

**Contract Administration Unit**

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# Mutual exchanges

**R**ecent *Contract Talk* articles have discussed ways in which career letter carriers can reassign from one installation to another. In the May 2021 issue of *The Postal Record*, the rules pertaining to voluntary reassignments were explained. The July 2021 edition discussed the excessing process when a career letter carrier is reassigned on an involuntary basis.

This month's article will explain a third option, called a mutual exchange, for career letter carriers who wish to relocate. Mutual exchanges offer career letter carriers the opportunity to exchange positions with other career letter carriers in different installations. The rules and regulations governing mutual exchanges are found in Section 351.61 of the *Employee and Labor Relations Manual (ELM)*, which states:

Career employees may exchange positions (subject to the provisions of the appropriate collective bargaining agreement) if the officials in charge at the installations involved approve the exchange of positions.

Mutual exchanges must be made between employees in positions at the same grade levels. The following employees are not permitted to exchange positions:

- a. Part-time flexible employees with full-time employees.
- b. Bargaining employees with nonbargaining employees.
- c. Nonsupervisory employees with supervisory employees.

The current version of the *ELM*, as well as other USPS handbooks, manuals and publications, is available at [nalc.org/workplace-issues/resources/usps-handbooks-and-manuals](http://nalc.org/workplace-issues/resources/usps-handbooks-and-manuals).

**As stated above, mutual exchanges are limited to employees in the same classification.** Letter carriers interested in a mutual exchange should communicate with the other employee to ensure that the exchange is permitted based on Section 351.61 of the *ELM*.

While Section 351.61 of the *ELM* states employees must be in the same grade level, this rule does not apply to career letter carriers. The 2007 Memorandum of Understanding (MOU) Re: Mutual Exchanges, M-01646 in NALC's Materials Reference System (MRS), clarifies that Grade 1 and Grade 2 letter carriers are in the same grade for the purpose of mutual exchange eligibility. This MOU states:

The parties agree that in applying the relevant provisions of Section 351.6 of the *Employee and Labor Relations Manual*, city letter carriers in grades CC-01 and CC-02 are considered as being in the same grade. This agreement applies solely to determining whether employees are eligible for mutual exchanges.

Copies of this MOU and other "M" documents contained in the MRS are available at [nalc.org/workplace-issues/resources/materials-reference-system](http://nalc.org/workplace-issues/resources/materials-reference-system). Further,

this MOU is printed on page 193 of the 2019-2023 National Agreement.

The MOU Re: Pay Schedule Consolidation, found on pages 178-179 of the 2019-2023 National Agreement, did not alter the ability of letter carriers occupying carrier technician assignments to exchange positions with non-carrier technicians.

**Once letter carriers have agreed to initiate a mutual exchange, they should each write a letter to the installation head at the receiving end indicating that they seek a mutual exchange.** They should also write a letter to their own installation head notifying them of their request and include a copy of the mutual exchange request letter.

The approval process for a mutual exchange is the same as voluntary transfer requests covered by the MOU Re: Transfers. This MOU, which may be found on pages 189-192 of the 2019-2023 National Agreement, states in part:

The parties agree that the following procedures will be followed when career Postal Employees request reassignment from Postal installations in one geographical area of the country to Postal installations in another geographical area. Local reassignments (reassignments within the same MSC, Division, or to adjacent MSCs or Divisions) are covered by the provisions of Section 2 of this memorandum.

An explanation of this MOU and the national parties' joint understanding of this language can also be found beginning on pages 12-47 through 12-52 of the 2021 *Joint Contract Administration Manual (JCAM)*. In accordance with the MOU above, installation heads must consider each mutual exchange request as they would for any transfer request.

