resolve at lowest level.
- The Manager receiving the member's grievance (*Member's Boss*) gives a written decision within 10 calendar days after receipt of grievance.
- If member does not receive the **STEP A** decision within the 10 calendar days because of extenuating circumstances, the written decision to the grievance must explain the reason(s) for the delay.
- If NAPS member doesn't agree with written **STEP A** decision to resolve the grievance, member may submit a **Step B** appeal.
- **NAPS Note:** Decision to accept Managers' decision to resolve the grievance is **ALWAYS** the NAPS member's choice.



652.4 Other Appealable Actions

652.43 Step B

- A field employee or representative may submit a written appeal to the installation head within **seven (7) calendar days** after receipt of the **Step A** decision to the grievance.
- **Step A** decision is from immediate supervisor (*NAPS Member's Manager*) and should state to whom to make the **Step B** Appeal.
- If the installation head is the immediate supervisor (*NAPS Member's Manager*) The **Step A** grievance appeal is made to the next higher level of management (**Step B**) (*i.e. Postmaster – next H/L is POOM*)
- The **Step B** appeal must include the employee's name, title, grade, location, nature of appeal, and basis for appeal.
- Upon receipt of the grievance appeal, the **Step B** official discusses the appeal with the employee or representative and renders a decision in writing **within 10 calendar days** after receipt of the **Step B** appeal.
- Usually, the Official's **Step B** decision is final. However – One Appeal Left!



652.4 Other Appealable Actions

652.44 Review

- The employee or representative may request a **Review** of the **Step B** grievance decision.
- The request of an employee administratively responsible to the area vice president is directed to the area Human Resources manager.
- The request of a Headquarters, Headquarters field unit, or Inspection Service employee is sent to the vice president of Labor Relations, or designee, with a copy to the **Step B** official, who forwards the file to the reviewing official.
- The request is in writing and gives specific reasons why the employee believes the **Step B** decision should be reviewed.
- The request for review is made **within 15 calendar days** from receipt of the **Step B** decision.
- The reviewing official replies in writing and states the disposition of the employee's request within 60 days. This reply is final.



650 Nonbargaining Disciplinary, **Grievance**, and Appeal Procedures

Example ELM 650 Grievance Appeal

- **August 1:** Grievance filed by NAPS member (within 10 days when aggrieved).
- **August 11:** Member files **STEP A** grievance to Immediate Manager on 10th day.
- **August 21:** On 10th day, Immediate Manager provides written **STEP A** Decision Letter to member. Member disagrees with **STEP A** decision.
- **August 28:** Member files on 7th day a **STEP B** appeal to Installation Head (next higher-level) (Appeal of **STEP A** decision related to grievance)
- **September 7:** On the 10th day, Installation Head (**STEP B** Official) renders written decision to member. Member doesn't agree with **STEP B** decision.
- **September 22:** On the 15th day, member files for an ELM 650 **Review** of the **STEP B** Decision to Area Manager Human Resources or USPS HQ vice president of Labor Relations, or designee.
- **September 23 to November 21:** Reviewing official must reply in writing and state the disposition of the employee's request. This reply is final. **Review** Official has up to 60 days from date of receipt to respond with a final decision.
- Forgoing any agreed upon extensions, it should take no more than **112** days from the date grievance was filed to receive a final ELM 650 **Review** decision.



File a Grievance per ELM 652.4 Other Appealable Actions

JOHN E. POTTER
SENIOR VICE PRESIDENT, OPERATIONS



January 27, 2000

January 27, 2000

USPS Policy for

Additional Straight Time Pay

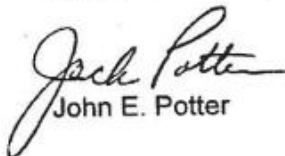
(T-Time)

VICE PRESIDENTS, AREA OPERATIONS
MANAGER, CAPITAL METRO OPERATIONS

SUBJECT: Additional Pay for Supervisors

Under the terms of the current EAS pay package, FLSA special exempt supervisors are eligible for additional straight time pay when authorized to work more than 8.5 hours in a workday and for all authorized hours on a non-scheduled workday. It has come to my attention that certain managers have taken it upon themselves to interpret this provision as authority to change a supervisor's regular tour of duty from 8 to 8.5 hours on a daily basis. This was not the intention of the 1999-2000 EAS pay package and under no circumstances should this practice continue.

When on occasion supervisors perform incidental tasks of short-term duration (30 minutes or less), such time is deemed non-compensable. However, this should not be construed as authority to change a supervisor's schedule by adding 30 minutes to each tour. Please ensure that this clarification is disseminated appropriately to your operations managers.


John E. Potter



April 12, 2012

VICE PRESIDENTS, AREA OPERATIONS

SUBJECT: Payment of FLSA Special Exempt Employees

Employees who are in FLSA special exempt positions are eligible for additional pay as provided in Employee and Labor Relations Manual (ELM) Section 434.144. When these employees work as outlined in ELM 434.144, they are to be compensated in accordance with this Section.

ELM Section 434.144, *Eligible for FLSA-Exempt EAS Additional Pay* provides:

FLSA special exempt employees in EAS-18 positions and below are eligible for EAS additional pay if authorized to work over 8.5 hours on a scheduled day or any hours on a nonscheduled day, even while on a temporary assignment such as to an OIC position. When authorized work exceeds 8.5 hours on a scheduled day, EAS additional pay is received for the first half hour as well as for the authorized work over 8.5 hours. Regular FLSA-exempt employees in EAS-23 positions and below positions except postmasters and officers-in-charge are eligible during the designated Christmas period provided they are authorized to work over 8.5 hours on a scheduled day or any hours on a nonscheduled day and the additional hours are spent directly supervising bargaining unit employees in mail processing or delivery functions.

Please ensure that installation heads are aware of this policy and direct any questions they may have to their district and area managers of Human Resources.


Doug A. Tulino



519.7 Nonbargaining Unit Personal Absence

519.71 Definition

Nonbargaining unit employees' personal absence time is paid time off. It is not charged as annual leave, sick leave, or any other paid leave category. Only FLSA-exempt employees are eligible for such time off.

519.72 Policy

Nonbargaining unit exempt employees are paid on a salary basis. This means that under the FLSA they are not considered to be hourly rate employees. Therefore, partial day absences are paid the same as work time. While exempt employees are expected to work a full day, they may request time off to attend to personal matters during the workday, including time off due to conditions covered by FMLA. If approved, the time off is "personal absence time" and is not charged to annual leave, sick leave, or LWOP.



519.73 Limitations and Exceptions

519.731 Full–Day Absences

Except as provided for in [519.733](#), personal absence time is not authorized for a full–day absence, which must be charged to annual leave, sick leave, or LWOP, as appropriate. An exempt employee who plans to be absent from work for more than a half day on a workday should apply in advance for a full day of annual leave, sick leave, or LWOP, unless the absence is for an FMLA-covered condition.

519.732 Partial–Day Absences

Normally, personal absence time is limited to no more than half an employee’s workday. However, when an unanticipated need for time off occurs after the employee reports to work and the employee is allowed to leave work but is unable to return, the half–day limit does not apply. For example, when an employee gets sick after 2 hours at work and must leave for the remaining 6 hours of the workday, the entire 6 hours is treated as personal absence time. However, managers may disapprove personal leave requests when necessary to carry out their responsibilities to control work hours as set forth in [519.75](#). In this regard, managers may require the use of an appropriate leave category, for example, sick leave in the case of partial–day absences for FMLA–covered conditions.



April 19, 2007

April 19, 2007

Memo referencing EAS
Additional Straight Time Pay
(T-Time)

VICE PRESIDENTS, AREA OPERATIONS

SUBJECT: Compliance with the Fair Labor Standards Act (FLSA)

The Fair Labor Standards Act (FLSA) requires that the Postal Service pay all non-exempt employees overtime wages for work beyond 40 hours in a pay week. Additionally, Postal Service regulations (ELM) and the National Agreements with the postal unions require supplemental pay for both exempt and non-exempt employees in certain circumstances. Every manager and supervisor is responsible for complying with the overtime and supplemental pay requirements set out in the FLSA, ELM, and National Agreements.

Not fulfilling its obligations in this area would expose the Postal Service to legal and administrative sanctions and public discredit. And, perhaps more importantly, it deprives our fellow postal workers of the wages they have earned through their hard work.

Every manager should ensure that he or she, and subordinate managers and supervisors, comply with the overtime and compensation regulations contained in Chapter 4 of the ELM, particularly sections 410 through 440. Particular emphasis should be paid to the requirement that work hours be properly reported.

Upper-level managers are ultimately responsible for their subordinate managers' compliance with all compensation regulations. Therefore, upper-level managers should regularly review their subordinate's compensation practices and records to ensure compliance.


Anthony J. Vegliante



DOUG A. TULINO
Vice President, Labor Relations



April 12, 2012

VICE PRESIDENTS, AREA OPERATIONS

SUBJECT: Payment of FLSA Special Exempt Employees

Employees who are in FLSA special exempt positions are eligible for additional pay as provided in Employee and Labor Relations Manual (ELM) Section 434.144. When these employees work as outlined in ELM 434.144, they are to be compensated in accordance with this Section.

