

Employee and Labor Relations Manual (ELM)

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

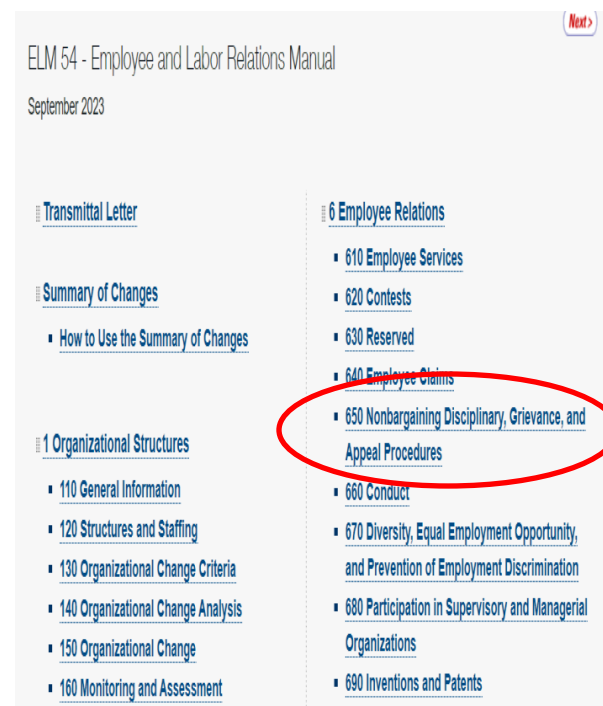
The Basics of EAS ELM Rights & Appeals

- Letters of Warning (LOW)
- Emergency Placement
Off-Duty Nonpay Status

Zoom Into Training!

Presented by Brian J. Wagner

NAPS Past National President



ELM 54 - Employee and Labor Relations Manual
September 2023

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▪ 120 Structures and Staffing	▪ 690 Inventions and Patents
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Training Overview

- Always Check ELM Version (*Current Version 55, March 2024*)
- ELM 651 Disciplinary and Emergency Procedures
- NAPS Representation
- Conduct & Response during an Investigative Interview (I&I)
- EAS Appeal Process under ELM 650 (Step A, B & Review)
- Actions of Member & NAPS Representative during Appeal
- Written Appeal Strategies & Timelines
- Letter of Warning (LOW) Example
- Removal of Expired Discipline



NAPS Disciplinary Defense Fund (DDF)*

Adverse Action Cases By Infraction

NAPS FY2023

1. Performance – 23
2. Finance -14
3. Falsification – 13
4. Sexual Misconduct – 9
5. Attendance - 9



NAPS FY2024

1. Performance – 35
2. Finance - 29
3. Attendance - 12
4. Falsification - 10
5. Sexual Misconduct - 8
Violence - 8
6. Theft - 5

* As reported at the 2023 and 2024 NAPS Fall Executive Board Meeting



ELM 650 Non-Bargaining Disciplinary, Grievance and Appeal Procedures

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. Check NAPS non-member list, too!
- Disciplinary Defense Fund (DDF) is available 90-days after an EAS employees joins NAPS, ***unless*** joins within 60-days from being promoted from craft.





Understanding

ELM 650 Nonbargaining Disciplinary, Grievance, and Appeal Procedures

ELM 651 Disciplinary and Emergency Procedures

651.1 Scope

651.2 Representation

651.3 Nondisciplinary Corrective Measures

651.4 Emergency Placement in Off–Duty Nonpay Status

651.5 Letters of Warning

651.6 Letters of Warning in Lieu of Time–Off Suspensions

651.7 Adverse Actions

652 Appeal Procedures

(Varies based on discipline issued)



ELM 53 - Employee and Labor Relations Manual - Contents
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1 Organizational Structures
2 Job Evaluation
3 Employment and Placement
4 Pay Administration
5 Employee Benefits
6 Employee Relations
7 Training and Development
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ELM 53 - Employee and Labor Relations Manual

September 2022

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ELM 651 Disciplinary and Emergency Procedures

ELM 651.1 Scope

Establishes procedures for:

- A. Disciplinary action against nonprobationary employees who are not subject to the provisions of a collective bargaining agreement (i.e. EAS) **Letter of Warning (LOW), LOW in lieu of 7-or 14-Day Suspensions or Adverse Action)**

AND

- B. Emergency action for conduct that also normally warrants disciplinary action. **(Emergency Placement in Off-Duty Nonpay Status)**



Example

USPS Disciplinary Action How it can start?



Scenario: *EAS employee (NAPS member) is directed by their manager to attend an Investigative Interview (I&I) about their attendance.*

Now What?

NAPS Note: There are no USPS written policies or ELM References that an EAS employee must be given an Investigative Interview (I&I) or OIG Investigation before disciplinary action can be issued. OIG or Postal Investigations are NOT Disciplinary action. They are investigations that could later lead to disciplinary charges



NAPS Note: ELM 665.15 & 665.3

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.



ELM 665.3 Cooperation in Investigations

Employees must cooperate in any postal investigation, including Office of Inspector General (OIG) investigations.



650 Nonbargaining Disciplinary, Grievance, and Appeal Procedures

ELM 651 Disciplinary and Emergency Procedures

EAS Have A Right To:

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.



When Called Into An OIG or Investigative Interview (I&I)

Member Should:

- Do **NOT** go alone to an Investigative Interview (I&I) or OIG Investigation.
- Call NAPS Branch President (NAPS designee) immediately to request representation per ELM 651.2
- Talk with NAPS representative prior to attending I&I.
- Discuss pending I&I issue with NAPS Representative
- Establish a code (word) for the member to stop overtalking or to take a break to confer outside the I&I.



