

3 Employment and Placement

Additional Material:

References to additional material concerning the subject matter in some sections of this chapter are indicated in boxed sections identified as “Reference Notes.”

310 General Provisions

311 Functional Responsibilities

311.1 Basic Principles

311.11 Best Qualified Personnel

Employment and placement functions are designed to ensure that the recruitment, assignment, promotion, motivation, training, development, and retention procedures result in the best qualified personnel to carry out the mission of the Postal Service with maximum productivity and economy of operations.

311.12 Prohibition of Discrimination

The recruitment, assignment, promotion, and training functions of the Postal Service may not discriminate for any nonmerit reason such as race, color, religion, sex, age (40+), union or political affiliations, marital status, or disability. Equal opportunity is afforded to all employees. Position changes and advancement is based solely on merit, applicable experience, and knowledge, skills, and abilities.

311.13 Prohibition of Political Recommendations

The Law (39 U.S.C. 1002) prohibits political and certain other recommendations for appointments, promotions, assignments, transfers, or designations of persons in the Postal Service.

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311.2 Administration**311.21 Vice President of Employee Resource Management**

Develops policies, methods, and procedures for recruiting, selecting, appointing, assigning, reassigning, and promoting employees.

311.22 Area Human Resources Manager

Directs the review and continued long-term improvement of all employee and labor relations programs, including collective bargaining, grievance processing, arbitrations, contract interpretation, contract analysis, recruitment, compensation, organizational design, staffing, training, EEO, safety, and PCES administration.

311.3 Employee Classifications**311.31 Nonbargaining Unit Employees**

Employee classifications for nonbargaining unit employees are covered in 432.112.

311.32 Bargaining Unit Employees

Employee classifications for bargaining unit employees are covered in 432.111.

312 Qualification Standards**312.1 General**

All candidates must meet the appropriate qualification standards for positions. The statements of knowledge, skills, and abilities establish the minimum requirements that all candidates must meet. Qualifications of all eligible applicants must be fully and fairly assessed without regard to race, color, religion, sex, age (40+), disability, marital status, national origin, or political affiliation.

312.2 Sources**312.21 Nonbargaining Unit Positions**

Qualification standards for U.S. Postal Service nonbargaining unit positions are available in an electronic form on the Postal Service Intranet under the Human Resources home page. These do not include qualification standards for executive positions.

312.22 **Handbook EL-303, Bargaining Unit Positions****Reference Note:**

For additional material concerning the subject matter found in 312.22, refer to:

- Manager, Selection, Evaluation, and Recognition, Memorandum dated February 20, 1998, concerning online availability of Bargaining Unit Qualification Standards.

Handbook EL-303, *Qualification Standards — Bargaining Positions*, contains qualification standards for use in entrance and inservice placement actions for Postal Service bargaining unit positions. The application of these standards must be consistent with the applicable provisions of the appropriate collective bargaining agreement.

313 **Collection, Use, and Disclosure of Personnel Information Under the Privacy Act**313.1 **Privacy Act Requirements**

The Privacy Act guidelines presented in this part only highlight the application of privacy to employment and placement record-keeping activities. Complete requirements and guidelines appear in the ASM 353. Under the Privacy Act of 1974, the Postal Service must:

- a. Upon specific request, permit individuals to (1) know whether the Postal Service has records filed or cross-indexed under their names, (2) gain access to and have copies made of most such records pertaining to themselves, (3) request amendment or correction of those records, and (4) know the purposes for and most disclosures made of those records.
- b. Comply with certain requirements regarding the collection, use, disclosure, and safeguarding of information about individuals.
- c. Publicly announce, in advance of implementation, any proposal to establish, modify, or alter the uses of any Privacy Act system of records containing information about individuals.

313.2 **Responsibilities of Records Custodian**313.21 **Compliance With Laws and Regulations**

The head of a postal installation in the field or of a group or department at Headquarters is the official custodian of all the records in the custody of that installation, group, or department. The Records Custodian is responsible for ensuring compliance with all laws and Postal Service regulations and instructions pertaining to such records. (Office of Personnel Management instructions regarding the Privacy Act do not apply to the Postal Service.)

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313.22 Safeguarding Information

Appropriate safeguards, such as record controls, restrictions on access, and lockable cabinets must be provided to ensure the security and confidentiality of records that contain information about individuals.

Records containing information about individuals must be burned or shredded when their retention or other disposition is not appropriate.

Employees who have access to records containing information about individuals must be instructed in the local procedures for safeguarding such information and advised of the penalties provided by the Privacy Act.

313.3 Penalties

The Privacy Act provides criminal penalties, including fines up to \$5,000, for any officer or employee of a federal agency, including the Postal Service, who:

- a. Knowing that disclosure of specific material is prohibited, willfully discloses information about an individual to any person or agency not entitled to receive it.
- b. Willfully maintains a system of records containing information about individuals without giving appropriate notice in the Federal Register.

The Privacy Act also provides criminal penalties, including fines up to \$5,000, for any person who knowingly and willfully requests or obtains any record concerning another individual under false pretenses.

313.4 Authorized Systems of Records**313.41 Individual Records**

A Privacy Act system of records means any group of records under the control of the Postal Service, including mailing lists, from which information is retrieved by the name of an individual or by some identifying number or symbol assigned to the *individual*, such as a Social Security number. (*Individual* in this context does not include proprietorships, businesses, or corporations, which are not covered by the Privacy Act.)

313.42 Record Systems Currently Authorized

Required public notice has been published by the Postal Service regarding all systems of records authorized in Postal Bulletins, handbooks, publications, and other official directives. Those currently *authorized* personnel records systems that are generally maintained in the field are:

- a. Blood Donor Records System.
- b. Employee Accident Records.
- c. Grievance and Appeals Records for Nonbargaining Unit Employees.
- d. Employee Job Bidding Records.
- e. Employee Suggestion Control Records.
- f. General Personnel Folders (Related Official Personnel Folders and Records).

- g. Medical Records.
- h. Performance Awards Records.
- i. Preemployment Investigation Records.
- j. Postmaster Selection Program Records.
- k. Employee Assistance Program (EAP) Records.
- l. Recruiting, Examining, Training, and Placement Records.
- m. Skills Bank (Human Resources) Records.
- n. Supervisors' Personnel Records.
- o. Vehicle Maintenance and Operator Records.
- p. Payroll System Records.
- q. Employee Travel Records.
- r. Uniform Allowance Program Records.
- s. EEO Discrimination Complaint Investigation Records.
- t. Office of Workers' Compensation Program (OWCP) Record Copies.

313.43 **Prohibited Record Keeping**

313.431 **Unauthorized Records**

No Postal Service officer or employee may collect or maintain information to be retrieved by the individual's name or identifying symbol except as a part of one of the authorized systems of records, and then only in an authorized manner relevant to the purpose of the system.

Notes:

- a. The complete list of authorized record systems appears in the Appendix of the ASM.
- b. See ELM 314.5 for an explanation of the purpose and use of supervisor's personnel records and personal notes.

313.432 **Minority Code Records**

The Postal Service is required to collect and maintain minority designation code data on all employees, and submit reports to the Equal Employment Opportunity Commission summarizing this data as required by the Office of Personnel Management (OPM). The collection, maintenance, and reporting of minority code data must be accomplished in accordance with procedures specified in 670. Except for the specific conditions or approved exceptions authorized in writing by the vice president of Employee Resource Management, and certain requirements of the formal EEO complaint investigation process, the linking of an individual employee's name or Social Security account number with a minority designation code is strictly prohibited.

313.433 **Lists of Bond and Charity Program Participants**

No postal facility or postal employee may maintain a listing of participants or nonparticipants in the U.S. Savings Bond Program, the Combined Federal Campaign, or other similar voluntary programs. Upon request, Information Service Centers (ISCs) send postal managers only statistical reports concerning installation participation.

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313.44 Obtaining Authorization for New Record-Keeping Practices

Postal Service officers and employees who are interested in expanding the uses of personnel records, modifying the structure of personnel record keeping systems, or creating new types of personnel records must obtain approval to do so. Further guidance for obtaining approval is covered in the ASM.

313.5 Disclosure of Information About an Employee to Others**313.51 To the Public**

The name, job title, grade, salary, duty status, and dates of postal employment of any current or former individual postal employee is available to the public and may be disclosed to any person. No accounting of such disclosures is required.

313.52 For Credit References

Credit bureaus, federal credit unions, banks, and other commercial firms from which an employee is seeking credit may be given public information and “yes” or “no” responses to verify specific information about an employee. No accounting of these disclosures is necessary. However, if a firm requests additional information, it must submit a release form signed by the individual, and an accounting of the disclosure must be kept (list of employees’ names may not be released without approval of the field office managing counsel).

313.53 For Job References

A prospective employer may be furnished public information listed in 313.51, in addition to the date and reason for separation. The reason for separation must be limited to one of the following terms: *retired*, *resigned*, or *separated*. Other terms or variations of these terms (e.g., *retired-disability*) may not be used. If additional information is desired, the requester must submit the written consent of the employee, and an accounting must be kept.

313.54 Third-Party Disclosures

Information that may be made available to employees about their own records (see 313.6) may be disclosed to another person, including their spouses, only under one of the following conditions:

- a. The person has a signed statement of permission from the individual to obtain the information.
- b. The person is invited by the individual to be present when the individual is reviewing his own records, and submits a written statement authorizing the disclosure of information in that person’s presence.
- c. The person shows compelling evidence that the health or safety of the individual to whom the record pertains is affected, and notification is sent to the individual’s last known address.

313.55 Freedom of Information Act Requests

For guidelines regarding the processing and denial of requests under the Freedom of Information Act, see Chapter 3 of the ASM.

313.56 Information for Postal Uses

Personnel information required in the performance of postal duties may be given to any postal employee, or employee of a contractor operating a Postal Service system of records. No accounting of the disclosure is required for such internal uses.

313.57 Restrictions on Other Disclosures

Custodians must keep an accurate accounting of every other disclosure of information pertaining to an employee. The accounting of disclosures is described in Chapter 3 of the ASM.

313.6 Requests Made by an Employee Regarding Information Pertaining to Self**313.61 For Personnel Information**

Individuals may review and have copies of any information pertaining to themselves that is contained in a record filed or cross-indexed under their names or other identifiers, *except* the following:

- a. The name or information identifying an individual who has expressly requested and been promised anonymity in providing information to the Postal Service. This exception applies only to Preemployment Investigation Records; Recruiting, Examining, Training, and Placement Records; Postmaster Selection Records; and records originated by the Postal Inspection Service. (The information that cannot be disclosed must be excised from a copy of the record before it can be reviewed or copied by the individual.)
- b. Records compiled in reasonable anticipation of civil action or proceeding.
- c. Records of the disclosure of information to law enforcement agencies for civil or criminal law enforcement purposes.
- d. Information within records that might compromise testing or examination materials.
- e. Registers for positions to be filled. (Upon written request an individual may be told: (1) the number of eligibles expected to be employed during a specific time frame; and (2) whether prospects for employment consideration are good, fair, or unfavorable.)
- f. Medical or psychological records, including those received from the Department of Veterans Affairs, Public Health Service, Office of Workers' Compensation, which in the opinion of a medical doctor should not be made directly available to the individual. Such records may be made available to a physician designated in writing by the individual, in which case a disclosure accounting must be filed. (See Handbook EL-806, *Health and Medical Service*.)
- g. Information pertaining to individuals in the form of uncirculated personal notes kept by Postal Service employees, supervisors, counselors, investigators, etc. (See 314.5.) This exception does not apply to official,

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signed supervisory evaluations or appraisals of an employee, that must be made available to the employee to whom they pertain upon request.

- h. Results (other than annotated SF 85A, *National Agency Check — Data for Nonsensitive or Noncritical-Sensitive Position*, and SF 86, *Security Investigation Data for Sensitive Position*) of national agency check and written inquiry investigations (NACI) conducted by the Office of Personnel Management. (See 314.2.) Individuals requesting NACI records should be advised to send their requests to
- FEDERAL INVESTIGATIONS PROCESSING CENTER
OFFICE OF PERSONNEL MANAGEMENT
PO BOX 618
BOYERS PA 16018-0618

313.62 **Requests to Amend a Record**

An employee may request the correction or amendment of a Postal Service record pertaining to him or her. Policy is covered in the ASM.

313.63 **Requests for Records of Disclosures**

Employees may request that they be notified of any disclosures of specific personal records to any person, organization, or agency outside of the Postal Service. Such requests must be made to the facility where the record is located and must clearly identify the system of records. Procedures are covered in Chapter 3 of the ASM.

313.64 **Fees**

No fee is charged an individual for the process of retrieving, reviewing, or amending a record pertaining to that individual. A fee of 15 cents per page may be charged for duplicating any paper or micrographic record or publication or computer report, except that the first 100 pages furnished in response to a particular request are furnished without charge. Copying fees collected as a result of Privacy Act requests are deposited in Account Identifier Code (AIC) 127. Further guidance regarding fees is covered in Chapter 3 of the ASM.

313.7 **Processing Requests for Personnel Information**

313.71 **Requests for Local Records**

Requests to review or copy a record must be made to the installation where the record is kept, except in the case of retired Official Personnel Records (see 313.72).

Records are made available for inspection and copying during normal business hours at the facility where the record is to be reviewed.

Postal employees who wish to review or copy any of their own records must do so on their own time, except as provided for under current collective bargaining agreements.

313.72 Requests for Retired Official Personnel Folders

A request to review an Official Personnel Folder that has been retired to the National Personnel Records Center may be made at any postal installation. The requester should specify the installation at which review is desired. The request must be immediately forwarded to that installation for processing, if other than the installation initially receiving the request. If the requester meets the criteria in 313.5 or 313.6, the installation where review is to take place sends a Standard Form 127, *Request for Official Personnel Folder (Separated Employee)*, to the

CIVILIAN PERSONNEL RECORDS
NATIONAL PERSONNEL RECORDS CENTER
NATL ARCHIVES AND RECORDS ADMIN
111 WINNEBAGO ST
ST LOUIS MO 63118-4126

Upon receiving the folder, the installation notifies the requester that it is available for review. After the review, the installation retains the folder for 30 days and then, if there is no further need for its retention, returns it by registered mail to the National Personnel Records Center.

314 Maintaining Personnel Records and Files**314.1 Official Personnel Folders (OPFs)****314.11 Establishment**

A single official personnel folder is established and maintained by the appropriate appointing or personnel official for each employee of the Postal Service, regardless of appointment type or duration.

