

**RESOLUTION #1**  
**Termination for Performing Craft Work**  
**Submitted by: John Weiss**

**WHEREAS**, Article 1.6 prohibits supervisors from performing bargaining unit work , and

**WHEREAS**, violations of Article 1.6 result in monetary payments to grievants, and

**WHEREAS**, Art 1.6 grievance payments do not prevent these violations, therefore be it

**RESOLVED** that The APWU negotiate language that any EAS employee who performs bargaining unit work in violation of Article 1.6 will be removed from the Postal Service

**COMMITTEE RECCOMENDATION:** Non-concurrence

**RESOLUTION #2**  
**OTDL Use When PSEs Exceed 40 Hrs in a Week**  
**Submitted by: Chad Beer**  
**Similar Resolution Submitted by: Andy Kubat**

**WHEREAS**, Article 8.5.G currently requires the USPS to utilize the Overtime Desired List (OTDL) prior to working a PSE beyond eight (8) hours in a day, and

**WHEREAS**, there is currently no requirement to utilize the OTDL prior to working a PSE in excess of forty (40) hours in a week,

**WHEREAS**, the stated “trigger” for requiring OTDL usage in the “PSE over 8 in a day” situation of “*When the opportunity exists for overtime...*” also applies to a scenario where a PSE has worked in excess of forty (40) hours in a service week, therefore be it

**RESOLVED** that the APWU negotiate language to require that employees on the OTDL be scheduled prior to a PSE being utilized in excess of eight (8) hours in a day **and/or forty (40) hours in a week.**

**COMMITTEE RECCOMENDATION:** Concurrence

*SIMILAR RESOLUTION PREVIOUSLY ADOPTED*

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**REGULARS OFFERED OVERTIME PRIOR TO CASUALS**

—26—

Whereas, Management has succeeded in using casuals, where part-time flexibles (PTFs) could be used, and

Whereas, There is no language that deal with casuals and overtime, and

Whereas, This lack of language subverts the all-important principles of seniority in the workplace by failing to establish absolute rights to work or not to work overtime based on seniority, therefore be it

Resolved, That existing language be changed to state that full-time employees on the overtime desired list will be given the opportunity to work overtime prior to any casual.

**Adopted 2004**

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## RESOLUTION #3

### Eliminate the Ability to Bypass Penalty Overtime

Submitted by: Jeff Minnich

Similar Resolutions Submitted by: Andy Kubat

**WHEREAS**, the current language in Article 8.5.G allows management to bypass clerks in a penalty overtime status in favor of clerks who in a “regular” overtime status, and

**WHEREAS**, contract language requiring that clerks in NTFT positions working 10 hrs per day are paid at the penalty overtime rate for any hours worked after 10, and

**WHEREAS**, this “straight to penalty” provision makes it almost impossible for any 10-hr NTFT clerk to get any before tour or after tour overtime, and

**WHEREAS**, arbitrators have ruled, in PSE in lieu of OT cases, that management is obligated to schedule overtime and penalty overtime prior to using a PSE beyond eight (8) hours in a day based on the ruling that overtime is overtime regardless of rate, therefore be it

**RESOLVED** that the APWU negotiate to amend Article 8.5.G to delete “*However, the Employer is not required to utilize employees on the “Overtime Desired” list at the penalty overtime rate if qualified employees on the “Overtime Desired” list who are not yet entitled to penalty overtime are available for the overtime assignment*”, and be it further

**RESOLVED** that overtime opportunities will be scheduled in accordance with nationally and locally established pecking orders without regard to overtime rate status

**COMMITTEE RECCOMENDATION:** Concurrence

## RESOLUTION #4

### Paid Bereavement Leave

Submitted by: Carol Croll

**WHEREAS**, the current National Agreement provides no paid Bereavement Leave, and

**WHEREAS**, a funeral is the last chance to pay your respects to friends and loved ones, therefore be it

**RESOLVED** that the APWU negotiate language that would provide five (5) days of paid Bereavement Leave to cover absences due to the death of a spouse or immediate family member, and be it further resolved that

The APWU negotiate the right to take one (1) day off to the funeral of a non-family member.