Action by NAPS Representative

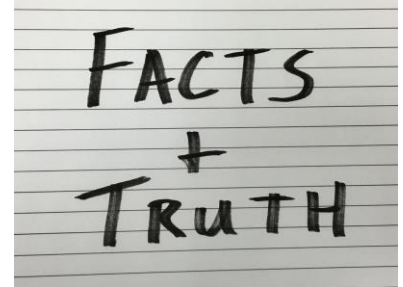
- Verify EAS employee is a NAPS Member via DCO or NAPS HQ
- Contact I&I Manager to coordinate time and location of investigation.
- Ask the reason for I&I. May be last minute and/or no reason given



During An Investigative Interview (I&I)

How the member acts and responds matters!

- Be professional – Not Defensive – Don't make it Personal!
- Ask the reason for the I&I (*Attendance, delayed mail, credit card misuse, scanning integrity, sexual harassment, etc.*)
- Ask if Disciplinary action is being considered
- Ask what the charges are
- Answer Questions. Keep answers short & factual.
- **DO NOT** speculate or elaborate on answers
- If you don't recall – state you don't recall
- Ask for information that might help you remember
- Tell the truth – **DO NOT LIE!**



NAPS Note: Member and NAPS representative should take notes during Investigation to document answers, if needed for future disciplinary appeal.



During an Investigative Interview (I&I)

Tell The Truth – **DO NOT LIE!**

“Based on my training and my experience, I _____.”

A supervisor was asked why they brought in letter carriers on overtime (OT) without prior approval?

Member’s response: *“well, we were down 6 employees, and we had a huge backlog of packages to process. So **based on my training and experience**, I acted to correct the situation.”*

What could that manager say? EAS employees are paid to make decisions based on the information they have at the time.

Sometimes, EAS are questioned and 2nd guessed about the decisions they make for the good of the USPS.

Unfortunately: Every EAS employee is one **bad decision** away from discipline. A bad decision as perceived by their Boss!



During an Investigative Interview (I&I)

Tell The Truth – **DO NOT LIE!**

By answering questions truthfully and basing it on experience and training provided by the USPS or the Lack of Training provided by the USPS the member is basically saying:

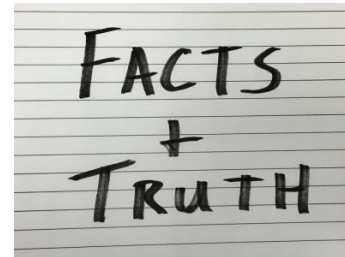
"I did my best"

By answering questions truthfully and basing it on how the member's manager coached and mentored them or did not coach or mentor them, member is basically saying:

"I did my best"

From the EAS employee's prospective:

That is not a lie!



Member's manager is accountable to the EAS employee under ELM 651.3. Did that manager fail the EAS employee?



If Disciplinary Action is being considered

Very Important EAS Right

Topic of Discussion During I&I With Manager

ELM 651.3 Nondisciplinary Corrective Measures

Accountable managers/supervisors are responsible for the direct day-to-day performance management of subordinates. The accountable manager/supervisor monitors subordinates' performance and provides appropriate resources, coaching, and feedback to the subordinates. The manager/supervisor is responsible for leading the employee to a higher level of achievement. Performance improvement should be a shared concern and effort between manager and employee. Early dialogue and guidance are critical to achieving positive results and continuance of an effective manager/employee relationship.



Investigative Interview (I&I) via **zoom**

- **Do Not** go on a **zoom** Investigative Interview alone!!!!
- Bring a NAPS Representative to **zoom**
- Ask USPS for private room and computer for NAPS Rep and Member to conduct Zoom on USPS time and property
- NAPS Rep should physically sit with Member during **zoom** I&I
- Same as In-Person I&I: Be professional - Not defensive - Ask reason for I&I, potential charges, short answers, do not speculate or elaborate, don't recall – state you don't recall, ask for information to help remember – **TAKE NOTES!!!!**
- Tell the truth – **DO NOT LIE!**
- If NAPS Rep needs time to confer with Member anytime during **zoom** I&I:
 - Inform Postal Official of time needed to confer / take a break
 - Mute **zoom** audio
 - Go off Video temporarily
 - Return to Video and Unmute to continue

zoom



After an Investigative Interview (I&I) Manager

May:

- **Thank** the EAS employee (NAPS Member) for their time.
 - No discipline is issued - Investigation is over; or
- Issue a **Letter of Warning** (LOW) per *ELM 651.5*; or
- Issue a **Proposed Letter of Warning in Lieu of Time-Off Suspension** (7 or 14 Day) per *ELM 651.6*; or
- Issue **Notice of Proposed Adverse Action** per *ELM 651.7*.
 - *(Removal, suspension of more than 14 days, and/or reductions in EAS level or pay)*
- *An I&I or OIG Investigation can lead to any of the above disciplinary charges.*
- **NAPS NOTE:** *There is No Progressive Discipline for EAS!!*



Scenario: After Investigative Interview (I&I):NAPS member is issued a Discipline.



Charge:

Violation of ELM 511.43 Employee Responsibilities. Failure to maintain employee's assigned work schedule due to excessive unscheduled absences.

