

Withholding and excessing

Notices of withholding and excessing have been, and are being, received by almost every branch, and these notices directly affect tens of thousands of individual letter carriers. Article 12 gives management the right and responsibility to withhold full-time and part-time positions for employees who may be involuntarily reassigned. Involuntary reassignment of career employees into other installations is a result of triggering events that dictate the reduction of the workforce in a craft or locale due to a variety of reasons. The advent of DPS was an event that triggered withholding/excessing in the past, and the implementation of FSS, plant closures and declining mail volume are the current triggers.

Withholding full-time and part-time vacancies under the provisions of Article 12 is not merely a management right, it is an obligation in order to keep “dislocation and inconvenience” to full-time and part-time flexible employees to a minimum, consistent with the needs of the service and compliant with the terms of the contract.

In years past, withholding notices were issued and were reasonably manageable—in terms of the number of simultaneous notices and the lack of territorial overlap of these notices. Today, the number of simultaneous overlapping withholding notices is large—accelerated by the decline in mail volume. There are branches currently covered by as many as seven separate notices at one time. The USPS calls withholding notices “events;” that is, the individual reasons for and withholding of positions both large and small. Currently, there are more than 3,000 events nationwide this fiscal year.

Management may not withhold more positions than are reasonably necessary to accommodate any planned excessing. Article 12.5.B.2 only authorizes management to withhold “sufficient...positions within the area for full-time and part-time flexible employees who may be involuntarily reassigned.”

There are no blanket rules that can be used to determine whether management is withholding an excessive number of positions or withholding positions for an excessive period of time. Rather, each situation must be examined separately, based upon local fact circumstances. Generally, this involves calculating the number of positions that will be reduced, the length of time over which

the reductions will occur, and then determining if the reductions will occur faster than can be accommodated by normal attrition.

Withholding positions for excessing is only justified when positions in the losing craft or installation must be reduced faster than can be accomplished through normal attrition. Projections of anticipated attrition must take into account not only local historical attrition data but also the age composition of the employees. Installations with a high percentage of employees approaching retirement age can reasonably anticipate higher attrition than installations with younger employees. Thus, accurate projections require an examination of the local fact circumstances rather than the mere application of a national average rate.

In order to determine whether withholding is necessary, the union must determine whether management’s projections of the number of employees who will be excessed is reasonable. Additionally, with the large number of simultaneous/overlapping withholding notices, it has become difficult to accurately track the progress of these “events” to determine if one notice has been satisfied or whether positions are withheld for another simultaneous/overlapping notice. To that end, President Young has authorized the NALC Internet Technology Department to create a software program to track Article 12 withholding and excessing. As with all computer programs, however, the end result is only as good as the information entered.

National Business Agents have been tasked with the continuous process of collecting information concerning withholding notices in their regions for input into the Article 12 tracking system. If NALC is to be successful in tracking and ensuring contractual compliance protection for letter carriers, branches must be prepared to assist in gathering information. In the near future, NBAs will begin the process of reaching out to local branches for assistance in collecting information for Article 12 tracking. The requested information will be specifically tailored to track every withholding event in the nation.

If you have questions concerning withholding notices that apply to your branch, contact your NBA for guidance. This process is going to take a national effort to achieve success and every letter carrier should be ready to join the fight. If we are going to keep dislocation and inconvenience to a minimum, it will require *maximum* effort. ☒