**COMMITTEE RECCOMENDATION:** Previously Adopted {Resolution #44 (2000)}

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#### BEREAVEMENT LEAVE

—44—

Whereas, Article 10 of the Collective Bargaining Agreement establishes the leave program for bargaining unit employees, and

Whereas, No one has the ability to predict death since it is an Act of God@, therefore be it

Resolved, That the American Postal Workers Union and the Unites States Postal Service create a Bereavement Leave Program that allows employees to be paid two (2) days of leave for the death of an immediate family member, and be it further

Resolved, That the United States Postal Service allow use of leave without pay (LWOP) when an employee wishes to attend the funeral of a co-worker or non-immediate family member, without fear of repercussion

**Adopted 2000**

**Previously Adopted: 1988 National Convention, Resolution 138; 1992 National Convention, Resolution 66; 1996 National Convention, Resolution 38; 1998 National Convention, Resolution 76**

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**RESOLUTION #5**  
**Payment for Unused Sick Leave at Retirement**  
**Submitted by: Carol Croll**

**WHEREAS**, under current regulations, employees are paid a lump sum payment for any unused earned Annual Leave balance they have upon retirement, and

**WHEREAS**, there are no provisions for payment of accrued Sick Leave upon retirement, and

**WEHERAS**, the crediting of service time for unused sick leave does not come close to equaling the value of the earned leave, therefore be it

**RESOLVED** that the APWU negotiate language that retiring employees have the option of receiving lump sum compensation for any unused Sick Leave

**COMMITTEE RECCOMENDATION:** Concurrence

*SIMILAR RESOLUTION PREVIOUSLY ADOPTED*

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**OPTION OF CONVERTING SICK LEAVE INTO LUMP SUM**

—170—

Whereas, The earning of sick leave for hours worked is one of the most important employee benefits in the Postal Service, and

Whereas, The only incentive for saving sick leave at present is the additional time counted toward retirement for unused sick leave, and that compensation is only given to those covered by the Civil Service Retirement System, therefore be it

Resolved, That American Postal Workers Union propose to the Postal Service that all employees be given the option upon retirement of converting half their accrued sick leave into a lump sum payment with the other half counted as work time toward their retirement.

**Adopted 2002**

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**RESOLUTION #6**  
**Non-Traditional FT Holiday Pay**  
**Submitted by: Terri Dunne**

**Similar Resolutions Submitted by: Chad Beer / Faith Benner / Carol Croll / Lisa Marshall**

**WHEREAS**, Clerks working 4/10 hr NTFT positions are paid eight hours of holiday pay, and

**WHEREAS**, this results in 4/10 NTFT clerks only receiving 38 hours of pay during holiday weeks, and

**WHEREAS**, NTFT must work their designated holidays in order to maintain their 40 hr week, therefore be it

**RESOLVED** that the APWU negotiate 10 hrs of pay for NTFT employees working a 4/10 NTFT schedule

**COMMITTEE RECCOMENDATION:** Referred to Clerk Craft Resolution #4 (2013)

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**2013 Clerk Conference Resolution #4**

**WHEREAS**, holiday pay is currently 8 hours for all full-time employees, and

**WHEREAS**, certain Non-Traditional Full-time (NTFT) employees may have a regularly scheduled day that exceeds 8 hours on a holiday or designated holiday and

**WHEREAS**, such NTFT employee loses pay unless he/she works the holiday, therefore be it resolved

“That NTFT employees whose holiday or designated holiday exceeds 8 hours be paid holiday pay hour per hour in accordance with their scheduled day.”

**This resolution was passed as submitted**

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# **RESOLUTION #7**

## **Penalty for Frequent Offenders**

**Submitted by:** Andy Kubat

**WHEREAS**, Management is often guilty of repeated violations of the same nature, showing no regard for the provisions of the contract or any impact the violation has on employees, and

**WHEREAS**, after settling grievance, management will often repeat those same violations, and

**WHEREAS**, “cease and desist” remedies are not enough of a deterrent against repeat violations, and,

**WHEREAS**, a system of substantive monetary penalties would serve as a real deterrent against repeated violation, therefore be it

**RESOLVED** that the APWU negotiate language to be included in Article 15.4 which would provide a schedule of monetary penalties to be award to employees who are subjected to repeated rights violations of the same nature, and be it further

**RESOLVED** that these monetary penalties would increase with each subsequent violation until such time as the violations cease.