- *ELM 511.43: 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.*

ELM 650 Nonbargaining Disciplinary, Grievance, and Appeal Procedures

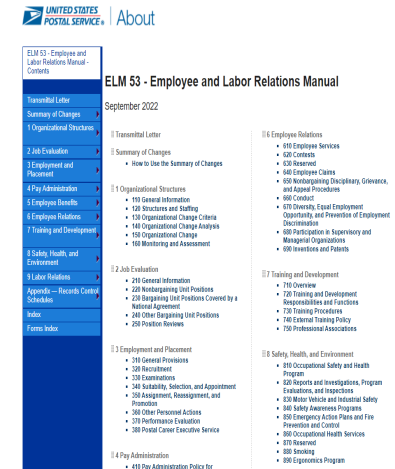
ELM 651 Disciplinary and Emergency Procedures

651.4 Emergency Placement (EP) in Off-Duty Nonpay Status

651.5 Letters of Warning

651.6 Letters of Warning in Lieu of Time-Off Suspensions

651.7 Adverse Actions



All have One (1) Thing in Common!

Ten (10) Calendar Days to Appeal Discipline, Emergency Placement or request ELM 650 Mediation* from date of receipt discipline or EP action.

(Unless an extension is granted)

* ELM 650 Mediation based on discipline issued and if granted by USPS

Appeal Procedures Vary Base on Disciplined Issued



Understanding Disciplinary Appeal Procedures and Adhering to Timelines



- Member's actions after receiving discipline/EP
- NAPS Representative's actions to address the discipline/EP
- NAPS Concept and Strategies for a Written Appeal
- NAPS Written Appeal format. It's the same for:
 - Emergency Placement (EP) in a Non-Pay Status
 - Letters of Warning
 - Letters of Warning in Lieu of Time–Off Suspensions
 - Adverse Actions
- ELM 650 Appeal Procedures and timelines differ based on type of discipline issued:
 - ELM 652.4 Other Appealable Actions (EP & LOW)
 - ELM 652.3 Appeal of Letters of Warning in Lieu of Time–off Suspensions
 - ELM 652.2 Appeal of Adverse Actions



Understanding and Adhering to Appeal Timelines

After Receipt of discipline

The NAPS Member -

- Calls NAPS Branch President immediately!
- Only 10 calendar days to Appeal Discipline
 - ***Starts when Discipline is received and the 10 calendar days includes weekends & holidays!***



- Has copy of discipline for NAPS Representative.



Understanding and Adhering to Appeal Timelines Action by NAPS Representative's Actions

- **Verify NAPS Membership** – DCO or call NAPS HQ
- **Gathers NAPS Member's Information for Appeal**
 - Name, address;
 - non-postal email;
 - personal phone #;
 - USPS Title/Level and Office of domicile.
- **Is aware of 10-day appeal deadline**
- **Best Practice** - Request in writing for an extension to the 10-day Appeal deadline. Request reasonable extension time.
- **“Request for Representation & Release Form”**
 - Employee has free choice of representation (ELM 651.2 Representation)
 - Have Member sign “Representation & Release” Form



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

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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)



Action by NAPS Representative & Member

NAPS Process to Appeal Discipline

- **Best Practice:** Submit written request to issuing official or deciding official for an extension of the 10-day appeal deadline. Helps ensure for a fair and reasonable due process and appeal for member.
- Reasonable amount of official time is given to NAPS/Member to review documents USPS relied upon to issue discipline. Review, however, is not enough.
- Request in writing, copies of all USPS information and documents relied upon to support the USPS issuance of the discipline. Make copies.
- Label USPS documents received to ensure no additional documents are added after the fact.
- Request in writing other information that may be relevant in member's defense and appeal (i.e. clock ring reports, SOPs, Form 50, PS 3971's, PS 1260's, scanning reports, dispatch logs, collection schedules, etc.). Don't request more than necessary.
- Meeting and confer with NAPS Member to discuss discipline and strategy of appeal. Inquire if there is current **live** discipline.
- Prepare a written Initial Appeal within **Ten (10) calendar days** from date discipline was received. (*Unless extension granted*).

RECEIVED





NATIONAL ASSOCIATION OF POSTAL SUPERVISORS

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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 63633-9998

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.

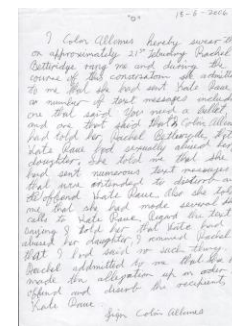
Respectfully,

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





- Review current ELM Version. Verify ELM references/violations.
- **Again** -- Provide a written narrative that is easy to follow and relates to the facts and extenuating circumstances.



- Keep tone of Appeal professional. Defend, but don't be defensive,
- Avoid personal attacks, claims of discrimination (EEO).
 - *NAPS does not handle EEO. Separate Member issue.*
- State the understanding of charges and address each charge.
- State the understanding of specifications. *(dates, names, locations, times, etc.)*
- Justify member's actions and explain why.
- Explain why discipline is punitive, rather than corrective.
- Reference ELM 651.3 Nondisciplinary Corrective Measures in Appeal as a possible defense.



Defense Measure for Appeal

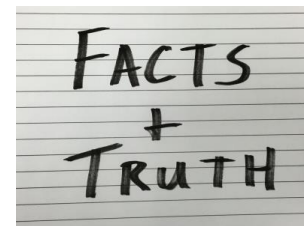
ELM 651.3 Nondisciplinary Corrective Measures

Accountable managers/supervisors are responsible for the direct day-to-day performance management of subordinates. The accountable manager/supervisor monitors subordinates' performance and provides appropriate resources, coaching, and feedback to the subordinates. The manager/supervisor is responsible for leading the employee to a higher level of achievement. Performance improvement should be a shared concern and effort between manager and employee. Early dialogue and guidance are critical to achieving positive results and continuance of an effective manager/employee relationship.



NAPS Written Appeal Strategy Continued . . .

