



## American Postal Workers Union, AFL-CIO

1300 L Street, NW, Washington, DC 20005

March 15, 2004

TO: Local Presidents  
National Business Agents  
National Advocates  
Regional Coordinators  
Resident Officers

FR: Greg Bell, Director   
Industrial Relations

RE: Pre-Arbitration Settlement Concerning Payment of Sunday Premium for Continuation of Pay (COP) Status, or on Court or Military Leave

Enclosed is a copy of a pre-arbitration settlement in Cases #Q98C-4Q-C 00165413 and Q98C-4Q-C 00152463 concerning changes in Section 430 of the Employee and Labor Relations Manual (ELM) that the Postal Service unilaterally implemented in 2000, eliminating the payment of Sunday premium for hours not actually worked, including payment of Sunday premium to employees in a continuation of pay (COP) status, or on court or military leave.

You will also find a copy of the Postal Service's internal instructions to its field managers for action that must be taken at the district level to identify employees entitled to Sunday premium pursuant to the settlement.

Please note that employees affected are those employees whose regular schedule included a period of service, any part of which was within the period between midnight Saturday and midnight Sunday, including those employees on COP, military leave and court leave, who were not paid Sunday premium for each hour of COP, military leave, and court leave during those periods of service from February 2000 through the present, due to the 2000 changes. In addition, where a discipline arbitration award or settlement included back pay, those employees entitled to Sunday premium payment are entitled to be paid with interest.

This is a made-whole remedy settlement for affected employees and in the event there is a dispute over whether an employee is eligible for payment, the dispute will be referred to the parties at the national level. If you have any questions regarding this matter, feel free to contact my office at 202-842-4273.

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Mr. Greg Bell  
Director, Industrial Relations  
American Postal Workers Union, AFL-CIO  
1300 L Street, NW  
Washington, DC 20005-4128

Re: USPS No. Q98C-4Q-C 00165413  
USPS No. Q98C-4Q-C 00152463  
Washington, DC

Dear Mr. Bell:

On several occasions, most recently on February 18, 2004, you met with Patricia Heath in pre-arbitration discussion of the above-captioned cases, which are currently pending national-level arbitration.

These cases involve changes to Section 432.63, 432.464b, 434.31, 434.33, 434.34 and 434.8 of the Employee and Labor Relations Manual (ELM) which precluded the payment of Sunday premium for hours not actually worked, including payment of Sunday premium to employees in a continuation of pay (COP) status, or on court or military leave.

After discussing this matter, the parties agreed to the following mutual understanding and settlement of this dispute:

1. Without prejudice to either party's position regarding changes pursuant to Article 19, the Postal Service shall rescind the February 2000 and April 2000 changes to Section 432.63, 432.464b, 434.31, 434.33, 434.34 and 434.8 of the ELM which eliminated the payment of Sunday premium for hours not actually worked, including for employees in a continuation of pay (COP) status or on court or military leave. The intent of the changes was to eliminate the payment of Sunday premium for hours not actually worked for those employees in a continuation of pay status, on court leave, and military leave. The Postal Service shall restore the provisions and administrative practices relative to these sections of the ELM previously in effect prior to the 2000 changes.

2. Pursuant to Article 8, Section 6 of the National Agreement, employees whose regular work schedules include a period of service, any part of which is within the period commencing at midnight Saturday and ending at midnight Sunday, shall be paid Sunday premium for each hour of work performed during that period of service. As specified in the language to be restored to ELM 434.33, if an employee is on leave for any part of the tour, normally he or she is not entitled to Sunday premium for leave hours. However, Sunday premium to which the employee is normally entitled is continued while the employee is in a continuation of pay (COP) status, on military leave, or on court leave. An

eligible employee also continues to receive the Sunday premium normally entitled to when he or she is rescheduled due to a compensable disability in lieu of placement in a COP status.

3. Any employee whose regular schedule included a period of service, any part of which was within the period between midnight Saturday and midnight Sunday, including those employees on COP, military leave, or on court leave, who was not paid Sunday premium for each hour of COP, military leave, and court leave during those periods of service from February 2000 through the present due to the 2000 changes, shall receive payment at the then-current rate for the Sunday premium not paid.