Note: See Handbook EL-301, *Guidelines for Processing Personnel Actions*. The Official Personnel Folder (OPF) contains documents that reflect or have a bearing on the official status, salary, benefits, service, or work performance of the employee, and those with significance in the employee's career history. Separate files must be established for investigative reports, medical records and reports, occupational injury and illness compensation claims, performance evaluation forms, and for certain disciplinary records. Also, separate files containing relevant records may be temporarily established incident to completion of a current case such as a grievance action. The retention of such case files must be in accordance with the established records retention schedules (see the Appendix). Photographs of the employee may not be placed in an employee's OPF. OPFs are maintained by the Postal Service within the privacy system of records identified as USPS 120.070.

314.12 Laws Governing Use of Information**314.121 Privacy Act**

Officers of the Postal Service are responsible for compliance with regulations of the Privacy Act concerning the collection, use, disclosure, and safeguarding of information pertaining to employees, and permitting

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employees to gain access to and to correct or amend records containing such information. This applies to all records maintained in the OPF. (See 313 for these requirements.)

314.122 **Freedom of Information Act**

The records in the OPF are exempt in most cases from mandatory public disclosure under the Freedom of Information Act, except for certain public information that may be disclosed under the provisions of 313.51. For guidelines regarding the processing and denial of requests under the Freedom of Information Act, see Chapter 3 of the ASM.

314.13 **Security of Folders**

The OPF is the basic source of official data on the employee. The integrity of the OPF is essential to postal officials in discharging their responsibilities, and employees depend on the completeness of these records for assurance of their rights and benefits. Furthermore, the records in the OPF contain information that, if improperly disclosed, could cause substantial harm, embarrassment, inconvenience, or unfairness to the employee. Consequently, it is required by law that custodians establish appropriate administrative, technical, and physical safeguards to ensure the security and confidentiality of the OPFs and to protect against any threat to their integrity. See 313.2 and 313.3 regarding responsibilities of the custodian to safeguard personnel records, and on penalties provided by the Privacy Act for unauthorized collection or disclosure of information about an individual. Handbook EL-301, *Guidelines for Processing Personnel Actions*, outlines procedures related to the protection of OPFs.

314.14 **Access to Folders**

314.141 **Official Uses**

Postal officials and personnel office employees who require personnel information in the performance of postal duties must so state before being given access to OPFs. No Privacy Act accounting is required for such disclosures.

314.142 **Employee Review**

With no exceptions, individuals may review and have copies made of any information contained in their OPF. Such review must be conducted in the presence of an official or employee who has custody of the folder. Records are made available for inspection and copying during normal business hours at the facility where the record is to be reviewed. Employees wishing to review or copy records pertaining to them must do so on their own time except as provided for under current collective bargaining agreements. Information to which an employee is not entitled access is listed in 313.61a through h; however, none of the items of information listed there may ever be kept in the OPF. For further information on requests made by employees regarding information pertaining to them see 313.6.

314.143 **All Others**

See 313.5 for instructions regarding the disclosure of personnel information to others.

314.15 Detailed Instructions

Detailed instructions governing the establishment, content, maintenance, and disposition of OPFs are contained in Handbook EL-301, *Guidelines for Processing Personnel Actions*, scheduled for publication in the near future.

314.2 Personnel Investigation Records**Reference Note:**

For additional material concerning the subject matter found in 314.2, refer to:

- Vice President, Human Resources, Memorandum dated November 9, 1995, concerning Implementation Procedures for Office of Personnel Management's Expanded Special Agency Checks.
- Manager, Employment and Placement, Memorandum dated September 15, 1997, concerning Office of Personnel Management Special Agency Check.

314.21 Responsibility

Postal officials with appointing authority are responsible for the security and disposition of personnel investigation records in their possession or in the possession of their subordinates. Personnel investigation records are normally maintained by the same official who is responsible for maintaining OPFs, although access is more restricted.

314.22 Purpose

Personnel investigation records are developed and maintained for the purpose of determining suitability of employment, and for security purposes as authorized by 39 U.S.C. 410(b) and 1001.

314.23 Location of Record System

To comply with the Privacy Act and to prevent unauthorized access to sensitive investigative information, personnel investigation records on employees and applicants for employment must be stored in locked file cabinets accessible only to those with the appropriate authorization and the need to know. Investigative records must not be filed in the OPF, nor may they be stored in the same file cabinets as the OPFs except in those small offices where access to both record systems is restricted to the same one or two individuals.

314.24 Content

Personnel investigation records include such items as character references, former employee references, police records, drug abuse reports, investigative reports, accountings of disclosures for law enforcement purposes, and such other material as may be generated in any of four ways. Due to the differing disposal requirements for each of the four types of records, it is advisable to keep each type segregated within the same alphabetical file. Employees may

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therefore have up to four folders filed under their names in the personnel investigations files. The four types of investigative records are:

- a. Those resulting from local preemployment background investigations performed by appointing officials in compliance with Handbook EL-311, 310. Preemployment investigation records are maintained by the Postal Service within the privacy system of records identified as USPS 120.110.
- b. Information returned to the appointing official, either directly or through the Postal Inspection Service, as a result of the National Agency Check and Inquiries (NACI) investigation. (Form 85 *Nonsensitive Security Clearance*, or SF 86, *Security Investigation Data for Sensitive Position*, on which background data is submitted to OPM and on which notations may be made showing that investigative requirements have been met, are filed as permanent records in the OPF.)
- c. Investigative memorandums on employees generated by the Postal Inspection Service. Whether or not these memorandums become the basis for disciplinary action, they must never be placed in the OPF. Written letters of decision regarding disciplinary action based on investigative memorandums are filed in the OPF as permanent documents immediately below the Form 50 that effects the action. The case number on the investigative memorandum is noted in the remarks section of this Form 50. Investigative memorandums are maintained by the Postal Service within the privacy system of records identified as USPS 080.010.
- d. Records of all disclosures of any personal information maintained by the Postal Service to a federal, state, or local government agency for civil or criminal law enforcement purposes.

314.25 **Disclosure to Employee Concerned**

314.251 **Local Preemployment Background Investigations Records**

Employees may review and have copies of any information pertaining to themselves in these records, except the name or information identifying an individual who has expressly requested and been promised anonymity in providing information to the Postal Service. The fact that such a request or promise has been made must be clearly reported in the record by the responsible appointing official. The information must be excised from a copy of the record before it can be reviewed or copied by the individual.

314.252 **Investigative Material Developed by the Office of Personnel Management During NACI Investigation**

Individuals requesting NACI records are advised to send their requests to the
FEDERAL INVESTIGATIONS PROCESSING CENTER
OFFICE OF PERSONNEL MANAGEMENT
PO BOX 618
BOYERS PA 16018-0618

314.253 Investigative Memorandums Generated by the Postal Inspection Service

Requests for access to such records are forwarded to
CHIEF POSTAL INSPECTOR
US POSTAL SERVICE
475 L'ENFANT PLZ SW
WASHINGTON DC 20260-2100

314.254 Disclosure Accounting Records

When a disclosure has been made for civil or criminal law enforcement purposes, the accounting of that disclosure is not to be provided to the individual.

Note: Accountings must be provided to the individual when information has been disclosed to a law enforcement agent during a suitability for employment investigation.

314.26 Retention and Disposal

See Item 16 in the Appendix for personnel investigation records retention and disposal instructions.

314.3 Medical Records**314.31 Program Administration**

See Chapter 8 for instructions on the administration of the medical program.

314.32 Confidentiality

All medical records and information are to be considered confidential. Such records must be kept under lock when left unattended.

314.33 Maintenance

Restricted medical records are not to be maintained in the OPF. They must be maintained separate from all other employee records as the Privacy Act System USPS 120.090. See Chapter 2 of Handbook EL-806, *Health and Medical Services*, for definition of medical records.

314.34 Retention and Disposal Upon Employee Reassignment, Separation, or Transfer

See Item 49 in the Appendix for record retention and disposal instructions.

314.4 Injury Compensation Case Files**314.41 Responsibility**

The handling of injury compensation cases and maintenance of case files is the responsibility of the designated injury compensation control point or office, which may be the health services office, the safety office, or an appropriate level supervisor. See 540 for complete instructions on administration of the Injury Compensation Program.

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314.42 Purpose

Injury compensation case files are maintained to monitor the administration of benefits under the Federal Employees' Compensation Act (FECA), as amended, which covers all officers and employees of the Postal Service. Injury compensation records are maintained by the Postal Service within the privacy system of records identified as 120.098.

314.43 Content

Injury compensation case files are established for each employee who submits a claim to the U.S. Department of Labor, Office of Workers' Compensation Programs (OWCP). The case file contains:

- a. CA-1 (copy), *Federal Employee's Notice of Traumatic Injury and Claim for Continuation of Pay/Compensation*.
- b. CA-2 (copy), *Notice of Occupational Disease and Claim for Compensation*.
- c. Form CA-17, *Duty Status Report*, completed by the employee's attending physician as often as the control office or control point deems necessary during the period of disability.
- d. Form 2533 (copy), *Limited Duty Assignment*, if used.
- e. Any other forms or correspondence that pertain to the case.

314.44 Confidentiality

Injury compensation case files are to be treated as confidential and given the same measure of security as other personnel records systems; i.e., storage in a locked desk or file cabinet and access restricted to those with the need to know.

314.45 Disclosure to the Individual Concerned

Individuals may review and have copies of any information pertaining to them that is contained in the injury compensation files. If the case files contain medical information, the medical official must approve the direct disclosure of this information to the employee.

314.46 Retention and Disposal

If an employee with an injury compensation case file is reassigned to another unit within the Postal Service, the case file is sent by certified mail to the injury compensation control point at the employee's new location. For separation cases, see Item 55 in the Appendix for records retention and disposal instructions.

314.5 Supervisors' Personnel Records and Personal Notes**314.51 General**

Supervisors establish an adequate personal filing system for the performance of their daily responsibilities and to maintain compliance with the provisions of the Privacy Act. Supervisors' Personnel Records are maintained by the

Postal Service within the privacy system of records identified as USPS 120.190.

314.52 **Levels of Information**

In order to meet the requirements of the Privacy Act, the Postal Service has defined three levels of personnel information for general use:

- a. *Level 1 — General Purpose Record Systems* are those official systems necessary to support employee staffing, benefits, payroll, and other employment-related functions, e.g., the OPF.
- b. *Level 2 — Supervisors' Personnel Records* of discussions, letters of warning, the supervisor's copy of any official records maintained in Level 1, and any other relevant official records being maintained at the supervisor's discretion for the purpose of enabling effective management of personnel.
- c. *Level 3 — Personal notes and documents maintained by a supervisor and never circulated to another person.* These are considered to be unofficial, nonpostal documents until such time as at least one other person (besides the subject employee) witnesses their contents. For purposes of the Privacy Act, another person's witness of the contents of such documents legally converts them to Level 2, Supervisors' Personnel Records category.

314.53 **Maintenance**

Level 1 and 2 records are subject to the provisions of the Privacy Act. For a list of the currently authorized Level 1 personnel records systems being maintained, see 313.42 of this manual. The Appendix of the ASM describes the nature of these systems and includes disclosure and retention information. Level 2 records are described as Privacy Act system of records 120.190 in the Appendix of the ASM.

314.54 **Supervisors' Personnel Records (Level 2 Records)**

314.541 **Contents**

Supervisors' personnel files may include such employee records as: discussions; letters of warning and other disciplinary records; copies of records filed in the OPF; copies of training and placement records; attendance records; travel records; skills bank information; estimates of potential; merit evaluations; vehicle operator's and safe driver awards records; letters of commendation; customer correspondence; and other information at the supervisor's discretion.

314.542 **Privacy Act Requirements**

These records are personal and must be provided the same level of security as OPFs; i.e., storage in a locked desk or file cabinet and access restricted to those with the need to know. At installations where some employees frequently work for more than one supervisor, a separate, central file for disciplinary and/or other supervisor's personnel records may be maintained under this privacy system. Supervisors' personnel files are a recognized system under the Privacy Act, and are therefore subject to all its provisions, including the right of the employee to review and have copies of any records

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maintained therein. Copies of investigative memorandums prepared by the Inspection Service may not be maintained as a supervisor's personnel record, but rather as a personnel investigative record as defined under 314.2.

314.543 Disclosure

Upon request, from the subject employee, Supervisors' Personnel Records (Level 2) about that employee must be shown to him or her. In addition, Level 2 records are to be disclosed to persons who have the written consent of the subject employee. Level 2 records may be disclosed without the subject's consent to Postal Service officials only when needed in the course of official business; to collective bargaining agents when relevant to a grievance; to EEO investigators when relevant to a formal EEO complaint; or for other reasons specifically authorized by the Privacy Act, including routine uses published in the Appendix of the ASM. A record must be maintained of each disclosure to anyone other than the employee or a postal official. Disclosure from an employee OPF to the subject employee or to a postal official should be accounted for using Form 6100-A or 6100-B as appropriate. This "disclosure accounting" record should be kept in the employee's OPF. (See ASM 353.3 for details.)

Note: Informal EEO complaints — EEO counselors need to review Level 2 records in order to satisfactorily perform their function. Review is permitted provided the counselor demonstrates that the information desired is relevant to resolution of the question(s) involved. Counselors are not to have access to Supervisors' Personnel Records, but only to relevant records from which they may make notes of the information needed. If most of a record is relevant, it may be photocopied with the nonrelevant portions excised.

314.544 Retention and Disposal

Level 2 records are generally retained as long as the employee-supervisor working relationship remains in effect. When an employee is *transferred* or *promoted* and has a new "primary" supervisor or an entirely new set of supervisors, Level 2 records, except disciplinary records, are to be destroyed on the effective date of the personnel action. All disciplinary records are transferred to the new supervisor, provided their retention period has not expired. Disciplinary records are transferred and retained in accordance with established retention periods (see system USPS 120.190 in the Appendix of the ASM). When an employee separates from the Postal Service, all Level 2 records are to be destroyed within 30 days.

Note: Collective bargaining grievance case files should always be maintained separate and apart from Level 2 records.

314.55 Supervisors' Personal Notes

Although by definition a supervisor's personal notes are not Postal Service records, any use of them that is inconsistent with their purely personal character may cause them to be treated as if they were Postal Service records. Inconsistent use would include disclosure of details or circulation of the notes to other Postal Service employees, including other supervisors, or discussion of the notes' details with anyone other than the subject employee. If disclosure of details does occur, the notes, even though entirely personal in

origin, should be treated as Postal Service records to which Level 2 instructions apply.

Note: Notes do not become Level 2 records when a supervisor merely informs another supervisor informally that she or he has had, for example, an attendance problem with an employee. They become Level 2 records, and subject to disclosure to the employee, only when specific information from the notes is disclosed or discussed. Any supervisor who maintains personal notes at work as a matter of convenience should ensure that other persons do not have access to them. If there is any doubt as to whether particular notes may have been seen by or discussed with anyone other than the subject employee, the doubt should be resolved in favor of treating them as official Level 2 records.