- Express member's service history, work performance, awards, mitigating circumstances, additional training needs required, etc.
- Address Medical, Physical or Emotional Issues. (i.e. addiction, sick child/parent, cancer or other medical diagnosis, mental health, etc.)
- Refute charges with evidence, facts, reports, documents, witness statements and additional NAPS information.
- If evidence is overwhelming against member for doing wrong – Acknowledge remorse, take responsibility for poor judgment, request training for rehabilitation.
- Request in Appeal to "Rescind" entire discipline.
- If there is no consideration to fully rescind discipline, seek a reduction in time in eOPF. Less than 2-years.
- Seek realistic settlement in relation to the charges and facts!



Factors in Penalty Selection

“The Douglas Factors”

Utilized by DDF Provider Adverse Action MSPB Appeal

1. The nature and seriousness of the offense, and its relation to the employee's duties, position, and responsibilities, including whether the offense was intentional or technical or inadvertent, or was committed maliciously or for gain, or was frequently repeated.
2. The employee's job level and type of employment, including supervisory or fiduciary role, contacts with the public, and prominence of the position.
3. The employee's past disciplinary record.
4. The employee's past work record, including length of service, performance on the job, ability to get along with fellow workers, and dependability.
5. The effect of the offense upon the employee's ability to perform at a satisfactory level and its effect upon the supervisor's confidence in the employee's ability to perform assigned duties.
6. The consistency of the penalty with those imposed upon other employees for the same offense in like or similar circumstances.



Factors in Penalty Selection

“The Douglas Factors”

7. The consistency of the penalty with agency guidance on disciplinary actions.
(This FACTOR does NOT apply to USPS – only other Federal Agencies)
8. The notoriety of the offense or its impact upon the reputation of the agency.
9. The clarity with which the employee was on notice of any rules that were violated in committing the offense, or had been warned about the conduct in question.
10. The potential for the employee’s rehabilitation.
11. The mitigating circumstances surrounding the offense such as unusual job tensions, personality problems, mental impairment, harassment or bad faith, malice or provocation on the part of others involved in the matter.
12. The adequacy and effectiveness of alternative sanctions to deter such conduct in the future by the employee or others.

Douglas v. Veterans Administration, 5 MSPR 280 (1981). , etc.)



Understanding Disciplinary Appeal Procedures

- NAPS Concept, Strategies and Format for a Written Appeal is the same for:
 - Letters of Warning
 - Letters of Warning in Lieu of Time–Off Suspensions
 - Adverse Actions
- ELM 650 Appeal Procedures and timelines differ based on type of discipline issued
 - ELM 652.4 Other Appealable Actions
 - ELM 652.3 Appeal of Letters of Warning in Lieu of Time–off Suspensions
 - ELM 652.2 Appeal of Adverse Actions



Submit Final Written Appeal and support Documents by deadline.



Example 1



Scenario: After Investigative Interview (I&I):

NAPS member is issued a **Letter of Warning (LOW)**.

Charge:

Violation of ELM 511.43 Employee Responsibilities. Failure to maintain employee's assigned work schedule due to excessive unscheduled absences.

- *ELM 511.43: 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.*

ELM 651 Disciplinary and Emergency Procedures

651.5 Letters of Warning

When warranted by the failure of nondisciplinary corrective measures or by the seriousness of the offense, a letter of warning may be issued. Letters of warning are usually issued by the employee's immediate supervisor. The written warning should contain:

1. Specific reasons for the letter; and
2. A statement of applicable appeal rights.

Letters of warning remain in the employee's official personnel folder (OPF) and/or electronic official personnel folder (eOPF) for a period of two calendar years unless otherwise resolved or cited in subsequent disciplinary action.



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 (Appeal process)

652.43 Step B (Appeal process)

652.44 Review (Appeal process)

NAPS Note: Confirm how STEP A and STEP B official want to receive respective written appeals via U.S. Mail or email.

ELM 64 - Employee and Labor Relations Manual

September 2023

[Transmittal Letter](#)

[Summary of Changes](#)

- [How to Use the Summary of Changes](#)

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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.

NAPS Note: Written NAPS appeal for a Letters of Warning must be submitted within 10 calendar days from date discipline was received, unless extension is granted and approved by Issuing Official.



652.4 Other Appealable Actions

652.42 Step A Appeal

- Employee or representative states the **Step A** Appeal in writing.
- Submits Appeal to Immediate Supervisor (*Issuing Official*) within **10 calendar days** of learning the appeal's cause or receiving the discipline. .
 - *Issuing Official: i.e. Station Manager, Postmaster, MDO, Plant Manager, POOM, etc.)*
- Employee or representative has the opportunity to discuss the appeal with the Issuing Official during the 10-day appeal period. Try to resolve at lowest level.
- **Issuing Official** gives a written decision within **10 calendar days** after receipt of NAPS **STEP A** written appeal.
 - If member does not receive the written Step A decision within the 10 calendar days, decision must explain the reason(s) for the delay. (i.e. extenuating circumstances)
- If NAPS member doesn't agree with Issuing Official's written decision, NAPS Member may submit a **Step B** appeal.
- **NAPS Note:** Decision to settle or continue with appeal is **ALWAYS** the member's choice.



