

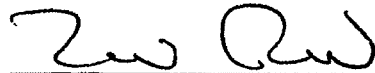
March 26, 2009

**Questions and Answers (42)  
NALC Transitional Employees**

The attached jointly-developed document provides the mutual understanding of the national parties on issues related to NALC Transitional Employees and fully replaces the December 21, 2007, *Questions and Answers (27), NALC Transitional Employees*. This document may be updated if agreement is reached on additional matters related to transitional employees.



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**City Letter Carrier Transitional Employees  
Joint Questions and Answers**

1. When may transitional employees be hired under the terms of the 2006 National Agreement?

**Transitional employees may be hired after ratification of the National Agreement (September 11, 2007) under either the provisions of Article 7 or the Memorandum of Understanding, *Re: Transitional Employees (Flat Sequencing System)*, provided that the national and/or district caps are not exceeded.**

2. In determining transitional employee caps is the number of transitional employees "rounded up" for percentage purposes?

**No. Under Article 7.1.B of the 2006 USPS/NALC National Agreement the number of transitional employees shall not exceed 3.5% of the total number of on-rolls career city carriers nationwide, and may not exceed 6% of the total number of career city carriers employed in the district. Regarding transitional employees employed under the Memorandum of Understanding, *RE: Transitional Employees (Flat Sequencing System)*, the number shall not exceed 8% of the authorized city carrier complement for the district.**

3. Must a transitional employee go through a medical assessment when reappointed?

**The current requirements for a medical assessment upon reappointment are contained in Handbook EL-312, Section 572, which states in relevant part:**

***Reappointment. An applicant who has had a break in postal service of more than one year must have a new medical assessment. If the break in service is less than one year, a new assessment is not required, provided all the following conditions are met:***

- (1) A medical assessment and determination of medical suitability were obtained for the individual's previous employment.***
- (2) The duties of the new position for which the applicant was selected are not more physically demanding than those required in the last position.***
- (3) The new application and other suitability screening material does not indicate the need for a new medical assessment.***

4. Will transitional employees who were on the rolls on September 11, 2007 with 359 day appointments have their appointments changed to 360 days?

**Yes.**

5. The Memorandum of Understanding *Re: Transitional Employees (Flat Sequencing System)* includes the following requirement: "In any district, the number of these TEs shall not exceed 8% of the authorized city carrier complement for that district." What is the authorized city carrier complement for a district?

**For the purposes of defining the subject Memorandum, "authorized city carrier complement for that district" means the number of on-rolls career city carriers employed in the district.**

6. How will transitional employee caps be monitored for compliance?

**The caps will be monitored at the national level. The Postal Service will provide the national union with separate reports for each type of transitional employee (Article 7.1 and FSS MOU). These reports will be provided to the national union every other pay period and will identify both nationally and by district the number of transitional employees and percentage compared to career letter carriers on rolls.**

7. What are the occupational codes and designation activity codes for transitional employees?

**Transitional employee occupational codes are as follows: Transitional employees employed under Article 7.1.B of the National Agreement are either 2310-0030 City Carrier (Transitional Employee) CC-01 or 2310-0040 Carrier Tech (Transitional Employee) CC-02. Transitional employees employed under the Memorandum of Understanding, Re: *Transitional Employees (Flat Sequencing System)* are either 2310-0031 City Carrier (Transitional Empl-MOU) CC-01 or 2310-0041 Carrier Tech (Transitional Empl-MOU) CC-02. The designation activity code for all city letter carrier transitional employees is 834.**

8. Are transitional employees who are employed under the Memorandum of Understanding, Re: *Transitional Employees (Flat Sequencing System)* limited to sites directly impacted by FSS?

**No, but the number of this type of transitional employee is limited to 8,000 nationwide through the duration of all phases of Flat Sequencing System (FSS) implementation. In any district, the number of these transitional employees shall not exceed 8% of the authorized city carrier complement for that district.**

9. If casuals are "converted" to transitional employee, must they have an immediate break in service?

**Yes, the casual must have at least a five day break in service prior to being appointed as a transitional employee.**

10. May transitional employees hold dual appointments?

**Currently dual appointments for transitional employees are not authorized.**

11. May city letter carrier transitional employees be assigned to work in other crafts?

**Only under emergency conditions, as defined by Article 3 of applicable collective bargaining agreements.**

12. May transitional employees who have an on the job illness or injury be assigned to work in other crafts?

**Only if the assignment to another craft is consistent with Section 546 of the Employee and Labor Relations Manual and relevant Department of Labor regulations.**

13. Are transitional employee employment records coded to identify the number of transitional employee appointments served?

No.

