



American Postal Workers Union, AFL-CIO
Central Florida Area Local, #1462
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May 1, 2017

Don Shandor
Plant Manager
Orlando P&DC

Don:

It has been brought to my attention that there is a new practice being implemented in the Orlando P&DC once an employee returns back to work after an absence. Apparently, there is a bright pink colored card (**Exhibit 1**) in the time badge rack where the employee's time card would normally be, and it instructs the employee to report to the Control Center to retrieve their time badge, and to sign their PS Form 3971. The signing of the PS Form 3971's should be while the employee is on the clock, and not prior to clocking in (see attached Step 4 National Settlement-**Exhibit #4**). According to the F-21, the time badges should be made available for all employees prior to and up to .10 after their reporting times.

I have also attached the locally developed form titled Postal Service Attendance Policies (Exhibit #1 page 2). As you know, the APWU continually welcomes an opportunity to foster a good Labor/Management relationship in the best interests of the employees we represent, but we cannot be a party to anything that would be detrimental to our members, and this proposal of the development of a local form would do just that. I do not believe that local management has the authority to change and/or locally develop new forms. The ASM (Administrative Support Manual), Chapter 3, Section 324.1 states:

324 Development, Coordination, and Clearance

324.1 Development

Headquarters organizational units approve the requirements for new or revised forms within their functional areas. Forms Management analyzes and designs the form and assigns an identifying number.

I have attached an additional page to this letter from the Administrative Support Manual (ASM), Chapter 3, Section, 324.2 (page 113—**Exhibit #3**), which includes a chart explaining what type of required clearance is necessary prior to any new or revised form is approved. Below is a question and answer in support of the APWU's position and is from the Southeast/Southwest Area Joint Contract Applications Manual (JCAM) which states:

3. Can management develop forms locally?

RESPONSE:



Yes. If the procedure and provisions for the approval of locally developed forms in Section 324.12 of the Administrative Support Manual is met.

SOURCE: Step 4 (H4N-5R-33012), July 8, 1988- Section 324.12, Administrative Support Manual.

If you have any questions or concerns regarding this position of the APWU, I would be willing to meet with you to discuss them. Having a good Labor/Management relationship in the best interests of the employees we represent, as well as the USPS, would not include the APWU entering into a program which would prove to be unfavorable to the bargaining unit Crafts represented by the Central Florida Area Local.

If the employees are being required to sign and/or initial any such forms, be advised that the APWU will grieve this practice immediately and this will be pursued to the District and/or Area level.

Sincerely,

A handwritten signature in black ink that reads "Joe Paul". The signature is written in a cursive style with a large, looping initial "J".

President

Cc: Robert McSorley, Vice President



**REPORT TO
CONTROL CENTER
TO PICK UP BADGE**

**RETURN TO
CONTROL CENTER**

POSTAL SERVICE ATTENDANCE POLICIES

Date: _____

EXHIBIT#

Employee: _____ Initials _____

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EMPLOYEE AND LABOR RELATIONS MANUAL (ELM)

Section 511.4 Unscheduled Absence

511.41 Definition

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

Section 511.42 Management Responsibilities

To control unscheduled absences, postal officials:

Inform employees of Postal regulations

Discuss attendance records with individual employees when warranted.

Maintain and review PS Form 3972, Absence Analysis

Section 511.43 Employee Responsibilities

Employees are expected to maintain their assigned schedule and must make every effort to avoid unscheduled absences. In addition, employees must provide acceptable evidence for absences when required.

Section 513.36 Sick Leave Documentation Requirements

513.361 Three Days or Less

For periods of absence of 3 days or less, supervisors may accept the employee's statement explaining the absence. Medical documentation or other acceptable evidence of incapacity for work or need to care for a family member is required only when the employee is on restricted sick leave OR when the supervisor deems documentation desirable for the protection of the interests of the Postal Service.

513.362 Over Three Days

For absences in excess of 3 days, employees are required to submit medical documentation or other acceptable evidence of incapacity for work or of need to care for a family member.

Section 513.364 Medical Documentation or Other Acceptable Evidence

When employees are required to submit medical documentation, such documentation should be furnished by the employee's attending physician or other attending practitioner who is performing within the scope of his or her practice. The documentation should provide an explanation of the nature of the employee's illness or injury sufficient to indicate to management that the employee was (or will be) unable to perform his or her normal duties for the period of absence. Normally, medical statements such as "under my care" or "received treatment" are NOT acceptable evidence of incapacitation to perform duties.