650 Nonbargaining Disciplinary, Grievance, and Appeal Procedures

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

652.4 Other Appealable Actions

652.43 Step B Appeal

- Employee or representative may submit a written appeal to the installation head within **seven (7) calendar days** after receipt of the **Step A** decision.
- **Step A** decision should state to whom to make the **Step B** Appeal. (a.k.a. Deciding Official)
- If the installation head (**Step A Official**) issued the discipline, the next appeal (**Step B**) is made to the next higher-level of management (Deciding Official)
-- i.e. Postmaster issued – next H/L is POOM
- The NAPS/Member's **Step B** appeal must include the employee's name, title, grade, location, **nature of appeal, and basis** for appeal.
- Upon receipt of the NAPS **Step B** appeal, the Deciding **Step B** Official discusses the appeal with the employee or representative.
- Deciding **Step B** Official - renders a decision in writing within 10 calendar days after receipt of NAPS **Step B** appeal.
- Deciding **Step B** Official's decision is final (Usually).
- If NAPS member does not agree with **Step B** decision, one (1) Appeal remains!



650 Nonbargaining Disciplinary, Grievance, and Appeal Procedures

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

652.4 Other Appealable Actions

652.44 Review

- Employee or representative may request a **650 Review** of the **Step B** decision. Known as an **ELM 650 Review**.
- The request for an **ELM 650 Review** is made **within 15 calendar days** from receipt of the Deciding Official's **Step B** decision.
- Field EAS employees **ELM 650 Review** request is to the area Human Resources Manager, with a copy sent to the **Step B** Deciding Official. (15-day deadline)
- Headquarters, Headquarters field unit, or Inspection Service employees, **ELM 650 Review** requests are sent to the VP of Labor Relations, or designee, who forwards the file to the reviewing official. Send **Step B** official a copy of **ELM 650 Review** request.
- The **ELM 650 Review** request is in writing and gives specific reasons why the employee believes the **Step B** decision should be reviewed.
- The **ELM 650 Review** reviewing official replies in writing within **60 days** and states the disposition of the employee's request. This reply is final.



ELM 650 Nonbargaining Disciplinary, Grievance, and Appeal Procedures

ELM 650 LOW Appeal Timeline

- **August 1:** LOW issued to NAPS member. (10 days to file appeal)
- **August 11:** 10th day, NAPS files **STEP A Appeal** to Issuing Official.
- **August 21:** 10th day, after receiving NAPS **STEP A Appeal**, Issuing Official provides **STEP A Decision**. Member disagrees with **STEP A Decision**.
- **August 28:** 7th day, after receiving **STEP A Decision**, NAPS member files a **STEP B Appeal** to Deciding Official (next higher-level manager).
- **September 7:** 10th day, after receiving NAPS **STEP B Appeal**, Deciding Official renders a written **STEP B Decision** to NAPS member. Member doesn't agree with **STEP B Decision**.
- **September 22:** 15th day, after receiving **STEP B Decision**, NAPS member files an **ELM 650 Review** of **STEP B Decision**. **ELM 650 Review** is sent to the Area Manager Human Resources or USPS HQ VP of Labor Relations, or designee.
- **September 22 to November 20:** Reviewing official must reply in writing and state the disposition of the employee's request. Reviewing Official has up to **60 days** from date of receipt to respond **ELM 650 Review** decision. This reply is final.
- Forgoing an approved extension, it should take no more than **112 days** from the date discipline was initially issued to receive a final **ELM 650 Review** decision.



ELM 651.6 Letters of Warning

651.5 Letters of Warning



Letters of warning remain in the employee's official personnel folder (OPF) and/or electronic official personnel folder (eOPF) for a period of two calendar years unless otherwise resolved or cited in subsequent disciplinary action.

NAPS Note: Contact Shared Services to have disciplined removed after final decision timeframe has expired or sooner. Submit PS Form 8043 to request removal of discipline.



650 Nonbargaining Disciplinary, Grievance, and Appeal Procedures

ELM 651 Disciplinary and Emergency Procedures

651.1 Scope

651.2 Representation

651.3 Nondisciplinary Corrective Measures

651.4 Emergency Placement in Off–Duty Nonpay Status



ELM 54 - Employee and Labor Relations Manual
September 2023

Transmittal Letter	6 Employee Relations
Summary of Changes	<ul style="list-style-type: none">610 Employee Services620 Contests630 Reserved640 Employee Claims650 Nonbargaining Disciplinary, Grievance, and Appeal Procedures660 Conduct670 Diversity, Equal Employment Opportunity, and Prevention of Employment Discrimination680 Participation in Supervisory and Managerial Organizations690 Inventions and Patents
1 Organizational Structures	
<ul style="list-style-type: none">110 General Information120 Structures and Staffing130 Organizational Change Criteria140 Organizational Change Analysis150 Organizational Change160 Monitoring and Assessment	

NAPS Note: There are no USPS written policies or ELM References that an EAS employee must be given and Investigative Interview (I&I) or OIG Investigation before being put on **Emergency Placement in Off–Duty Nonpay Status**



ELM 651 Disciplinary and Emergency Procedures

651.4 Emergency Placement in Off-Duty Status

An employee may be placed in an **off-duty nonpay** status immediately, but remains on the rolls when he or she:

1. Exhibits characteristics of impairment due to alcohol, drugs, or other intoxicant;
2. Fails to observe safety rules;
3. Fails to obey a direct order;
4. Provides reason to be deemed potentially injurious to self or others; or
5. Disrupts day-to-day postal operations in any other way.

Placement in an off-duty nonpay status is confirmed in writing, stating the reasons and advising the employee that the action is appealable. The employee should be returned to duty after the cause for nonpay status ceases unless individual circumstances warrant otherwise. Use of these emergency procedures does not preclude disciplinary action based on the same conduct.