ELM Section 434.144, *Eligible for FLSA-Exempt EAS Additional Pay* provides:

FLSA special exempt employees in EAS-18 positions and below are eligible for EAS additional pay if authorized to work over 8.5 hours on a scheduled day or any hours on a nonscheduled day, even while on a temporary assignment such as to an OIC position. When authorized work exceeds 8.5 hours on a scheduled day, EAS additional pay is received for the first half hour as well as for the authorized work over 8.5 hours. Regular FLSA-exempt employees in EAS-23 positions and below positions except postmasters and officers-in-charge are eligible during the designated Christmas period provided they are authorized to work over 8.5 hours on a scheduled day or any hours on a nonscheduled day and the additional hours are spent directly supervising bargaining unit employees in mail processing or delivery functions.

Please ensure that installation heads are aware of this policy and direct any questions they may have to their district and area managers of Human Resources.

A handwritten signature in black ink, appearing to read "Doug A. Tulino".
Doug A. Tulino

April 12, 2012
USPS Policy for
Additional Straight Time
Pay (T-Time)



JOSHUA D. COLIN, PhD
CHIEF RETAIL AND DELIVERY OFFICER
AND EXECUTIVE VICE PRESIDENT



July 24, 2023

USPS Policy for

Additional Straight Time

Pay (T-Time)

July 24, 2023

OFFICERS

SUBJECT: Supervisor Timecard Administration

The Time and Attendance Collection System (TACS) is the primary application for the collection of Postal Service employee time and attendance data. Supervisors are generally categorized as special exempt employees according to the Fair Labor Standards Act. Special exempt employees do not receive overtime but are eligible for extra straight time pay for extra hours worked.

It is critical that leadership ensures the accuracy of their supervisors' recorded workhours. In addition, all supervisors must adhere to their work schedules and record all hours, to include any extra hours worked.

Please ensure that documentation for timecard adjustments and supervisors working extra time is complete and recorded in TACS appropriately.

Our people are our greatest asset and together we will provide an engaging workplace that supports appropriate pay for actual hours worked.

Thank you for your continued support.

E-SIGNED by Joshua D Colin
on 2023-07-24 16:03:26 CDT

Joshua D. Colin, Ph.D.



EAS T-Time

ELM 434.143 Eligible for FLSA–Exempt EAS Additional Pay

FLSA special exempt employees in EAS–18 positions and below are eligible for EAS additional pay if authorized to work over 8.5 hours on a scheduled day or any hours on a nonscheduled day, even while on a temporary assignment such as to an OIC position. When authorized work exceeds 8.5 hours on a scheduled day, EAS additional pay is received for the first half hour as well as for the authorized work over 8.5 hours. Regular FLSA–exempt employees in EAS–23 positions and below positions except postmasters and officers–in–charge are eligible during the designated Christmas period provided they are authorized to work over 8.5 hours on a scheduled day or any hours on a nonscheduled day and the additional hours are spent directly supervising bargaining unit employees in mail processing or delivery functions.



519.7 Nonbargaining Unit Personal Absence

519.71 Definition

Nonbargaining unit employees' personal absence time is paid time off. It is not charged as annual leave, sick leave, or any other paid leave category. Only FLSA-exempt employees are eligible for such time off.

519.72 Policy

Nonbargaining unit exempt employees are paid on a salary basis. This means that under the FLSA they are not considered to be hourly rate employees. Therefore, partial day absences are paid the same as work time. While exempt employees are expected to work a full day, they may request time off to attend to personal matters during the workday, including time off due to conditions covered by FMLA. If approved, the time off is "personal absence time" and is not charged to annual leave, sick leave, or LWOP.

File a Grievance per ELM 652.4 Other Appealable Actions



MEGAN J. BRENNAN
CHIEF OPERATING OFFICER,
EXECUTIVE VICE PRESIDENT



August 24, 2012

AREA VICE PRESIDENTS

SUBJECT: Temporary Involuntary Reassignments

The presidents of our management associations advise us that use of involuntary reassignments for purposes other than meeting operational or developmental interests is a problem. Postal Service policy concerning this issue has been stated and reaffirmed through several memoranda to the field including the December 20, 2007 memorandum on Involuntary Reassignments.

While temporary involuntary reassignments of nonbargaining employees may be made for training, development, or operational needs, there are practical restrictions regarding the use of such reassignments. Involuntary reassignments are not to be made arbitrarily, nor used as punitive measures to address performance deficiencies. If an involuntary reassignment is to be authorized the following steps must be followed:

- Management must focus on their intended purpose when making such an assignment, and must inform the affected employee of the nature of the assignment, the rationale for the assignment, the intended objective, and the anticipated duration of the assignment.
- The employee must be afforded an opportunity to discuss possible modifications of the assignment, and the employee's input must be considered in making the final determination.
- When possible, sufficient lead time must be provided to minimize disruption to postal operations and the affected employee.
- If the employee chooses, local management association representatives should be advised of the assignment's nature, purpose, and duration.

Again, there is a difference between temporary involuntary reassignments made in order to meet operating, training, or developmental needs, and involuntary reassignments made for punitive or arbitrary reasons. The latter are inappropriate. If management perceives that action is needed in order to address unsatisfactory performance then corrective action should be taken in a manner compliant with applicable rules and regulations.

Adherence to these guidelines is necessary as we work to carry out the mission of the Postal Service as efficiently and effectively as possible with due respect for the interests of our nonbargaining employees.

Your usual cooperation and support is appreciated.


Megan J. Brennan

475 L Street, Suite 200
Washington, DC 20002-0001
www.naps.com



August 24, 2012 USPS Policy on Temporary Involuntary Reassignments

- Temporary – Not permanent
- Not done weekly or randomly
- Must have an intended purpose, like training
- Time limit: 2-weeks - 30 or 90 days?
- Sufficient lead time should be given of temp assignment
- EAS given opportunity to discuss possible modifications.
- NAPS should be advised of temp assignment.
- Temp assignment should be in writing and PS Form 1723 completed.

File a Grievance per ELM 652.4 Other Appealable Actions



August 31, 2015

AREA VICE PRESIDENTS

SUBJECT: Temporary Involuntary Reassignments


There are times when operational needs require temporary involuntary reassignments. While there has been previous guidance issued on this subject, the National Association of Postal Supervisors (NAPS) at the national level has brought to our attention that temporary involuntary reassignments of nonbargaining employees are being used for purposes other than meeting operational or developmental needs.

While temporary involuntary reassignments may be made for training or developmental needs, or to meet operating requirements, there are practical limiting factors regarding such reassignments. These reassignments are not to be made arbitrarily and they are not to be used as punitive measures to address performance deficiencies. Local management should address unsatisfactory or deficient work performance through other more appropriate courses of action such as additional coaching and training, performance improvement plans, or corrective disciplinary action. Follow these guidelines in making temporary involuntary reassignments:

- Management determines the purpose of the reassignment and informs the affected employee of reason for, the objective of, and the anticipated duration of the reassignment.
- Give the employee an opportunity to discuss possible modification of the assignment and consider the employee's input in making the final decision.
- When possible, provide sufficient lead time to minimize disruption of postal operations and for affected employees.
- If the affected employee chooses, the employee's local management association representative should be advised of the reason for, purpose, and anticipated duration of the reassignment.

While there is no absolute guarantee that work schedules of supervisory/managerial employees will not change, schedule changes due to temporary involuntary reassignments will be made in accordance with the above guidelines.

Adherence to these guidelines concerning temporary involuntary reassignments will respect the interests of nonbargaining employees as the Postal Service carries out its mission efficiently and effectively.


David E. Williams

Updated USPS Temporary Involuntary Reassignment Memo August 31, 2015

- If Involuntary Reassignment becomes extended or is made permanent, contact NAPS representative to file a grievance per **ELM 652.4 Other Appealable Actions**
- Permanent Involuntary Reassignments from original EAS position **MUST** be based on Operational Needs. (i.e., change in carrier start times, expanded retail hours, etc.)





March 12, 2004

VALERIE MARTIN

SUBJECT: Supervisors' Use of Personal Vehicles While on Duty

You requested advice concerning whether the Postal Service can require supervisors to use their own vehicle while conducting street observations.

Short Answer:

The Postal Service should not force or require supervisors to use their own vehicle to perform their job responsibilities, such as street observations or route inspections.

Discussion:

There are various laws and regulations that govern the different situations that may occur during a period when Postal employees are driving their personally owned vehicle in furtherance of their job duties. Those are explained below.

Damage to other parties and their property:

If Postal employees are involved in an automobile accident while driving their own vehicle in an on-duty status, they are covered by a statute that protects them from personal liability for their actions. This means that the Postal Service will pay for any damages to other parties which are attributable to the employee's wrongful or negligent conduct, provided that the employee was acting within the scope of his or her employment. If found liable, the Postal Service will pay for damages to the other vehicle, personal property, and personal injuries suffered by the other parties.

