

Contract Administration Unit

Brian Renfro, Executive Vice President
Lew Drass, Vice President
Christopher Jackson, Director of City Delivery
Manuel L. Peralta Jr., Director of Safety and Health
Dan Toth, Director of Retired Members
Jim Yates, Director of Life Insurance

Paid leave

The National Agreement negotiated between NALC and the Postal Service contains many rights and benefits related to leave from the workplace. Most city carriers are familiar with the rules and contractual provisions related to annual, sick and bereavement leave. However, these are not the only negotiated provisions related to paid leave available to city carriers. This month's article will describe some other lesser-known types of leave provided by the National Agreement, including court leave, military leave and Wounded Warriors leave.

Court leave

Court leave is provided for career employees who are summoned to serve as a juror or witness in certain judicial proceedings. The definition and eligibility rules governing court leave are found in the *Employee and Labor Relations Manual (ELM)*, Section 516.2, which reads:

516.2 Court Leave

516.21 Definition

Court leave is the authorized absence from work status (without loss of or reduction in pay, leave to which otherwise entitled, credit for time or service, or performance rating) of an employee who is summoned in connection with a judicial proceeding, by a court or authority responsible for the conduct of that proceeding, to serve as a juror, as a witness in a nonofficial capacity on behalf of a state or local government, or as a witness in a nonofficial capacity on behalf of a private party in a judicial proceeding to which the Postal Service is a party or the real party in interest. The court or judicial proceeding may be located in the District of Columbia, a state, territory, or possession of the United States, including the Commonwealth of Puerto Rico, or the Trust Territory of the Pacific Islands.

516.22 Eligibility

Court leave is granted to full-time and part-time regular employees. Certain part-time flexible employees are granted court leave as provided and governed by applicable collective bargaining agreements. Other employees are ineligible for court leave and must use either annual leave or LWOP to cover the period of absence from postal duties for court service but may retain any fees or compensation received incident to such court service. Court leave is granted only to eligible employees who would be in work status or on annual leave except for jury duty or service as a witness in a nonofficial capacity on behalf of a state or local government, or service as a witness in a nonofficial capacity on behalf of a private party in

a judicial proceeding to which the Postal Service is a party or the real party in interest. An employee on LWOP, when called for such court service, although otherwise eligible for court leave, is not granted court leave but may retain any fees or compensation received incident to court service.

Full- and part-time regular letter carriers who are summoned to court service while on annual leave will have the leave changed to court leave in accordance with *ELM*, Section 516.31.

Part-time flexible (PTF) letter carriers are entitled to court leave in accordance with the Memorandum of Understanding (MOU) Re: PTF Court Leave, which is found on pages 187 and 188 of the 2019-2023 National Agreement. To qualify for court leave, a PTF must first complete their probationary period. CCAs converted to career status who have completed one 360-day term as a CCA do not have to serve a probationary period. In addition, court leave is available only if the PTF would otherwise have been in a work status or on approved annual leave. The amount of court leave for PTFs shall not exceed eight hours in a service day or 40 hours in a service week.

If a letter carrier on approved court leave is paid a stipend by the court for the performance of jury duty, the employee is entitled to keep the allowance as long as it does not exceed \$25 per day. Employees must remit to their supervisor the amount received in excess of \$25 per day. Employees who are eligible to receive such fees are not authorized to waive the fee.

CCAs are not eligible for court leave; therefore, they must use either annual leave or leave without pay if summoned for jury duty. Since these employees are not compensated by the Postal Service for the court duty, they are entitled to keep any allowance paid by the court for their service.

Military leave

Career letter carriers may receive military leave to serve their country in the armed forces. Military leave is paid leave in which letter carriers can still earn a paycheck from the Postal Service while they are fulfilling certain obligations to the military. Paid military leave is authorized absence from postal duties for hours the employee would have worked during his or her regular schedule, without loss of pay, time or performance rating, granted to eligible employees.

