

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

**Re: Transitional Employees--Additional Provisions**

**ARTICLE 6**

**Layoff of Career Employees:**

- a. **Prior to laying off career employees, management will offer the impacted employees the opportunity to work any existing letter carrier craft transitional assignments within the installation.**
- b. **There will be no out-of-schedule pay provided to the impacted employees for these temporary assignments.**

**ARTICLE 10**

**I. GENERAL**

**A. Purpose.** Annual leave is provided to transitional employees for rest, recreation, emergency purposes, and illness or injury.

**1. Accrual of Annual Leave.** Transitional employees earn annual leave based on the number of hours in which they are in a pay status in each pay period.

<b>Rate of Accrual</b>	<b>Hours in Pay Status</b>	<b>Hours of Annual Leave Earned Per Pay Period</b>
<b>1 hour for each unit of 20 hours in pay status in each pay period</b>	<b>20</b>	<b>1</b>
	<b>40</b>	<b>2</b>
	<b>60</b>	<b>3</b>
	<b>80</b>	<b>4(max.)</b>

**2. Biweekly Crediting.** Annual leave accrues and is credited in whole hours at the end of each biweekly pay period.

**3. Payment For Accumulated Annual Leave.** A separating transitional employee may receive a lump-sum payment for accumulated annual leave subject to the following condition:

- a. A transitional employee whose separation is effective before the last Friday of a pay period does not receive credit or terminal leave payment for the leave that would have accrued during that pay period.

## **II. AUTHORIZING ANNUAL LEAVE**

**A. General.** Except for emergencies, annual leave for transitional employees must be requested on Form 3971 and approved in advance by the appropriate supervisor.

**B. Emergencies and illness or injury.** An exception to the advance approval requirement is made for emergencies and illness or injury; however, in these situations, the transitional employee must notify appropriate postal authorities as soon as possible as to the emergency or illness/injury and the expected duration of the absence. As soon as possible after return to duty, transitional employees must submit Form 3971 and explain the reason for the emergency or illness/injury to their supervisor. Supervisors approve or disapprove the leave request. When the request is disapproved, the absence may be recorded as AWOL at the discretion of the supervisor as outlined in Section IV.B below.

## **III. UNSCHEDULED ABSENCE**

**A. Definition.** Unscheduled absences are any absences from work that are not requested and approved in advance.

**B. Transitional Employee Responsibilities.** Transitional employees are expected to maintain their assigned schedule and must make every effort to avoid unscheduled absences. In addition, transitional employees must provide acceptable evidence for absences when required.

## **IV. FORM 3971, REQUEST FOR, OR NOTIFICATION OF, ABSENCE**

**A. Purpose.** Application for annual leave is made in writing, in duplicate, on Form 3971, Request for, or Notification of, Absence.

**B. Approval/Disapproval.** The supervisor is responsible for approving or disapproving application for annual leave by signing Form 3971, a copy of which is given to the transitional employee. If a supervisor does not approve an application for leave, the disapproved block on Form 3971 is checked and the reasons given in writing in the space provided. When a

request is disapproved, the reasons for disapproval must be noted. AWOL determinations must be similarly noted.

## **ARTICLE 12**

### **Reassignment of Career Employees Outside of a Section, Craft, or Installation:**

- a. Prior to reassigning career employees outside of a section, the craft, or installation, management will offer impacted career employees, on a seniority basis, the opportunity to work any existing letter carrier craft transitional assignments within the installation.
- b. There will be no out-of-schedule pay provided to the impacted employees for these temporary assignments.

### **TE Hire versus Excessing**

A full-time letter carrier may not be excessed and the resulting vacancy filled by a TE, except where management can demonstrate that, as a result of legitimate operational changes, there is insufficient work to continue to support a full-time position. For example, management may not abolish a full-time router position and excess the full-time letter carrier and hire or assign one or more TEs to perform the work of the abolished position, unless management can demonstrate that the work cannot be performed on a full-time basis in compliance with the requirements of the National Agreement.

## **ARTICLE 16**

Transitional employees may be separated at any time upon completion of their assignment or for lack of work. Such separation is not grievable except where the separation is pretextual. Transitional employees may otherwise be removed for just cause and any such removal will be subject to the grievance-arbitration procedure, provided the employee has completed ninety (90) work days, or has been employed for 120 calendar days, whichever comes first. Further, in any such grievance, the concept of progressive discipline will not apply. The issue will be whether the employee is guilty of the charge against him or her. Where the employee is found guilty, the arbitrator shall not have the authority to modify the discharge. In the case of removal for cause, a transitional employee shall be entitled to advance written notice of the charges against him/her in accordance with the provisions of Article 16 of the National Agreement.

## **ARTICLE 21**

After an initial appointment for a 360-day term and upon reappointment to another 360-day term, any eligible noncareer transitional employee who wants