314.6 Merit Evaluation Records

314.61 Contents

These records consist of audit sheets, performance ratings, self-appraisal statements of goals and objectives, and related correspondence.

314.62 Maintenance

These records are maintained by the Postal Service within the privacy system of records identified as USPS 120.153.

314.63 Retention and Disposal

See Item 27 of the Appendix for retention and disposal instructions.

320 Recruitment and Hiring

321 General Provisions for Recruiting

321.1 Establishing a Need for Recruitment

321.11 Administration

The installation head is responsible for forecasting the recruitment requirements in the installation in sufficient time to assure that qualified persons are available for appointment. In so doing, the installation head must consider the number of anticipated vacancies, the size of the available register, and the status of the suitability determinations of eligibles.

321.12 Equal Employment Opportunity (EEO) Program

The installation head implements an equal employment opportunity (EEO) program that includes affirmative recruitment, selection, and placement. The installation head assures that all eligibles are considered.

321.2 Obtaining Recruiting Materials and Publicizing Job Opportunities

Examination announcements are available from the National Test Administration Center (NTAC). District managers and installation heads must ensure that job opportunities are given widespread publicity within the area from which they are expected to recruit employees. See Handbook EL-311, subchapter 220 for details.

321.3 Administering Entrance Examinations

Complete details for administering written and rated examinations can be found in subchapters 420 and 440 of Handbook EL-311.

321.4 Reopening Entrance Registers

Since registers for a particular installation are usually maintained at the district to which the installation reports, information about the adequacy of the register is available only at the district. Appointing officials must maintain adequate registers to meet predictable needs in the job areas for which they normally hire. Procedures for reopening examinations and requesting examination announcement materials from NTAC can be found in Chapters 2 and 4 of Handbook EL-311.

321.5 Review of Rating

A competitor is allowed to request reviews of a rating in accordance with established postal policy. See Handbook EL-311, subchapter 426.

321.6 Register Preference Factors

Veterans' preference is granted for employment in the Postal Service. Specific procedural guidelines are contained in Handbook EL-311, subchapter 240.

321.7 Registers

The appointing official or district is responsible for the maintenance of registers for positions to be filled in the installation or group of installations. This section is concerned primarily with positions that are filled through entrance examinations. There is a separate register for each examination. Specific procedures for establishing, maintaining, and utilizing registers are contained in Handbook EL-311, subchapter 250.

322 Special Employment Programs (Employment of Individuals With Disabilities)

See Handbook EL-311, 261.5 and Handbook EL-307.

323 Accessions**323.1 Definition**

An *accession* is a personnel action that adds an employee to the rolls of the Postal Service. Movement of an employee between postal installations without a break in service is not an accession.

323.2 Career Accessions**323.21 Career Appointment****323.211 Authority**

Career appointments are made under authority of Title 39 U.S.C. (Postal Reorganization Act) Section 1001, dated Aug. 12, 1970.

323.212 Definition

A *career appointment* is an appointment to the postal career service without time limitation. Included are:

- a. Full-time employees, part-time regular employees, and part-time flexible employees.
- b. Exempt, nonexempt, and part-time salaried employees. Excluded are:
 - (1) Casual and Temporary Employees.
 - (2) Substitute Rural Carriers.
 - (3) Auxiliary Rural Carriers.
 - (4) Rural Carrier Reliefs (RCRs).
 - (5) Rural Carrier Associates (RCAs).

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323.213 Offer of Appointment

When an eligible is selected the appointing official makes an offer of appointment that includes:

- a. Full particulars regarding the position, including title, duties, level, salary, location of employment, nature and duration of appointment, and information that a preemployment interview is required. See Handbook EL-311, 265.
- b. Instructions for submitting any forms required before entrance on duty concerning veteran preference, medical examination, etc.
- c. Any conditions the appointee is required to fulfill after entrance on duty, e.g., serving a probationary period and being subject to investigation.

323.22 Transfer**323.221 From Other Federal Agencies**

Transfer is the movement of a career or career-conditional employee from another agency to the Postal Service without a break in service.

323.222 Status After Transfer

An employee transferring to the Postal Service from another agency is given a career appointment whether the employee was career or career-conditional with the former agency. See Handbook EL-301, *Guidelines for Processing Personnel Actions*.

323.223 Effective Date

In making a transfer, the appointing official arranges with the losing agency to set a mutual agreeable effective date that will not result in a break in service of 1 workday or more.

323.23 Reinstatement**323.231 Definition**

Reinstatement is the noncompetitive employment of a former federal career or postal career employee subject to certain time limits after separation and a new probationary period. The employee must meet the qualification standards, including any required written examination that may be administered noncompetitively. Reinstatement of a former federal or postal employee is at the discretion of the appointing official. See Handbook EL-312, 241.33b.

323.232 Applicants Separated for Cause

Prior approval of the district Human Resources manager, area Human Resources manager, or the vice president of Employee Resource Management, must be obtained before employing any such former postal or federal employee who was removed from the Postal Service or from other federal employment for cause or who resigned after being notified that charges proposing removal would be, or had been, issued. See Handbook EL-311, 313.53.

323.233 Time Limits on Reinstatement

Refer to Handbook EL-312, 241.33b.

323.24 Positions Restricted to Preference Eligibles

Certain positions are restricted to preference eligible veterans under the Veterans' Preference Act of 1944. This restriction applies only to competition in examinations for entrance into the Postal Service. See Handbook EL-312, 241.252.

323.3 Reemployment of Former Postal Employees**323.31 After Military Duty**

For reemployment upon return from active military service or training duty in the Armed Forces of the United States, see 365.23.

323.32 After Transfer to Other Federal Agencies, Commissions, or International Organizations**323.321 Eligibility**

Reemployment rights are granted only for transfer of career employees who have completed their probationary periods, when authorized by the district Human Resources manager. The authorization is valid for only 1 year and reemployment rights granted under the authorization automatically expire after 2 years, unless sooner forfeited or exercised. For employees who serve outside the continental limits of the United States, the expiration date is extended an additional 3 months to permit travel.

323.322 Exercise or Forfeiture of Reemployment Rights

- a. *Exercise of Reemployment Rights.* Employees must apply to the Postal Service in writing within 30 calendar days immediately preceding the date of expiration of their reemployment rights. (If the employee has received the consent of the other agency, or an advance notice to report to active military duty, a copy of the notice must accompany the application.) The employee must apply at an earlier date under the following circumstances:
 - (1) Within 30 calendar days after receipt of notice of involuntary separation.
 - (2) Within 30 calendar days after date of voluntary separation, provided the employee has the written consent of the other agency to resign.
 - (3) At least 30 calendar days in advance of the employee's scheduled entry to active military duty. (Employees who thus exercise reemployment rights are eligible for return to their postal position after military duty.)
- b. *Forfeiture of Reemployment Rights.* Employees forfeit reemployment rights granted under the authorization if they:
 - (1) Fail to apply for reemployment in the Postal Service within the time limits stated in 323.322.
 - (2) Resign, without the written consent of the other agency, more than 30 calendar days prior to the expiration date of their reemployment rights.

323.323

- c. *Termination of Rights After Declination of Offer.* The employee's reemployment rights are terminated if they:
- (1) Fail to accept within 10 calendar days a proper offer of reemployment by the Postal Service.
 - (2) Refuse to accept a proper offer of reemployment in a position in accordance with their rights after applying for reemployment.
 - (3) Fail to make a timely appeal when they believe the postal official is not giving them the full benefit of their reemployment rights.

323.323 **Effecting the Reemployment**

The postal official places the employee on duty as promptly as possible, and no later than 30 calendar days after receipt of the employee's application for reemployment. If there is no available position, the case is referred to the area Human Resources manager.

323.324 **Refusal to Reemploy**

The postal official may refuse to take action to place an employee on duty, who has reemployment rights, only if the applicant was separated from the other agency for serious cause evidencing his or her unsuitability for reemployment. If the employee is refused reemployment rights, the postal official must: (a) notify the employee in writing and (b) include a paragraph informing the applicant of her or his right to appeal the decision.

323.33 **Reemployment of Retired Annuitants**

323.331 **Definition**

Reemployed annuitant means an employee whose annuity under the Civil Service Retirement System or the Federal Employees' Retirement System was continued on reemployment in an appointive position on or after October 1, 1956. Prior approval must be obtained before reemploying a retired postal or federal employee receiving an annuity as follows:

- a. District Human Resources manager.
- b. Area Human Resources manager.
- c. Vice president of Employee Resource Management for Headquarters and Headquarters-related units. Request for approval must be submitted through appropriate management channels.

323.332 **Eligibility**

Annuitants receiving annuities are not, because of retired status, barred from employment in any position for which they are qualified. Retirees under another retirement law may be reemployed only as provided by the particular act under which they retired. Annuitants are employed under the regulations governing the particular type of action (Career or Temporary Appointments) and must meet the requirements for the position. Annuitants may be given career or temporary appointments.

323.333 Annuitants Who Remain Annuitants After Reemployment

The following provisions apply:

- a. *Annuities Continued.* Annuitants who retired under the following circumstances continue to receive their retirement annuities after reemployment:
 - (1) Voluntary separation. (Optional Retirement)
 - (2) Separation for misconduct or delinquency. (Optional Retirement)
 - (3) Retirement based on age. (Mandatory Retirement)
 - (4) Retirement based on disability, age 60 or more. (Disability Retirement)
 - (5) Retirement based on disability, under age 60, not found recovered or restored to earning capacity and reemployed under a temporary appointment of less than 1 year's duration. (Disability Retirement)
 - (6) Involuntary separation, if reappointed to a noncareer position. (Discontinued Service Retirement)

The following provisions apply:

- b. *Hiring Annuitants.* Prior to accepting annuitants for postal employment, appointing officials advise annuitants that the rates at which their annuities are paid are deducted from the rate of the salary normally paid for the position in which they are reemployed. For additional information and references to OPM resource material, see 566.5 and 586.6.

323.334 Annuitants Who Cease to Be Annuitants After Reemployment

The following provisions apply:

- a. *Annuities Discontinued.* Annuities of employees who retired under these circumstances are discontinued upon reemployment:
 - (1) Retirement based on disability, under age 60, and upon presentation of Form BRI 46-10, *Notice of Recovery from Disability*, showing the OPM has found the annuitant to be recovered or restored to earning capacity. (Disability Retirement)
 - (2) Involuntary separation, if appointed to a position subject to the Retirement Act. (Discontinued Service Retirement)
- b. *Hiring Annuitants.* Prior to accepting annuitants for employment, the appointing official advises them that their annuity will be discontinued. Immediately on reemployment (or in advance, if possible) of an individual under these conditions, the appointing official must also notify the

EMPLOYEE SERVICE AND RECORDS CENTER
OFFICE OF PERSONNEL MANAGEMENT
PO BOX 45
BOYERS PA 16017-0045

of the annuitant's name, date of birth, retirement claim number (if known), and whether retirement deductions will be made from

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annuitant's salary in the position in which reemployed. For additional information and references to OPM resource material, see 566.5 and 586.6.

323.335 Special Requirements for Reemployment of Disability Annuitants

The following provisions apply:

- a. Disability annuitants under age 60 whose annuities have been, or within 1 year will be, discontinued because of recovery may be given any type of appointment for which they meet the regular eligibility requirements. The OPM's notice to annuitants on Form BRI 46-10 is sufficient evidence of their recovery. If this notice is not presented, the appointing official, by letter, requests the OPM regional director to determine whether the annuitant has recovered prior to effecting any reemployment, except as authorized in 323.335 b and c. On advice from a physician, the letter includes a statement of the appointing official's opinion as to whether the annuitants are medically qualified to perform the duties of the positions for which they are being considered. It may be accompanied by a medical examination report if an examination can be obtained from a federal medical facility or activity, without incurring any expense to the annuitant, the Postal Service, or the OPM. The OPM's notice to annuitants that they have been restored to an earning capacity is evidence only of their *reemployment eligibility*. On advice from a physician, appointing officials must determine that annuitants are *medically qualified* to perform the duties of positions for which they are being considered. (The physician may be a postal medical official or a private physician designated by the Postal Service.)
- b. Disability annuitants under age 60 may be reemployed under temporary appointments of less than 1 year's duration without prior medical approval by the OPM.
- c. Disability annuitants age 60 or over, may be reemployed in any position for which they are qualified without prior medical approval of the OPM.
- d. Annuitants, appointed on or after October 1, 1956, whose annuities continue after appointment may be separated at the will of the appointing official.

323.4 Temporary and Casual Appointments

323.41 Temporary Appointment

323.411 Definition

Temporary appointment is a noncareer limited appointment up to, but not exceeding, 1 year in a position requiring the performance of duties assigned to nonbargaining unit positions.

323.412 Use of Temporary Appointments

Temporary appointments may be made to meet administrative needs for *temporary employment*. The following types of positions or circumstances are filled by temporary limited appointments:

- a. Positions not expected to last more than 1 year.
- b. Part-time and intermittent positions that are not clearly of a continuing nature.
- c. Continuing positions, when temporarily vacated for periods of less than 1 year.
- d. Emergency situations such as fire, flood, earthquake, high winds, or unforeseeable circumstances which cause a severe curtailment of available manpower, e.g., epidemics, accidents involving an unusual number of employees, etc.

323.42 Casual Appointment

A *noncareer limited term appointment* to positions used as a supplemental work force as described in the National Agreement or in similar provisions in other Postal Service collective bargaining agreements, requiring the performance of duties otherwise assigned to employees in the bargaining units.

323.43 Former Postal or Federal Employees

For those hired as temporary or casual employees after having previously served in a position in the Postal Service or other federal agencies, wherein they were covered by Civil Service retirement, health benefits, or life insurance, such persons must have at least a 4-day break between such service and their appointment as a temporary employee.

323.5 Rural Carrier Positions

Normally, regular rural carrier positions and rural carrier relief or leave replacement positions are filled in accordance with any applicable collective bargaining agreement.

323.6 Dual Employment or Dual Compensation**323.61 Within the Postal Service****323.611 General Explanation**

Under certain circumstances, as described in this chapter, an employee may be appointed to more than one position in the Postal Service. This is known as a dual appointment. Only one of the appointments may be to a position in the career workforce. The primary purpose of dual appointments is to improve the opportunity of part-time employees (career) and employees who provide relief/leave replacement service on rural routes and postmaster relief or leave replacements (noncareer) to gain further employment and to minimize unemployment compensation expense. Substitute rural carriers (72-0 and 73-0) may be given a dual appointment to a career part-time position or noncareer position. Rural carrier relief (RCRs), Rural Carrier

323.612

Associates (RCAs) and Postmaster relief or leave replacements cannot be given a dual appointment to a career position. Dual appointments also enable the Postal Service to utilize available experienced employees instead of new hires.

