

COVID-19-related MOUs and USPS directive to continue through the end of September

In early August, NALC and the Postal Service agreed once again to continue several pandemic-related memorandums of understanding (MOUs). Five of the MOUs, all which can be found in NALC's Materials Reference System on the NALC website, were extended with the signing of M-01958. They include temporary expanded sick leave for dependent care (M-01910), temporary use of the 7:01 rule (M-01913), temporary workplace changes to promote social distancing (M-01915), temporary use of temporary carrier assistants (TCAs) (M-01916), and the suspension of MOU Re: Temporary Additional Paid Leave for CCAs (M-01941). These MOUs are extended through Sept. 30.

M-01910 provides some relief for certain letter carriers dealing with child care needs caused by the pandemic. This MOU allows career letter carriers to use Sick Leave for Dependent Care (SLDC) to care for a child as the result of a closed day care facility or school, or the unavailability of the child's primary caregiver, due to the COVID-19 pandemic.

M-01913 institutes the use of *Employee and Labor Relations Manual (ELM)*, Section 432.53, City Letter Carriers (7:01 Rule). With this rule, a full-time city letter carrier who actually works more than seven hours but less than eight hours of a regular scheduled day will, upon their request, be officially excused from the completion of the eight-hour tour and still be credited with eight hours of work time for pay purposes. Any hours not worked between the seventh and eighth hour of a regular scheduled day, pursuant to *ELM* 432.53, are included in an employee's regular rate of pay, pursuant to *ELM* 443.212.g.

M-01915 directs the local parties to discuss potential scheduling and office

setup changes, such as staggered start times, scheduling of letter carriers to begin tours in groups of 10 or fewer, the manner in which stand-up talks are given, as well as break locations and times, and other initiatives to maximize social distancing. The MOU also commits the parties to limiting individuals to working only in their employing facilities to the extent possible.

M-01916 allows the Postal Service to employ TCAs as operationally necessary for the sole purpose of replacing city letter carriers absent due to COVID-19. Throughout the pandemic, letter carriers have needed to use leave to care for themselves and their families. To limit disruptions in mail service as a result of taking this necessary leave, not only to protect letter carriers and their families but also to protect the overall general public, the ability for the Postal Service to employ TCAs has been helpful.

M-01941 suspends the MOU Re: Temporary Additional Paid Leave for CCAs. The agreement to do so is based on the recognition that under the American Rescue Plan Act, city carrier assistants may be granted up to 600 hours of paid Emergency Federal Employee Leave for COVID-19-related reasons.

NALC and the Postal Service also agreed to another temporary time limit extension on Step B and arbitration appeals (M-01960), and an agreement giving local parties the ability to develop a sign-up process for full-time employees who previously did not, or could not, place their names on either the overtime desired list or work assignment list. The latter agreement (M-01959) is due to the continued effects of the COVID-19 pandemic on staffing levels. Both of these agreements will expire on Sept. 30 as well.

In addition to these MOUs, a USPS directive (M-01914), originally issued in March 2020 by then-USPS Vice President, Labor Relations Doug Tulino, and most recently extended by current USPS Vice President, Labor Relations Katherine Attridge, also will remain in effect until the end of September. The directive is to management in the field regarding agreements with NALC, leave policy and approval of requests for changes of schedule due to child care needs related to the COVID-19 pandemic.

The letter states that in addition to allowing SLDC, managers and supervisors should allow liberal changes of schedule in recognition of the disruption caused by the COVID-19 pandemic. To the extent operationally practicable, managers and supervisors should accommodate employees who submit PS Form 3189, Request for Temporary Schedule Change for Personal Convenience, as a result of child care issues caused by day care closures, school (pre-K through Grade 12) closures, or the unavailability of a child's primary caregiver as a result of the COVID-19 pandemic.

Managers and supervisors also should allow liberal sick leave usage for employees and liberal annual and leave without pay usage to the extent operationally feasible during this time period. If an employee requests leave for reasons related to COVID-19, such leave should be treated as scheduled (as opposed to unscheduled) leave. Leave taken for COVID-19-related reasons may not be cited in discipline for failing to maintain an assigned schedule under *ELM* 511.43.

The national parties have agreed to revisit each of these issues immediately prior to their expiration to determine if further extensions are appropriate. **PR**