14. Can transitional employees be temporarily assigned outside their employing post office (installation) to another post office (installation) within the district?

**Transitional employees will normally work in their employing post office but may be assigned to work in another office within the same district on an occasional basis. Such temporary assignments must otherwise be consistent with the National Agreement (e.g. assigning transitional employees to work outside their employing office may not violate Article 7.1.B.3 in the temporary office or the letter carrier paragraph<sup>1</sup> in the employing office).**

15. May transitional employees be permanently moved from one post office (installation) to another during their appointment?

**Yes, provided the employee's current assignment is being terminated voluntarily or, as defined in the Memorandum of Understanding, *Re: Transitional Employees – Additional Provisions*, due to completion of assignment or lack of work. To avoid a break in service, a permanent move to another installation must be effected on the first day of a pay period.**

16. Is there a limit on the number of hours transitional employees may be scheduled on a workday?

**Yes, transitional employees are covered by Section 432.32 of the Employee and Labor Relations Manual, which states: *Except as designated in labor agreements for bargaining unit employees or in emergency situations as determined by the PMG (or designee), employees may not be required to work more than 12 hours in 1 service day. In addition, the total hours of daily service, including scheduled work hours, overtime, and mealtime, may not be extended over a period longer than 12 consecutive hours. Postmasters, Postal Inspectors, and exempt employees are excluded from these provisions.***

17. Do transitional employees have a work hour guarantee?

**Yes, Article 8, Section 8.D of the National Agreement provides the following: *Any transitional employee who is scheduled to work and who reports for work shall be guaranteed four (4) hours' work or pay.***

18. Are transitional employees covered by leave provisions of Articles 10 and 30 of the National Agreement?

**No. The granting of annual leave to transitional employees is covered by the Memorandum of Understanding, *Re: Transitional Employees – Additional Provisions*.**

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<sup>1</sup> For a full explanation of the letter carrier paragraph see the JCAM, page 8-14.

19. May transitional employees carry over leave from one appointment to another?

**No. Transitional employees may be paid for any accrued leave pursuant to the Memorandum of Understanding, *Re: Transitional Employees – Additional Provisions*.**

20. Are transitional employees covered by the Memorandum of Understanding, *Re: Bereavement Leave*?

**Yes, however, transitional employees do not earn sick leave and therefore, may only request annual leave or leave without pay for bereavement purposes.**

21. Does a transitional employee who receives a career appointment go through a probationary period as a career employee?

**Yes.**

22. Does the Memorandum of Understanding, *Re: Transfers*, still apply?

**Yes, the Transfer Memorandum was not altered by either the revision to Article 7.1 of the National Agreement or the Memorandum of Understanding, *Re: Transitional Employees (Flat Sequencing System)*. Accordingly, unless hiring transitional employees to fill or backfill for residual assignments being withheld pursuant to Article 12 of the National Agreement, the “at least one in four” or “at least one in six” rules for reassignments remain in effect when hiring.**

23. Do the reassignment ratios in the Transfer Memorandum apply when transitional employees are immediately reappointed (precisely at the conclusion of the five day break) or when directly appointed to fill a vacancy resulting from the early (voluntary or disciplinary) separation of another Transitional Employee?

**No.**

24. Has the conversion to eCareer impacted transitional employee requests to take the entrance examination pursuant to the Memorandum of Understanding, *Re: Transitional Employee Employment Opportunities*?

**Yes, using eCareer all applicants, including transitional employees, can take the entrance examination whenever a position is posted. The applicant will then be given the opportunity to take the exam as part of the application process. The applicant chooses the exam date and location to fit their personal schedule. Once the applicant takes the exam, the exam score is automatically uploaded into their candidate profile and remains there for any future vacancy opportunities. There is no need to retest until the standard time period associated with the exam expires. (Currently 6 years for the 473 Examination.) An applicant may retest after four months of the initial test when applying for a posting.**

**To assist transitional employees locate available opportunities, notice of all city carrier vacancies advertised in eCareer within a district will be posted on official bulletin boards in offices that employ transitional employees within the district of the vacancy.**

25. Will transitional employees have access to the grievance procedure if removed?

**Yes, consistent with the Memorandum of Understanding, Re: *Transitional Employees – Additional Provisions*, which states:**

***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.***

26. Does the concept of progressive discipline apply to transitional employees?

**No. If just cause exists for discipline, the only action that can be initiated against a transitional employee is separation. Such action is subject to the grievance/arbitration procedure, but the action cannot be modified by an arbitrator; the separation can only be upheld or rejected in its entirety. However, the parties are not prohibited from agreeing to a lesser penalty during discussions at earlier steps of the grievance-arbitration procedure.**