323.612 Prerequisite

All dual appointments must be cost effective and in the best interest of the Postal Service. Before deciding to make dual appointments, installation heads should consider the following factors:

- a. Determine the estimated daily workload requirement (hour by hour) in each craft.
- b. Determine if this workload can be covered by increasing the hours of part-time flexibles currently on the rolls, by the judicious use of overtime hours.
- c. Determine if this workload can be covered by using employees from another craft, in accordance with applicable provisions in collective bargaining agreements.
- d. Determine if it would be more feasible to use the services of part-time employees from other nearby post offices.
- e. Determine if the installation will have enough flexibility to make necessary leave replacements if dual appointments are made.
- f. Determine what the average weekly workhours are for each employee on the rolls and ascertain whether a dual appointment would reduce the Postal Service's liability for State Unemployment Compensation benefits.
- g. When it is proposed to offer a *substitute rural carrier* a dual appointment as a part-time employee in another craft, determine if the advantages justify the additional expense for fringe benefits. *Substitute rural carriers* are not eligible for retirement, life insurance, military leave, or health benefits. However, they become eligible for these benefits upon being appointed to a career part-time position. Normally, installation heads can obtain information on benefit and unemployment costs from the district Finance manager.
- h. Determine whether the combined hours of the dual appointment will total more than 8 hours a day or 40 hours a week.

323.613 Authority to Appoint

Authority to make dual appointments must be obtained from the district manager (or designee) as appropriate.

323.614 Appointment Requirements

Employees considered for dual appointments must meet all qualification requirements for both positions, including examination requirements, if any. Likewise, substitute rural carrier employees may be appointed to entry-level career positions noncompetitively. All other procedures for conducting examinations, maintenance of registers, and selections and promotions are included in Handbook EL-311, *Personnel Operations*.

323.615 Compensation, Benefits, and Other Rights

An employee serving under a dual appointment is compensated for the work performed in a particular position at the appropriate rate for that position. Where one of the positions of a dual appointment carries with it the right to fringe benefits, the employee accrues the rights immediately upon appointment to that position and retains the rights even while working in another position that does not have such fringe benefit rights. Other rights, which accrue, to a position under the terms of a collective bargaining agreement are accorded to the employee.

323.616 Change to Full-Time Status

An employee's change to full-time status in either of the two positions necessarily requires the termination of the residual appointment.

323.62 Between Postal Service and Other Federal Agencies

An employee may serve and receive pay concurrently as an employee of the Postal Service (other than as a member of the Board of Governors or of the Postal Rate Commission) and as an employee of any other federal agency.

323.63 Between Postal Service and Private Industry

A Postal Service employee may be employed concurrently as an employee in the private sector unless such employment has an adverse impact on postal operations or where conflicts of interest may be generated between the private employer and/or employee and the Postal Service. (See 661.42.)

323.7 Simultaneous Holding of Federal and State or Local Office

See 663.

323.8 Employment of Retired Members of Uniformed Services**323.81 Applicability**

The reporting requirements of this section apply whenever a retired member of any of the uniformed services (officer or enlisted) is employed in a position in the Postal Service.

323.82 Definitions

For the purpose of dual compensation and these instructions the following definitions apply:

- a. *Uniformed Services* means the Army, Navy, Air Force, Marine Corps, Coast Guard, Environmental Services Administration (Coast and Geodetic Survey), Public Health Service, and the National Oceanographic and Atmospheric Administration.
- b. *Retired Member* means a member or former member of any of the uniformed services who is entitled under any provisions of the law, to retired, retirement, or retainer pay on account of service as such a member.
- c. *Civilian Position* means a civilian office or position (including a temporary position) appointive or elective, in the legislative, executive,

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or judicial branch of the federal government including each corporation owned or controlled by the federal government.

- d. *Temporary Employment* means service under an appointment limited to 1 year or less.

323.83 **Reporting Requirements**

The appointing official records on the Form 50 specific information as it pertains to the retired member. See Handbook EL-301, *Guidelines for Processing Personnel Actions*.

323.84 **Obtaining Necessary Information**

In most cases, it should be possible to determine whether appointees are retired members of a uniformed service from their applications for employment, Form 2591. Some information can be obtained most easily from appointees. Retired members from the Armed Forces have been forwarded a DD Form 214, *Report of Transfer or Discharge*. The Coast and Geodetic Survey and Public Health Service utilize a statement of service for their members. If it is not possible to determine the necessary information, contact the member's finance center for any additional information or verification.

323.85 **Retired Pay**

323.851 **Reduction in Retired Pay**

Section 5532(b) of Title 5, U.S. Code, provides that a retired regular officer receive the full pay of any civilian position held, but that during a period for which civilian pay is received, the retired military pay is reduced by a specified amount. The finance center of the uniformed service concerned determines the applicability of the reduction-in-retired-pay provision to a retired officer.

323.852 **Statutory Exception**

The reduction-in-retired-pay provision does not apply to a retired regular officer whose retirement was based on disability:

- a. Resulting from injury or disease received in line of duty as a direct result of armed conflict.
- b. Caused by an instrumentality of war and incurred in line of duty during a period of war as defined by section 101 and 301 of Title 38, U.S. Code.

323.853 **Special Rule for Temporary Work**

There is a partial exception for retired regular officers employed on a temporary (full-time or part-time) basis. The reduction-in-retired-pay provision does not apply to the first 30-day period of service on such a basis for which they receive pay under a single appointment. If they serve under more than 1 appointment in a fiscal year, the exception applies to the first period aggregating 30 days for which they receive pay from all civilian offices in which they are employed under the appointments made in that year. In each case, the period for which they receive pay means the full calendar period when the employment is on a full-time basis, and only the days for which officers actually receive pay when employment is on a part-time basis.

323.9 Preemployment Suitability Determinations

To maintain public trust and confidence in the reliability and integrity of its employees, the Postal Service must evaluate the overall suitability of an applicant for postal employment including consideration of the applicant's: (a) education and work experience and (b) ability to meet prescribed medical requirements. Appointing officials must also ensure that the suitability determinations and appointments are made without discrimination for any nonmerit factor such as race, color, religion, sex, age, disability, or national origin. See Handbook EL-311, Chapter 3.

330 Examinations

331 Description of Examinations

331.1 Purpose of Examinations

Employment and promotion examinations are administered to assist in the identification of the best-qualified eligible candidates for filling vacant positions. Detailed provisions are contained in Handbook EL-311, Chapter 4.

331.2 Forms of Examination

331.21 Written

Written examinations are generally those in which the examinee responds to written questions on paper.

331.22 Rated Application

Competitors submit completed applications or other required documents, providing information for evaluation against an established rating standard. Based upon the information, a final rating is established for each competitor.

331.23 Performance Test

A *performance* test is a procedure in which the applicant is directed to carry out some certain work activity related to the position under consideration. The applicant's performance while engaging in the activity and the work produced are observed and evaluated according to predetermined standards.

331.3 Types of Examinations

331.31 Entrance Examinations

Entrance examinations are administered to U.S. citizens and noncitizens who have been granted permanent resident alien status for the purpose of establishing eligibility for employment.

331.32 Inservice Examinations

331.321 Purpose

Inservice examinations are administered only to substitute rural carriers and career postal employees to provide eligibility for advancement and reassignment, or as qualification for enrollment in certain postal training courses.

331.322 Competitive

A competitive inservice examination is administered to provide a register of eligibles. The register is established in descending order of scores attained by the competitors. Rank order of position on the register is a factor in the selection requirements for the position concerned.

331.323 Noncompetitive

A noncompetitive inservice examination is administered to determine whether an employee who is being considered for a noncompetitive action meets the test requirements for the position.

331.33 Noncompetitive (Other)

The installation head may request the administration of a noncompetitive examination for former career postal employees and career federal employees in order to establish eligibility for transfer or reinstatement. The examinee must also meet all other requirements for the position.

332 Conducting Examinations**332.1 General**

Conducting examinations plays a vital role in the employment and placement function within the U.S. Postal Service. Detailed provisions and instructions are contained in Handbook EL-311, Chapter 4.

332.2 Entrance Examinations

Entrance examinations are conducted only by authorized postal employees who have been certified by the National Test Administration Center (NTAC).

332.3 Inservice Examinations

Installations that have regularly assigned examiners at test points must use these trained personnel in administering inservice examinations provided they are not and will not become eligible to take the examination. See Handbook EL-311, 430.

332.4 Examination Locations and Administration

The Postal Service obtains qualified employees and assists applicants seeking postal employment by providing a network of examining points at which persons may obtain information, make application, and take any required examinations for Postal Service employment. See Handbook EL-311, Chapters 1 and 4.

333 Veterans' Preference

Veterans' preference is granted to eligible applicants for employment in the Postal Service. The claimed preference is added to the ratings on examinations by the NTAC as provided for in Handbook EL-311, Chapter 2, and Veterans' Preference Act of 1944, as amended. The appointing official is generally responsible for adjudicating the claimed preference. See Handbook EL-311, 241.

340 Registers

341 Establishing Registers

341.1 Definition

A register consists of a file of eligibles' names arranged in order of relative standing for appointment consideration. Detailed provisions are contained in Handbook EL-311, 250. An Area Eligibility Register (AER) serves two or more installations within commuting distance.

341.2 Required Actions

341.21 Appointing Official

The appointing official establishes and maintains registers for positions to be filled in the installation. There must be a separate register for each position or type of position. For installations covered by an AER, these registers are maintained at the district.

341.22 Installation

Registers for vacancies at installations are maintained at the district to which that installation directly reports.

341.3 Maintaining Adequate Registers

341.31 Responsibility

The appointing official is responsible for maintaining registers of a size adequate to meet the predictable needs of the installation. The district manager is responsible for ensuring that registers are adequate to meet the needs of installations for which the registers are maintained at the district level.

341.32 When Register Is Inadequate

When a register is exhausted or deemed inadequate to serve the needs of the installation, the installation head must take all necessary action to open the appropriate examination for his or her installations. See Handbook EL-311, 253 and 271. Necessary announcement materials for the examination are obtained from the NTAC. The appropriate examination is administered according to provisions in Handbook EL-311, Chapter 4.

341.33 Publicizing Job Opportunities

Installation heads ensure that job opportunities are given widespread publicity within the area from which they would logically expect to recruit employees. The recruitment area must reflect postal policy related to the employment of minorities, including women and special emphasis groups. See Handbook EL-311, 222.

341.4 Confidentiality

Registers are confidential records. Care must be taken to protect them from inspection by unauthorized persons. Registers may not be inspected by eligibles. However, eligibles or their authorized representatives may be given the following information, in response to a written inquiry: (1) The number of eligibles expected to be employed during a specific time frame (i.e., within the next 3-6 months); and (2) whether the eligible's prospects for appointment are good, favorable, or unfavorable.

The information can be provided based on the past and/or current hiring needs of the installation and the number of anticipated vacancies to be filled in the near future. If the examination is open or scheduled for opening when the inquiries are made, the eligibles should be notified when applications will be accepted and of the opportunity to recompete in order to improve a passing score. Eligibles should also be advised that although their names may be reached on the register for employment consideration, this is not a guarantee they will be selected for appointment.

342 Use of Registers**342.1 Hiring Worksheets****342.11 When to Prepare Worksheets**

When it is necessary to hire from outside the Postal Service, the installation head or the appointing official issues a hiring worksheet, Form 5900. Names are obtained from the top of the installation's register of eligibles and listed on the form in descending numerical, final rating order.

342.12 Responsibility of the Appointing Official

The appointing official is responsible for making selections for appointment. Selections are to be made on the basis of merit. Discrimination may not be made for any nonmerit factor; e.g., race, color, religion, sex, age, disability, or national origin.

342.13 Rule of Three

Selection is made from among the three highest rated available eligibles from the appropriate register for the type of appointment being offered.

342.14 Nonselection of a Veteran**Reference Note:**

For additional material concerning the subject matter found in 342.14, refer to:

- Manager, Employment and Placement, Memorandum, dated October 16, 1995, concerning 30% Right to Review — Medical and Personal Suitability.

A veterans' preference eligible may not be passed over to select a nonpreference eligible, unless the installation head objects to the veteran and

342.2

the objection is sustained as a pass over. See Handbook EL-311, Chapter 2, for requirements in nonselection of a veteran.

342.2 **Auditing Hiring Work Sheets**

After all appointments are made and each action properly documented, the hiring work sheet is kept on file for a period of 5 years. Hiring actions are audited according to provisions contained in Handbook EL-311, 266.

350 Assignment, Reassignment, and Promotion

351 Introduction

351.1 Purpose and Scope

351.11 Employee Utilization

Postal officials in charge of installations have overall responsibility for effective utilization of human resources. Supervisory employees at all levels have specific responsibilities for the improvement of utilization of human resources. Postal officials in charge of installation and supervisors must carefully plan and analyze the anticipated workload to ensure the use of the minimum force consistent with effective operations.

351.12 Filling Postal Positions

Most postal positions, except entrance-level positions, are filled by the assignment, reassignment, or promotion of postal employees.

351.13 Eligibility for Promotion

An employee serving under a *career appointment* is eligible for reassignment or promotion. An employee serving under a *temporary* or *casual appointment* is eligible for reassignment, but not for promotion.

351.2 Positions Not to Be Filled on a Permanent Basis

Any position (a) to which a career employee has been granted reemployment rights or (b) from which the regular incumbent is temporarily absent may be filled only on a temporary basis. Examples of such situations and the conditions for filling the position temporarily are given in Handbook EL-311, Chapter 5. See also 363.31.

Employees temporarily promoted pending the return of employees having reemployment rights are considered for reassignment to permanent positions when such positions become vacant in the same installation and level. This leaves the position to which an employee is entitled to reemployment rights available for the return of the absent employee or for again filling by temporary promotion.

351.3 Qualification and Eligibility Requirements

351.31 Qualification

Employees selected for a position must meet the minimum qualification requirements and any essential selective placement factors established for the position. See Handbook EL-311, Chapter 5, for explanation, and Handbook EL-302 for nonbargaining qualification standards and Bqnet — *Bargaining Qualifications on the Net* for bargaining qualification standards.

351.32 Eligibility

Eligibility for consideration for some positions is limited to employees in specific grades, occupations, geographic areas, or organizations. These limitations are described in subsequent parts of the subchapter and in Handbook EL-311, Chapter 5.

Employees with restoration rights by reason of military duty are considered for promotion and conversion to full-time status if otherwise eligible. Employees on extended leave including leave without pay are also considered provided they are otherwise eligible and have submitted an application. The personnel action is effected upon return to duty. The action is dated as of the date the change would have occurred had the employee not been absent. Upon selection and while the personnel action is pending, notation of the selection is made in the employee's personnel folder and on Form 7, *Service Record Card*, if that form is maintained.