NAPS Defense Strategy for Emergency Placement Appeal

DOUG A. TULINO
VICE PRESIDENT, LABOR RELATIONS



October 29, 2009

MANAGERS, HUMAN RESOURCES (AREA)

SUBJECT: Emergency Placement

In recent discussions with the management associations, the issue of placing non-bargaining employees in an off-duty status without pay on an emergency basis was discussed. The language relevant to this issue is outlined in Section 651.4 of the Employee and Labor Relations Manual (ELM). This section provides in pertinent part:

An employee may be placed in an off-duty nonpay status immediately but remains on the rolls when he or she (a) exhibits characteristics or impairment due to alcohol, drugs or other intoxicant, (b) fails to observe safety rules, (c) fails to obey a direct order, (d) provides reason to be deemed potentially injurious to self or others, or (e) disrupts day-to-day postal operations in any other way. Placement in an off-duty nonpay status is confirmed in writing, stating the reasons and advising the employee that the action is appealable. The employee should be returned to duty after the cause for nonpay status ceases unless individual circumstances warrant otherwise. Use of these emergency procedures does not preclude disciplinary action based on the same conduct.

Emergency placement in an off-duty status without pay is to be used in those instances where it is necessary to remove the employee from the premises immediately. This provision should not be utilized when it is more appropriate to use other corrective measures such as a normal suspension or indefinite suspension.

Where it is necessary to ensure that an employee does not have access to the work place for a period in excess of a few days, the employee may be placed on administrative leave. This is the appropriate measure to take in those situations where allegations of misconduct are being investigated and the nature of the misconduct makes it impractical to temporarily assign the employee to another work location. However, managers have the responsibility to periodically review the retention of an employee on administrative leave to ensure that continuation in this status is necessary. When additional options become available, such as having information available as a basis to place the employee on a regular or indefinite suspension, appropriate action should be initiated.


Doug A. Tulino





DOUG A. TULINO
VICE PRESIDENT, LABOR RELATIONS



March 19, 2014

MANAGERS, HUMAN RESOURCES (AREA)

SUBJECT: Emergency Placement

In recent discussions with the management associations, the issue of placing non-bargaining employees in an off-duty status without pay on an emergency basis was discussed. The language relevant to this issue is outlined in Section 651.4 of the Employee and Labor Relations Manual (ELM). This section provides in pertinent part:

An employee may be placed in an off-duty nonpay status immediately but remains on the rolls when he or she (a) exhibits characteristics or impairment due to alcohol, drugs or other intoxicant, (b) fails to observe safety rules, (c) fails to obey a direct order, (d) provides reason to be deemed potentially injurious to self or others, or (e) disrupts day-to-day postal operations in any other way. Placement in an off-duty nonpay status is confirmed in writing, stating the reasons and advising the employee that the action is appealable. The employee should be returned to duty after the cause for nonpay status ceases unless individual circumstances warrant otherwise. Use of these emergency procedures does not preclude disciplinary action based on the same conduct.

Emergency placement in an off-duty status without pay is to be used in those instances where it is necessary to remove the employee from the premises immediately. This provision should not be utilized when it is more appropriate to use other corrective measures such as a normal suspension or indefinite suspension.

Where it is necessary to ensure that an employee does not have access to the work place for a period in excess of a few days, the employee may be placed on administrative leave. This is the appropriate measure to take in those situations where allegations of misconduct are being investigated and the nature of the misconduct makes it impractical to temporarily assign the employee to another work location. However, managers have the responsibility to periodically review the retention of an employee on administrative leave to ensure that continuation in this status is necessary. When additional options become available, such as having information available as a basis to place the employee on a regular or indefinite suspension, appropriate action should be initiated.


Doug A. Tulino

ELM 650 Nonbargaining Disciplinary, Grievance, and Appeal Procedures

Emergency Placement (EP) in Off-Duty Status

Letters of Warning and Grievances

652.4 Other Appealable Actions

NAPS Note: Follow the 3-Step ELM 650 Process and adhere to timelines when preparing and submitting a written appeal for a case involving Emergency Placement (EP).



3 Step Appeal Process

652.42 Step A: Initial Appeal -- **10** days to file from date Emergency Placement was implemented.

652.43 Step B: 7 days to appeal **STEP A** decision

652.44 Review: 15 days to appeal **STEP B** decision

ELM 650 Nonbargaining Disciplinary, Grievance, and Appeal Procedures

ELM 650 Appeal Timeline for Emergency Placement (EP)

- **August 1: EP** issued to NAPS member. (10 days to file appeal)
- **August 11: 10th day,** NAPS files **STEP A EP Appeal** to Issuing Official.
- **August 21: 10th day,** after receiving NAPS **STEP A Appeal**, Issuing Official provides **STEP A Decision**. Member disagrees with **STEP A Decision**.
- **August 28: 7th day,** after receiving **STEP A Decision**, NAPS member files a **STEP B EP Appeal** to Deciding Official (next higher-level manager).
- **September 7: 10th day,** after receiving NAPS **STEP B Appeal**, Deciding Official renders a written **STEP B Decision** to NAPS member. Member doesn't agree with **STEP B Decision**.
- **September 22: 15th day,** after receiving **STEP B Decision**, NAPS member files an **ELM 650 Review** of **STEP B Decision**. **ELM 650 Review** is sent to the Area Manager Human Resources or USPS HQ VP of Labor Relations, or designee.
- **September 22 to November 20:** Reviewing official must reply in writing and state the disposition of the employee's request. Reviewing Official has up to **60 days** from date of receipt to respond **ELM 650 Review** decision. This reply is final.
- Forgoing an approved extension, it should take no more than **112 days** from the date discipline was initially issued to receive a final **ELM 650 Review** decision.



