

Contract Administration Unit

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Holiday schedules

Article 11 of the NALC–USPS National Agreement provides the contractual language governing holidays observed by letter carriers. At times, it can be confusing as to when holidays are observed, who is supposed to work when it is necessary to staff postal operations on holidays or designated holidays, or the rules regarding the posting of holiday schedules. To protect your rights regarding these issues, it is important for letter carriers to understand how all of this is supposed to work.

Article 11, Section 5 identifies when a holiday is observed if it falls on a non-workday. If a holiday falls on a Sunday, the following Monday is observed as the holiday. When the holiday falls on a Saturday, the preceding Friday becomes the holiday. When a holiday falls on a weekday, the actual day of the holiday is what is observed. When a full-time regular (FTR), full-time flexible (FTF) or part-time regular (PTR) carrier's scheduled non-workday (non-scheduled day) falls on the day observed as a holiday, their scheduled workday preceding the holiday becomes that carrier's designated holiday.

For example, the new Juneteenth National Independence Day holiday falls on Sunday, June 19, this year. Therefore, Monday, June 20, will be the day the holiday is observed. The designated holiday will be Saturday, June 18, for any employee whose scheduled non-workday happens to fall on June 20. Thanksgiving falls on Thursday, Nov. 24, this year. Since Thursday is a normal workday, the holiday is observed on that same day. However, if a letter carrier's scheduled non-workday is Nov. 24, then their designated holiday will become Wednesday, Nov. 23.

“The National Agreement, as well as the *Joint Contract Administration Manual*, also lays out a ‘pecking order’ for scheduling employees to work on holidays and designated holidays.”

Holiday scheduling is governed by the provisions of Article 11, Section 6 of the National Agreement and any applicable local memorandum of understanding (LMOU) provisions. Article 11 requires that management determine the number and category of employees needed for holiday work.

Article 11, Section 6. Holiday Schedule

A. The Employer will determine the number and categories of employees needed for holiday work and a schedule shall be posted as of the Tuesday preceding the service week in which the holiday falls.

The National Agreement, as well as the *USPS-NALC Joint Contract Administration Manual (JCAM)*, also lays out a “pecking order” for scheduling employees to work on holidays and designated holidays. However, the method of scheduling may vary locally as Article 30, Section B permits the local parties to negotiate a different pecking order in their LMOU if they so choose. Absent LMOU provisions, the *JCAM* provides the following pecking order for holiday assignments:

1. All part-time flexible employees to the maximum extent possible, even if the payment of overtime is required.
2. All full-time regular, full-time flexible and part-time regular employees who possess the necessary skills and have volunteered to work on their holiday or their designated holiday—by seniority.
3. City carrier assistant employees.
4. All full-time regular, full-time flexible and part-time regular employees who possess the necessary skills and have volunteered to work on their non-scheduled day—by seniority.
5. Full-time regular, full-time flexible and part-time regular employees who possess the necessary skills and have not volunteered on what would otherwise be their non-scheduled day—by inverse seniority.
6. Full-time regular, full-time flexible and part-time regular employees who possess the necessary skills and have not volunteered on what would otherwise be their holiday or designated holiday—by inverse seniority.

Last year, NALC and USPS settled a national-level dispute regarding whether the holiday schedule pecking order is applicable to the assignment of personnel to complete parcel select delivery during testing of Sunday parcel delivery (which includes Monday holidays). The settlement (M-01937 in NALC's Materials Reference System) states in pertinent part:

The Employer determines the number and categories of employees needed for holiday work. In instances where there are eight or more hours of work available, the normal holiday pecking order is used to schedule employees to work on a holiday.

In instances where the holiday pecking order applies and a parcel delivery hub and spoke model is utilized, employees of the installation where the carriers report and from where

delivery originates on the holiday or designated holiday will be scheduled pursuant to the holiday pecking order, and existing local memorandum of understanding (LMOU) provisions regarding the holiday pecking order in that installation will apply. This does not preclude the scheduling of CCAs from other Post Offices consistent with existing contractual provisions.

This agreement does not alter existing local memorandum of understanding provisions regarding the holiday pecking order or holiday scheduling in any installation.

Article 11, Section 6 also requires that management post a holiday schedule as of the Tuesday preceding the week in which the holiday falls. Since USPS workweeks run from Saturday to Friday, for the Juneteenth example provided earlier, the holiday schedule must be posted by Tuesday, June 14. For the Thanksgiving example, the holiday schedule must be posted by Tuesday, Nov. 15.

What if the holiday schedule is not posted as of the Tuesday preceding the week in which the holiday falls? *The Employee and Labor Relations Manual (ELM)*, Section 434.53c(1) states:

c. A holiday scheduling premium equal to 50 percent of the amount paid in 434.53a is paid to eligible employees for time actually worked on a holiday or on the employee's designated holiday (except Christmas) when the holiday schedule is not posted in accordance with national agreements, as follows:

1. If the schedule is not posted as of Tuesday preceding the service week in which the holiday falls, a full-time regular bargaining unit employee who is required to work on his or her holiday or designated holiday, or who volunteers to work on that day, receives holiday scheduling premium for each hour of work, not to exceed 8 hours. This premium is in addition to both holiday leave pay and holiday-worked pay.

ELM Section 434.53a says that eligible employees who are required to work on their holiday or designated holiday are paid their basic hourly straight time rate for each hour worked up to eight hours. Therefore, if the holiday schedule is not posted as of the Tuesday preceding the week in which the holiday falls, affected FTR letter carriers who are required, or who volunteer, to work on their holiday or designated holiday receive a holiday scheduling premium in the amount of 50 percent of their basic hourly straight time rate for each hour they work on that day, up to eight hours. Any hours worked in excess of eight hours on an employee's holiday or designated holiday are paid at the applicable overtime rate.

The default holiday schedule pecking order described earlier, in the absence of an applicable LMOU pecking order, must be followed regardless of whether or not full-time employees are on the Overtime Desired List (ODL) or Work Assignment List. It is easy to misunderstand the relationship between the holiday scheduling provisions of Article 11 and the overtime scheduling provisions of Article 8. It is important to make a clear distinction between the two separate phases of scheduling holiday work: 1) the advance scheduling of employees needed for holiday work; and 2) the assignment of overtime work on an actual holiday or designated holiday among employees who were properly scheduled.

Much of what is often incorrectly considered "overtime" worked by full-time employees on their holidays or designated holidays is technically not overtime. Rather, it is "holiday worked pay" or "holiday scheduling premium." For the purpose of the overtime provisions outlined in Article 8, the only work that is contractually considered to be overtime for full-time employees working on their holiday or designated holiday is work beyond eight hours in a day. (See *ELM* 434.53(a).)

Non-ODL letter carriers working on a holiday or designated holiday are considered to be working on their scheduled day (Mittenthal C-06775, page 13). Thus, they may be required to work overtime only under the provisions of Article 8, Section 5.C.2.d as modified by the "letter carrier paragraph" found in the *JCAM*. Non-ODL letter carriers working on their non-scheduled day can be required to work beyond eight hours only after the ODL has been exhausted, as required by Article 8, Section 5.G. Similarly, since letter carriers on the Work Assignment List working on a holiday or designated holiday are considered to be working on their scheduled day, they should be assigned overtime on their own assignments as required by the USPS-NALC Work Assignment Letter of Intent (found on pages 172-174 of the National Agreement). By contrast, if letter carriers on the Work Assignment List are working on their non-scheduled day, the provisions of the work assignment agreement do not apply.

There are times when management does not follow the rules outlined above. If this happens, you should contact your steward or an NALC branch officer so that they can investigate the situation.