



## American Postal Workers Union, AFL-CIO

1300 L Street, NW, Washington, DC 20005

January 29, 2002

TO: Local Presidents  
National Business Agents  
National Advocates  
Regional Coordinators  
Resident Officers

FR: Greg Bell, Director of  
Industrial Relations

RE: Application of New "Article 11" Provisions of the 2000 National Agreement

In accordance with the Goldberg Interest Arbitration Award, effective February 2, 2002, eligible full-time and part-time regular employees may (at their option) elect to receive up to eight (8) hours of annual leave in lieu of holiday leave pay. The following represents the modification that will be made to Article 11 in the 2000 National Agreement, and an explanation of its application, consistent with the Goldberg Award.

### New Language

#### Article 11, Section 3. Payment (new language bolded)

- A. An employee shall receive holiday pay at the employee's base hourly straight time rate for a number of hours equal to the employee's regular daily working schedule, not to exceed eight (8) hours. **Effective February 2, 2002, employees who work their holiday, at their option, may elect to have their annual leave balance credited with up to eight (8) hours of annual leave in lieu of holiday leave pay.**

#### Article 11, Section 4. Holiday Work (new language bolded)

- A. An employee required to work on a holiday other than Christmas shall be paid the base hourly straight time rate for each hour worked up to eight (8) hours. **Effective February 2, 2002, employees who work their holiday, at their option, may elect to have their annual leave balance credited with up to eight (8) hours of annual leave or receive holiday pay to which the employee is entitled as above described.**
- B. An employee required to work on Christmas shall be paid one and one-half (1½) times the based hourly straight time rate for each hour worked. **Effective February 2, 2002,**

**employees who work their holiday, at their option, may elect to have their annual leave balance credited with up to eight (8) hours of annual leave or receive holiday pay to which the employee is entitled as above described.**

- C. Deferred holiday leave credited in accordance with Section 4.A or 4.B, above, will be subject to all applicable rules for requesting and scheduling annual leave and shall be combined with annual leave and counted as annual leave for purposes of annual leave carryover.**

#### Effective Date Option can be Used

The effective date of the new provision is February 2, 2002. Therefore, employees can exercise their option starting with the first holiday after February 2, Presidents' Day (February 18, 2002).

The new Article 11 contract provisions give eligible APWU full-time and part-time regular employees an option to receive holiday leave pay or a future day of annual leave if the employee works any part of their holiday or designated holiday. This option applies whether the employee is required, or volunteers, to work the holiday or designated holiday.

The opportunity to receive annual leave in lieu of holiday leave pay is granted to those contractually eligible employees who work any part of their holiday or designated holiday regardless of how many hours an employee works on their holiday. However, the option to elect annual leave in lieu of holiday leave is available only to eligible employees who work at least some part of their holiday or designated holiday. Management cannot disapprove properly submitted requests to receive annual leave in lieu of holiday leave pay.

If an employee elects annual leave in lieu of holiday leave pay and requests to work only part of the holiday, the employee must request some type of paid or unpaid leave (i.e., annual, sick, LWOP) for the remainder of that day, as with any other workday. If the employee works a partial holiday because management requires it, the employee is to be paid guaranteed time for the remainder of the day.

Part-time regulars (PTRs) who elect annual leave in lieu of holiday pay are entitled to convert the number of holiday leave hours that they were entitled to receive holiday leave pay (a number of hours equal to the employee's regular working schedule, not to exceed eight hours). For example, a PTR who is normally scheduled 6 hours per day would be entitled to 6 hours of holiday leave pay. Therefore, if otherwise eligible, the employee may elect to convert that holiday leave pay to 6 hours of annual leave.

#### Eligibility

In addition to the requirement that the employee must work their holiday or designated holiday in order to defer holiday leave, only APWU employees who are "eligible" to receive

holiday pay may elect the deferred leave option. To be eligible for holiday pay, an employee must be in a pay status the last hour of the employee's scheduled workday prior to, or the first hour of the employee's scheduled workday after, the holiday.

### Payment

Article 11 provides ten (10) holidays for full-time and part-time regular employees. An employee receives holiday pay at the employee's base hourly straight time rate for a number of hours equal to the employee's regular daily working schedule, not to exceed eight (8) hours. In addition to holiday leave pay, an employee who works their holiday or designated holiday is paid the base hourly straight time rate for each hour worked up to eight (8) hours. However, an employee who works their Christmas holiday or designated holiday is paid one and one-half (1½) times the base hourly straight time rate for each hour worked.

### Administration

Employees are to use the current Form 3971 to notify management of their intent to elect annual leave in lieu of holiday leave pay, pending modification to PS form 3971. The block labeled "Other" under "Type of Absence" should be checked and the words, "Elect Annual Leave in lieu of Holiday Leave (holiday name, i.e. President's Day)" should be written in the "Remarks" section. The Form 3971 must be submitted to the supervisor no later than the end of the employee's holiday or designated holiday.

The employee's request (Form 3971) should be signed and dated by the supervisor and the original kept by the supervisor for record keeping purposes. The supervisor should provide the employee with a copy. It should be noted that until the payroll system changes are completed, the deferred leave hours will not appear on the employee's annual leave balance. However, the deferred annual leave is available for use the pay period following the holiday or designated holiday worked, in accordance with local usage policy and procedures. The APWU has been informed that as soon as administratively possible, USPS Headquarters Finance will provide the field with information about when the conversion of deferred holiday leave to annual will take place.

Employees annual leave balances will be updated as soon as the payroll systems have been modified. Once payroll system changes are completed, annual leave in lieu of holiday leave pay will be reflected as annual leave in the employee records the pay period following the holiday or designated holiday. The annual leave will be included in the employee's regular annual leave balance. Because deferred holiday leave is combined with other annual leave credit, it becomes subject to loss if the employee has more than the maximum leave carryover at the end of the leave year.

If you have any question, please contact my office at 202-842-8473.