



October 29, 1998

VICE PRESIDENTS, AREA OPERATIONS
AREA HUMAN RESOURCE MANAGERS
AREA LABOR RELATIONS MANAGERS
DISTRICT HUMAN RESOURCE MANAGERS
DISTRICT SENIOR LABOR RELATIONS SPECIALISTS

SUBJECT: USPS-NRLCA Agreement on Discipline Procedures

Attached is a Memorandum of Understanding (MOU), between the USPS and the NRLCA eliminating time-off suspensions for rural carriers and replacing them with paper suspensions. The effective date of the MOU is November 7, 1998 and it will remain in effect until the expiration of the 1995 National Agreement.

The parties at the national level are currently developing guidelines regarding the administration of the new discipline procedures. We expect to complete and distribute the guidelines to the field within the next few weeks.

In the interim, should you have any questions regarding these new discipline procedures, please contact me at (202) 268-3818.

A handwritten signature in cursive script that reads "Andrea B. Wilson".

Andrea B. Wilson
Acting Manager
Contract Administration (NALC/NRLCA)

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE
UNITED STATES POSTAL SERVICE
AND THE NATIONAL RURAL LETTER CARRIERS' ASSOCIATION**

Discipline Procedures

As general principles, the parties agree that the purpose and intent of disciplinary suspensions of Article 16.3 and 16.4 of the National Agreement is to correct deficiencies and misconduct as outlined in Article 16.1; to impress upon the employee the seriousness of his or her employment situation; and to provide written notice that the next infraction may warrant removal from the Postal Service.

In an effort to fulfill the same purpose, but without loss of compensation to the employee, the parties have agreed to modify the usual pattern of progressive discipline that has evolved pursuant to Article 16. While Article 16 does not specify the precise steps that constitute progressive discipline, and the appropriate steps may differ according to the offense, it is generally the case for those offenses that warrant progressive discipline, employees receive: letter of warning, seven-day suspension, fourteen-day suspension, and removal.

The parties have agreed that paper suspensions shall replace actual time-off suspensions. Paper suspensions shall indicate the length of the suspension being replaced and shall be considered to be of the same degree of seriousness and will satisfy the same step in the pattern of progressive discipline, as the time-off suspension being replaced. As such, paper suspensions are equivalent to time-off suspensions as an element of past discipline and may be cited as such in subsequent disciplinary actions.

An employee who has received a fourteen day paper suspension will be given a "day of reflection," provided it is agreeable with the union. If the employee is directed to take the "day of reflection," he or she will be placed in a paid, non-duty status for one scheduled work day. The purpose of the "day of reflection" is for the employee to reflect upon the seriousness of the factors which led to the discipline, to consider that should the deficiency not be corrected, the employee can normally expect that the next step of progressive discipline will be removal, and to resolve to correct his or her behavior to conform to the standards necessary for the employee to remain with the Postal Service.

Prior to the employee being directed to take a "day of reflection," the employee's union representative and management will conduct a mandatory session with the employee. During this session both the union representative and the manager will discuss with the employee the seriousness of his or her deficiency and attempt to reach an understanding and commitment by the employee to use the

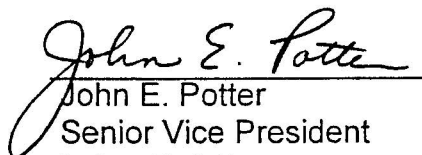
"day of reflection" to reflect on how to correct his or her deficiency and avoid subsequent removal. Both parties will impress upon the employee that should the employee fail to correct his or her behavior, the employee can normally expect that the next step of the progressive discipline will be removal.

The parties recognize that the union's participation in this session will not prejudice the union's position in grievance/arbitration on the merits of the discipline. Failure to grant an employee a "day of reflection" will not be considered a denial of due process or be considered a procedural or substantive defense if the employee is subsequently removed.

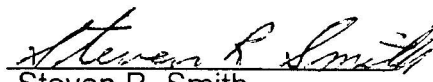
Nothing in this Memorandum of Understanding (MOU) shall be construed to preclude the Employer from placing an employee in a non-pay, non-duty status in accordance with Article 16.4 or 16.5 or to affect the procedures for allegations of misconduct that are considered appropriate for immediate removal.

The parties shall establish within 90 days of the effective date of this MOU procedures as may be necessary to administer this modification to the National Agreement.

This MOU shall be effective on November 7, 1998 and shall remain in effect until the expiration of the 1995 National Agreement.



John E. Potter
Senior Vice President
Labor Relations
United States Postal Service



Steven R. Smith
President
National Rural Letter
Carriers' Association

Date: 10/26/98

Guidelines for USPS-NRLCA Agreement on Revised Discipline Procedures

Introduction

The U.S. Postal Service (USPS) and the National Rural Letter Carriers' Association (NRLCA) signed a Memorandum of Understanding (MOU) eliminating time-off suspensions for rural carriers and replacing them with paper suspensions. The effective date of the MOU is November 7, 1998, and it will remain in effect until the expiration of the 1995 National Agreement.

