

M-01713

Mr. Fredric V. Rolando
President
National Association of Letter
Carriers, AFL-CIO
100 Indiana Avenue, NW
Washington, DC 20001-2144

Re: NALC# 8306
Q06N-4Q-C 09038595
Class Action
Washington, DC 20260-4100

Dear Mr. Rolando:

Our representatives met on several occasions to discuss the above-referenced case at the Interpretive Step of the grievance procedure. Interpretive Step time limits were extended by mutual consent.

The parties agree that the March 26, 2009, Questions and Answers (42), NALC Transitional Employees, resolved the issue of assigning a transitional employee to a residual vacancy rather than hiring a career employee when the office is not under withholding and there are no available part time flexible, full-time flexible, or unassigned regular employees.

38. May a Transitional Employee be assigned to full-time residual city letter carrier vacancy rather than hiring a career employee when the vacancy is not withheld pursuant to Article 12, no unassigned regular or full-time flexible is available for assignment, and no part-time flexible employee is available for conversion?

In this limited circumstance, the full-time residual vacancy should be filled by accepting a qualified career employee transfer request. Such transfers will count toward the appropriate reassignment ratio, even if it is necessary to count such a transfer(s) toward a future hiring event. If there are no qualified requests for transfer pending at the time of the vacancy, a transitional employee may be assigned to the residual vacancy.

Cases held pending resolution of this national case will be processed by applying the above principles to current local fact circumstances.

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

Sincerely,



Alan S. Moore
Manager, Labor Relations
Policy and Programs
Labor Relations
U.S. Postal Service



Fredric V. Rolando
President
National Association of Letter
Carriers, AFL-CIO

Date: 1-5-10