

Excessing and seniority

How seniority is affected when employees are excessed often is a point of confusion. Articles 12 and 41 of the National Agreement and the mutually agreed-upon explanations found in the April 2009 *Joint Contract Administration Manual (JCAM)* are the authorities on this issue. Both are available on the NALC website at nalc.org/depart/cau/index.html.

Letter carriers excessed to letter carrier craft in a different installation—Letter carriers being excessed to the letter carrier craft keep their seniority. Article 12.5.C.5.b covers this type of excessing. The corresponding explanation on page 12-30 of the *JCAM* states:

Letter carriers excessed under the provisions of Article 12.5.C.5.b keep their seniority. This is not inconsistent with the provisions of Article 41.2.A.2.

Employees from other crafts excessed to the letter carrier craft inside the installation or from another installation—All employees from other crafts excessed to the letter carrier craft *always* begin a new period of seniority. There are no exceptions to this rule. This applies to excessing inside and outside the installation. Even though these employees come into our craft as full-time employees, they still must always begin a new period of seniority.

Article 12.5.C.5.a(4) covers excessing to other crafts within an installation and contains language relating to seniority of employees excessed under this provision. However, National Arbitrator Carlton Snow ruled on this issue. The explanation of Article 12.5.C.5.a(4) is found on page 12-28 of the *JCAM*:

Seniority National Arbitrator Snow held in W7N-4Q-C 10845, December 19, 1991 (C-11528) that the stated seniority rule is inconsistent with Article 41.2.G. Therefore, in accordance with Article 12.5.B.10, the correct seniority under this particular section is that such employees, when reassigned to the letter carrier craft, begin a new period of seniority in accordance with Article 41.2.G.

Arbitrator Snow's ruling makes very clear that employees from other crafts within the installation begin a new period of seniority in accordance with Article 41.2.G, which states that a new period of seniority begins when "...an employee from another USPS craft is reassigned voluntarily or involuntarily to the Letter Carrier Craft."

Article 12.5.C.5.b(2) covers excessing into a different craft outside the installation. The same language referencing Arbitrator Snow's award is found in this section on page 12-32 of the *JCAM*.

The rule is the same for both situations. All employees from other crafts excessed into the letter carrier craft *always* begin a new period of seniority.

Letter carriers returning to the letter carrier craft after being excessed to another craft inside the same installation—When an employee is excessed to another craft within the installation, Article 12.5.C.5.a(5) requires that "The employee shall be returned at the first opportunity to the craft from which reassigned."

If a letter carrier has been excessed to another craft within the installation and is being returned to the letter carrier craft, what is his or her seniority upon returning?

The answer is found in Article 12.5.C.5.a(6), which states:

When returned, the employee retains seniority previously attained in the craft augmented by intervening employment in the other craft.

This language is explained in the *JCAM* on page 12-28 as follows:

When an employee is returned to his/her original craft as required by Article 12.5.C.5.a(5), above, seniority is reestablished as if the employee had served continuously in the original craft and had never been excessed.

The employee being returned keeps his or her seniority as if they had never left the craft.

Senior in lieu of junior option—If a letter carrier elects to go in lieu of a more junior letter carrier being excessed, the senior letter carrier takes the seniority of the most senior letter carrier being excessed. This is explained in Article 12.5.C.5.b(3):

Any senior employee in the same craft or occupational group in the same installation may elect to be reassigned to the gaining installation and take the seniority of the senior full-time employee subject to involuntary reassignment. Such senior employees who accept reassignment to the gaining installation do not have retreat rights.

There is no senior in lieu of option when excessing inside the installation. ☒