351.4 Equal Opportunity

Equal opportunity for assignment and promotion must be based on merit and the relevant experience, training, knowledge, skills, and ability required for the positions being filled. Effective utilization of employees requires that selections be made without discrimination because of race, color, sex, religion, age, national origin, political affiliation, marital status, or disability.

351.5 General Promotion Policies**351.51 Merit Promotion Program**

The promotion program for positions in the Postal Service is based on merit principles. It is designed to provide the means for making selections for promotions according to the relative qualifications of the employees eligible for consideration. Officials engaged in the selection process must administer the program systematically, uniformly, and equitably. Promotions to craft positions must be made in accordance with any applicable collective bargaining agreement.

351.52 Objectives of the Program

The objectives of the merit program are to obtain maximum effectiveness and efficiency in postal operations by:

- a. Bringing highly qualified candidates to the attention of management on a timely basis.
- b. Assuring best placement of employees according to their capabilities and potential.
- c. Maximizing use of the special skills and abilities of employees.
- d. Providing employees an incentive to improve their performance and develop their skills, knowledge, and abilities.
- e. Providing all employees the maximum possible opportunity for advancement, and ensuring that qualified employees who are eligible and available are given fair and appropriate consideration when filling higher grade vacancies.

351.53 Policies

The following promotion policies apply:

- a. First consideration is given to qualified employees within the Postal Service. The area of employee consideration is broad enough to provide a supply of well-qualified candidates for promotion. The selecting official is provided an adequate number of well-qualified candidates from which to choose, but should not be burdened with a lengthy list of candidates to consider.
- b. Consideration is given to postal employees outside the initial area of consideration when it is appropriate and necessary to ensure an adequate number of qualified candidates, and to ensure selection from among the best qualified.
- c. Required files are maintained; adequate procedures are developed for periodic review of promotion actions; and appropriate corrective action is taken if program, procedural, or regulatory violations and/or deficiencies are found.
- d. Employees selected for promotion are released from their current positions without undue delay. This is normally not later than 2 to 4 weeks after selection or in conformance with the provisions of any applicable labor agreement.
- e. Information is made available to employees, upon request, about requirements and procedures of the promotion program and the promotion plan affecting them; about opportunities for promotion available to them; about their eligibility in specific promotion actions; and about the identity of the person selected.
- f. Restrictions on the promotion (or recommendation for promotion) of immediate relatives are explained in Handbook EL-311, 312.3.

351.54 Applicability to Other Personnel Actions

Competitive promotion procedures apply to certain other personnel actions.

- a. Filling a higher grade position by selection from among postal employees on any entrance register.
- b. Selecting an employee for training where the training is required for promotion (i.e., applies to cases whereby only an employee who has completed the training is eligible for promotion).

351.55 Exceptions to Competitive Promotion Procedures

Promotions excepted from competitive procedures are listed in Handbook EL-311, 514.37.

351.56 Temporary Promotions

The conditions when temporary promotions are applicable, including their termination, are described in Handbook EL-311, 514.4.

351.6

351.6 Mutual Exchanges**351.61 General Policy**

Career employees may exchange positions (subject, when necessary, to the provisions of the appropriate collective bargaining agreement) if the exchange of positions is approved by the officials in charge at the installations involved. 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 with full-time employees.
- b. Bargaining unit employees with nonbargaining unit employees.
- c. Nonsupervisory employees with supervisory employees.

351.62 Rural Letter Carrier Employees

The mutual exchange of regular rural letter carrier employees of different post offices is permitted in accordance with the applicable provisions of the USPS-NRLCA National Agreement. The following mutual exchanges *are not* permitted:

- a. Between regular rural letter carrier employees in the same post office.
- b. Between rural letter carrier employees and members of other crafts.

352 Selection for Bargaining Unit Positions**352.1 Procedures and Requirements**

Procedures and requirements for filling craft positions are found in the following publications:

- a. The appropriate collective bargaining agreement contains governing policies and procedures affecting bidding, assignments, reassignments, higher grade assignments, and promotions.
- b. Handbook P-1 contains position descriptions and craft assignments for all craft positions.
- c. Handbook EL-311, 520, contains detailed procedures and administrative requirements.
- d. Bqnet — *Bargaining Qualifications on the Net* contains qualification standards for bargaining unit positions.

352.2 New and Changed Requirements

New requirements and changes in existing requirements are normally published as revisions to the publications listed in 352.1. Sometimes, however, they are first published in *Postal Bulletins* or Management Instructions for subsequent incorporation in the appropriate publication.

353 Selection for Nonbargaining Unit Positions**353.1 Promotion****Reference Note:**

For additional material concerning the subject matter found in 353.1, refer to:

- Deputy Postmaster General Memorandum, dated January 20, 1995, concerning EAS Selection Policies.

353.11 Definition

A *promotion* is the permanent assignment, with or without relocation, of an employee (a) to an established position having a higher grade than the position to which the employee was previously assigned in the same schedule or (b) to a position with a higher than equivalent grade in another schedule. (See 411.4 for exceptions.)

353.12 Procedures

In addition to the general promotion policies in 351.5, specific policies and procedures govern promotion to various nonbargaining unit positions. Selection procedures for Postal Career Executive Service employees are described in 380; and for other nonbargaining unit positions, in Chapter 5 of Handbook EL-311.

353.2 Reassignment**Reference Note:**

For additional material concerning the subject matter found in 353.2, refer to:

- Deputy Postmaster General Memorandum, dated January 20, 1995, concerning EAS Selection Policies.

353.21 Definition

A *reassignment* is the permanent assignment, with or without relocation, of an employee (a) to another established position with the same grade in the same schedule or (b) to a position with an equivalent grade in another schedule.

353.22 Management Option

Authorized management officials may reassign nonbargaining unit employees without following regular competitive procedures.

353.23 Employee Self-Nomination

Employees who desire reassignment may nominate themselves in the same manner provided for employees who desire promotion consideration.

353.24

353.24 Unassigned Employees

Unassigned employees (i.e., employees whose positions have been abolished) are reassigned in accordance with 354.

353.3 Temporary Assignment**353.31 Definition**

A *temporary assignment* is the placement of an employee in another established position for a limited period of time when a formal reassignment and/or promotion personnel action is not required.

353.32 General Policies**353.321 Necessity and Duration**

Temporary assignments to nonbargaining unit positions are made only for the shortest practical time limits, and may be authorized to meet emergencies caused by abnormal workload, change in mission or organization, or unanticipated absences. In the case of absence of a nonbargaining unit employee (except a postmaster or initial-level supervisor), the appointing official attempts to have the duties of the absentee's position absorbed by the other employees of the same or higher grade. If this is not feasible, a qualified employee may be temporarily assigned to the position under the policies and procedures described in the following sections. Such assignments must be carefully monitored by management to confirm their continued necessity.

353.322 Assignment To Meet Need

Any qualified employee who best meets service needs may be temporarily assigned by the appointing official or designee. Normally, priority consideration is given to unassigned employees (i.e., employees whose positions have been abolished). Policies and procedures governing the temporary assignment of unassigned employees are in 354.

353.323 Assignment Pending Recovery From Injury or Illness

Employees recuperating from a serious injury or illness who are unable to perform their regularly assigned duties may (if administratively feasible) be temporarily assigned to such duties as they can perform for a short period of time pending their recovery. Generally, these employees should be required to present acceptable medical evidence.

353.324 Termination of Assignment

A temporary assignment may be terminated at any time by management, either at its own discretion or at the request of the employee.

353.325 Documentation

Use Form 1723, *Assignment Order*, to document temporary assignments.

353.33 Time Limits

Temporary assignment of an employee to a position at the same grade or at a lower grade may not exceed 90 calendar days, which may be extended by

the next higher level of management above the appointing official. See 353.34 for time limits on temporary assignment to a higher grade position.

353.34 **Higher Grade Temporary Assignment**

353.341 **Necessity**

All managerial and supervisory personnel ensure that no one is temporarily assigned to a higher grade nonbargaining unit position unless such an assignment is absolutely essential to the effective operations of the Postal Service, and the person selected assumes the full core responsibilities of the higher grade position.

353.342 **Higher-level Approval**

Higher-level temporary assignment of 30 or more calendar days requires higher-level approval.

353.343 **Extension with Prior Approval**

Temporary assignment to a higher grade position, during the absence of the incumbent, is limited to a maximum period of 120 calendar days that may be extended with the prior approval of the vice president of Area Operations.

353.344 **Candidate for the Vacant Position – 120-Day Limit**

Temporary assignment to a higher grade vacant position, *pending selection of a person for permanent placement*, is limited to a total of not more than 120 calendar days. If the employee on temporary assignment could become or is a potential candidate for the vacant position, the higher grade assignment must be terminated before the 121st day. If that employee is not a candidate, the next higher-level manager over the manager with the vacancy may approve an extension of that employee's temporary assignment beyond 120 days, until a selection is made and the new employee assumes the position. (The preceding policy does not apply to temporary higher grade assignments to postmaster, or initial-level supervisor positions.)

353.345 **Further Information**

Rules governing higher-level pay for temporary assignment to higher grade nonbargaining unit positions are in 417.

The use of higher grade temporary assignments and temporary promotions in Postal Service Headquarters is described in 417 and in appropriate Headquarters circulars.

353.4 **Realignment or Reevaluation**

In a realignment or reevaluation involving nonbargaining unit positions, Headquarters Employee Resource Management determines the effect on individual positions. Based on those determinations, the following general rules apply in assigning incumbents and filling affected positions:

- a. The incumbent is automatically assigned to the position if there is no significant change in duties or responsibilities and no change in grade.
- b. The incumbent is promoted noncompetitively if the position is upgraded with no significant change in duties or responsibilities.

- c. The incumbent has no assignment or promotion right to the new position if there is a significant change in duties and responsibilities which results in the authorization of a new position at the same or a higher grade and in the abolishment of the present position. The new position is filled in accordance with regular procedures, and the incumbent of the abolished position is assigned in accordance with 354.
- d. The incumbent is treated in accordance with 354.241 in any situation where a position is evaluated at a lower grade.

354 Assignment of Unassigned Employees

354.1 Policy

354.11 Bargaining Unit Employees

Assignment of excess bargaining unit employees must be in accordance with the applicable provisions of the National Agreement.

354.12 Nonbargaining Unit Employees

Assignment of unassigned career nonbargaining unit employees must be in accordance with the procedures described in 354.2 and 354.3 as appropriate. Postal policy provides equal opportunities for all employees without discrimination because of race, color, religion, sex, national origin, disability, or age. Especially in exercising the various managerial options described in these procedures, managers are responsible for ensuring and documenting, where appropriate, that no discriminatory impact results from discussions or personnel actions implementing these procedures.

354.2 Assignment of Nonbargaining Unit Employees Due to a Potential or Actual Reduction in Force

354.21 General

354.211 Definition of Reduction in Force

A reduction in force (RIF) is a uniform and systematic way of making organizational changes resulting in the release of an employee from his or her competitive level as defined in 354.217a. A RIF action occurs in the Postal Service when an employee is released from his or her competitive level by separation, demotion, or a reassignment requiring displacement. Release from a competitive level must be caused by elimination or significant modification of existing work, creation of new work, reorganization, transfer of function, an individual's exercise of reemployment or restoration rights, or a reclassification of an employee's position based on the erosion of duties that will take effect after a RIF has been formally announced in the employee's competitive area (see 354.217b) or when a RIF takes effect within 180 days.

Note: With the exception noted above concerning the reclassification of an employee's position, a change to lower grade based on the reclassification of an employee's position due to a change in classification standards or a correction of a classification error is not a RIF.

354.212 Legal Basis for Reduction in Force

Laws governing RIF are found in Title 5, United States Code (U.S.C.), 3501–3503. These laws are implemented in the federal government through regulations issued by the U.S. Office of Personnel Management (Title 5, Code of Federal Regulations (CFR), 351). In the Postal Service, these laws apply only to preference eligible employees (individuals entitled to veterans' preference status during a RIF). The legislative provisions making these laws and regulations applicable to preference eligible employees in the Postal Service are found in Title 39, U.S.C., 1005 (a)(2).

354.213 Management Responsibility

Management has the responsibility to plan the work and to organize the workforce to accomplish Postal Service objectives. This responsibility includes determining the type, number, and location of positions that are to be filled, abolished, or vacated. When changes are anticipated as a result of this responsibility, management determines whether a reduction in force is necessary and when such action will occur.

The managers of Human Resources at the district and area levels and the manager of Corporate Personnel Management for Headquarters and Headquarters-related units are designated as placement administrators. A placement administrator is responsible for coordinating all RIF avoidance or minimization strategies and placement activities for a competitive area undergoing a RIF. This responsibility includes close coordination with the manager of Selection, Evaluation, and Recognition, competitive area management, and other Human Resources personnel in other competitive areas. The placement administrator is also responsible for coordinating the activities associated with a reinstatement list (see 354.27). A placement administrator who has direct responsibility over the competitive area in which employees have been separated due to a RIF and who have requested consideration for future reinstatement to the Postal Service is considered the "primary" placement administrator.

354.214 Coverage of Reduction in Force Procedures

These RIF procedures apply to the assignment or separation of *career nonbargaining unit employees* who occupy positions that have the potential of being impacted by, or will be directly affected by, a reduction in force. They apply to noncareer nonbargaining unit employees only to the extent necessary to terminate their employment to avoid (or minimize) the impact of a reduction in force on career nonbargaining unit employees.

Exclusion. Bargaining unit employees are excluded from these procedures. The assignment or separation of excess bargaining unit employees is in accordance with the applicable collective bargaining agreement and applicable statutes.

354.215 Veterans' Preference Status

Entitlement to veterans' preference for RIF purposes is based on the Veterans' Preference Act of 1944, as amended, and is codified in various provisions of 5 U.S.C. Detailed instructions for adjudicating veterans' preference claims are contained in Chapter 7 of *The Guidelines for Processing Personnel Actions*, an operating manual issued by the Office of

354.215

Employment and Placement
Assignment, Reassignment, and Promotion

Personnel Management. Employees who are retired members of the uniform services must meet an additional condition before they can be granted veterans' preference for RIF purposes. The conditions differ depending on whether they retired below, at, or above the rank of major. Exhibit 354.215a shows the conditions that must be met by retired members of the uniform services before veterans' preference for RIF is granted. Exhibit 354.215b shows the pay grades and titles (ranks) of officers of the uniform services as defined by 5 U.S.C. 2101.

Exhibit 354.215a

Veterans' Preference for Retired Military

Retiree below rank of major must meet one of the following conditions:	Retiree at or above rank of major must meet one of the following conditions:
Be retired based on war or combat-incurred disability.	Be retired based on war or combat-incurred disability.
Be retired based on less than 20 years of active duty.	Be retired based on less than 20 years of active duty.
Have continuous Federal employment since November 30, 1964, without a break in service of more than 30 days.	Have continuous Federal employment since November 30, 1964, without a break in service of more than 30 days.
	Be a disabled veteran eligible for retired pay under 10 U.S.C. 67.