**COMMITTEE RECCOMENDATION:** Previously Adopted {Resolution #71 (2004)}

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### **MANAGEMENT FAILING TO ABIDE BY THE COLLECTIVE BARGAINING AGREEMENT**

—71—

Whereas, United States Postal Service management has demonstrated misconduct and has failed to abide by the Collective Bargaining Agreement, and

Whereas, Repeated contractual violations have run rampant and there is no deterrent in place to keep repeated violations from creating an unnecessary burden on the grievance process, therefore be it

Resolved, By instituting a substantial monetary penalty for violations of similar infractions, and be it further

Resolved, By multiplying the remedy amount by the number of previous infractions sustained through the grievance process for each individual supervisor whose violation caused the grievance to be initiated.

**Adopted 2004**

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# **RESOLUTION #8**

## **Administrative Leave for All Employees**

**Submitted by:** Kevin Choy

**WHEREAS**, Administrative Leave is paid to employees unable to report to work due to an Act of God, and

**WHEREAS**, employees who report to work on the day of a qualifying Act of God receive no additional compensation, and

**WHEREAS**, the current process encourages call-offs with no incentive to report to work, therefore be it

**RESOLVED** that the APWU negotiate language that when Administrative Leave is granted, clerks who report to work will be granted an equal number of hours of Administrative Leave to be used in the future.

**COMMITTEE RECCOMENDATION:** Non-concurrence

# **RESOLUTION #9**

## **Restoration of Seniority for Voluntary Transfers**

**Submitted by:** Felix Orengo

**Similar Resolutions Submitted by:** Teri Dunne

**WHEREAS**, Clerks who voluntarily transfers begin a new period of seniority, and

**WHEREAS**, Clerks who are involuntarily excessed retain their full seniority, and

**WHEREAS**, Clerks who bid jobs via the “21-day notice” retain their full seniority, therefore be it

**RESOLVED** that the APWU negotiate language so that clerks who “lost” seniority by voluntarily transferring from one installation to another will have their full seniority restored.

**COMMITTEE RECCOMENDATION:** Previously Adopted {Resolution #135 (2000)}

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### **NATIONWIDE SENIORITY IN THE CLERK CRAFT**

—135—

Whereas, The principles of seniority are limited to the individual installation, and

Whereas, The American Postal Workers Union governs postal workers as one body, therefore be it

Resolved, That seniority in the Clerk Craft be based on one seniority list nationwide to be utilized when transferring to another postal facility.

**Adopted 2000**

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# **RESOLUTION #10**

## **PSE: Conversion to Career**

**Submitted by:** Andy Kubat

**WHEREAS**, Postal Support Employees (PSE) replaced casuals and were brought into the bargaining unit with the intent of improving their circumstances and providing a “pathway to career”, and

**WHEREAS**, the PSE percentage cap is currently the only enforceable means of conversion, and

**WHEREAS**, the USPS has shown a propensity to manipulate the PSE rolls by underreporting PSE hires and improperly classifying PSEs as “new work” PSEs , therefore be it

**RESOLVED** that the APWU negotiate provisions that all PSEs on the rolls as of the effective date of the new contract, with at least three (3) years of service will be converted to career status, and that a PSE may not be scheduled for a 5-day break in service on the effective date of the new contract as an attempt to circumvent these provisions.

**COMMITTEE RECCOMENDATION:** Referred to Clerk Conference Resolution #1 (2013)

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### **2013 Clerk Conference Resolution #1**

South Shore Area Local (MA)

**WHEREAS**, the APWU has negotiated to hire Postal Support Employees (PSE) into the APWU bargaining unit without career status, and

**WHEREAS**, there is currently no mechanism to convert such PSES to career status, therefore be it resolved, “*Be it resolved that the APWU negotiate language that would trigger PSE conversions to career status after all contractual rights for career employees have been met such as but not limited to retreat rights, PTF Conversions and assignment of unencumbered employees*”

**This resolution was passed as amended.**

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**RESOLUTION #11**  
**PSE: Annual Leave Carry Over**  
**Submitted by: Andy Kubat**

**WHEREAS**, PSEs are currently limited to a maximum 360 day appointment and must have a five (5) day service break before being reappointed to another term, and

**WHEREAS**, Section 1.A.3 of the PSE MOU Attachment A indicates that all PSEs will receive a lump-sum payment for accumulated annual leave, and

**WHEREAS**, this language prohibits PSEs from carrying over accumulated annual leave into their next appointment, and

**WHEREAS**, the inability to carry over leave makes it difficult to schedule vacation time and seriously hinders a PSEs ability to request time off, therefore be it

**RESOLVED** that the APWU negotiate changes to Section 1.A.3 of the PSE MOU Attachment A so that a PSE who will be re-hired after their five (5) day break would have the option of taking a lump-sum payment for their accumulated leave or carry over accumulate leave into their next appointment.

