

Coming out of extinction, part 2



**Lew
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Last month, I talked about a few ways to achieve a conversion from part-time flexible (PTF) career status to full-time regular career status.

There is another way to create a conversion that applies to installations of 125 work years or more, so it is not for everyone. This road also requires a PTF to work 40 hours per week for six months straight. However, unlike Article 7.3.C, you do not have to work the same assignment for six months in order to meet the criteria required for a conversion to full-time flexible status.

This situation is controlled by the Memorandum of Understanding

(MOU) Re: Maximization/Full-time Flexible - NALC found on page 145 of the National Agreement and states:

Where a part-time flexible has performed letter carrier duties in an installation at least 40 hours a week (8 within 9, or 8 within 10, as applicable), 5 days a week, over a period of 6 months (excluding the duration of seasonal periods on seasonal routes, defined in Article 41, Section 3.R of the National Agreement), the senior part-time flexible shall be converted to full-time carrier status.

This criteria shall be applied to postal installations with 125 or more man years of employment.

It is further understood that part-time flexibles converted to full-time under this criteria will have flexible reporting times, flexible nonscheduled days, and flexible reporting locations within the installation depending upon operational requirements as established on the preceding Wednesday.

The parties will implement this in accordance with their past practice.

That does not mean that the PTF cannot take leave during this period, but we have to make sure management makes every effort to work a PTF 40 hours of straight time work each week. We can use the plain language in the contract to do this.

Article 7, Section 1.C.4 is located on page 16 of the National Agreement and states:

4. Over the course of a service week, the Employer will make every effort to ensure that qualified and available part-time flexible employees are utilized at the straight-time rate prior to assigning such work to CCAs working in the same work location and on the same tour, provided that the reporting guarantee for CCA employees is met.

A steward needs to be able to show the PTF letter carrier worked fewer than 40 hours at the straight-time rate of pay for the week in question and he or she was available to work at the straight-time rate when a CCA carrier was worked instead.

Remember that it does not matter if the PTF works more hours than the CCA or that the PTF works more than 40 total hours for the week. The issue is straight-time hours. Over-time hours do not count toward the 40-hour requirement.

Should management argue that the work performed by the CCA and the PTF was done simultaneously, we will need to show how all, or a portion of, the work done by the CCA could have been done by the PTF when he or she was available at the straight-time rate of pay. For instance, if there are eight hours of work available and management assigns a PTF and a CCA four hours each, we can successfully argue that the PTF should have been assigned all eight hours of work.

There are several rules to keep in mind regarding the Maximization/Full-time Flexible - NALC MO which have been established through national settlements over the years, such as:

1. Full-time flexible jobs are incumbent-only positions.
2. A PTF must work full-time (40 hours over five days each week) doing any assignments for six continuous months.
3. Time spent on approved paid leave does not constitute an interruption of the six-month period, except where the leave is used solely for purposes of rounding out the workweek when the PTF otherwise would not have worked (M-00913 and M-01047).
4. If your office is properly under withholding and a PTF meets the criteria, a full-time flexible, incumbent-only position will be established but will not be filled until sufficient residual vacancies have been withheld to satisfy the withholding event(s) affecting the installation, or until the withholding order is canceled. As soon as practicable after satisfaction/cancellation of the subject withholding, the full-time flexible position(s) created will be filled after any residual full-time vacancies that exist (M-01852).

Normally at this time of year, I would be thanking every-one for your efforts during the food drive. However, this year, the food drive has been postponed and things are anything but normal.

Instead, I will take this opportunity to thank all of you for continuing to serve our customers by keeping the nation's mail moving during this awful pandemic. You are each as big a hero as any first responder in my book. I just hope Congress and the White House recognize the importance of the Postal Service and provide us some financial relief.

In closing, I want to wish all of the mothers out there a happy Mother's Day!