The rules and regulations governing military leave are found in *ELM*, Section 517, which states in part:

517 Paid Military Leave

517.1 General

517.11 Postal Service Support

The Postal Service supports employee service in the Reserve or National Guard, and no action is permitted to discourage either voluntary or involuntary participation. The Postal Service allows employees to be absent:

- a. To participate in drills or meetings scheduled by the National Guard or Reserve Units of the armed forces.
- b. To attend usual summer training periods.
- c. To perform any other active duty ordered by the National Guard and Reserve Units of the armed forces.

However, eligible employees are entitled to paid military leave only for such duty as and to the extent provided below.

517.12 Definition

Paid military leave is authorized absence from postal duties for hours the employee would have worked during his or her regular schedule, without loss of pay, time, or performance rating, granted to eligible employees who are members of the National Guard or reserve components of the armed forces.

Note: Non-workdays are not charged against the paid military leave allowed.

517.41 General Allowance

Eligible full-time and part-time employees receive credit for paid military leave as follows:

- a. Full-time employees other than D.C. National Guard — 15 calendar days (120 hours) each fiscal year.
- b. Part-time employees other than D.C. National Guard — 1 hour of military leave for each 26 hours in pay status (including military LWOP) in the preceding fiscal year provided:
 - (1) Employee was in pay status a minimum of 1,040 hours in the preceding fiscal year.

Note: A part-time employee's time on military LWOP in one fiscal year counts toward meeting the 1,040 hours' requirement for the next fiscal year.

- (2) Employee's pay for military leave does not exceed 80 hours.

As stated above, full-time employees are granted 15 days of military leave per fiscal year, while part-time employees receive one hour of military leave for each 26 hours in pay status. Part-time employees must have a minimum of 1,040 hours in the preceding fiscal year,

and paid military leave cannot exceed 80 hours annually.

Letter carriers should note that the allowance for military leave, unlike other leave categories in the Postal Service, is based on the fiscal year and not the leave year. USPS fiscal years begin on Oct. 1 and end on Sept. 30 each year. Keep this distinction in mind when considering your military leave allowances.

Employees may use military leave intermittently and may carry over unused military leave from one fiscal year to the next. The amount of military leave employees may carry over may not exceed 15 days.

To receive paid military leave, the leave must be substantiated by a copy of the employee's military orders or other documentation endorsed by the appropriate military authority. Paid military leave is provided for specific types of duty and certain military activities are not eligible. For the specific list of duties covered and more information related to military leave, read the *NALC Veterans Guide*, which can be found on the NALC website at nalc.org/veterans-guide.

Wounded Warriors leave

Management is required to approve leave requests by disabled veterans to undergo medical examination or treatment related to their service-connected disabilities. Unfortunately, letter carriers may not accrue enough paid leave, especially when they are first hired, to cover these absences. Prior to 2016, this meant that many veterans with service-connected disabilities had to take unpaid leave to attend medical appointments.

With the passage of the Wounded Warriors Federal Leave Act of 2015, certain veterans who chose to commence or resume a civilian career with the Postal Service following their military service became eligible to have credited and use up to 104 hours of Wounded Warriors leave to undergo medical treatment for a service-connected disability rated at 30 percent or more.

Each January, all employees who are disabled veterans with a 30 percent or more combined disability rating receive 104 hours of Wounded Warriors leave to use during that leave year. Upon being hired, employees who meet the eligibility requirements will be credited with 104 hours of Wounded Warriors leave. This leave may be used for the remainder of that leave year. At the end of each leave year, any unused Wounded Warriors leave is not rolled over to the next year, nor will it be paid out if the employee leaves

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Paid leave (continued)

the Postal Service. As long as the employee still has a combined disability rating of 30 percent or more, he or she will receive 104 hours of Wounded Warrior leave at the start of each new leave year.

Prior to requesting to use Wounded Warriors leave, the employee must notify the Postal Service of his or her eligibility. Employees must provide documentation to the HR Shared Service Center from the Department of Veterans Affairs certifying that the employee has the requisite level of service-connected disability. An employee's supervisor is responsible for approving or disapproving requests for Wounded Warriors leave by signing PS Form 3971, Request for or Notification of Absence, and returning a copy to the employee. In addition, to verify that Wounded Warriors leave requested by an employee is appropriately used for the treatment of a service-connected disability, the requesting employee must provide proof from the health care provider that the employee used the leave to receive treatment for a covered disability. USPS has created a form to be used for this verification: a PS

Form 5980, Treatment Verification for Wounded Warriors Leave, which must be submitted within 15 days of the medical treatment.