4. Additionally, where an arbitration award or settlement specified that an employee was entitled to back pay in a case involving disciplinary suspension or removal, those employees meeting the above criteria shall be paid for any unpaid Sunday premium. Where the back pay includes interest, the unpaid Sunday premium shall be paid with interest at the then-current interest rate.

5. The Postal Service will develop and supply the APWU local president and APWU Regional Coordinator with a list of affected employees

6. In the event there is a dispute over whether an employee is eligible for payment in accordance with paragraphs 3 and 4 above, the dispute will be referred to the parties at the national level, under the Administrative Dispute Resolution Procedures (ADRP). In addition, grievances currently pending on this specific subject will be resolved in accordance with items 3 and 4 above. If the parties are unable to reach agreement, such grievance(s) will be removed from the grievance/arbitration procedure and forwarded to ADRP.

Please sign and return the enclosed copy of this letter as your acknowledgment of agreement to settle case numbers 098C-4Q-C 00165413 and Q98C-4Q-C 00152463 and to remove them from the pending national arbitration listing.

Sincerely,



John W. Dockins  
Manager  
Contract Administration



Greg Bell  
Director, Industrial Relations  
American Postal Workers Union, AFL-CIO

Date: 3-15-04



March 15, 2004

MANAGERS, HUMAN RESOURCES (AREA)  
MANAGERS, LABOR RELATIONS (AREA)  
MANAGERS, FINANCE (AREA)  
MANAGERS, HUMAN RESOURCES (DISTRICT)  
MANAGERS, FINANCE (DISTRICT)

SUBJECT: National Settlement of "Sunday Premium" Case

Following are instructions for actions that must be taken at the district level to identify employees entitled to Sunday premium under the attached settlement.

As you may be aware, in April 2000, the Postal Service changed the Employee and Labor Relations Manual and stopped the previous practice of paying Sunday premium for time not worked when employees were on court leave, military leave, or continuation of pay (COP). At the same time, Sunday premium was no longer included in back pay calculations. Recently, it was determined that the previous practice should be resumed. The attached settlement resolves this issue with the APWU. The language in the ELM regarding this issue is being restored. The payroll systems were changed as of Pay Period 9, 2003 (April 5, 2003). However, it is now necessary to identify and compensate those employees who were entitled to, but not paid, Sunday premium for time not worked while on court leave, military leave, or COP during the period from April 2000 through pay period 8, 2003, as well as those who received back pay during this period.

There is no current method of automatically compensating employees entitled under this settlement. Therefore, some determination will be necessary at the district or local level. A printout will be generated (by area, by district, by installation) of all employees who were on court leave, military leave, and/or COP from April 2000 (Pay Period 10, 2000 through April 2003.) This printout will be sent to each district. Each district will need to identify those employees on the list whose schedule at the time included Sunday premium hours, but who did not receive Sunday premium for time on court leave, military leave, and/or COP. Additionally, each district should identify employees whose schedules included Sunday and who received back pay during the April 2000 through the present, but whose back pay did not include Sunday premium. Employees whose schedules did not include work (a period of service, any part of which was within the period between midnight Saturday and midnight Sunday) on Sunday have no entitlement under this settlement, even though their names may appear on the printout.

Appropriate adjustments to compensate employees who are identified as entitled under this settlement should be completed using normal procedures. A copy of the original list, and a list of those to receive payment under this settlement, are to be provided to the appropriate APWU local president and APWU Regional Coordinator.

Any disputes as to entitlement of any employee whose regular schedule included a period of service, any part of which was within the period between midnight Saturday and midnight Sunday, due to the April 2000 ELM changes will be handled at the national level as specified in the settlement. Employees should contact their local APWU representative if they believe they are entitled, but do not appear on the printout.

Questions from the area offices concerning implementation of this settlement may be directed to Patricia Heath of my staff.

A handwritten signature in black ink, appearing to read "John Dockins". The signature is written in a cursive style with a large initial "J".

John W. Dockins  
Manager  
Contract Administration

Attachment