Use of Personal Vehicle While on USPS Duty

- EAS may not be required, directed or mandated by USPS management to use their personally owned vehicle (POV) to do USPS work.
- Use of POV for USPS business is voluntary for EAS.

File a Grievance per ELM 652.4 Other Appealable Actions





Personal injuries of our employee:

If our employees are injured in the accident, they will be entitled to Office of Workers' Compensation Program benefits under the Federal Employees Compensation Act, regardless of fault, provided that they were acting within the scope of their employment.

475 L'ENFANT PLAZA SW
WASHINGTON DC 20280-1150
(202) 268-6290
FAX: (202) 268-4967

Use of Personal Vehicle While on USPS Duty

- Only if on EAS job description/posting can employee be required to use POV. No retroactive to job posting to require POV use.

Damage to the Postal employee's personal vehicle:

The Postal Service will not pay for any damages to the Postal employee's vehicle¹ (even if the employee is not at fault), nor will it pay for any increase in premiums that an insurance company may charge an employee as a result of the employee's use of a personal vehicle in performance of his or her employment.

The rationale for this policy is that compensation provided to supervisors for the use of their own vehicle, whether through basic mileage payments or a standard drive out agreement, is intended to cover all associated expenses including gas, wear and tear on the vehicle, insurance for the vehicle, etc. If employees cause damage to their own vehicle, it is expected that their insurance, or the employees themselves if they have no collision coverage, will cover that damage. If a third party causes damage to the employee's vehicle, it is expected that the employee will pursue recovery, likely with the aid of their own insurance company, from the third party.

Supervisors' obligation to provide a personal vehicle:

While the Postal Service may require employees who are contractually obligated to use their personal vehicle (e.g., rural carriers) in order to perform their job duties, the Postal Service cannot require the same of supervisors since they do not have such contractual obligations. The reason for this distinction is that using their personal vehicle is not part of the supervisors' current job requirements and was never a term or condition of accepting a position as a supervisor. They are required to get to the job site by their own means, like a personal vehicle, but we have never issued anything that requires them to use the vehicle once they arrive. For example, if supervisors have to report to different sites everyday, we can require them to report to those sites. However, if they report to one site, we cannot then require them to use their vehicle to move from site to site during the day.

In the event management believes that it is important to be able to require supervisory employees to use their personal vehicle, a possible course of action would be to amend the job requirements for supervisors to require the use of a personal vehicle for route inspections, street observations, etc., on an "as-needed" basis. This requirement would become a term and condition of employment for an employee seeking the supervisory position. Employees interested in becoming a

supervisor would be on clear notice that if they accept a supervisory position, they could be required to use their personal vehicle for route inspections/street observations, as needed. Of course, this requirement would not apply retroactively to current supervisors because, as previously stated above, it is not part of their job requirements, and was not a term and condition of them accepting the supervisory position.

Use of Personal Vehicle While on USPS Duty

- NAPS recommendation is that EAS not use POV to do USPS work, including the carrying of mail, transport of mail or employees.
- Always request the USPS provide Admin vehicle to perform USPS duties. If only postal vehicle available is carrier LLV or similar postal vehicle, for safety reasons, request vehicle/driver's training before operating respective USPS vehicle.
- If volunteering to use POV, document and submit reimbursement for miles driven to perform USPS duties.
- MI EAS Privately Owned Vehicle (POV) Program June 1, 2015 (Voluntary)





File a Grievance per ELM 652.4 Other Appealable Actions

DEWITT O. HARRIS
VICE PRESIDENT
EMPLOYEE RESOURCE MANAGEMENT



June 24, 2002

June 24, 2002

Policy for Approving EAS Leave Requests

MANAGERS, HUMAN RESOURCES (AREA)

SUBJECT: Advance Leave Requests

National Association of Postal Supervisors President Vice Palladino has again expressed concern with unreasonable delays in processing leave requests submitted by supervisors. If this is happening in your Area, we would appreciate your working with the operations managers to ensure that requests are handled in a timely manner. In instances where possible, please return the approved or disapproved PS Form 3971, *Request for or Notification of Absence*, to the supervisor **within three business days.**

DeWitt O. Harris

cc: Ms. Medvidovich
Mr. Vegliante
Mr. Paiva

Your EAS Right to Leave Requests

ELM 512.62 Nonbargaining Unit Employees Vacation

Planning states:

Vacation leave is granted to nonbargaining unit employees when their services can be best spared. Postmasters and other responsible officials must schedule leave so that:

- a. Employees do not forfeit leave; and*
- b. Postal operations are not impaired.*

NOTE:

EAS Annual Leave Carryover - 640 hours

Annual Leave Exchange (ALE) program - 168 hours max.



File a Grievance per ELM 652.4 Other Appealable Actions



ELM 417.12 Pay Schedule and Premiums

- The salary of a career employee who is temporarily assigned to an EAS position is based on the career EAS schedule. However, employees continue to receive pay premiums applicable to their permanently assigned positions while temporarily assigned to EAS positions.
- An FLSA-exempt employee who has been temporarily assigned to perform in an FLSA-nonexempt work position for more than 50 percent of the work hours for the week may be eligible for FLSA overtime for hours actually worked over 40 in that FLSA workweek. (See **417.2** for determination of the FLSA status of an employee temporarily assigned to an EAS position.)

File a Grievance per ELM 652.4 Other Appealable Actions



SIMON M. STOREY
VICE PRESIDENT, HUMAN RESOURCES



File a Grievance per ELM 652.4 Other Appealable Actions

November 19, 2021

OFFICERS
DIRECTORS, HUMAN RESOURCES (FIELD)

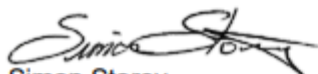
SUBJECT: Non-bargaining Employee Selection and Release

The purpose of this memorandum is to reiterate current policy surrounding the timely release of non-bargaining employees selected to a new position. Employees selected for promotion are to be released from their current positions without undue delay, and in accordance with the policies found in Section 351.53 (d) of the Employee and Labor Relations Manual.

Promptly releasing selected employees to their new positions is of utmost importance and every effort should be made to do so no later than two (2) weeks, one pay period, from the date of selection. In the event of unusual circumstances, four (4) weeks is the maximum allowed timeframe the employee should be held back, and is considered an exception, not the rule. Additionally, every effort must be made to communicate mutually agreeable release dates between the gaining and losing managers, upon the employee's selection.

All Human Resources personnel assigned selection responsibilities are accountable for ensuring compliance with Postal Service policies surrounding the timely release of non-bargaining employees selected to new positions.

If you have questions, please contact Joseph R. Bruce, Senior Director, National Human Resources at joseph.r.bruce@usps.gov.


Simon Storey



Important Other USPS Policies and EAS Rights to Know

- You are NOT required to use your personal cell phone for USPS business.
- You can't be directed to answer your personal cell phone or postal phone on NSD or while on leave.
- There is no **“Being On Call”** on your NSD or after work.
- 120 Day Rule on Higher Level in Vacant EAS position still applies. There is an Exception.
- Enterprise Leave Request Application (eLRA) for (EAS). Not required to make a 2nd contact to manager to report absence. Second notice is a courtesy call.



File a Grievance per ELM 652.4 Other Appealable Actions



Example: EAL Grievance & Appeal

Case: Disapproved Emergency Annual Leave (EAL)

652.4 Other Appealable Actions

- **652.42 Step A (Filing an EAS Grievance)**
- **652.43 Step B (Appeal of USPS Grievance Response)**
- **652.44 Review (Appeal of USPS Grievance Response)**





NATIONAL ASSOCIATION OF POSTAL SUPERVISORS

Brian J. Wagner
3917 W. Cedar Hills Drive
Dunlap, IL 61525-9760
Brian4naps@aol.com • 309-253-5353

Office of
NAPS Immediate Past National President

December 11, 2023|

Postmaster Paul
USPS
456 Oak Street
Another City, IL 61633-9998

Subject: NAPS Request for Information for Pending ELM 650 STEP A Appeal

~~Supv.~~ Lee EAS Supervisor, Customer Service (EIN: 1234-5678)
Charge: Absence Without Leave (AWOL) Charge of November 22, 2023

Postmaster Paul,

Per USPS Employee and Labor Relations Manual (ELM), Section 651.2 Representation, I am Mr. ~~Supv.~~ Lee EAS Supervisor's designated National Association of Postal Supervisor (NAPS) Heart of Illinois Branch 255 representative.

Pending a formal ELM 650 STEP A Appeal of the charge of *Absent Without Leave (AWOL)* by the U.S. Postal Service against Mr. ~~Supv.~~ Lee EAS for Wednesday, November 22, 2023, NAPS is requesting the following information to prepare for this respective ELM 650 appeal and respective AWOL charge.