In addition to eliminating time-off suspensions, the MOU provides that an employee who is issued a fourteen (14) day paper suspension will also receive a "day of reflection" **provided it is agreeable with the union.** By agreeing that the employee is to receive a "day of reflection," the union is agreeing that it will participate in the mandatory session with management and the employee to discuss the purpose of the "day of reflection."

Administrative leave is given for the "day of reflection." In an effort to track the "day of reflection," Payroll Accounting will provide a code to use when recording this leave on Form 1314. However, the code will not be available until approximately May, 1999. Therefore, in the interim, when an employee is given a "day of reflection," it should be coded as Other leave and management will furnish a copy of the Notice of "Day of Reflection" that is given to the employee to:

Manager, Contract Administration (NALC/NRLCA)
U.S. Postal Service Headquarters
475 L'Enfant Plaza SW, Room 9326
Washington, DC 20260-4110

The parties at the national level will develop a series of questions and answers as a follow-up to these guidelines to be issued within 90 days of the effective date of the MOU.

Enclosed are sample letters that will be helpful in administering the revised discipline procedures.

Suspension Notices Prior to November 7, 1998

Since the MOU is effective November 7, 1998, rural carriers will not serve time-off suspensions after that date, except as otherwise addressed in these guidelines. If a rural carrier received a notice of suspension, but did not serve time-off prior to November 7, 1998, the suspension will be considered a paper suspension in accordance with the MOU. If a rural carrier received a notice of suspension for fourteen (14) days and time-off was not served prior to

November 7, 1998, the rural carrier will be given a "day of reflection" if agreeable with the union.

Notification to Union

Management will send to the appropriate state steward, a copy of each notice of paper suspension and Notice of "Day of Reflection" issued to rural carriers at the time the notice is issued.

Day of Reflection

A "day of reflection" is given only when issuing a fourteen day paper suspension. Management does not have an option in these instances but must give a "day of reflection" to the employee if the union agrees.

When a fourteen (14) day paper suspension is issued to an employee, management must notify the state steward by copy of the notice of paper suspension. The state steward or designee then has seven days to respond in writing, agreeing or disagreeing to the "day of reflection." If the union agrees that the employee is to receive a "day of reflection," management will schedule a meeting with the employee, management and the union representative. The purpose of the meeting is as stated in the MOU. Any statements made by the union in the meeting are non-citable in the grievance/arbitration procedure as it relates to the merits of the discipline.

During the session the employee will be issued the Notice of "Day of Reflection." (Sample letter is attached). The date of the "day of reflection" will be determined by management. However, the meeting with the employee; notification to the employee of the date of the "day of reflection"; and serving of the "day of reflection" should take place within fifteen (15) days after receipt of the written agreement from the union that the employee is to be given a "day of reflection."

The meeting regarding the "day of reflection" is on the clock. Payment is authorized for the employee and one union steward (only as permitted in Article 17.2.A of the 1995 USPS-NRLCA National Agreement) for time spent in the meeting. Articles 15 and 17 have not been revised, therefore, this meeting is in addition to any meetings pursuant to Article 15. The employee continues to have the right to file a grievance on the merits of the discipline. As stated in the MOU, the union's participation in the meeting will not prejudice the union's position in grievance/arbitration on the merits of the discipline.

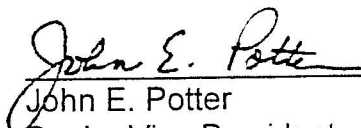
Time-off Suspensions

As stated in the MOU, the Employer is not precluded from placing an employee in a non-pay, non-duty status in accordance with Articles 16.4 and 16.5 of the National Agreement. This includes the period of time after the 30-day advance notice of discharge, the crime provision and the emergency procedure. In addition, the parties understand that the MOU does not preclude time-off

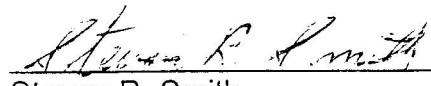
suspensions in instances where modification of a discharge is agreed to by the parties as a settlement or a third party (arbitrator, administrative judge, etc.) determines to reduce the penalty of discharge to a time-off suspension. Such instances of time-off suspensions or non-pay, non-duty status do not entitle the rural carrier to a "day of reflection."

Article 16 Revisions

As a result of the MOU, the provisions in Article 16.3 of the National Agreement will not apply. The remaining provisions of Article 16 continue to be in effect with the understanding that, suspensions are without loss of compensation or time-off and considered "paper suspensions" in degrees of seven (7) days and fourteen (14) days, except as otherwise indicated in these guidelines. Paper suspensions must receive review and concurrence in accordance with Article 16.6 and may be considered in subsequent disciplinary action if initiated within a two year period in accordance with Article 16.8 of the National Agreement.



