



**American Postal Workers Union, AFL-CIO**  
**Central Florida Area Local, #1462**  
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February 24, 2017

Robert Streeper  
Postmaster  
Tavares:

Re: Tavares Post Office

Robert:

I wanted to touch base with you in advance of any potential contractual violations. One of the reasons I am contacting you is that we know that the 2-former part-time flexible employees were: (i) working 40 plus hours per week on a consistent basis, (ii) your office has now been upgraded to a Level 21, (iii) you now have these 2 employees scheduled to work 6 days per week 5 hours per day, (iv) and there should be no one other than Clerk Craft employees doing the bargaining unit work in your installation, (v) the NTFTs should not work over the 5 hours per day listed on their duty assignments, (vi) and no Clerk that is not on the OTDL can be mandated to work overtime if there is a NTFT in the facility. With all of that being said, where are all of those hours that were being worked going to go? If the 2 new NTFT Clerks are working over their 5-hour work schedules, then contractually it should only be in an emergency. I know they just received a NTFT duty assignment (bid), but if you or a member of your staff works them 'outside' of their normal daily work-schedules, then it is improper and will be followed with grievances for monetary payment to the Clerks in your office.

As an example, if the NTFT employee's hours are 5 am-10 am, and they are being worked past the 5 hours, then it must be in an emergency situation. Article 3.F defines an emergency as, "*an unforeseen circumstance or a combination of circumstances which calls for immediate action in a situation which is not expected to be of a recurring nature.*" Of course, if the NTFT works out of schedule they will receive out of schedule pay, and the APWU will also grieve for all hours over their (NTFT) regularly scheduled hours to be paid to the Clerk Craft employees. In addition, we will want those NTFT jobs re-posted with additional hours per week duty assignments. Any time there is a change in a NTFT duty assignment it must be re-posted within the installation. If the NTFT employee does work over their regularly schedule number of work-hours per day, we would like a written explanation as to what the emergency is for each occasion.

Article 3 item F of the 2015-2018 Collective Bargaining Agreement defines the contractual definition of the word **emergency** as follows: "*an unforeseen circumstance or combination of circumstances which calls for immediate action in a situation which is not expected to be of a recurring nature.*"

- Leave is planned for and occurs more than once.
- Staffing, scheduling or understaffing is also planned.



- Holidays happen every year.

**2012 JCIM under Article 8:**

30. *Could employees in NTFT duty assignments, who sign the OTDL, and have a daily schedule of less than 8 hours, work the hours up to 8 at the out-of-schedule (OOS) premium, and then be available for overtime?*

*Response: **No.** Employees in NTFT duty assignments will normally work the number of hours (daily and/or weekly) identified in their bid assignment, except in an **emergency**.*

35. *Normally the employee in a NTFT duty assignment should not work more than the number of hours (daily and/or weekly) identified in their bid assignment, except in an **emergency**. What is considered to be an **emergency**?*

*Response: Article 3.F provides the parties' mutual understanding of what constitutes an **emergency** situation: an unforeseen circumstance or a combination of circumstances which calls for immediate action in a situation which is not expected to be of a recurring nature.*

38. *When an employee in a NTFT duty assignment is routinely scheduled to work additional hours (compensated at the out-of-schedule rate) each week, must the assignment be reposted?*

*Response: Employees in NTFT duty assignments will normally work the number of hours (daily and/or weekly) identified in their bid assignment, except in an **emergency**.*

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**NTFT MOU:**

7. Full-time career clerk craft and motor vehicle craft employees who are not on the Overtime Desired List and are in the same facility with employees working in NTFT duty assignments of less than 40 hours in the same Functional area and overtime section(s), as defined in the Local Memorandum of Understanding, will not be required to work overtime except in an emergency, as defined in Article 3, Section F.

In the spirit and intent of good faith bargaining, I am sending this to you in advance to avoid potential violations. I would also welcome the opportunity to discuss the re-posting of these two duty assignments as 5 day per week 8 hour per day positions. I look forward to your soon response.

Sincerely,



Cc: Robert McSorley, Vice President  
Warren Pearlman, Steward  
APWU Bulletin Board