- Copy of the completed PS Form 3971 of ~~Supv.~~ Lee EAS, Supervisor, Customer Service (EIN: 1234-5678) used by the U.S. Postal Service to substantiate its charge of AWOL of Mr. Lee EAS for Wednesday, November 22, 2023.
- Copy of ~~Supv.~~ Lee EAS's current PS Form 3972 as of Monday, December 11, 2023.
- Copy of the USPS *Time and Attendance Collection System (TACS)* entry and/or report confirming the Postal Services' charge of AWOL against Mr. Lee EAS for Wednesday, November 22, 2023.

Please contact me at 309-253-5353 if you have any questions regarding this NAPS request for this information. Thank you for your cooperation.

Respectfully,

Brian J. Wagner

Brian J. Wagner
NAPS Immediate Past National President

cc: ~~Supv.~~ Lee EAS, Supervisor, Customer Service,
President Heart of IL NAPS Branch 255





NATIONAL ASSOCIATION OF POSTAL SUPERVISORS

Brian J. Wagner
3917 W. Cedar Hills Drive
Dunlap, IL 61525-9760
Brian4naps@aol.com * 309-253-5353

*Office of
NAPS Immediate Past National President*

December 1, 2023

COPY of NAPS Initial STEP A Appeal

Postmaster Paul
USPS
456 Oak Street
Another City, IL 63633-9998

Subject: ELM 652.42 Step A Appeal

SUPV Lee EAS, Supervisor, Customer Service, EAS-17 (EIN: 1234-5678)
Appeal of "Disapproved" Emergency Annual Leave Request, November 22, 2023

Postmaster Paul:

Per USPS ELM 53 - Employee and Labor Relations Manual (ELM) 651.2 Representation, I am SUPV Lee EAS's designated National Association of Postal Supervisor (NAPS) Heart of Illinois Branch 255 representative.

On behalf of SUPV EAS, as his designated NAPS representative, per ELM 652.41, I am filing this grievance to officially appeal the disapproval of his PS Form 3971 (See Exhibit A) request for emergency annual leave for Wednesday, November 22, 2023. Per our telephone conversation on Wednesday, November 29, 2023 at approximately 9:23 a.m., you confirmed verbally to me you were charging SUPV EAS *Absent Without Leave* (AWOL) for Wednesday, November 22, 2023.

NAPS notes that postal pay period 25 for 2023 (PP25 23) is still active at the time of this appeal. Postal PP25_23, includes Wednesday, November 22, 2023, the day SUPV EAS requested emergency annual leave. This respective postal pay period ends on Friday, December 1, 2023. Therefore, the charge of AWOL against SUPV EAS has yet to be confirmed by NAPS or SUPV EAS. Therefore, NAPS current appeal is for the "disapproved" PS Form 3971 as referenced previously. However, if it is confirmed by SUPV EAS's December 8, 2023 postal paycheck that he was actually charged with AWOL for November 22, 2023, NAPS will submit a second grievance, appealing the AWOL charge and SUPV EAS's loss of eight (8) hours pay.

For the Record

Representing supervisors, managers and postmasters in the United States Postal Service

SUPV Lee EAS STEP B Appeal - Disapproved EAL





asked if he could instead have Tuesday, November 21, 2023, as his non-scheduled day-off so he could reschedule this very important roof repair. You agreed to the non-scheduled day change since you claimed the supervisor with COVID-19 was returning to work on Tuesday, November 21, 2023. All seemed right with scheduling for both the Another City IL Post Office and SUPV EAS.

On SUPV EAS's modified non-scheduled day (Tuesday, November 21, 2023), his roofing contractor experienced an unfortunate business emergency. The respective contractor notified SUPV EAS late Tuesday afternoon that his company would need to cancel his roof repair for that day and re-schedule for Wednesday, November 22, 2023 (*See Exhibit C email statement from iRestore STL Storm Damage Micheal Peoples*)

Based on the roofing contractor's timetable to repair SUPV EAS's damaged roof, EAS considered the immediate safety and health of him and his family an emergency. Therefore, he deemed this an emergency situation to have his roof repaired before severe winter weather occurred in order to protect himself and his family. Rather than wait for an unspecified time in the future to again reschedule and further delay these important health and safety repair delays with winter weather approaching, as he deemed the situation an emergency and elected to have his roof repaired on Wednesday, November 22, 2023. SUPV EAS's second rescheduled roof repair was actually completed on Thursday, November 23, 2023 (Thanksgiving), further disrupting an already stressful week for SUPV EAS and his family.

On the afternoon of Tuesday, November 21, 2023, SUPV EAS contacted the USPS via the Enterprise Leave Request Application (eLRA) to request unscheduled emergency annual leave for Wednesday, November 22, 2023. SUPV EAS followed USPS procedures per *ELM 512.412 Authorizing Annual Leave, Emergencies*.

Prior to requesting emergency annual leave via the USPS eLRA system, as a courtesy SUPV EAS notified you, Postmaster Paul, via text about his emergency situation. Rather than be concerned for SUPV EAS's personal emergency, safety and health of him and his family, you disregarded his emergency. Your respective text response to SUPV EAS, during his emergency, was that you expected him to report to work on Wednesday, November 22, 2023 or be charged with AWOL. Such an expectation cannot overrule a person having an emergency, where their health and safety are at risk. First and foremost, the protection SUPV EAS's family's health and safety and his own was most important to him on November 21, 2023. Thus, the reason SUPV EAS required emergency annual leave for Wednesday, November 22, 2023.

It should be noted that an Illinois-Midwest winter can bring extremely cold temperatures, heavy ice and snowfall. SUPV EAS made an emergency decision to have the contractor immediately repair his roof on Wednesday November 22, 2023. That decision required



SUPV EAS to call in for emergency annual leave and stay home on Wednesday, November 22, 2023 to attend to his emergency situation.

Due to the ongoing stress SUPV EAS was under as a result of his current emergency situation, he was concerned that his first eLRA request on Tuesday, November 21 did not go through properly. Therefore, he contacted eLRA again at 1:58 a.m. on Wednesday, November 22, 2023 to request emergency annual leave.

On his return to work, SUPV EAS completed a PS Form 3971 for the requested day of Emergency Annual Leave for November 22, 2023, and submitted the respective form to Postmaster Paul's office for approval. (*Exhibit A*)

On Tuesday, November 28, 2023, Postmaster Paul returned SUPV EAS's respective PS Form 3917 to him as "*disapproved*", without providing a valid reason for the disapproval. (*see Exhibit A*)

As of USPS PP24 FY23, SUPV EAS has sufficient annual and sick leave to cover his November 22, 2023 request for his emergency annual leave. (See Exhibit B)

NAPS Perspective

It's apparent that communication between SUPV EAS and the Postal Service could have been handled better by both parties regarding SUPV EAS's emergency situation. However, poor communication between parties does not negate an emergency, only amplifies it.

Postal leadership should be reaching out to respective employees to provide support, coaching and mentoring, per *ELM 652 651.3 Nondisciplinary Corrective Measures*, during personal emergencies rather take action that is perceived to be punitive, rather than corrective in nature. In SUPV EAS's case, he was handling a personal emergency. As such, he is now being punished by the USPS by having his emergency annual leave request disapproved, resulting in a pending charge of AWOL.

Resolution

To resolve SUPV SUPV Lee EAS's grievance against the U.S. Postal Service for the "disapproval" of his emergency annual leave for Wednesday, November 22, 2023 and to further move this matter in a direction to help build and improve the communication and the morale of all EAS employees in the Another City IL Post Office, NAPS is requesting the following resolution to this this respective SUPV EAS's grievance and appeal.

- Any pending charge of *Absent Without Leave (AWOL)* for Wednesday, November 22, 2023 be withdrawn.

- SUPV EAS be charged for unscheduled emergency annual leave for November 22, 2023. Said unscheduled absence be properly approved, recorded on a new PS Form 3971, and further documented on SUPV EAS's PS Form 3972 and in the USPS TACS.
- The Another City IL Post Office will ensure SUPV EAS is properly paid for his approved unscheduled emergency annual leave absence on November 22, 2023.

I appreciate your consideration to the above. Please contact me at 309-253-5353 to discuss NAPS' proposed resolution to this grievance or you may mail or email your final decision to my attention. I await your decision.