27. Can a transitional employee serve as a union steward?

**Yes.**

28. Do Article 17.3 and 17.4 of the National Agreement apply to transitional employees serving as union stewards?

**Yes.**

29. Will the union be allowed to address transitional employees during new employee orientation?

**Yes. The provisions of Article 17.6 of the National Agreement apply to transitional employees. Accordingly, the union is to be provided ample opportunity to address newly hired city carrier transitional employees during orientation.**

30. Are transitional employees allowed to participate in the Federal Employees Health Benefits Program?

**The Memorandum of Understanding, Re: *Transitional Employees – Additional Provisions*, provides the following: "After an initial appointment for a 360-day term and upon reappointment to another 360-day term, any eligible noncareer transitional employee who wants to pay health premiums to participate in the Federal Employees Health Benefits (FEHB) Program on a pre-tax basis will be required to make an election to do so in**

**accordance with applicable procedures. The total cost of health insurance is the responsibility of the noncareer transitional employee.”**

31. To qualify for Health Benefits must a transitional employee serve the entire 360 day initial appointment before a second 360 day appointment?

**To qualify for Federal Employees Health Benefits, transitional employees must first have completed one full year (365 days) of current continuous employment, including breaks of five days or less, regardless of when the five-day break occurs.**

32. May a transitional employee have more than a five day break after a 360 day appointment and still be qualified for Federal Employee Health Benefits?

**A transitional employee who has a break in service of more than five days following a 360 day appointment will not be eligible for health benefits.**

33. Are transitional employees entitled to higher level pay under Article 25 of the National Agreement?

**No. Article 25 does not apply to transitional employees. However, Article 9.7 of the National Agreement requires that transitional employees be paid at Step A of the position to which assigned. Accordingly, if a transitional employee is assigned to a vacant Carrier Technician position, the employee will be paid at Step A of CC-02.**

34. How does a transitional employee who is employed in grade CC-01 but later assigned to a Carrier Technician position (CC-02) receive higher level pay?

**In such case the transitional employee's PS Form 50 must be revised to reflect assignment to the Carrier Technician position. This will require designation to the proper CC-02 occupational code (either 2310-0040 or 2310-0041).**

35. May transitional employees be assigned to vacant duty assignments?

**Yes, consistent with the following: The posting and bidding provisions of Article 41.1.A and the opting provisions of Article 41.2.B, and provisions of Article 25 for temporarily filling higher level vacancies still apply. However, transitional employees may be assigned to cover residual or temporary vacancies not filled through those procedures.**

36. Will transitional employees be allowed to opt on vacant duty assignments?

**No.**

37. May a transitional employee be assigned to a residual vacancy rather than converting an available part-time flexible city letter carrier to full-time?

**Unless the residual vacancy is being withheld pursuant to Article 12 of the National Agreement, the assignment should normally be filled pursuant to Section 722 of Handbook EL-312, which states: "A full-time residual position is filled by assigning an unassigned full-time employee or a full-time flexible employee. The conversion to full-time of a qualified part-time flexible employee with the same designation or occupation code as the vacancy should occur only after unassigned full-time employees have been**

**assigned. Part-time flexible employees must be changed to full-time regular positions, if appropriate, within the installation in the order specified by the applicable collective bargaining agreement."**

38. May a transitional employee be assigned to a full-time residual city letter carrier vacancy rather than hiring a career employee when the vacancy is not withheld pursuant to Article 12, no unassigned regular or full-time flexible employee is available for assignment, and no part-time flexible employee is available for conversion?

**In this limited circumstance, the full-time residual vacancy should be filled by accepting a qualified career employee transfer request. Such transfers will count toward the appropriate reassignment ratio, even if it is necessary to count such a transfer(s) toward a future hiring event. If there are no qualified requests for transfer pending at the time of the vacancy, a transitional employee may be assigned to the residual vacancy.**

39. Will city carrier transitional employees attend the carrier academy?

**Newly hired transitional employees will attend the carrier academy if it is part of the hiring and training process used in the district, provided the employee did not previously attend the training. This also applies to the classroom portion of the training for city carrier casuals who are appointed to transitional employee positions.**

40. Can a transitional employee act as a temporary supervisor (204-B)?

**Yes.**

41. May transitional employees enter into City Carrier Transportation (Driveout) Agreements, as defined in Article 41.4 of the National Agreement?

**No, Article 41.4 does not apply to transitional employees. However in circumstances where the postmasters or station manager determines that use of a personal vehicle is necessary for business purposes, a transitional employee 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.**

42. Will transitional employees be assigned a Postal Service Employee Identification Number (EIN) and Personal Identification Number (PIN)?

**Yes.**