John E. Potter
Senior Vice President
Labor Relations
United States Postal Service



Steven R. Smith
President
National Rural Letter Carriers'
Association

Date: 10 Nov 2018

Attachments

Sample Form - Union's Agreement/Disagreement for Rural Carrier to Serve "Day of Reflection"

[*__date__*]

SUBJECT: Union's Resolution on Day of Reflection

TO: [*__supervisor's name__*]
[*__job title__*]
[*__office__*]

Pursuant to the October 26, 1998 Memorandum of Understanding between the United States Postal Service and the National Rural Letter Carriers' Association, as [*__union official's title__*], I hereby [*__AGREE or DISAGREE__*] to have management issue [*__name of rural carrier__*] a "day of reflection" as a result of receiving a notice of 14-day paper suspension.

[*__signature__*]
[*__name of union official__*]
[*__title of union official__*]

Attachment 3

Sample Day of Reflection Notice for Regular Rural Carriers

[Memo Letterhead]

[*date*]

SUBJECT: Notice of "Day of Reflection"

TO: [*employee's name*]

[*job title*]

[*social security number*]

You are hereby notified that you will not report for duty on [*date*], and will return to duty on [*date*], your next scheduled work day. This day off will be recorded as a "day of reflection," and you will be paid administrative leave.

This "day of reflection" is providing you the opportunity to reflect upon the seriousness of the factors which led to this disciplinary action; to consider that should the deficiency not be corrected you can normally expect that the next step of progressive discipline will be removal; and to resolve to correct your behavior to conform to the standards necessary for you to remain employed by the Postal Service.

[*signature*]

[*name of supervisor*]

cc: State Steward

USPS Headquarters
Manager, Contract Administration (NALC/NRLCA)
475 L'Enfant Plaza, SW Room 9326
Washington, DC 20260-4110

I RECEIVED THE ORIGINAL OF THIS LETTER ON DATE _____
SIGNATURE _____ TIME _____

Attachment 2

Sample 14-Day Paper Suspension Notice for Regular Rural Carriers

[Memo Letterhead]

[__date__]

SUBJECT: Notice of 14-Day Paper Suspension

TO: [__employee's name__]
[__job title__]
[__social security number__]

This disciplinary fourteen (14) day paper suspension is being issued to you for the following reason(s):

Charge 1 - You are charged with [__charge__].
[__Add narrative of explanation to support the charge.__]

Charge 2 - You are charged with [__charge__].
[__Add narrative of explanation to support the charge.__]

In addition, the following element(s) of your past record were considered in arriving at this fourteen (14) day paper suspension:

You were issued a letter of warning on [__date__], for [__type of charge(s)__].

You were issued a seven (7) day paper suspension on [__date__], for [__type of charge(s)__].

While you will not serve time-off with this fourteen (14) day paper suspension, it has the equivalent degree of seriousness as if you had served time-off without pay. This action is intended to correct the deficiencies described above and should be taken seriously. It is more serious than a letter of warning and seven (7) day paper suspension. Future deficiencies will normally result in your removal from the Postal Service.

You have the right to file a grievance under the Grievance and Arbitration procedures set forth in Article 15 of the National Agreement within fourteen (14) days of your receipt of this notice.

[__signature__]
[__name of supervisor__]

cc: State Steward

I RECEIVED THE ORIGINAL OF THIS LETTER ON DATE _____
SIGNATURE _____ TIME _____

Attachment 1

Sample 7-Day Paper Suspension Notice for Regular Rural Carriers

[Memo Letterhead]

[__date__]

SUBJECT: Notice of 7- Day Paper Suspension

TO: [__employee's name__]

[__job title__]

[__social security number__]

This disciplinary seven (7) day paper suspension is being issued to you for the following reason(s):

Charge 1 - You are charged with [__charge__].

[__Add narrative of explanation to support the charge.__]

Charge 2 - You are charged with [__charge__].

[__Add narrative of explanation to support the charge.__]

In addition, the following element(s) of your past record were considered in arriving at this seven (7) day paper suspension:

You were issued a letter of warning on [__date__], for [__type of charge(s)__].

While you will not serve time-off with this seven (7) day paper suspension, it has the equivalent degree of seriousness as if you had served time-off without pay. This action is intended to correct the deficiencies described above and should be taken seriously. It is more serious than a letter of warning. Future deficiencies will result in more severe disciplinary action being taken against you. Such action may include a fourteen (14) day paper suspension or removal from the Postal Service.

You have the right to file a grievance under the Grievance and Arbitration procedures set forth in Article 15 of the National Agreement within fourteen (14) days of your receipt of this notice.

[__signature__]

[__name of supervisor__]

cc: State Steward

I RECEIVED THE ORIGINAL OF THIS LETTER ON DATE _____

SIGNATURE _____ TIME _____