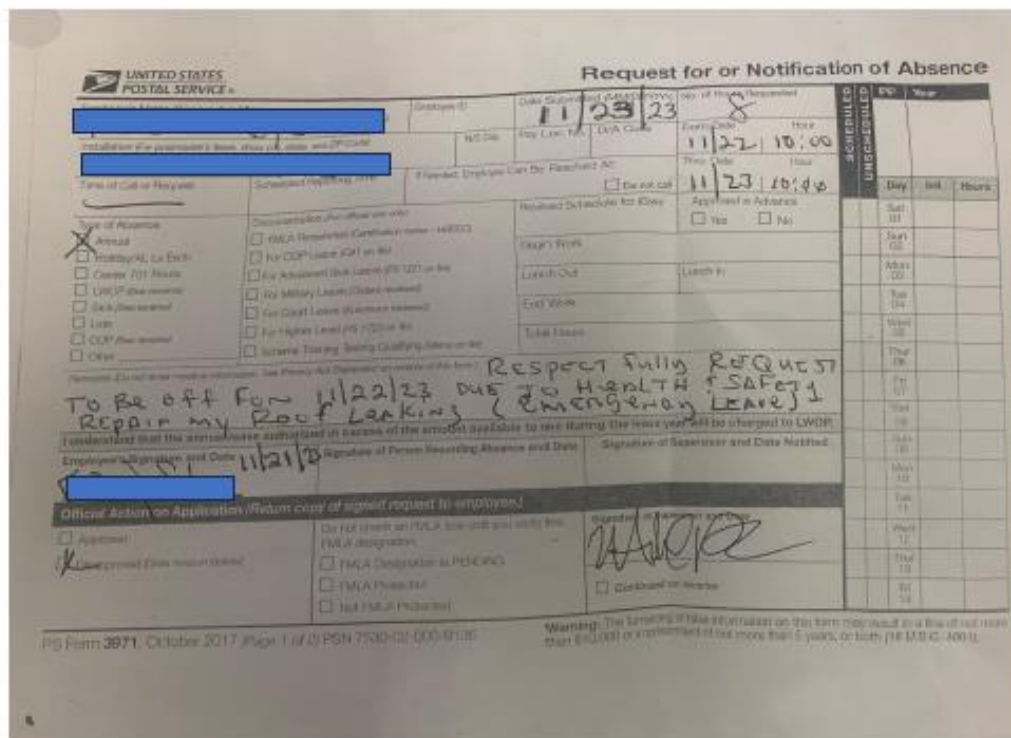
Best regards,

Brian J. Wagner

Brian J. Wagner
NAPS Immediate Past National President
Heart of Illinois NAPS Branch 255

cc: SUPV Lee EAS, Supervisor, Customer Service, Another City IL Post Office
President Heart of IL NAPS Branch 255







NATIONAL ASSOCIATION OF POSTAL SUPERVISORS

Brian J. Wagner
3917 W. Cedar Hills Drive
Dunlap, IL 61525-9760
Brian4naps@aol.com * 309-253-5353

SUPV Lee EAS Appeal
NAPS Exhibit B

DATE		TIME		LOCATION		REMARKS	
1	10/27/2023	08:00	08:00	1000	1000	1000	1000
2	10/27/2023	08:00	08:00	1000	1000	1000	1000
3	10/27/2023	08:00	08:00	1000	1000	1000	1000
4	10/27/2023	08:00	08:00	1000	1000	1000	1000
5	10/27/2023	08:00	08:00	1000	1000	1000	1000
6	10/27/2023	08:00	08:00	1000	1000	1000	1000
7	10/27/2023	08:00	08:00	1000	1000	1000	1000
8	10/27/2023	08:00	08:00	1000	1000	1000	1000
9	10/27/2023	08:00	08:00	1000	1000	1000	1000
10	10/27/2023	08:00	08:00	1000	1000	1000	1000
11	10/27/2023	08:00	08:00	1000	1000	1000	1000
12	10/27/2023	08:00	08:00	1000	1000	1000	1000
13	10/27/2023	08:00	08:00	1000	1000	1000	1000
14	10/27/2023	08:00	08:00	1000	1000	1000	1000
15	10/27/2023	08:00	08:00	1000	1000	1000	1000
16	10/27/2023	08:00	08:00	1000	1000	1000	1000
17	10/27/2023	08:00	08:00	1000	1000	1000	1000
18	10/27/2023	08:00	08:00	1000	1000	1000	1000
19	10/27/2023	08:00	08:00	1000	1000	1000	1000
20	10/27/2023	08:00	08:00	1000	1000	1000	1000
21	10/27/2023	08:00	08:00	1000	1000	1000	1000
22	10/27/2023	08:00	08:00	1000	1000	1000	1000
23	10/27/2023	08:00	08:00	1000	1000	1000	1000
24	10/27/2023	08:00	08:00	1000	1000	1000	1000
25	10/27/2023	08:00	08:00	1000	1000	1000	1000
26	10/27/2023	08:00	08:00	1000	1000	1000	1000
27	10/27/2023	08:00	08:00	1000	1000	1000	1000
28	10/27/2023	08:00	08:00	1000	1000	1000	1000
29	10/27/2023	08:00	08:00	1000	1000	1000	1000
30	10/27/2023	08:00	08:00	1000	1000	1000	1000
31	10/27/2023	08:00	08:00	1000	1000	1000	1000
32	10/27/2023	08:00	08:00	1000	1000	1000	1000
33	10/27/2023	08:00	08:00	1000	1000	1000	1000
34	10/27/2023	08:00	08:00	1000	1000	1000	1000
35	10/27/2023	08:00	08:00	1000	1000	1000	1000
36	10/27/2023	08:00	08:00	1000	1000	1000	1000
37	10/27/2023	08:00	08:00	1000	1000	1000	1000
38	10/27/2023	08:00	08:00	1000	1000	1000	1000
39	10/27/2023	08:00	08:00	1000	1000	1000	1000
40	10/27/2023	08:00	08:00	1000	1000	1000	1000
41	10/27/2023	08:00	08:00	1000	1000	1000	1000
42	10/27/2023	08:00	08:00	1000	1000	1000	1000
43	10/27/2023	08:00	08:00	1000	1000	1000	1000
44	10/27/2023	08:00	08:00	1000	1000	1000	1000
45	10/27/2023	08:00	08:00	1000	1000	1000	1000
46	10/27/2023	08:00	08:00	1000	1000	1000	1000
47	10/27/2023	08:00	08:00	1000	1000	1000	1000
48	10/27/2023	08:00	08:00	1000	1000	1000	1000
49	10/27/2023	08:00	08:00	1000	1000	1000	1000
50	10/27/2023	08:00	08:00	1000	1000	1000	1000
51	10/27/2023	08:00	08:00	1000	1000	1000	1000
52	10/27/2023	08:00	08:00	1000	1000	1000	1000
53	10/27/2023	08:00	08:00	1000	1000	1000	1000
54	10/27/2023	08:00	08:00	1000	1000	1000	1000
55	10/27/2023	08:00	08:00	1000	1000	1000	1000
56	10/27/2023	08:00	08:00	1000	1000	1000	1000
57	10/27/2023	08:00	08:00	1000	1000	1000	1000
58	10/27/2023	08:00	08:00	1000	1000	1000	1000
59	10/27/2023	08:00	08:00	1000	1000	1000	1000
60	10/27/2023	08:00	08:00	1000	1000	1000	1000
61	10/27/2023	08:00	08:00	1000	1000	1000	1000
62	10/27/2023	08:00	08:00	1000	1000	1000	1000
63	10/27/2023	08:00	08:00	1000	1000	1000	1000
64	10/27/2023	08:00	08:00	1000	1000	1000	1000
65	10/27/2023	08:00	08:00	1000	1000	1000	1000
66	10/27/2023	08:00	08:00	1000	1000	1000	1000
67	10/27/2023	08:00	08:00	1000	1000	1000	1000
68	10/27/2023	08:00	08:00	1000	1000	1000	1000
69	10/27/2023	08:00	08:00	1000	1000	1000	1000
70	10/27/2023	08:00	08:00	1000	1000	1000	1000
71	10/27/2023	08:00	08:00	1000	1000	1000	1000
72	10/27/2023	08:00	08:00	1000	1000	1000	1000
73	10/27/2023	08:00	08:00	1000	1000	1000	1000
74	10/27/2023	08:00	08:00	1000	1000	1000	1000
75	10/27/2023	08:00	08:00	1000	1000	1000	1000
76	10/27/2023	08:00	08:00	1000	1000	1000	1000
77	10/27/2023	08:00	08:00	1000	1000	1000	1000
78	10/27/2023	08:00	08:00	1000	1000	1000	1000
79	10/27/2023	08:00	08:00	1000	1000	1000	1000
80	10/27/2023	08:00	08:00	1000	1000	1000	1000
81	10/27/2023	08:00	08:00	1000	1000	1000	1000
82	10/27/2023	08:00	08:00	1000	1000	1000	1000
83	10/27/2023	08:00	08:00	1000	1000	1000	1000
84	10/27/2023	08:00	08:00	1000	1000	1000	1000
85	10/27/2023	08:00	08:00	1000	1000	1000	1000
86	10/27/2023	08:00	08:00	1000	1000	1000	1000
87	10/27/2023	08:00	08:00	1000	1000	1000	1000
88	10/27/2023	08:00	08:00	1000	1000	1000	1000
89	10/27/2023	08:00	08:00	1000	1000	1000	1000
90	10/27/2023	08:00	08:00	1000	1000	1000	1000
91	10/27/2023	08:00	08:00	1000	1000	1000	1000
92	10/27/2023	08:00	08:00	1000	1000	1000	1000
93	10/27/2023	08:00	08:00	1000	1000	1000	1000
94	10/27/2023	08:00	08:00	1000	1000	1000	1000
95	10/27/2023	08:00	08:00	1000	1000	1000	1000
96	10/27/2023	08:00	08:00	1000	1000	1000	1000
97	10/27/2023	08:00	08:00	1000	1000	1000	1000
98	10/27/2023	08:00	08:00	1000	1000	1000	1000
99	10/27/2023	08:00	08:00	1000	1000	1000	1000
100	10/27/2023	08:00	08:00	1000	1000	1000	1000