650 Nonbargaining Disciplinary, Grievance, and Appeal Procedures

ELM 651 Disciplinary and Emergency Procedures

651.4 Emergency Placement in Off-Duty Status

Note: If NAPS member is on Emergency Placement in a **Off-Duty Paid Status**, there is no appeal for the member or NAPS representative to make per **ELM 651 Disciplinary and Emergency Procedures.**



Letters of Warning & Emergency Placement

652.4 Other Appealable Actions

652.41 Coverage

652.42 Step A (Appeal process)

652.43 Step B (Appeal process)

652.44 Review (Appeal process)

NAPS Note: Confirm how STEP A and STEP B official want to receive respective written appeals via U.S. Mail or email.



ELM 54 - Employee and Labor Relations Manual
September 2023

Transmittal Letter	6 Employee Relations
Summary of Changes	<ul style="list-style-type: none">610 Employee Services620 Contests630 Reserved640 Employee Claims650 Nonbargaining Disciplinary, Grievance, and Appeal Procedures660 Conduct670 Diversity, Equal Employment Opportunity, and Prevention of Employment Discrimination680 Participation in Supervisory and Managerial Organizations690 Inventions and Patents
1 Organizational Structures	
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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.





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



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 A

UNITED STATES POSTAL SERVICE

Request for or Notification of Absence

Employee ID: [Redacted] Date Submitted: 11/23/23 Day of Week: 8
 Installation the supervisor is from: [Redacted] Day: 11/22/23 Hour: 10:00
 Time of Call or Payroll: [Redacted] If Request Employee Can Be Reached At: [Redacted] Time: 11/23/23 Hour: 10:00
 Scheduled Payroll: [Redacted] If Request Employee Can Be Reached At: [Redacted] Time: 11/23/23 Hour: 10:00

Type of Absence

☒ Annual
☐ Holiday, Exempt
☐ Career FTE Leave
☐ LWOP (See comment)
☐ Sick (See comment)
☐ Leave
☐ COP (See comment)
☐ Other

Documentation (See office use only)

☐ FMLA Requested Certificate (see 44500)
☐ For COP Leave (see 44500)
☐ For Adjustment Sick Leave (see 44500)
☐ For Military Leave (See comment)
☐ For Court Leave (See comment)
☐ For Higher Level PS (See comment)
☐ Service Training Security Qualifying (See comment)

Remarks (Do not write medical information. See Privacy Act Statement on reverse of this form.)

Respectfully Request
 To Be off from 11/22/23 due to Health & Safety
 Repair my Roof Leaking (Emergency Leave)

Employee Signature and Date [Redacted] 11/21/23 **Signature of Supervisor and Date Notified** [Redacted]

Official Action on Application (Return copy of signed request to employee.)

☒ Approved
☐ Disapproved (See reason below)

Do not check an FMLA box until you verify the FMLA designation.

☐ FMLA Designation Pending
☐ FMLA Designated
☐ Not FMLA Designated

Signature of Supervisor [Redacted]

Warning: The falsifying of false information on this form may result in a fine of not more than \$1,000 or imprisonment of not more than 5 years, or both (18 U.S.C. 4001).

PS Form 3971, October 2017 (Page 1 of 2) PSN 7530-02-000-0135





NATIONAL ASSOCIATION OF POSTAL SUPERVISORS

Brian J. Wagner
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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
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75	10/27/2023	08:00	08:00	1000	1000	1000	1000
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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
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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
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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		EMPLOYEE NAME		EMPLOYED TO		PAY PERIOD		GENERAL NUMBER	
PAYROLL		EMPLOYEE NO.		EMPLOYED TO		PAY PERIOD		GENERAL NUMBER	
DATE		EMPLOYEE NO.		EMPLOYED TO		PAY PERIOD		GENERAL NUMBER	
NO	ISSUAL	DATE	EMP. NO.	ISSUAL	NO.	THIS STATE	NO. TO DATE	GENERAL INDEMNITY	NO.
1	E	17	82212	090	N	112	8,579	8177993	1
2	E	17	82212	090	N	112	8,579	8177993	1
3	E	17	82212	090	N	112	8,579	8177993	1
4	E	17	82212	090	N	112	8,579	8177993	1
5	E	17	82212	090	N	112	8,579	8177993	1
6	E	17	82212	090	N	112	8,579	8177993	1
7	E	17	82212	090	N	112	8,579	8177993	1
8	E	17	82212	090	N	112	8,579	8177993	1
9	E	17	82212	090	N	112	8,579	8177993	1
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36	E	17	82212	090	N	112	8,579	8177993	1
37	E	17	82212	090	N	112	8,579	8177993	1
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41	E	17	82212	090	N	112	8,579	8177993	1
42	E	17	82212	090	N	112	8,579	8177993	1
43	E	17	82212	090	N	112	8,579	8177993	1
44	E	17	82212	090	N	112	8,579	8177993	1
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63	E	17	82212	090	N	112	8,579	8177993	1
64	E	17	82212	090	N	112	8,579	8177993	1
65	E	17	82212	090	N	112	8,579	8177993	1
66	E	17	82212	090	N	112	8,579	8177993	1
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74	E	17	82212	090	N	112	8,579	8177993	1
75	E	17	82212	090	N	112	8,579	8177993	1
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77	E	17	82212	090	N	112	8,579	8177993	1
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79	E	17	82212	090	N	112	8,579	8177993	1
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86	E	17	82212	090	N	112	8,579	8177993	1
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92	E	17	82212	090	N	112	8,579	8177993	1
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94	E	17	82212	090	N	112	8,579	8177993	1
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97	E	17	82212	090	N	112	8,579	8177993	1
98	E	17	82212	090	N	112	8,579	8177993	1
99	E	17	82212	090	N	112	8,579	8177993	1
100	E	17	82212	090	N	112	8,579	8177993	1
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: [REDACTED]