This category of leave is a very important benefit to letter carriers who also are veterans with a disability rated at 30 percent or greater. Copies of the Postal Service Management Instruction EL-510-2019-2 (M-01901 in NALC's Materials Reference System) setting forth the policy guidelines and standard procedures for administering Wounded Warriors leave and PS Form 5980 are available on the "Contract Administration" and "City Delivery" pages of the NALC website. For more detailed information on Wounded Warriors leave and paid military leave, read the *NALC Veterans Guide* previously referred to in this article. The *NALC Veterans Guide* is available in electronic format on the NALC website at nalc.org/veterans.

For questions related to these or any other types of leave, city carriers should contact their local shop steward or branch officer.

Honor Roll

NALC recognizes its brothers and sisters for their long-term membership

NALC members who have completed 50 years of membership in NALC are awarded a Life Membership Gold Card that entitles them to all privileges of membership in NALC without payment of dues. To receive a gold card and 50-year lapel pin, the branch secretary must write to the NALC secretary-treasurer and request the award for the member, in accordance with Article 2, Section 5 (a) of the *NALC Constitution*.



Additionally, the national secretary-treasurer's office handles branch re-

quests for lapel pins. Accordingly, the secretary-treasurer's office can only provide suitable lapel pins "when receiving proper notification by the Branch Secretary" in the year when a member is to complete the following number of years as a member: 25 years, 30 years, 35 years, 40 years, 45 years, 50 years, 55 years, 60 years and 65 years. Special plaques are available for members who complete 70 years and 75 years. This is also per Article 2 of the *NALC Constitution*.



All requests must come from the branch secretary. Longtime members are encouraged to inform their branches when they reach a longevity benchmark.

Below is a list of those NALC members who have received an award in the past month:

70-year pins

Ronald W. Carnaghi	Joliet, IL	Br. 305
Douglas L. Lee	Hobbs, NM	Br. 3727
Anthony J. Irene	Flushing, NY	Br. 294

65-year pins

Ralph H. Friedhofer	Naples, FL	Br. 4716
Franklin E. Crummie	Atlanta, GA	Br. 73
Paul J. Feldkamp	Louisville, KY	Br. 14
Louis Durant Jr.	Worcester, MA	Br. 12

Gerard L. Pothier	Worcester, MA	Br. 12
Dorwin Grainger	Mid-Michigan	Br. 256
Gerard L. Sirois Jr.	Mid-Michigan	Br. 256
Frank Tasson Jr.	Mid-Michigan	Br. 256
Earl W. Jones	Western Wayne Co., MI	Br. 2184
Edward R. Kirby	Western Wayne Co., MI	Br. 2184
Larry R. Schimmel	Western Wayne Co., MI	Br. 2184
Gordon M. Balfe	Minneapolis, MN	Br. 9
Richard L. Benshoof	Minneapolis, MN	Br. 9
Nick C. Boosalis	Minneapolis, MN	Br. 9
Curtis F. Britz	Minneapolis, MN	Br. 9
Ralph J. Buystedt	Minneapolis, MN	Br. 9

Robert I. Gossler	Minneapolis, MN	Br. 9
Arthur A. Heikkila	Minneapolis, MN	Br. 9
Kenneth W. Johnson	Minneapolis, MN	Br. 9
Joseph F. Stanek	Minneapolis, MN	Br. 9
Martin Tich	Minneapolis, MN	Br. 9
Vernon C. Wehage	Minneapolis, MN	Br. 9
Eugene W. Stretz	Long Island Mgd., NY	Br. 6000
Michael I. Jadick	Scranton, PA	Br. 17
Lowell W. Rohrbach	Salt Lake City, UT	Br. 111
Philip W. Lottes	Madison, WI	Br. 507
Roy H. Hendrickson	Wenatchee, WA	Br. 1350