Exhibit 354.215b

Officer Personnel by Pay Grades and Titles (Ranks)

Pay Grade	Army, Air Force, and Marine Corps	Navy, Coast Guard, and NOAA	Public Health Service
Below Major:			
W-1	Warrant officer	Warrant officer	
W-2	Chief warrant officer	Chief warrant officer	
W-3	Chief warrant officer	Chief warrant officer	
W-4	Chief warrant officer	Chief warrant officer	
O-1	Second lieutenant	Ensign	Junior assistant
O-2	First lieutenant	Lieutenant (jg)	Assistant grade
O-3	Captain	Lieutenant	Senior assistant grade
Major and Above:			
O-4	Major	Lieutenant commander	Full grade
O-5	Lieutenant colonel	Commander	Senior grade
O-6	Colonel	Captain	Director grade
O-7	Brigadier general	Rear admiral (lower half) or commodore	Assistant surgeon general
O-8	Major general	Rear admiral (upper half)	Assistant surgeon general
O-9	Lieutenant general	Vice admiral	(Note: PHS does not use O-9 or O-10)
O-10	General	Admiral	

354.216 Veterans' Preference Entitlement

Veterans' preference eligible employees are entitled to the following:

- a. *Higher Retention Standing.* A preference eligible employee is entitled to a higher retention standing (seniority) on a retention register (see 354.217c) than a nonpreference eligible employee during a RIF.
- b. *Assignment rights.* A preference eligible employee in tenure group I or II with a current merit performance rating of *Met Expectations* or higher who is released from his or her competitive level during a RIF may displace another employee with a lower retention standing under certain circumstances. The assignment of a preference eligible employee to a position with an appropriate representative rate (see 354.217g) held by an employee with a lower retention standing can occur either through bumping or retreating.
 - (1) *Bumping.* A preference eligible employee may replace an employee in the same competitive area who has a lower retention standing and occupies a position that is no more than three grade levels (or appropriate grade interval or equivalent) lower than the position from which the preference eligible employee is released.
 - (2) *Retreating.* A preference eligible employee may replace an employee in the same competitive area, tenure group, and veterans' preference subgroup who has a lower retention standing and occupies a position identical to a position previously held by the preference eligible employee that is no more than three grade levels (or appropriate grade interval or equivalent) lower than the position from which the preference eligible employee is released. A preference eligible employee with a compensable service-connected disability of 30 percent or more can retreat to a position that is up to five grade levels (or appropriate grade interval or equivalent) lower.
- c. *Appeal rights.* A preference eligible employee may file an appeal with the Merit Systems Protection Board (MSPB) under the provisions of 5 CFR 351.901.

354.217 Definitions and Explanations

Definitions and explanations relevant to RIF procedures are as follows:

- a. *Competitive level* — one or more positions in a competitive area that are:
 - (1) In the same rate schedule code (e.g., EAS, PCES, etc.) and grade level.
 - (2) In the same job classification series and leadership code (i.e., type of contribution made to the organization as an executive, mid-level manager, initial-level supervisor, or individual contributor).
 - (3) Similar enough in duties, qualification standards (knowledge, skills, and abilities), and working conditions so that the incumbent of one position can successfully perform the critical elements of any other position in the level upon assignment to it, without any

- loss of productivity during a 90-day orientation period beyond that normally expected of a new employee who is otherwise qualified.
- b. *Competitive areas* — organizational units that have separate management authority and geographical boundaries under which employees compete during a reduction in force. As an example, the Center for Employee Development in Norman, OK, is a Headquarters-related field unit; however, it is a separate competitive area because it has its own management authority and geographical boundary. Generally, a competitive area should be in effect for at least 90 days before the effective date of a RIF. The manager of Selection, Evaluation, and Recognition publishes a list of competitive areas in the Postal Bulletin at least annually.
 - c. *Retention register* — a list of employees by competitive level ranked in descending order based on their retention standing within a specific competitive area. The retention standing for each competing employee is based on his or her tenure group, veterans' preference subgroup, and RIF service date. Employees are listed on the retention register in the following order:
 - (1) By tenure group I, group II, and group III (see 354.217d).
 - (2) Within each tenure group, by veterans' preference subgroup AD, subgroup A, or subgroup B (see 354.217e).
 - (3) Within each veterans' preference subgroup, by RIF service date (see 354.217f).
 - d. *Tenure groups* — the groups into which employees are separated for retention standing purposes during a RIF, based on their employment status. There are three tenure groups:
 - (1) *Tenure group I* — career employees who have completed their probationary period.
 - (2) *Tenure group II* — career employees who are serving their probationary period and who will not complete it before the RIF effective date.
 - (3) *Tenure group III* — noncareer employees serving under indefinite appointments, temporary appointments pending establishment of a register, status quo appointments, term appointments, and any other nonstatus nontemporary appointments that meet the definition of provisional appointments contained in 5 CFR 316.401 and 316.403.
 - e. *Veterans' preference subgroups* — the subgroups into which employees are placed based on veterans' preference entitlement. The three preference eligible subgroups are defined as:
 - (1) *Subgroup AD* — employees entitled to veterans' preference based on a compensable service-connected disability of 30 percent or more.
 - (2) *Subgroup A* — all other preference eligible employees not included in subgroup AD.
 - (3) *Subgroup B* — employees who are not preference eligibles.

- f. *RIF service date* — the date used in conjunction with the tenure group (see 354.217d) and preference eligible subgroup (see 354.217e) to determine an employee's retention standing on a retention register (see 354.217c) during a RIF. The RIF service date is arrived at by subtracting from the employee's leave computation date the additional years of service credit based on performance ratings.
- (1) *Leave computation date* — a date based on total creditable service — generally including all creditable postal service, federal civilian service, and active military service (see 512.2). For an employee who is a retired member of the uniform services (see 354.215), the leave computation date is adjusted by the amount of service credit based on the rank at which an employee retires and the circumstances of the retirement. The specific methodology used to calculate the leave computation date is provided in Exhibit 210d of Handbook EL-301, *Guidelines for Processing Personnel Actions*.
 - (2) *Performance ratings* — the three most recent merit performance ratings of record received during the 4-year period before the date of issuance of the specific RIF notices. Based on these performance ratings nonbargaining employees are entitled to additional service credit towards their RIF service date, as follows:
 - (a) Merit performance ratings are used as follows:
 - (i) If an employee has received *three actual merit performance ratings* of record during the period, the values of the ratings are added together and divided by three (rounded in the case of a fraction to the next higher whole number) to determine the amount of additional service credit.
 - (ii) If an employee has received *at least one but fewer than three merit performance ratings* of record, the employee receives additional service credit for performance based on the amount derived when the values of the ratings received are added together and divided by the number of ratings actually received (rounded in the case of a fraction to the next higher whole number).
 - (iii) If an employee has received *no* merit performance ratings of record, the employee receives additional service credit for performance based on the modal rating. The modal rating is determined based on the most prevalent merit performance rating received postal-wide during the most recent performance evaluation period.
 - (iv) PCES employees are entitled to additional service credit based on a performance rating of *Met Expectations*.

- (b) Values are assigned to each merit performance rating of record (or the modal rating) as follows:
 - (i) Twenty (20) additional years of service are credited for a rating of Far Exceeds Expectations.
 - (ii) Twelve (12) additional years of service are credited for a rating of Met Expectations.
 - (iii) No additional years of service are credited for a rating of Unacceptable.
- g. *Representative rate* — the hourly pay rate of a position that is used to determine a preference eligible employee's assignment rights during a RIF. The representative rate is calculated by dividing the annual base salary for a position by 2087 hours (number of hours in a government year). The annual base salaries used to derive the representative rates for career nonbargaining unit positions are based on the twenty-fifth (25th) percentile of annual base salary range for each grade level in the Executive and Administrative Schedule (EAS), Structured Management Development (SMD) Schedule, A-E Postmaster (EPM) Schedule, and the Attorney Pay Schedule (APS). Level 01 positions under the Postal Career Executive Schedule (PCES) are subject to a market maximum that is used to cap salaries for each position. The market maximum is used to calculate the appropriate representative rate for PCES-01 positions. PCES-02 positions (corporate officers) are not covered by the RIF procedures.

354.22 Processing Requests for Organizational Change

354.221 Evaluating the Need

Requests to change a Headquarters or field organizational structure are initiated by functional organization management with approval of the functional organization vice president. Such requests are processed as follows:

- a. The manager of Customer Requirements reviews and evaluates plan requirements; determines the appropriate categories, numbers, and grade levels of positions; and, if appropriate, develops job descriptions to support new positions and establishes reporting relationships for positions within the competitive areas impacted by the proposed change.
- b. The manager of Selection, Evaluation, and Recognition evaluates the impact of the proposed changes within specific competitive areas and determines whether a RIF may be necessary. If a RIF potential exists, the manager of Selection, Evaluation, and Recognition provides functional organization management with a preliminary placement plan that, if possible, outlines the strategies to minimize or completely avoid the need for a RIF.

354.222 Implementing the Change

Following the evaluation process and final approval by functional organization management of any revisions to the initial organizational change request and the placement plan, the following action is taken:

- a. The manager of Customer Requirements notifies the functional organization vice president and the competitive area management of the new or modified structure and staffing changes to be implemented.
- b. The manager of Selection, Evaluation, and Recognition develops qualification standards (knowledge, skills, and abilities) for any new positions and assigns the positions to the appropriate competitive levels. If placement of competitive area employees into the new organization based on competitive levels and qualification standards does not result in a potential RIF situation, the functional organization vice president and competitive area management are advised to proceed to fill any vacant positions under the normal EAS selection procedures. If the organizational change does result in a potential RIF, the manager of Selection, Evaluation, and Recognition is responsible for coordinating RIF avoidance or minimization strategies, conducting the RIF process, and, if necessary, coordinating with competitive area management other placement opportunities that may be available.

354.23 Implementing RIF Avoidance or Minimization Strategies

To minimize or avoid the impact of a RIF, the manager of Selection, Evaluation, and Recognition in coordination with the functional organization vice president and competitive area management may implement some or all of the following actions, either in the competitive area proposed to undergo the RIF or in additional specified competitive areas:

- a. Freeze hiring and promotion actions.
- b. Separate contract employees, temporary employees, and reemployed annuitants.
- c. Reassign employees out of a competitive area for which a RIF may be required and into vacant positions in competitive areas where a RIF is not being contemplated. Reassignments may be made to positions within or outside the commuting area and may be voluntary (e.g., where an employee has responded to a vacancy announcement) or directed by management. Such assignments are not subject to RIF procedures so long as preference eligible employees are not involuntarily placed into lower grade positions.
- d. Cancel all detail and temporary promotion Forms 50.
- e. Terminate probationary employees.
- f. Approve employee requests to voluntarily change to vacant positions at lower grades within the competitive area, including bargaining unit positions.
- g. Provide voluntary resignation incentives.
- h. Obtain approval from the Office of Personnel Management (OPM) to offer a voluntary early retirement option.

- i. Provide voluntary early retirement incentives.
- j. When circumstances warrant, implement other RIF avoidance measures, provided such measures are in compliance with regulations and, if appropriate, the applicable collective bargaining agreements.

354.24 **Providing Initial Notification and Making Preliminary Placements**

354.241 **Notifying Employees of a Potential RIF**

If a potential RIF situation exists, management at the competitive area must meet with employees to advise them of the situation, either individually or in groups. This meeting occurs after approval is received from Customer Requirements and Selection, Evaluation, and Recognition but before issuance of the general RIF notice. The information provided to employees includes, if applicable:

- a. A description of the new organization, including the job title and number of any new positions added, their grade levels and reporting relationships.
- b. The number of positions by title and grade level in the organization being abolished.
- c. The position titles, grade levels, or organizational function that will be directly impacted by the RIF.
- d. The options available to potentially impacted employees, including any RIF avoidance or minimization strategies that will be utilized (see 354.23).

354.242 **Establishing Employee Qualifications**

Employees who may be impacted by a RIF must provide updated pages 1 and 2 of Form 991, *Application for Promotion or Assignment*, to establish their qualifications for vacant positions that remain in the new organization at the same grade level, if any.

354.243 **Making Preliminary Placements**

Management at a competitive area in coordination with the manager of Selection, Evaluation, and Recognition matches employees to positions, including any vacant positions at the same grade levels, if any, in the new organization, based on employee qualifications and position requirements.

354.25 **Implementing RIF Procedures**

354.251 **Issuing General RIF Notices**

A RIF situation exists if a preference eligible employee in the competitive area undergoing a potential RIF is matched to a lower grade position or is unplaced following the preliminary placement procedures in 354.243. The manager of Selection, Evaluation, and Recognition issues a general RIF notice to all employees within the competitive area. The general RIF notice advises employees that a RIF exists within their competitive area and provides the following information:

- a. The business reasons for the RIF.
- b. The position titles, grade levels, and organizational functions that will be directly impacted by the RIF.

- c. The RIF effective date is established no less than 60 days after anticipated receipt of specific RIF notices. Generally, the RIF effective date is established at the close of business on the last Friday of a pay period.

354.252 Issuing Specific RIF Notices

The manager of Selection, Evaluation, and Recognition issues specific RIF notices to all employees within the competitive area no less than 30 days after the issuance of the general RIF notice. Each specific RIF notice either advises an employee that he or she has been placed in the new organization, giving the position title, grade level, occupational code, and duty station location, or that he or she did not receive a placement offer and will be separated from the Postal Service. The specific RIF notice also contains the following:

- a. Information used to determine an employee's assignment rights in the RIF, including the competitive area, competitive level, tenure group, veterans' preference subgroup, RIF service date, and the four most recent merit performance ratings of record.
- b. A statement that all employees are entitled to review the Office of Personnel Management's retention regulations (5 CFR 351) at their personnel services office.
- c. If the employee is a preference eligible, a copy of the MSPB regulations (5 CFR 1201) and appeal form.
- d. If the employee did not receive a placement offer and was notified that he or she would be separated from the Postal Service:
 - (1) A document titled *Explanation of Compensation Programs*.
 - (2) Form 999, *Application for Reinstatement List*.
- e. If the employee is a preference eligible who is changed to a lower grade level as a result of the RIF, information concerning Veterans' Preference Saved Grade NTE and Veterans' Preference Retained Salary under the provisions of 415.32.