Aol/Inbox ☆



[REDACTED]
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] -

Generic Letter [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
AwOI

Won't be there

You will be .. vol I am not



NATIONAL ASSOCIATION OF POSTAL SUPERVISORS

Brian J. Wagner
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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

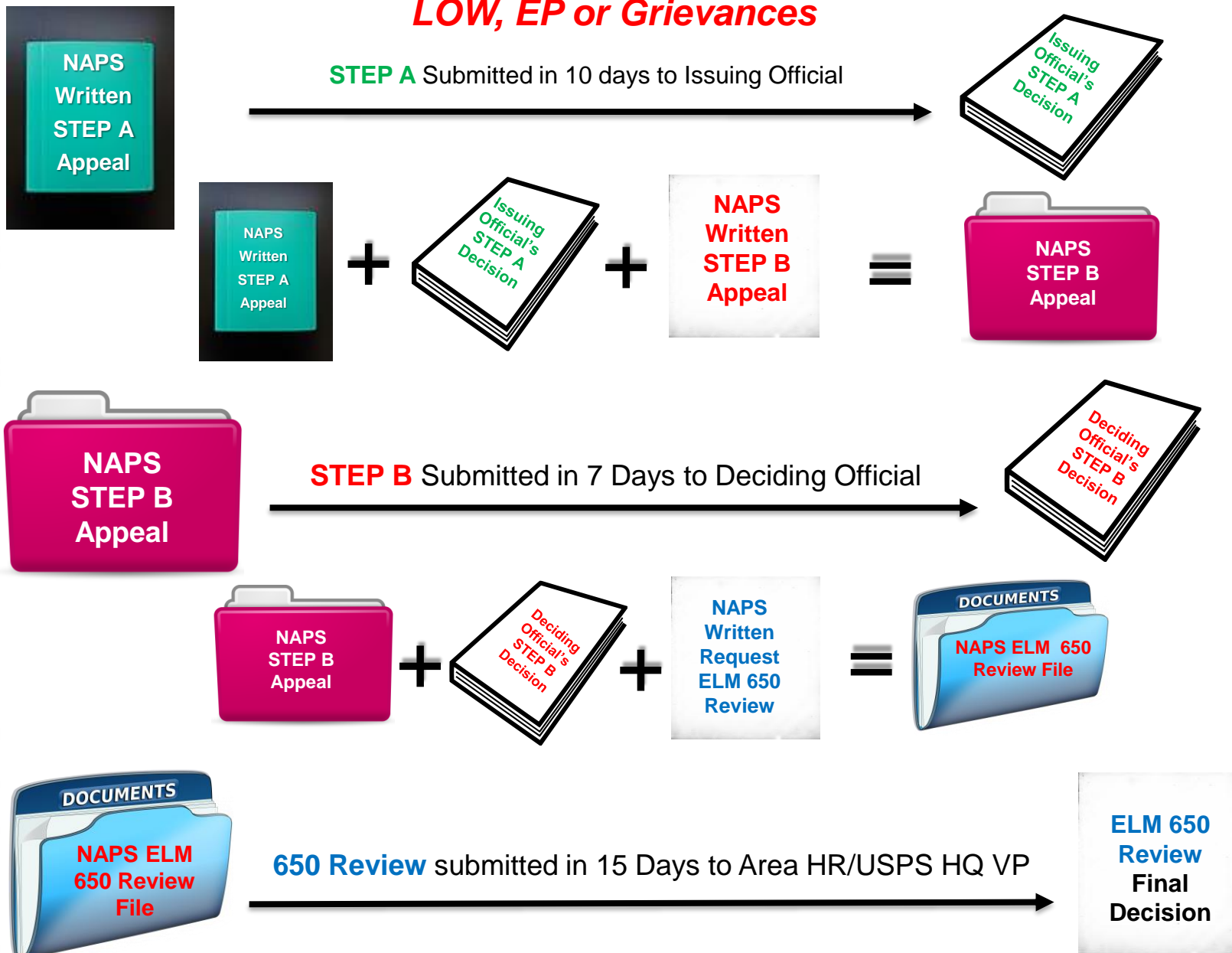
NAPS Immediate Past National President

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

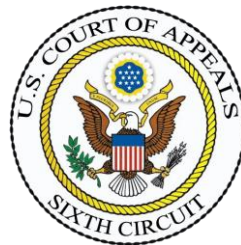
Emergency Placement in Off-Duty Status
Letters of Warning and Grievances



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 Non-Bargaining Disciplinary, Grievance and Appeal Procedures

Do you have expired discipline in your eOPF?

Use ***PS Form 8043 Request to Amend Electronic Official Personnel Folder*** complete this form to request that it be removed from your eOPF.

It must be provided to your District Labor Relations and possibly Area Labor Relations for fulfillment. It has to go to someone who has the access to your eOPF. Typically, that is not your manager.

Keep a copy and follow-up by looking in your eOPF. If it hasn't been removed contact your NAPS Representative for assistance.



Training Overview

- ELM 651 Disciplinary and Emergency Procedures
- NAPS Representation
- Conduct & Response during an Investigative Interview (I&I)
- EAS Appeal Process under ELM 650 (Step A, B & Review)
- Actions of Member & NAPS Representative during Appeal
- Written Appeal Strategies & Timelines
- Letter of Warning (LOW) Example
- Removal of Expired Discipline



Thank You!



Questions?