



## **The Slope**

FEBRUARY 2021

### **The “Letter Carrier Paragraph.”**

The “Letter Carrier Paragraph.” For many years, Article 8.5.C.2.d also gave management the right to require a letter carrier working on his/her own route on a regularly scheduled day to work mandatory overtime rather than assigning the overtime to a carrier from the Overtime Desired List. However, in the Overtime Memorandum first negotiated as part of the 1984 National Agreement, the Postal Service and the NALC added the following qualification, known as the “Letter Carrier Paragraph.”

In the Letter Carrier Craft, where management determines that overtime or auxiliary assistance is needed on an employee’s route on one of the employee’s regularly scheduled days and the employee is not on the overtime desired list, the employer will seek to utilize auxiliary assistance, when available, rather than requiring the employee to work mandatory overtime.

Implementing Memorandum on “Letter Carrier Paragraph.” A memorandum of understanding signed December 20, 1988 (M-00884) further explained the requirement to seek to use auxiliary assistance before requiring letter carriers not on the ODL or Work Assignment List to work overtime on their own route on a regularly scheduled day. Management must seek to use all of the following to provide auxiliary assistance:

- Part-time flexibles at the straight-time or regular overtime rate
- City Carrier Assistant employees at the straight-time or regular overtime rate
- Available full-time regular employees such as unassigned or reserve regulars at the straight-time rate
- Full-time carriers from the Overtime Desired List at the regular overtime rate.

However, the memo states that management does not have to use ODL carriers to provide auxiliary assistance if such an assignment would mean that the ODL carriers would be working **penalty overtime**. In that limited situation—if no auxiliary assistance is available without going into penalty overtime—management can require full-time regular carriers not on the Overtime Desired List to work overtime on their own routes on a regularly scheduled day. Remember that this limited exception applies only when a full-time non-ODL letter carrier is required to work overtime on his/her own assignment on a regularly scheduled day.

To read further on this issue, turn to the JCAM Article 8.5G, this Article affects everybody on or off the OTDL list. You can also ask your branch officers or your shop steward to also explain this.

### **Article 27, Employee Claims, or also called a *TORT* claim.**

#### **What can be claimed?**

Excluding non-postal vehicles and the contents thereof, any personal property, including cash, jewelry or uniforms purchased through the USPS allotment that are worn or brought to work may be claimed. The claimant must show the possession was reasonable at work and the loss connected with their employment. Employee negligence—The Postal Service is not obligated to pay a claim where the claimant did not exercise reasonable prudence or care in safeguarding the property. Normal wear and tear—Loss or damage resulting from day-to-day living and working conditions will not be compensated. 14 days to file a claim—Article 27 requires a claim to be filed within 14 days after the loss or damage occurred. Written claim—The PS Form 2146, Employee’s Claim for Personal Property, is filed to document a claim. However, any written claim may

be treated as a proper claim if it provides substantiating information. Management cannot deny providing a PS Form 2146 per the 1977 Step 4 M-00435: The employee should have been supplied with a Form 2146 whether or not management had determined the legitimacy of the claim.

**Receipts**—Submitting a receipt with the cost and the date the item was purchased will help the claimant obtain the proper amount of compensation. The claimant's own estimate of the value may not satisfy the requirement of proving the value of the item. Copies of receipts can often be obtained from the uniform vendor. Depreciation must be considered with any claim. Therefore, a dated receipt is the best documentation to use in support of a claim.

### **Use of Privately Owned Vehicles**

The parties agree that the following represents the policy of the U.S. Postal Service and the American Postal Workers Union concerning the furnishing of privately owned vehicles (POV) by employees of the crafts represented by the APWU or the NALC: No craft employee may be coerced into furnishing a vehicle or carrying passengers without the employee's consent. The use of a personal vehicle is the decision of the employee and it is not the intent of the parties to discourage such use of personal vehicles when transportation is needed from one postal facility to another or in the completion of the employee's assignment. When an employee begins his/her workday at one postal unit and is provided transportation to another unit to complete his/her tour of duty, that employee will be provided transportation back to the unit where his/her tour began if transportation is needed. End your tour back at the installation you started from, the return trip will be on the clock. If management wants you to end your tour at the other station, ask your supervisor for a 1260 to adjust your time.

This is further addressed in question 82 of the jointly developed Questions and Answers 2011 USPS/NALC National Agreement dated March 16, 2016. 82. May CCAs enter into City Carrier Transportation (Drive out) Agreements, as defined in Article 41.4 of the National Agreement?

No, Article 41.4 does not apply to CCAs. However, the Memorandum of Understanding, re: Use of Privately Owned Vehicles applies to CCAs. In circumstances where the postmaster or station manager determines that use of a personal vehicle is necessary for business purposes, a CCA may voluntarily elect to use his/her vehicle. Such agreement must be made through **PS Form 8048**, Commercial Emergency Vehicle Hire, with the daily rate for vehicle use mutually agreed to by the postmaster or station manager and the employee. The postmaster or station manager must then forward the completed form to the servicing Vehicle Maintenance Facility manager. PS Form 8048, Commercial Emergency Vehicle Hire details the agreed to daily or hourly dollar rate; the number of days, hours, and mileage used; and a complete set of instructions on the reverse of the form. CCAs should not use their privately owned vehicles for work purposes unless they agree to do so via PS Form 8048. Once an agreement to use your privately owned vehicle has been made, refer to your shop steward for local practices regarding payment. If you feel management has acted in violation of the above references, see your shop steward or NALC branch officer.

There can be issues when using your personal vehicle. First, make sure you are covered under your personal insurance for utilizing your personal vehicle for work. Your insurance may charge additionally for this, and you may not be covered if you have an accident while on the job using your personal vehicle. All I am saying is to 'Cover Your Ass', don't be bullied, know your rights.

Hope you liked the Steward's College held by the Colorado State Association of Letter Carriers. Any ideas that you would like for the next training that would help you, contact anybody on the website, [www.cosalc.org](http://www.cosalc.org).

Take care & be safe,

Todd Tucker

[tucker@cosalc.org](mailto:tucker@cosalc.org)