354.253 Placing Unplaced or Displaced Employees

Procedures for placing employees before the RIF effective date are as follows:

- a. Preference eligible employees not placed based on their RIF rights and nonpreference eligible employees are considered for any appropriate and available vacant positions remaining in their competitive area as follows:
 - (1) Following the issuance of the specific RIF notice, the manager of Selection, Evaluation, and Recognition provides the placement administrator with a list of employees not placed during the specific RIF action (see 354.252), and a list of vacant positions within the competitive area undergoing the RIF, if any. In the case of closure of an entire competitive area, all positions are abolished and no placement opportunities remain within the competitive area.

- (2) Any vacant positions that exist in the competitive area are used as placement opportunities during a 2-week period beginning with the date of receipt of the lists. During this 2-week period, qualified employees are matched to these vacant positions. If warranted by the number of vacant positions and individuals impacted by the RIF, the placement administrator, with the help of a committee, if desired, may review Forms 991 and establish employee referral lists of individuals who meet the basic qualifications for available vacancies. If not, directed reassignments may be made. Forms 50 for these selections bear the same effective date as the RIF effective date.
- (3) Selecting officials must return the entire placement file to the placement administrator, including the referral list and Forms 991, with a written list of selected employees in rank order, within 1 week. Selecting officials should list more than one acceptable selection for each vacancy, if possible.
- b. Career bargaining unit employees displaced in order to afford a preference eligible his or her RIF assignment rights are reassigned in accordance with the applicable collective bargaining agreement.

354.254 **Advising Employees of Options**

During the week before the effective date of the RIF, the placement administrator meets, individually or in groups, with employees who remain unplaced to discuss in detail the following options:

- a. *Nonpay, Nonduty Status.* Employees who do not expect to be placed by the RIF effective date may request to be placed in a 30-day nonpay, nonduty status. The placement administrator must receive this request before the RIF effective date. During the 30-day extension, employees may continue to seek a position with the Postal Service based on the conditions specified in 354.26.
- b. *Compensation Alternatives.* Generally, information provided about compensation alternatives that may be available to employees upon separation should include:
 - (1) An overview of the compensation programs available to separated employees and answers to any questions employees may have concerning the information previously provided in the *Explanation of Compensation Programs* attached to the specific RIF notice.
 - (2) Assistance in identifying and completing the forms necessary to apply for any compensation to which individuals may be entitled.
 - (3) A reminder for those individuals who have not indicated an interest in being reinstated that they are eligible to apply for placement on the reinstatement list (see 354.27).

354.255 **Separating Remaining Employees**

Employees who decline or fail to request a 30-day extension in a nonpay, nonduty status by the RIF effective date are separated on that date.

354.26 Making Post-RIF Employee Placements

Employees placed on a 30-day extension in a nonpay, nonduty status have the following options:

- a. *Noncompetitive Consideration.* Employees may apply noncompetitively for any vacancy at or below their current grade within the commuting area. Employees assigned to a lower grade position are entitled to grade and salary treatment in accordance with 415.4.
- b. *Voluntary Bargaining Unit Position Placement.* If employees meet the qualifications for vacant bargaining unit positions, they may volunteer for placement into such vacancies subject to the approval of the manager of the unit where the vacancy exists. Seniority and pay provisions governing such placements are in accordance with the applicable collective bargaining agreement.

354.27 Establishing a Reinstatement List**354.271 Providing Priority Consideration to Employees**

A reinstatement list (RL) identifies eligible career nonbargaining unit employees who have been separated due to a RIF for priority consideration for reinstatement to the Postal Service.

The RL is established on the 31st day following the RIF effective date, provided one or more employees have been found eligible for placement on the RL. The RL remains in effect for 2 years following its establishment or until no eligible employees remain on the RL, whichever is earlier.

Note: Acceptance of an employee's Form 999, *Application for Reinstatement List*, and placement on the RL does not guarantee former employees reinstatement to the Postal Service.

354.272 Determining Employee Eligibility

Employees are eligible to be placed on a RL if:

- a. They received a specific RIF notice indicating that they will be separated from the Postal Service and are subsequently separated on their RIF effective date. Employees who retire on or after their RIF effective date are eligible for placement on the RL provided they meet all other eligibility requirements.
- b. Their last merit performance rating of record before separation was above *Unacceptable*.
- c. They submit their Form 999 no later than 30 days after their RIF effective date.
- d. They are found at least "minimally qualified" by the primary placement administrator for one or more of the positions identified on their Form 999.

354.273 Considering Employees on a Reinstatement List

Provisions for RL list consideration are as follows:

- a. Eligible RL applicants are provided initial consideration before advertisement of a vacant position within their competitive area and all other competitive areas within commuting distance not undergoing a

RIF action (the reinstatement list area of consideration (RLAC)). Consideration is limited to those applicants who have been found at least minimally qualified for the vacant position by the primary placement administrator.

Note: A vacant position does not include positions that are filled through other special programs such as the restoration of individuals who served in the uniform services and the reemployment or reassignment of employees injured on duty.

- b. Positions identified by eligible RL applicants on their Form 999 for which they have been found at least minimally qualified by the primary placement administrator must be:
 - (1) Authorized positions within the RLAC.
 - (2) At the same or lower grade level (or representative rate for PCES employees) as the positions held before separation due to a RIF action.
- c. After initial consideration, eligible RL applicants may either be given further consideration for the identified vacant position on a competitive or noncompetitive basis or not be considered further. A decision to not consider an applicant further for a particular vacancy does not impact the applicant's standing on the RL. It does not prevent the applicant from being considered for a similar vacant position at a later date or any other position that the applicant has been found eligible to be considered for on the RL.

354.274 **Removing Employees From a Reinstatement List**

Employees are considered disqualified and their names removed from the RL, if they do any of the following:

- a. Accept a career appointment with the Postal Service or other federal agency.
- b. Voluntarily request, in writing, to have their names removed from the RL.
- c. Decline or fail to reply to a written or telephonic notification concerning an employment opportunity to a specific position identified on the RL.
- d. Decline an interview or fail to appear for a scheduled interview, provided they are notified in advance of the interview and do not take reasonable action to reschedule the interview.
- e. Fail to provide the placement administrator with any changes in their address or telephone number and thus prevent contact concerning potential employment opportunities.

354.3 **Actions for Nonbargaining Employees in Connection with the Discontinuance and Consolidation of Post Offices**

354.31 **Background**

Statutory and regulatory requirements mandate consideration of the effect of closing or consolidating a post office on Postal Service employees in that

office, and making a public record and analysis concerning the effect on these employees.

354.32 **Definition of Terms**

District manager refers to the district manager who is proposing the discontinuance of a post office within that district under Domestic Mail Manual (DMM) 113.

Discontinuance of a post office includes the consolidation of the post office with another post office and replacing it with either a community post office, or a classified or contract station or branch, as well as the discontinuance of a post office without establishing another facility to replace it.

354.33 **Planning Considerations**

The dual objectives of minimizing the impact on individual employees, and maximizing the economies to be affected by consolidating or discontinuing post offices, can best be achieved through careful planning and judicious placement of impacted employees. Management (a) keeps employees informed at each step of the process and (b) identifies positions appropriate for reassignment and for which employees are willing to accept reassignment voluntarily.

354.34 **Postmaster and Supervisors**

354.341 **Postmasters**

When the district manager proposes to recommend the discontinuance of a post office for which there is an incumbent postmaster, each of the following alternatives, as applicable and appropriate, are discussed with the incumbent postmaster, and the district manager prepares a memorandum stating which alternative is recommended. The following alternatives are available:

- a. *Reassignment to Another Postmaster Vacancy.* The district manager may recommend that the established procedures for the selection of postmasters be waived and that the postmaster be reassigned to an existing postmaster vacancy located within the same district. The district manager includes in the memorandum a statement that the postmaster meets the requirements and qualifications of the vacant postmaster position to which reassignment is recommended and can satisfactorily perform the duties of that position. A signed statement from the postmaster that the reassignment recommended by the district manager, if approved, will be accepted, must also be obtained for the record.
- b. *Unavailable Postmaster Vacancy.* In the event there is no postmaster vacancy to which an affected postmaster may be reassigned, the district manager notifies the postmaster in writing. If such affected postmaster accepts a nonpostmaster assignment, that postmaster retains the right, for 104 weeks from the date of reassignment, to be offered a vacant postmaster position located within the district at his or her former level, when one develops. Declination of an offer in writing, voluntary acceptance of a lower level postmaster position, or promotion

to a higher level postmaster position terminates the right to be offered a postmaster vacancy at the postmaster's former level.

- c. *Reassignment to a Supervisory Vacancy.* If there are no postmaster vacancies available for possible reassignment, or if it is determined and documented that the postmaster does not meet the requirements and qualifications of the vacant postmaster positions available and cannot satisfactorily perform the duties, the district manager may recommend that the postmaster be reassigned to an existing supervisory vacancy within the district, including that of station or branch manager of the classified station or branch established as a result of a consolidation. The district manager documents that the postmaster meets the requirements and qualifications of the vacant supervisory position to which reassignment is recommended and can satisfactorily perform the duties of that position, and includes a signed statement from the postmaster that the reassignment as recommended by the district manager will, if approved, be accepted.
- d. *Reassignment to Another Position in the Postal Service.* If there are no postmaster or supervisory vacancies within the district to which the postmaster can be reassigned, because either the vacancies do not exist or it is determined and documented that the postmaster does not meet the requirements and qualifications of the positions that are available for possible reassignment and cannot satisfactorily perform the duties of those positions, the district manager recommends that the postmaster be reassigned to another position in the Postal Service. As appropriate, postmasters at noncity delivery offices may be offered available full-or part-time clerk or carrier positions or other available craft positions for which qualified. In all such cases, the individual's seniority is established in strict accordance with the applicable provisions of the National Agreement. In recommending reassignment to another position in the Postal Service, every effort is made to recommend a position for which the annual pay that the postmaster can expect to receive is as nearly equal as possible to the pay received during the last year as a postmaster. A signed statement from the postmaster that the reassignment to another position in the Postal Service as recommended by the district manager, if approved, must be obtained for the record.
- e. *Voluntary Retirement.* Eligibility for voluntary retirement is established if, by the anticipated date of discontinuance of the post office, the postmaster has been employed under the Civil Service retirement system for at least 1 year within the 2-year period preceding the discontinuance, and:
 - (1) Has at least 30 years of creditable service and is at least 55 years of age; or
 - (2) Has at least 20 years of creditable service and is at least 60 years of age; or

- (3) Has at least 5 years of creditable service and is at least 62 years of age. If the postmaster is under the Federal Employees' Retirement System one of the following conditions must be met:
 - (a) Has at least 30 years of creditable service and is at least the minimum retirement age (583.14); or
 - (b) Has at least 20 years of creditable service and is at least 60 years of age; or
 - (c) Has at least 5 years of creditable service and is at least 62 years of age.

The district manager advises the postmaster of the eligibility for voluntary retirement. Under no circumstances may the district manager attempt to coerce the postmaster into taking voluntary retirement in lieu of reassignment to a postmaster, supervisory, or any other position in the Postal Service. The decision to take voluntary retirement in lieu of reassignment must be made by the postmaster, and this alternative may not be recommended by the district manager unless it has been chosen by the postmaster.

- f. *Discontinued Service Annuity.* Eligibility for a discontinued service annuity is established if, by the recommended date of discontinuance of the post office, the supervisor has been employed under the Civil Service retirement system for at least 1 year within the 2-year period preceding the discontinuance (see 563.21), and:
 - (1) Has at least 25 years of creditable service regardless of age; or
 - (2) Has at least 20 years of creditable service and is at least 50 years of age.

The district manager advises the postmaster of the eligibility for a discontinued service annuity and that under present law this type of an annuity requires a reduction of 1/6 of 1 percent for each month the employee is under 55 years of age at the time of retirement. If the postmaster is under the Federal Employees' Retirement System, the same age and service requirements must be met, but there is no reduction for under age 55 (see 583.21). Under no circumstances may the district manager attempt to coerce the postmaster to accept a discontinued service annuity in lieu of assignment to a postmaster, supervisory, or any other position in the Postal Service. The decision to accept a discontinued service annuity in lieu of reassignment must be made by the postmaster and this alternative may not be recommended by the district manager unless it has been chosen by the postmaster.

- g. *Immediate Reduced Annuity.* A postmaster under the Federal Employees' Retirement System may be eligible for a reduced annuity if he has at least 10 years of creditable service and is at least the minimum retirement age (see 583.15).

354.342 Supervisors

When the district manager proposes to recommend the discontinuance of a post office at which a supervisor is stationed and whose position would be abolished, each of the following alternatives, as applicable and appropriate, is discussed with the affected supervisor, and the district manager prepares a

memorandum for the record stating which alternative is recommended. The following alternatives are available:

- a. *Reassignment to a Postmaster Vacancy.* The district manager may recommend that the established procedures for the selection of postmasters be waived, and that the supervisor be reassigned to an existing postmaster vacancy. The district manager includes a statement that the supervisor meets the requirements and qualifications of the vacant postmaster position to which reassignment is recommended and can satisfactorily perform the duties of that position, and a signed statement from the supervisor that the reassignment as recommended by the district manager will, if approved, be accepted.
- b. *Reassignment to a Supervisory Vacancy.* The district manager may recommend that the supervisor be reassigned to an existing supervisory vacancy, including that of a station or branch established as a result of a consolidation. The district manager includes a statement that the supervisor meets the requirements and qualifications of the vacant supervisory position to which reassignment is recommended and can satisfactorily perform the duties of that position, and endorses a signed statement from the supervisor that the reassignment as recommended by the district manager will, if approved, be accepted.
- c. *Reassignment to Another Position in the Postal Service.* If there are no postmaster or supervisory vacancies to which the supervisor can be reassigned, either because the vacancies do not exist or it is determined and documented that the supervisor does not meet the requirements and qualifications of the positions that are available and cannot satisfactorily perform those duties, the district manager recommends that the supervisor be reassigned to another position in the Postal Service. Supervisors may be offered available full-or part-time positions as clerk or carrier or other craft positions for which qualified. In all such cases, the individual's seniority is established in strict accordance with the applicable provisions of the National Agreement. A signed statement from the supervisor that the reassignment to another position in the Postal Service as recommended by the district manager will, if approved, be accepted, must be obtained for the record.
- d. *Voluntary Retirement.* Eligibility for voluntary retirement is established if, by the expected date of discontinuance of the post office, the supervisor has been employed under the Civil Service retirement system for at least 1 year within the 2-year period preceding the discontinuance, and:
 - (1) Has at least 30 years of creditable service and is at least 55 years of age; or
 - (2) Has at least 20 years of creditable service and is at least 60 years of age; or

- (3) Has at least 5 years of creditable service and is at least 62 years of age. If the supervisor is under the Federal Employees' Retirement System, one of the following conditions must be met:
 - (a) Has at least 30 years of creditable service and is at least the minimum retirement age (see 583.14); or
 - (b) Has at least 20 years of creditable service and is at least 60 years of age; or
 - (c) Has at least 5 years of creditable service and is at least 62 years of age.

