## **Can they change my schedule?**

ou come back to the office and there is a notice on the time clock to all carriers which reads: "All carriers, report at 8:00 a.m. tomorrow." You, and every other regular in the office, have a permanent scheduled starting time of 7 a.m. Can they change your schedule like that with only a day's notice? The simple answer is yes, but that is not the end of it.

While you have a regular starting time, management does have the right to make changes to your starting time. However, this right is *not* without consequence. The employer's rights to change your schedule are mitigated by the protective contractual language found in Article 8 (*JCAM* pages 8-4, 8-5 and 8-6), which may require additional payment to carriers.

There are three ways in which management can change your starting time: a permanent schedule change, where the employee is properly notified and in compliance with provisions of the local memorandum of understanding; a temporary schedule change, where the carrier is given advance notice by Wednesday of the preceding service week; and a temporary schedule change, where the carrier is not properly given advance notice.

In the example given, the employee was not provided with advance notice by Wednesday of the preceding week. Do you get "out of schedule" pay? *JCAM* (8-5) states:

**Rules for Out-of-Schedule Premium.** In the letter carrier craft the out-of-schedule premium provisions are applicable only in cases where management has given advance notice of the change of schedule by Wednesday of the preceding service week. In all other cases a full time employee is entitled to work the hours of his or her regular schedule or receive pay in lieu thereof and the regular overtime rules apply—not the out-of-schedule premium rules.

So, if "out of schedule" pay does not apply, what is the consequence for management? Again, the *JCAM* reads:

In this case any hours worked in addition to the employee's regular schedule are not considered out-ofschedule premium hours. Instead, they are paid as overtime hours worked in excess of 8 hours per service day or 40 hours per service week. In other words, you are permanently scheduled to work 7 to 3:30, right? You are guaranteed those hours. However, your supervisor changed your schedule to work 8 to 4:30, right? So, in the example above, you would receive one hour of guarantee time (7 to 8 a.m.), seven hours of straight time (8 a.m. to 3:30 p.m.) and one hour of overtime (3:30 to 4:30 p.m.). Had the note on the time clock been a change to report at 9 instead of 8, the formula would be two hours of guaranteed time, six hours of straight time and two hours at the overtime rate.

**Keep in mind that if you are not on the Overtime Desired** List and you were scheduled to work overtime, in this scenario, all the carriers on the ODL should be utilized to the maximum extent, possibly including "penalty overtime." While the overtime you worked was a result of the schedule change, you were still scheduled to work overtime when ODL employees were available (*JCAM* 8-16):

**Mandatory Overtime.** One purpose of the Overtime Desired List is to excuse full-time carriers not wishing to work overtime from having to work overtime. Before requiring a non-ODL carrier to work overtime on a nonscheduled day or off his/her own assignment on a regularly scheduled day, management must seek to use a carrier from the ODL, even if the ODL carrier would be working penalty overtime.

When would "out of schedule" pay apply? When management gives advance notice of the schedule change by Wednesday of the preceding week. Using the example of changing the starting time from 7 to 8 and working eight hours, the time from 8 to 3:30 would be seven hours of straight time and the hour from 3:30 to 4:30 would be one hour of "out of schedule" pay. Under this example, if you worked until 5:30, you would receive seven hours straight time, one hour of "out of schedule" premium, and one hour of overtime.

**Don't be confused by schedule changes or "out of sched**ule" pay. The *JCAM* contains clear and concise examples to help guide you (nalc.org/depart/cau/jcam.html).