000		EMPLOYER NAME		EMPLOYER TAX		PAY PERIOD		GENERAL NUMBER	
PAYROLL		EMPLOYER NO.		EMPLOYER TAX NO.		PAY PERIOD		GENERAL NUMBER	
DATE		DATE		DATE		DATE		DATE	
2	17	822	2	090	1	212	8,579	8,579	8,579
2	17	822	2	090	W	5000	158,100	158,100	158,100
2	17	822	2	090	N	719	2,251	2,251	2,251
2	17	822	2	090	I	225	8,614	8,614	8,614
2	17	822	2	090	N	2509	9,869	9,869	9,869
2	17	822	2	090	N	525	1,656	1,656	1,656
2	17	822	2	090	N	800	3,162	3,162	3,162
INSURANCE INCOME		692							
NET PAY		2037.06		NT BK		7210.21			

Representing supervisors, managers and postmasters in the United States Postal Service

SUPV Lee EAS STEP B Appeal - Disapproved EAL



NATIONAL ASSOCIATION OF POSTAL SUPERVISORS

Brian J. Wagner
3917 W. Cedar Hills Drive
Dunlap, IL 61525-9760
Brian4naps@aol.com * 309-253-5353

SUPV Lee EAS Appeal NAPS Exhibit C

From: [REDACTED]
Date: Thu, Nov 30, 2023 at 2:32 PM
Subject: Roofing schedule
To: [REDACTED]
CC: [REDACTED]

Mr. [REDACTED]

We had first scheduled your project to begin Tuesday the 21st, but due to unforeseen circumstances, the crew was forced to reschedule for Wednesday the 22nd, and due to short daylight hours they completed final touch-ups and cleaning Thursday the 23rd. At this time we are still awaiting your solar blinds to arrive. We have spoken to our supplier and they stated that it could be another week. We will schedule the installation with you upon arrival.

Thanks in advance,

Mr. [REDACTED]
Pro [REDACTED]
C: [REDACTED]
O: [REDACTED]





NATIONAL ASSOCIATION OF POSTAL SUPERVISORS

Brian J. Wagner

3917 W. Cedar Hills Drive

Dunlap, IL 61525-9760

Brian4naps@aol.com * 309-253-5353

STEP B Appeal - SUPV Lee EAS

NAPS Exhibit D

Nov. 28, 2023

To whom it may concern

On Nov. 17 my Postmaster inform me that I had to work on my n/a day on 11/20/2023 and I told him I had appt. But I cancel my appointment to work on Monday and I told him that the contract was coming out to fix my damage and leaking roof. So I had Tuesday off. That morning the contract bought out the supply to fix my whole roof replace about 7 a.m. The contract inform me that the worker will be there around noon. Around noon there was no one here at the house so I call the company to inform them that the work was not here yet. So about 3p.m. ON Tuesday the company call to inform me the the worker was run late and they would be able to start until Wednesday morning around 6a.m. So I inform my postmaster that I had to be off on Wednesday also and he text and said if I don't show up for work on Wednesday that he was going to award me for that day. But I call the system before I text him and call off for Emergency Annual. For health and safety reason for my family

11/28/23





NATIONAL ASSOCIATION OF POSTAL SUPERVISORS

Brian J. Wagner

3917 W. Cedar Hills Drive

Dunlap, IL 61525-9760

Brian4naps@aol.com * 309-253-5353

STEP B Appeal - SUPV Lee EAS

NAPS Exhibit E

Postmaster Paul - Emailed STEP A Decision

FW:

Aol/Inbox ☆



From: [REDACTED]

To: Brian Wagner



Tue, Dec 19 at 8:15 AM ☆

-----Original Message-----

From: [REDACTED]

Sent: Monday, December 18, 2023 1:24 PM

To: [REDACTED]

Subject:

If this document is to be sent to others, you will need to do so from within your Outlook.



[Untitled].pdf

4.5 KB





POSTMASTER'S STEP A DECISION ON DISAPPROVED EAL CASE

For the record Mr. [REDACTED] did not fill out a 3971 on 11/23/2023 that is Thanksgiving and he was not present that day. Mr. [REDACTED] had also taken the 3971 from my desk without permission before we had a chance to discuss the reason I was denying the Emergency Annual leave. Mr. [REDACTED] states this was an Emergency when he had the roofers scheduled for approximately three weeks prior to the 21st of November. We were able to accommodate Mr. [REDACTED] on Tuesday the 21 of November we changed his nonscheduled day so he could be there. Mr. [REDACTED] texted my cell phone at 1421 on Tuesday November 22 2023 stating he wasn't going to be at work on Wednesday the 22 of November, I informed Mr. [REDACTED] immediately that this was a scheduling issue not an Emergency. I instructed Mr. [REDACTED] that if he didn't show he was going to receive AWOL, Mr. [REDACTED] knew we already had one Supervisor out with Covid, Mr. [REDACTED] could have came in Wednesday the 22nd he works the later shift and they can not put a roof on when it is dark which happened at about 430pm. Mr. [REDACTED] had stated in the Supervisor meeting that he was going to be taking off over Thanksgiving week and E. [REDACTED] who was sitting right next to Mr. [REDACTED] stated he said he was taking leave and that I knew about it. I sent a text to all of my supervisors that I was not allowing any Annual leave during Thanksgiving week to ensure everyone knew where I stood. Mr. [REDACTED] scheduled this to be done on the 21st of November 2023 and he could have came in in the 22nd of November and he choose to take a 3 day holiday for the Thanksgiving Holiday. I reiterate this was not an Emergency Mr. [REDACTED] chose not to come into work, Management is held to a higher standard and Mr. [REDACTED] was given a schedule change to accommodate the situation and he chose to take another day. He should not receive AL it was not an emergency.

NAPS Exhibit E

STEP A Decision

Postmaster [REDACTED] -

[REDACTED] Disapproved EAL



NAPS EXHIBIT E . . . CONTINUED

Roof not done... have to
be here in the morning.....
won't be in . Sorry

Calling off

*Tuesday
At 1421*

You have to be there I
work this morning you
are required to there

NAPS Exhibit E
STEP A Decision
Postmaster [redacted] Lao [redacted] Disapproved EAL

If you are not there it will
AwOl

Won't be there

You will be .. vol I am not



NATIONAL ASSOCIATION OF POSTAL SUPERVISORS

Brian J. Wagner
3917 W. Cedar Hills Drive
Dunlap, IL 61525-9760
Brian4naps@aol.com * 309-253-5353

*Office of
NAPS Immediate Past National President*

December 20, 2023

COPY of NAPS STEP B Appeal

Mr. MPOO
Manager, Post Office Operations
USPS District #
123 Main Street
Anytown, IL 98765-1234

Subject: ELM 652.42 STEP B Appeal

SUPV Lee EAS, Supervisor, Customer Service, EAS-17 (EIN: 1234-5678)
Appeal of "Disapproved" Emergency Annual Leave Request, November 22, 2023

Mr. MPOO,

Per USPS ELM 53 - Employee and Labor Relations Manual (ELM) Section 651.2 Representation, I am SUPV Lee EAS's designated National Association of Postal Supervisors (NAPS) Heart of Illinois NAPS Branch 255 representative.

Per ELM 652.4 Other Appealable Actions, Section 652.43 Step B, NAPS is filing this STEP B Appeal to the December 19, 2023, STEP A decision sent via email on Tuesday, December 19, 2023 at 8:15 a.m. from Postmaster Paul of Anytown, IL Post Office. (NAPS Exhibit E). This STEP B Appeal is regarding the Postal Services' disapproval in its STEP A Decision of SUPV Lee EAS's emergency annual leave request of Wednesday, November 22, 2023.

This ELM 650 STEP B Appeal is on behalf of the postal employee listed below at the respective USPS domicile:

SUPV Lee EAS (EIN: 1234-5678)
Supervisor, Customer Service, EAS-17
Anytown Illinois Post Office
123 Main Street
Anytown, IL 98765-1234

On Friday, December 1, 2023, NAPS sent via email, its STEP A Appeal to Postmaster Paul on behalf of SUPV EAS. On Monday, December 4, 2023, at approximately 9:30 a.m., I called Postmaster Paul to confirm he received NAPS's STEP A Appeal. Postmaster Paul confirmed receipt and we spoke briefly about SUPV EAS's EAL case.