Section 513.365 Failure to Furnish Required Documentation

If acceptable substantiation of incapacitation is not furnished, the absence may be charged to annual leave, LWOP or AWOL.

Section 665.41 Requirement of Regular Attendance

Employees are required to be regular in attendance. Failure to be regular in attendance may result in disciplinary action, including removal from the Postal Service.

Failure to call in 877-477-3273/TTY 866-833-8777 or report to work as scheduled may result in the absence being listed as AWOL (absent without leave).

Provided to employee by: _____

Date: _____

324.2 Coordination and Clearance

The originating office obtains the necessary clearances from other affected organizational units before a new or revised form is approved. Required clearances include:

Type of Form	Required Clearance
Forms that affect wages, hours, and other terms and conditions of employment, or that concern any work and/or time standards or studies relating to any bargaining unit employees.	PS: Through the vice president of Labor Relations using the clearance option 3 memo (see MI AS-310-96-3, <i>Management of Policy and Procedure Information – Paper and On-Line</i>). Local: Through the appropriate area Human Resources manager.
PS and local forms that: a. Collect personally identifiable information about a customer, employee, or other individual (such as name or Social Security number) directly from those individuals. b. Are completed by a customer, employee, or other individuals.	Through the manager, Records Office, using the clearance option 3 memo (see MI AS-310-96-3) for Privacy Act considerations (for details see Handbook AS-353, <i>Guide to Privacy, the Freedom of Information Act, and Records Management</i>).
PS forms that are stocked in the material distribution centers.	Through Inventory Management, Purchasing and Materials, Headquarters, on Form 189, <i>Stocking Plan for Directives and Forms</i> .

325 Restrictions

325.1 Overprinting

Do not overprint slogans, publicity information, trademarks, service marks, or personal identification (e.g., local postmaster’s name) on PS forms without Forms Management approval. Overprinting of common fill-in information on forms (such as facility name, address, and telephone number) by tickometer, addressograph, computer, or other duplicating equipment may be approved by the vice presidents of Area Operations or the managers of Computer Operations Service Centers, Information Systems.

325.2 Modifying PS Forms

Clear any modifications or revisions to PS forms with Forms Management.

326 Ordering Forms

See Publication 223 for ordering information and supply sources.

327 Retaining Completed Forms

Certain completed forms become official Postal Service records having legal and contractual implications. The creation, maintenance, disposal, disclosure, and protection of Postal Service records are governed by Handbook AS-353, *Guide to Privacy, the Freedom of Information Act, and*



SEP 03 1985

THOMAS K. FREEMAN

UNITED STATES POSTAL SERVICE
475 L'Enfant Plaza, SW
Washington, DC 20260

ARTICLE	8
SECTION	4
SUBJECT	
FORM 3971	
ON CLOCK	

Mr. Thomas Freeman, Jr.
Assistant Director
Maintenance Craft Division
American Postal Workers
Union, AFL-CIO
817 14th Street, N.W.
Washington, D.C. 20005-3399

Re: Class Action
Orlando, FL 32802
H/C-3K-C 48121

Dear Mr. Freeman:

On August 16, 1985, we met to discuss the above-captioned grievance at the fourth step of our contractual grievance procedure.

The issue in this grievance involves management requiring employees to complete PS Forms 3971 at the Postal Source Data Site prior to obtaining their time badges following unexpected absences from duty.

After reviewing this matter, we mutually agreed that no national interpretive issue is fairly presented in this case. This is a local dispute suitable for regional determination by application of Part 513.332 of the ELM as well as Part 333.3 of the F-21 Handbook to the fact circumstances.

The parties at this level agree that the completion of a Form 3971 "upon/after return to duty" means while the employee is on-the-clock.

Accordingly, we agreed to remand this case to the parties at Step 3 for application of the above understanding to the fact circumstances.

Mr. Richard I. Nevodau

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Please sign and return the enclosed copy of this letter as your acknowledgment of agreement to remand this case.

Sincerely,

Muriel Aikens
Muriel Aikens
Labor Relations Department

Thomas L. Freeman, Jr.
Thomas Freeman, Jr.
Assistant Director
Maintenance Craft Division
American Postal Workers
Union, AFL-CIO