



## Question Box: Acts of God

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**A**n Act of God involves community disasters such as fires, floods, or storms. The disaster situations must be general in nature rather than personal in scope and impact, and must prevent groups of employees from working or reporting to work. *Ref: ELM 519.211, F-21 582.31.*

**Q** Who has the authority to declare an Act of God?

**A** Postmasters and other installation heads have authority to approve administrative leave up to one day. District Managers and Postal Career Executive Service (PCES) plant managers may authorize administrative leave up to three days for their installation and those reporting to it. District Managers and senior or lead plant managers may approve administrative leave for periods up to and in excess of 3 days for their installation and those reporting to it. *Ref: ELM 519.212*

**Q** It is snowing, and I don't think I should try to go to work. Can I stay home?

**A** You must make every effort to report to the office. PO 603, Section 152.1 states, "You must report to the post office as scheduled, without regard to weather conditions, and must make every effort to perform full service." And the USPS/NRLCA National Agreement, Article 30.1.H Acts of God states:

"When Acts of God prevent an employee from performing the employee's duty, the Employer may authorize administrative leave. Equipment Maintenance Allowance will be paid for each service day a rural

carrier reports to the post office and is scheduled to perform delivery. If the carrier fails to serve all or any portion of the route due to lack of proper endeavor or any failure for which the carrier is responsible, appropriate deductions from salary and Equipment Maintenance Allowance will be made based on miles omitted."

**Ultimately, it must be each individual's decision whether or not they believe it is safe to report for duty and whether or not it is safe to deliver the mail. Reasonable diligence is required. True unsafe acts are not.**

**Q** How do I get paid if I am affected by an Act of God?

**A** The following excerpts from the F-21 *Time and Attendance Handbook* outline the rules for payment for an Act of God:

### "582.331 Situation 1

If a rural carrier is **scheduled to work** and due to an act of God (adverse weather conditions, roads closed, blizzard, etc.) is **unable to report to work** the following situations apply:

- a. The carrier must call in and advise the postmaster.
- b. Compensation:
  - (1) Designations 71, 72, 74, and 79 receive a full day's compensation and no EMA.
  - (2) Designation 76 assigned to a regular route or auxiliary route will receive a full day's compensation and no EMA.

(3) Designations 70, 73, 75, 77 and 78 are not entitled to compensation.

### 582.332 Situation 2

If a rural carrier is scheduled to work and is contacted by the postmaster not to report to work because of an Act of God compensation is the same as Situation 1 above.

### 582.333 Situation 3

If a rural carrier scheduled to work reports to the office, but no mail is available and none is expected because of an Act of God, **and the carrier scheduled to work is sent home** the following rules apply:

a. Compensation

(1) Designations 71, 72, 74, 79 are paid a full day's compensation and EMA.

(2) Designation 76 will be paid a full day's compensation and EMA when assigned to a regular route.

(3) Designation 76 will receive the full day's compensation and EMA when scheduled to serve an auxiliary route.

(4) Designations 70,73, 75, 77, and 78 are entitled to 2 hours guaranteed time. No EMA is due.

### 582.334 Situation 4

If the rural carriers scheduled for duty report to the Postal Service installation but are **unable to complete full service through no fault of their own**, they receive compensation according to their designation.

(1) Designations 71,72, 74, 79 receive a full day's compensation and EMA.

(2) Designations 70, 73, 75, 76, 78, when performing service on a regular route receive a full day's compensation plus EMA.

(3) Designations 70, 75, 77, and 78 when performing service on an auxiliary rural route receive compensation for actual hours and hundredths worked (minimum 2 hours). EMA is only for route hours,

trips, and miles traveled. Designation 76 will receive a full day's compensation and EMA when scheduled to serve an auxiliary route."

**Q I live on the other side of the mountain from my duty station. The mountain pass that I take to work is closed due to snow and I can't get to work. The PM says everybody else can get in to work. She says I can take annual leave or leave without pay but I will not be covered under "Act of God." Is this correct?**

**A** Yes, if you are the only one affected, no matter how severe the disaster is, it is not considered an Act of God situation. The situation will not be declared an "Act of God" unless a large group of the employees in the installation are incapable of reporting to work by the disaster.

**Q How many employees need to be affected for a disaster to be declared an Act of God?**

**A** Arbitrators have given the USPS a wide range of discretion when declaring an Act of God. Generally, arbitrators are more likely to view the disaster as an Act of God when a group of employees living in the same general area are unable to report to work, than if the employees are scattered in different areas.

**Q My Postmaster says the District told them not to declare an Act of God for our post office. Can they do that?**

**A** Yes. According to Step 4 D91R-4D-C 96028181 Charleston West Virginia "The parties agree that Postmasters and other installation heads have the authority to approve administrative leave for up to 1 day pursuant to 519.212.a. of the Employee Labor Relations Manual. However, this does not preclude higher level managers from providing guidance on handling such community disasters."

**Q** My supervisor told me I would not be delivering mail tomorrow, but to report to the office as soon as I was able to get there. Will I still be paid EMA?

**A** No. You will not be paid EMA if you are told in advance that you do not have to supply a vehicle for delivery.

**Q** I saw on the news that delivery for my District has been suspended. Can I just stay home?

**A** No. Your manager and/or the Emergency Hotline are your sources for instruction. If you can get to work, you must go, unless you are specifically told by the USPS not to report.

**Q** When I got to the office there was no mail delivery. My manager told me I had to stay at the office for eight hours. Is this true?

**A** If there is rural work for you to do, you can be required to stay at the office. You can be required to case mail for your route, work on your Edit Book, or work on your case labels. You can be required to watch safety or service videos and listen to safety or service talks. You can be required to do any rural work on your route. You cannot be required to do clerk or custodial work. A regular carrier cannot be required to do any work on any other route but their own. When you have completed all available rural work, you can go home.

**Q** My manager has ordered me to sit here with nothing to do. Can I go home?

**A** As always you must first follow a direct order, unless doing so will cause harm to you or someone else. Then file a grievance.

**Q** I was scheduled to work my relief day but I was unable to complete my route due to an Act of God. How do I get paid?

**A** If a rural carrier is scheduled and reports to work on the relief day but is not able to complete their normal duties due to an Act of God, a full day's compensation is provided including EMA, if applicable. *Ref: Step 4 Q10R-4Q-C 16106590*

**Q** I was scheduled to work my relief day. The Postmaster called me before I left the house. She told me there was no mail delivery and not to report because of the snowstorm. Do I get paid for the day?

**A** No, if the manager calls you before you report for duty you do not get paid for working your relief day.

**Q** I served part of my route and had to bring back mail due to an Act of God. Do I get paid extra to deliver the mail on the next day?

**A** No, there is no additional compensation to take the mail out for redelivery.