Representing supervisors, managers and postmasters in the United States Postal Service

SUPV Lee EAS STEP B Appeal - Disapproved EAL





SUPV EAS may have had the incorrect date on his PS Form 3971 (11/23/23), but he did submit a PS Form 3971 on his return to work on Friday, November 24, 2023. SUPV EAS PS Form 3971 was returned to him on Tuesday, November 28, 2023. Postmaster Paul's claim he was not given the chance to discuss with SUPV EAS the reason for the disapproved EAL because it was removed from his desk without permission by SUPV EAS is flawed.

NAPS contends that if Postmaster Paul had signed and "disapproved" SUPV EAS's respective PS Form 3971 and it was on his desk to be picked up, then anyone could have come into Postmaster Paul's office and taken that PS Form 3971 off his desk. The fact Postmaster Paul left an employee's personal PS Form 3971 leave request out in the open on his desk for any employee to view should be deemed a violation of SUPV EAS's privacy. Postmaster Paul should have secured SUPV EAS's PS Form 3971, away from the view of other employees, rather than leave it out on his desk giving any employee in the office an opportunity to see and review it.

SUPV EAS was in the office during the week of November 28, 2023 for Postmaster Paul to discuss anytime during that work week SUPV EAS's disapproved EAL. It appears Postmaster Paul elected not to take the initiative or opportunity to further discuss this matter with EAS. If EAS took his PS Form 3971 from Postmaster Paul's desk without permission, after it was signed and disapproved, why wasn't that issued addressed with SUPV EAS. That would have been an opportune time for Postmaster Paul to discuss the "disapproval" of the EAL.

Furthermore, ELM 512.42, shown below, clearly states the process for approving or disapproving requests for annual leave.

512.42 PS Form 3971 Request for or Notification of Absence

512.421 Purpose

Request for annual leave is made in writing, in duplicate, on PS Form 3971

512.422 Approval or Disapproval

The supervisor is responsible for approving or disapproving the request for annual leave by signing PS Form 3971, a copy of which is given to the employee. If a supervisor does not approve a request for leave, the Disapproved block on PS Form 3971 is checked and the reason given in writing in the space provided. When a request is disapproved, the granting of any alternate type of leave, if any, must be noted along with the reasons for disapproval. AWOL determinations must be similarly noted.

Besides failing to date or provide a reason for the "Disapproved" EAL on SUPV EAS's PS Form 3971, per ELM 512.422, postal management also failed to grant or note any alternative leave. SUPV EAS was not granted the opportunity to request alternative leave, such as FLMA Sick Leave or Wounded Warrior Leave. Also, postal management (Postmaster Paul) did not note on the respective PS Form 3971 whether or not SUPV EAS would be charged with Absent Without



Leave (AWOL), as required per ELM 512.422 (i.e., *AWOL determinations must be similarly noted*).

Per ELM 511.43, referenced below, SUPV EAS did provide Postmaster Paul with valid and acceptable evidence via a statement from EAS's roofing contractor (NAPS Exhibit C). NAPS further contends that local postal management (Postmaster Paul) did not provide full and fair consideration to the roofing contractor's statement. This third-party statement fully supports SUPV EAS's personal emergency and the need to request EAL.

ELM 511.43 Employee Responsibilities

Employees are expected to maintain their assigned schedule and must make every effort to avoid unscheduled absences. In addition, employees must provide acceptable evidence for absences when required.

NAPS also submits a written statement, dated November 28, 2023, from SUPV EAS recounting the emergency he experienced requiring him to request the respective EAL on Wednesday, November 22, 2023 (Exhibit D). This statement was not previously submitted in the STEP A Appeal because it was not requested by Postmaster Paul. SUPV EAS believes his November 28, 2023 statement fully supports his valid request for approved EAL on Wednesday, November 22, 2023.

NAPS further contends that postal leadership should be reaching out to respective employees, who are experiencing personal emergencies requiring EAL. Postal management needs to be more compassionate during employee emergencies and provide support, coaching and mentoring, per ELM 652 651.3 Nondisciplinary Corrective Measures. This did not occur with SUPV EAS. He was left to handle his own family emergency without USPS support. As a result, EAS received from postal management an unwarranted and punitive "disapproval" of his legitimate and reasonable EAL request for Wednesday, November 22, 2023.

NAPS Resolution

NAPS requests the following resolution to SUPV Lee EAS's grievance against the U.S. Postal Services for its "Disapproved" emergency annual leave (EAL) of SUPV EAS for Wednesday, November 22, 2023.

- SUPV Lee EAS's unscheduled emergency absence and his request for EAL for Wednesday, November 22, 2023 be approved. SUPV EAS be allowed to use either approved annual or sick leave for his absence on Wednesday, November 22, 2023.
- SUPV EAS's respective unscheduled absence for Wednesday, November 22, 2023 be properly approved and recorded on a revised PS Form 3971 and be further documented on his PS Form 3972.

- U.S. Postal Service conduct a pay adjustment within 30 days of this settlement to properly pay SUPV EAS for any potential eight (8) hours of denied leave or pay as a result of the disapproved EAL for Wednesday, November 22, 2023.

I appreciate your consideration to the above resolution to this **ELM 650 STEP B Appeal** of SUPV Lee EAS. Please contact me at 309-253-5353 to discuss NAPS's proposed resolution to this grievance or you may mail or email your final decision to my attention. I await your STEP B decision.

Best regards,

Brian J. Wagner

Brian J. Wagner
NAPS Immediate Past National President
Heart of Illinois NAPS Branch 255

cc: SUPV Lee EAS, Supervisor, Customer Service, Anytown IL Post Office
President Heart of IL NAPS Branch 255

Enclosed
NAPS STEP A Appeal dated December 1, 2023
NAPS Exhibits A-E





NATIONAL ASSOCIATION OF POSTAL SUPERVISORS

Brian J. Wagner
3917 W. Cedar Hills Drive
Dunlap, IL 61525-9760
Brian4naps@aol.com * 309-253-5353

Office of
NAPS Immediate Past National President

January 22, 2024

"Name"
Director, Field Human Resources Central Area
U.S. Postal Service
4900 Speaker Rd.
Kansas City, Kansas 66101

RE: Request for ELM 650 Review of STEP B Letter of Decision
Disapproved Emergency Annual Leave (EAL) for:
Supervisor Lee EAS (EIN: 1234-5678)
Supervisor, Customer Service, EAS-17
Anytown Illinois Post Office
123 Main Street
Anytown, IL 98765-1234

Per USPS ELM 53 - Employee and Labor Relations Manual (ELM) Section 651.2 Representation, I am Mr. Supervisor Lee EAS's designated National Association of Postal Supervisors (NAPS) representative.

Per ELM 652.4 Other Appealable Actions, Section 652.44 Review, NAPS is requesting an ELM 650 Review of the January 18, 2024, *STEP B Decision* from Mr. Manager Post Office Operations (Mr. MPOO), USPS District #, received via email @ 10:07 a.m. CST, sustaining the "disapproved" request for Emergency Annual Leave (EAL) of Supervisor Lee EAS on Wednesday, November 22, 2023.

NAPS filed a STEP B Appeal on December 20, 2023 to Mr. Manager Post Office Operations, to appeal the STEP A Decision related to Mr. Lee EAS's disapproved Emergency Annual Leave (EAL). NAPS never received a specific STEP B Decision from Mr. MPOO related to this appeal pertaining to Mr. EAS's disapproved EAL. Mr. MPOO submitted one email (as referenced above) and shown in the STEP B Decision section of this appeal to NAPS. This one STEP B Decision only addresses NAPS' appeal regarding Mr. Supervisor Lee EAS's AWOL charge being sustained. As NAPS inquired with Mr. MPOO via a response to his January 18, 2024 email @ 10:07 a.m. CST, NAPS can only infer, since no further response was received from Mr. MPOO that this one respective email is a STEP B Decision for both respective NAPS STEP B Appeals, (Disapproved of EAL and Charge of AWOL).