Full consideration must be given to work, attendance and safety records of each carrier, and requests may not be unreasonably denied. Evaluations must be fair, valid and to the point. This requirement is found on Page 12-53 of the 2021 *JCAM*:

The provisions of the Transfer Memorandum requiring that installation heads afford "full consideration" to all reassignment requests apply to mutual exchanges just as to any other transfers. Such requests "will not be unreasonably denied." In evaluating and responding to mutual exchange requests, installation heads should follow the criteria provided for in the Transfer Memorandum.

**Like the denial of a voluntary transfer request, the denial of a mutual exchange is a grievable matter.** Even though it is the decision of the gaining installation head whether to accept a mutual exchange, the grievance must be filed in the employing office of the employee on which the denial was based as found on page 12-47 of the 2021 *JCAM*, which states in pertinent part:

*(continued on next page)*

# Mutual exchanges (continued)

The denial of a transfer request is a grievable matter. When the denial of a transfer request is grieved, the disputed decision is by the Postmaster of another installation. Nevertheless, any grievances concerning the denial of a transfer request must be filed with the aggrieved employee's immediate supervisor as required by Article 15.2.

Letter carriers should keep in mind that a mutual exchange is a swap of positions, not assignments. Career carriers are exchanging positions with a carrier in another installation. Each carrier will vacate their assignment, which will then be posted for bid according to Article 41 of the National Agreement and the local bid procedure in each installation. This is explained on page 41-22 of the 2021 *JCAM*:

This contractual provision does not mean that exchanging carriers exchange their routes as well as their positions. The routes involved in the exchange are posted in accordance with the provisions of Article 41.1.

This is also covered in Article 12 of the *JCAM* on page 12-52:

Mutual Exchanges are exchanges of positions in the complement of different installations. Carriers do not exchange actual bid assignments or pay status since the vacated bid positions must be posted for bidding in accordance with the provisions of Article 41.1 and the applicable Local Memorandums of Understanding.

**Once a mutual exchange has been approved and each letter carrier is appointed in their new installation, the seniority of the employees must be determined. Normally, the seniority of a career letter carrier is governed by Article 41.2.A.2 of the National Agreement, which states:**

Seniority is computed from date of appointment in the Letter Carrier Craft and continues to accrue so long as service is uninterrupted in the Letter Carrier Craft in the same installation, except as otherwise specifically provided.

A career letter carrier who voluntarily transfers to another installation begins a new period of seniority upon being assigned to the installation. This requirement is found in

Article 41.2.G.3 of the National Agreement, which states:

When a letter carrier transfers from one postal installation to another at the carrier's own request (except as provided in subsection E of this Article).

Even though both employees have changed installations at their own request, the contractual provisions listed above do not govern how seniority is determined. Employees involved in a mutual exchange will either retain their seniority or take the seniority of the letter carrier with the least amount of seniority.

This exception is found in Article 41.2.E of the National Agreement, which states:

When mutual exchanges are made between letter carriers from one installation to another, the carriers will retain their seniority or shall take the seniority of the other exchangee, whichever is the lesser.

This exception is also explained on page 12-53 of the 2021 *JCAM*:

Article 41.2.E provides that when mutual exchanges are made between letter carriers, the carriers will retain their seniority or shall take the seniority of the other exchangee, whichever is the lesser. This is different than the seniority rule in Article 41.2.G.3, which applies to other transfers, and which requires that the transferring employee begin a new period of seniority.

The 2021 *JCAM* is available on the NALC website at [nalc.org/workplace-issues/resources](http://nalc.org/workplace-issues/resources).

**NALC members may find and publish ads for mutual exchanges in *The Postal Record* each month. For detailed information about how to publish an ad, please see the Mutual Exchanges page in this month's edition of *The Postal Record*. Electronic copies of past editions of *The Postal Record* are available at [nalc.org/news/the-postal-record](http://nalc.org/news/the-postal-record).**

Letter carriers with questions regarding the mutual exchange process should contact their local union representative or national business agent (NBA). Contact information for the NBA who covers your region can be found at [nalc.org/union-administration/nalc-regions](http://nalc.org/union-administration/nalc-regions).