**COMMITTEE RECCOMENDATION:** Concurrence. *However, based on the fact that PSEs are removed from the USPS rolls during their service break, this proposal would require a Congressional action to change OPM rules.*

**RESOLUTION #12**  
**PSE: Forfeiture of Accrued Leave**  
**Submitted by: Andy Kubat**

**WHEREAS**, PSEs accrue leave based upon the number of hours worked in a pay period, and

**WHEREAS**, Section 1.B of the PSE MOU Attachment A states that a PSE whose separation is effective before the last Friday of a pay period does not receive credit for any annual leave already earned during that pay period, and

**WHEREAS**, this language gives management a monetary incentive to separate PSEs prior to the last Friday of a pay period since doing so would cause the PSE to forfeit up to four (4) hours of annual leave, and

**WHEREAS**, no employee benefit should be subject to manipulation by management personnel actions, and that annual leave earned during a pay period should be credited, or paid as terminal leave, regardless of separation date, therefore be it

**RESOLVED**, be it resolved that the APWU negotiate to amend the language of Section 1.B of the PSE MOU Attachment A to ensure that PSEs get full credit for all annual leave earned during a pay period.

**COMMITTEE RECCOMENDATION:** Concurrence

**RESOLUTION #13**  
**PSE: Documentation Upon Demand**  
**Submitted by: Andy Kubat**

**WHEREAS**, the Employee Labor Manual (ELM) contains regulations pertaining to the requesting of evidence and documentation from employees with unscheduled absences, and

**WHEREAS**, the current PSE provisions in the PSE MOU Attachment A.3.B grants management the unfettered ability to demand documentation in situations beyond what is provided for in the ELM, and

**WHEREAS**, this language is vague and vulnerable to abuse by management

**WHEREAS**, the current ELM provisions have proven to be an adequate means of controlling attendance, and

**WHEREAS**, PSE, as members of the APWU bargaining unit, should not bear the burden of always being susceptible to demands for evidence, therefore be it

**RESOLVED** that the APWU negotiate to amend Attachment A.3.B of the PSE MOU to delete the words, “*In addition, PSEs must provide acceptable evidence for absences when required*”

**COMMITTEE RECCOMENDATION:** Concurrence

**LEGISLATIVE RESOLUTION #1**  
**Closed Shop**  
**Submitted by: Carol Croll**

**WHEREAS**, some clerks choose not to join the APWU and,

**WHEREAS**, these scab have no problem accepting the wages and benefits achieved by the union, and

**WHEREAS**, these scabs want the protections of the union despite not paying dues, and

**WHEREAS**, these freeloaders “steal” money out of the pockets of union members every day, therefore be it

**RESOLVED** that the APWU negotiate that all employees working in the clerk craft **must** join the union

**COMMITTEE RECCOMENDATION:** Concurrence. *However, the US Government does not permit closed shops in any of its agencies. Additionally, this would require legislative action by Congress to modify the Taft-Hartley Act which prohibits closed shops in states with right-to-work laws.*

**LEGISLATIVE RESOLUTION #2**  
**Allow PSEs to Buy Back Service Time**  
**Submitted by: Dan Goss**  
**Also submitted by: Robin Banks / David Griswold / Melanie Heil**  
**Adam Miller / Maria Vargas / Mark Wagner**

**WHEREAS**, career postal employees have the opportunity to “buy back” time spent in the military. And

**WHEREAS**, this time, once bought is added to their service time for retirement benefits, and

**WHEREAS**, PSEs may work for many years before being hired as career employees, therefore be it

**RESOLVED** that the APWU negotiate language to permit career employees to buy back any time served in a PSE assignment and that this time would be counted towards their retirement benefits.

**COMMITTEE RECCOMENDATION:** Concurrence. *This would require legislative action by Congress. Current OPM rules allow for the crediting of service on when performed before 1989 if no withholding, any period when deductions were withheld and refunded, or time spent in the Peace Corps or VISTA.*