For your review, NAPS has enclosed a copy of its ELM 650 STEP A and STEP B Appeals, supporting documentation, NAPS Exhibits and the decision letters from the respective STEP B and STEP A deciding USPS officials. The reasons for requesting this ELM 650 Review are listed below:

- STEP B deciding official (Mr. MPOO failed to fully considered all the facts of this case as did the STEP A deciding official (Postmaster Paul) and give full and fair consideration to Mr. Supervisor Lee EAS's personal emergency on Wednesday, November 22, 2023.
- Mr. EAS had supporting documentation (statement) from third-party, supporting his claim of an emergency. That third-party, Mr. EAS's roofing contractor, had an unforeseen circumstance. A circumstance impacting the health and safety of Mr. Supervisor Lee EAS and his family, needing their damaged roof repaired in a timely manner.
- Mr. Manager Post Office Operations, USPS District #, concedes in his STEP B Decision (via email) that: *"After reviewing all documents, Mr. EAS did supply documentation for the Emergency Leave. But this does not change the fact that conversations were had between Postmaster Paul and Mr. EAS prior where Mr. EAS blatantly stated that he was not going to follow Mr. Paul's instructions."* Mr. EAS did not blatantly state he was not going to follow Postmaster Paul's instructions. Postmaster Paul instructed Mr. EAS to come to work. At the time, Mr. EAS was experiencing a personal "emergency" requiring EAL. Postmaster Paul's instruction does not stop an employee's personal "emergency" from happening. This USPS instruction was in direct conflict with Mr. EAS's emergency; which Postmaster Paul was fully aware, but issued it anyway. It was an unjust, unrealistic, and impossible instruction for Mr. EAS to follow during his emergency situation.
- Mr. EAS followed USPS policies and procedures in requesting EAL on Wednesday, November 22, 2023. Postal management failed to follow USPS procedures or provide Mr. EAS with a valid and legitimate reason for his disapproved EAL.
- Mr. EAS's personal emergency occurred during the week of the Thanksgiving Holiday. Postal management's disapproval of Mr. EAS's EAL request on November 22, 2023 was punitive in nature, as the postal leadership claims this emergency was scheduled during a holiday week that Postmaster Paul claims he was not approving any leave. This was not a scheduled emergency, as the emergency resulted from a third-party as supported in a statement from Mr. EAS's roofing contractor. Another supervisor was on leave the Thanksgiving week due to contracting COVID-19, but was not denied leave by Postmaster Paul. Only Mr. EAS was denied leave for having

an emergency showing that USPS management was showing disparaging treatment against Mr. EAS.

- Mr. EAS was directed to work his non-scheduled day on Monday, November 20, 2023, the original date of his home roof repair. Mr. EAS had to reschedule his roof repair to Tuesday, November 21, 2023. Had postal management left Mr. EAS's original day off as November 20, 2023, the day of the scheduled roof repair, Mr. EAS's EAL would have never have been requested. Postal management, not Mr. EAS, should be held accountable for the changing of Mr. EAS's scheduled that ultimately resulted in an emergency for Mr. EAS.
- Per *ELM, Section 512.11*: "Annual leave is provided to employees for rest, for recreation, and for personal and emergency purposes." Mr. EAS was exercising his right under this ELM reference to request annual leave "for personal and emergency purposes".

Based on the facts of this case; supported by the enclosed NAPS appeals and supporting documentation, NAPS requests that this ELM 650 Review find that the Emergency Annual Leave (EAL) request of Mr. Supervisor Lee EAS for Wednesday, November 22, 2023 be "Approved". Furthermore, a respective USPS pay adjustment be processed to ensure Mr. EAS is not harmed for a loss of a day of postal pay.

If you should have any questions, please call me at (309) 253-5353 or email me at Brian4NAPS@aol.com. Thank you in advance for your ELM 650 Review.

I look forward to your decision.

Brian J. Wagner

Brian J. Wagner

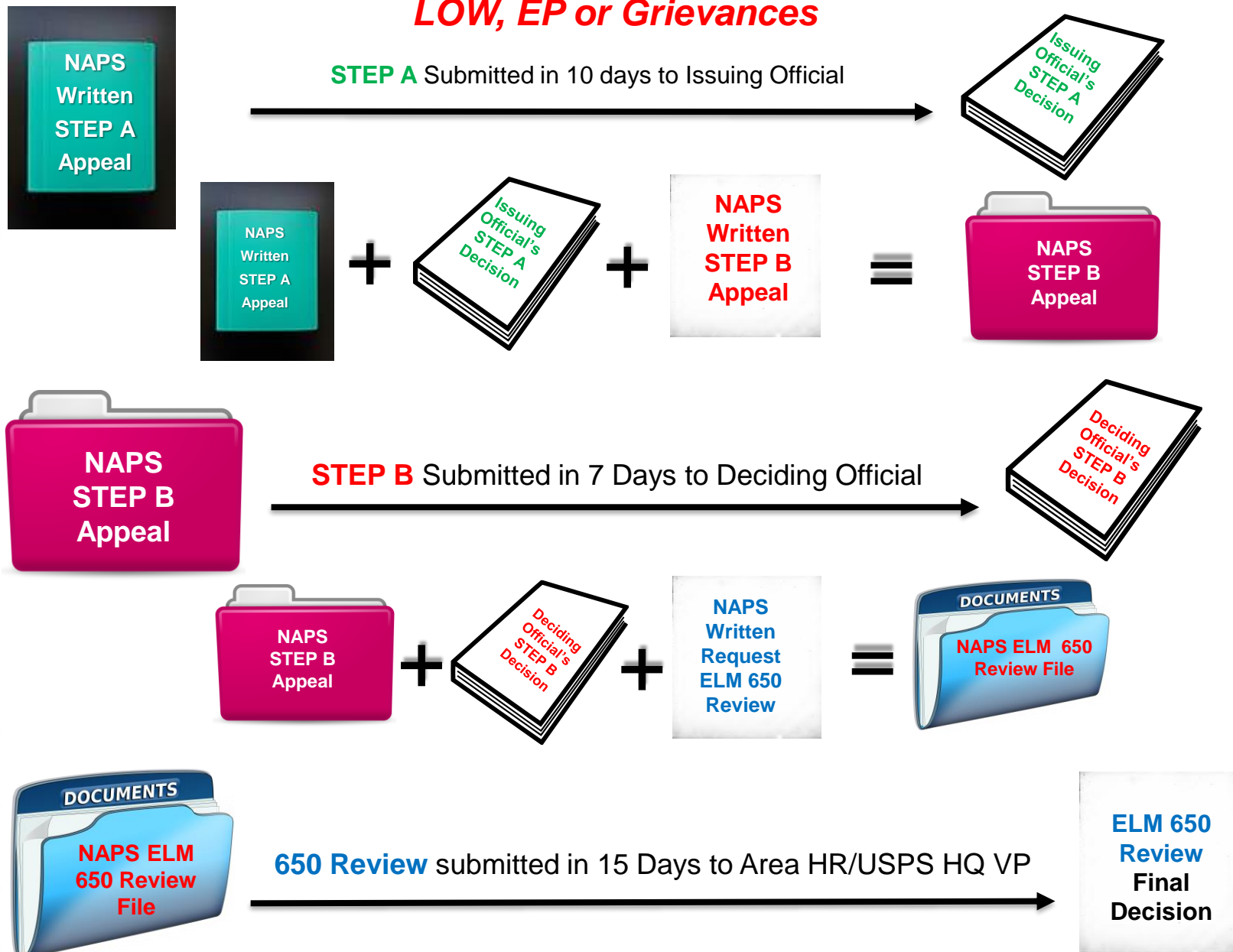
NAPS Immediate Past National President

Cc: Mr. MPOO, USPS District #
Mr. Supervisor Lee EAS
President, NAPS Branch #



NAPS Flowchart of ELM 650 – 652.4 Other Appealable Actions

LOW, EP or Grievances



650 Nonbargaining Disciplinary, Grievance, and Appeal Procedures

Emergency Placement in Off-Duty Status
Letters of Warning and Grievances



District Court
652.42 Step A
Initial Filing EAS
Grievance



U.S Court of Appeals
652.43 Step B Appeal



Supreme Court
652.44 650 Review



ELM 650 – EAS Workplace/USPS Policy Matters

652.4 Other Appealable Actions

652.41 Coverage

Employees in EAS-17 and below, regardless of length of service, may appeal letters of warning, emergency placement in a nonduty status, and other matters not covered by [652.2](#) by using the procedures in [652.42](#) through [652.44](#).

PCES Level I, and EAS-18 and above employees have access to these procedures only to appeal discipline in the nature of a letter of warning and emergency placement in a nonduty status.

652.42 Step A

An employee or representative states the appeal in writing to the immediate supervisor within 10 calendar days of learning the appeal's cause. The employee or representative has the opportunity to discuss the appeal with the supervisor during this period. The supervisor gives a written decision within 10 calendar days after receipt of appeal. If this timeframe is impossible because of extenuating circumstances, the decision must explain the reason(s) for the delay.

652.43 Step B

A field employee or representative may submit a written appeal to the installation head within seven calendar days after receipt of the Step A decision. (If the installation head is the immediate supervisor, appeals are made to the next higher level of management.) A Headquarters, Headquarters field unit, or Inspection Service employee or representative may appeal within the same time limits to the next higher level of management (superior to the supervisor), at minimum, a manager or above. The appeal must include the employee's name, title, grade, location, nature of appeal, and basis for appeal. Upon receipt of the appeal, the Step B official discusses the appeal with the employee or representative and renders a decision in writing within 10 calendar days after receipt of the appeal. Usually this decision is final.

652.44 Review

The employee or representative may request a review of the Step B decision. The request of an employee administratively responsible to the area vice president is directed to the area Human Resources manager. The request of a Headquarters, Headquarters field unit, or Inspection Service employee is sent to the vice president of Labor Relations, or designee, with a copy to the Step B official, who forwards the file to the reviewing official. The request is in writing and gives specific reasons why the employee believes the Step B decision should be reviewed. The request is made within 15 calendar days from receipt of the Step B decision. The reviewing official replies in writing and states the disposition of the employee's request. This reply is final.



Thank You!



Questions?