The district manager advises the supervisor of the eligibility for voluntary retirement. Under no circumstances may the district manager attempt to coerce the supervisor into taking voluntary retirement in lieu of reassignment to a postmaster, supervisory, or any other position in the Postal Service. The decision to take voluntary retirement in lieu of reassignment must be made by the supervisor, and this alternative may not be recommended by the district manager unless it has been chosen by the supervisor.

- e. *Discontinued Service Annuity.* Eligibility for a discontinued service annuity is established if, by the recommended date of discontinuance of the post office, the supervisor has been employed under the Civil Service retirement system for at least 1 year within the 2-year period preceding the discontinuance (see 563.21), and
 - (1) Has at least 25 years of creditable service regardless of age; or
 - (2) Has at least 20 years of creditable service and is at least 50 years of age.

The district manager advises the supervisor of the eligibility for a discontinued service annuity and that under present law this type of an annuity requires a reduction of 1/6 of 1 percent for each month the employee is under 55 years of age at the time of retirement. If the supervisor is under the Federal Employees' Retirement System, the same age and service requirements must be met, but there is no reduction for under age 55 (see 583.21). Under no circumstances may the district manager attempt to coerce the supervisor into accepting a discontinued service annuity in lieu of reassignment to a postmaster, supervisory, or any other position in the Postal Service. The decision to accept a discontinued service annuity in lieu of reassignment must be made by the supervisor, and this alternative may not be recommended by the district manager unless it has been chosen by the supervisor.

- f. *Immediate Reduced Annuity.* A supervisor under the Federal Employees' Retirement System may be eligible for a reduced annuity if he or she has at least 10 years of creditable service and is at least the minimum retirement age (see 583.15).

354.343 **Reassignment to Higher Grade Position**

In situations where the proposed reassignment would be to a higher grade position and a promotion procedure is prescribed by regulation, that promotion procedure must be followed.

354.344

354.344 Salary Protection

See 415 on salary protection.

354.345 Relocation Expenses

Any postmaster or supervisor reassigned as a result of the discontinuance of the post office where employed is entitled to reimbursement of approved relocation expenses consistent with the rules and regulations set forth in Handbook F-15, *Travel and Relocation*.

354.346 Discussions With Postmasters and Supervisors

Whenever possible, it is the personal responsibility of the district manager to discuss with the affected postmasters and supervisors the alternatives available to them incident to the discontinuance of their post office of employment. In those isolated instances where it may not be possible for the district manager personally to discuss this with the affected postmasters and supervisors, it is performed by one of the managers at the district as designated by the district manager.

354.347 Subsequent Personnel Actions

Employees who voluntarily accept lower grade positions may subsequently be assigned to positions that do not exceed the grade from which they were downgraded. The normal promotion procedures may be waived. However, employees must meet the prescribed minimum qualification requirements for the positions to which they are assigned. Eligibility for special placement in postmaster positions described in 354.341 is limited to 104 weeks.

354.348 Refusal of Reassignment Offer

If a postmaster or supervisor is offered reassignment to a postmaster, supervisory, or any other position in the Postal Service and refuses to accept any of these alternatives, reduction-in-force procedures are instituted. It is the responsibility of the postmasters or supervisors to apply for any retirement benefits for which they are eligible. If the postmaster or supervisor is separated from the Postal Service and is not eligible for either voluntary retirement or a discontinued service annuity, severance pay is paid if provided for in the relevant Postal Service rules and regulations.

355 Light Duty Assignments**355.1 Voluntary Requests****355.11 Circumstances**

Any full-time regular or part-time flexible employee recuperating from a serious illness or injury and temporarily unable to perform the assigned duties may voluntarily submit a written request to the installation head for temporary assignment to a light duty assignment.

Any ill or injured full-time regular or part-time flexible employee having a minimum of 5 years of postal service, or any full-time regular or part-time flexible employee who sustained injury on duty while performing the assigned duties, regardless of years of service, can submit a voluntary request to the installation head for permanent reassignment to a light duty assignment.

355.12 **Method**

Voluntary requests are made in accordance with the applicable collective bargaining agreement.

355.13 **Response**

The light duty provisions of the various collective bargaining agreements between the Postal Service and the postal unions require that installation heads show the greatest consideration for full-time regular or part-time flexible employees requiring light duty or other assignments, giving each request careful attention, and reassign such employees to the extent possible in the employee's office.

355.14 **No Guarantee**

The light duty provisions of the various collective bargaining agreements between the U.S. Postal Service and the postal unions do not guarantee any employee who is on a light duty assignment any number of hours of work per day or per week.

360 Other Personnel Actions

361 General Considerations

All personnel actions within the Postal Service are effected, without discrimination because of race, color, religion, sex, age, national origin, political affiliation, marital status, or disability. Equal opportunity for position changes and advancement is based on merit, applicable experience, and skills. Postal officials must concentrate on the effective and efficient utilization of employee skills and potentials available to the Postal Service.

362 Change to Lower Grade

362.1 Purpose and Authority

Changes are initiated on the application of the employee or at the request of the installation head. Postal officials who are not authorized to take final action provide recommendations to higher authority.

362.2 When Change to Lower Grade May Be Made

362.21 At Request of Employee

Employees may be changed to a position of lower grade at their own request, without regard for adverse action procedures, when their written request establishes that the change is made solely for personal reasons and in their own interest. Employees' written requests are made a permanent part of their official personnel folders. The request must contain the following facts and circumstances:

- a. That the employee and not the postal official initiated the request for the reduction;
- b. That the postal official, or any superior, has not exercised any pressure; and
- c. That employees fully understand the transaction and consider the reduction to be in their own self-interest and benefit.

Note: A separate written request is not necessary when a change to lower grade is made as a result of bidding procedures, e.g., T6 to Lv5 city carrier.

362.22 Because of Performance

When an employee's performance in current position is unsatisfactory due to the employee's own fault or inability to do the work, a change to another position in a lower grade may be made to place the employee in a position where she or he can reasonably be expected to adequately perform. The change is preceded by a written notice prepared in compliance with the adverse action procedure.

362.23 Relegation of a Post Office

A change to a lower grade resulting from relegation of a post office must be in accordance with the adverse action procedures. See 650 for nonbargaining unit employees. See the appropriate collective bargaining agreement for bargaining unit employees.

362.24 Realignments

In organizational realignments, management may offer a lower grade position. Although the offer is management-initiated, the change, if voluntarily accepted by the employee, is not processed as an adverse action. In realignments involving a reduction in force, voluntary changes to a lower grade for nonbargaining unit employees are governed by 354.2 and 354.3.

362.3 Restrictions on Change to Lower Grade

To fill a position by change to lower grade, the following requirements must be met:

- a. The employee must meet the requirements for the new position.
- b. If employees have not completed probation, they must complete the probation in their new position.
- c. The employee must meet any experience and training standards for the position and any performance test set for entry into the position; e.g., the motor vehicle operator's examination unless waived under 546.222.

363 Conversions**363.1 Definition**

Conversion refers to the process of reaching an employee, on a register of eligibles, who is serving under a casual, temporary, or excepted appointment and changing the employee to a career appointment.

363.2 Conversion to Career Appointment

If the conversion is based on proper selection of an employee whose name is currently within reach on a Postal Service eligibility list, the hiring worksheet from which selection is made constitutes authority for the conversion.

363.3 Restrictions on Conversion to Career Appointment**363.31 Vacancies**

There must be a permanent vacancy to which an employee may be assigned in order to be converted to a career appointment. Conversion cannot be effected if the employee is serving in a temporary vacancy incident to another employee's absence on military furlough or incident to a transfer to defense activity with reemployment rights.

363.32

363.32 Members of Family Requirement

Restrictions regarding members of family which are applicable to appointments are equally applicable to conversion. See Handbook EL-311, 312.35.

363.33 Positions Restricted to Veterans

An employee who is not entitled to veterans' preference may be converted to career status in a position restricted to veterans only in special circumstances. See Handbook EL-312, 241.252.

363.34 Medical Evidence

Satisfactory medical evidence is required for all career appointments.

363.35 Disqualifications

Any law, executive order, or postal regulation that disqualifies an employee for original appointment also disqualifies the employee for conversion.

363.36 Temporaries or Casuals Qualified for Reinstatement

A temporary or casual who meets the requirements for reinstatement may be considered and recommended for conversion to career status provided there is a vacancy to which the employee may be assigned.

363.4 Retirement Coverage

Persons receiving career appointments are placed under whichever retirement system is deemed appropriate, based on prior career and noncareer federal and postal appointments, prior service under other retirement systems, and breaks in service history. For additional information on criteria to determine proper placement, see 561.3 through 561.5 and 581.3 through 581.4.

364 Other Change Actions**364.1 Name Changes****364.11 Name on Records**

The name by which an employee is known must be the one used on the application for employment or that which appears on a subsequent Form 50, *Notification of Personnel Action*, on which the employee's name is officially changed in the records of the Postal Service.

364.12 Requests for Name Changes

In all cases where an employee requests to be known by a name other than the one appearing on Postal Service Records, including female employees reverting to a maiden name, the request is approved provided that it is supported by:

- a. A written statement that the employee intends to use the requested name in all matters concerning the Postal Service and;

- b. Appropriate evidence that the use of the requested name will not be for fraudulent purposes. Such evidence is normally a copy of a judicial order granting a name change, or a notarized affidavit that the use of the requested name will not be for an illegal, improper, or fraudulent purpose.

364.13 **Processing**

In all cases involving a name change, nature of action code 780 and the associated procedures are used in processing the personnel action. All documents supporting the requested change are filed as permanent records in the official personnel folder immediately below the Form 50 which effects the name change.

364.2 **Address Change**

An address change is a change in the mailing address of an employee. Form 1216, *Employee's Current Mailing Address*, is required to change the official mailing address.

364.3 **Change in Title**

A change in title is a change in the title of the position resulting from an administrative action, not involving a change to a higher level, a change to lower level, or a change of duties. If the position is occupied, personnel action (Form 50) is necessary.

364.4 **Changes in Duty Status**

364.41 **Definition**

Changes in duty status are changes that place employees in a nonpay status or return them to active duty and pay status. These changes are shown in a to f.

- a. *Leave Without Pay (LWOP)* — A temporary nonpay status and absence from duty granted, when appropriate, as a result of an employee's request (does not include time spent in military service).
- b. *Suspension* — A temporary nonpay status and absence from duty for disciplinary or other reasons. If the suspension is for a specific period, the appropriate documentation specifies the exact number of days and dates of suspension.
- c. *Separation-Military* — Personnel action is no longer used. See 365.23 for appropriate action.
- d. *Absence Without Leave (AWOL)* — A temporary nonpay status and absence from duty without appropriate authorization.
- e. *Return to Duty* — A return to active duty and pay status from LWOP in excess of 30 days or suspension for security reasons.
- f. *Remarks* — On the personnel action forms under remarks, indicate the authority for effecting the change action. The personnel action form should also show the reason for the action taken.

364.5 Changes Affecting Compensation**364.51 Inclusions**

Changes affecting compensation are those that change an employee's base pay with no change of position or title (see Chapter 4).

364.52 Processing Personnel Action Forms

See Handbook EL-301, *Guidelines for Processing Personnel Actions*.

365 Separation**365.1 Administrative Considerations****365.11 Definition**

Separations are personnel actions that result in employees' being removed from the rolls of the Postal Service.

365.12 Effective Date of Separation

The effective date of separation is the last day the employee is carried on the rolls. It is not changed by the fact that an employee is given a lump-sum payment for leave.

365.13 Standard Terminology

A separation from the service must be identified by the prescribed term. Care must be taken to use the term appropriate to the case, i.e., *death*, *removal*, *resignation*, etc. Standard procedures and terminology must be used in preparing personnel action forms.

365.14 Veterans' Rights

The Veterans' Preference Act provides certain procedures and rights to veterans that must be observed in processing involuntary separations of preference eligibles.

365.15 Notice to Federal Employee About Unemployment Insurance

An employee separated for any reason must be furnished Standard Form 8, *Notice to Federal Employee About Unemployment Insurance*, and information regarding application for unemployment compensation. (See subchapter 550.)

365.16 Exit Interview

All employees voluntarily separated are interviewed. The exit interview gives management the opportunity to:

- a. Determine the true reasons why employees wish to leave the Postal Service.
- b. Retain the services of competent employees when a satisfactory solution of their grievances or problems can be found.
- c. Correct controllable causes of employee turnover.

365.17 Accountable Property Clearance**365.171 Applicability**

These procedures apply to all postal employees (except Inspection Service employees and postmasters for whom additional procedures are prescribed) and are in addition to prescribed exit interview procedures.

365.172 When to Take Action

When an employee separates from the service, the losing installation systematically collects all accountable items from the employee. The Information Service Center (ISC) manager inaugurates clearance for overdrawn leave, travel advances, and other U.S. indebtedness for which the employee is accountable.

365.173 Form to Be Used

Form 337, *Clearance Record for Separated Employee*, is used to certify that necessary clearance action was taken in the employing installation.

365.174 Preparation and Routing

As soon as employees submit notices of separation, Forms 337 are originated by the personnel officer and routed to the property officer who arranges for return of the accountable items. Property officers should use the telephone for clearance unless circumstances make written signatures desirable. Clearance should be completed before the close of day the employee is last in a duty status. When all accountable items are returned and in a condition satisfactory to the property officer, Form 337 is certified and filed in the employee's personnel folder.

365.2 Separations — Voluntary**365.21 Resignation****365.211 Definition of Resignation**

Resignation is a separation at the employee's request. Employees may resign at their discretion; this includes application for optional retirement. Resignations must be accepted and are binding once submitted. However, employees may be permitted to withdraw their resignation request provided the request to withdraw is made before the effective date of the resignation. Denial of an employee's request must be based on a valid reason and such reason should be explained to the employee before the effective date of the resignation. Administrative disruption or the hiring of a replacement before a request for withdrawal is made are appropriate reasons for such denial. A desire to avoid taking adverse action is not an appropriate reason for denying an employee's request.

365.212 To Avoid Separation "For Cause"

If employees submit a resignation after having been notified, either orally or in writing, that adverse action is being initiated proposing their removal, change to lower grade or suspension for reasons furnished them, the resignation must be accepted. Resignation must also be accepted if employees received a written notice of decision to separate them for reasons given in a notice of decision. The reason (if any) given by the employee for

365.213

resigning is shown under remarks on the personnel action form, with one of the following statements that best describes the circumstances:

- a. Resigned after being orally informed on *(date)* that action is being initiated proposing to *(separate, demote, or suspend)* him or her for *(reason)*.
- b. Resigned after receiving written notice proposing to *(separate, demote, or suspend)* him or her for *(reason)*.
- c. Resigned after receiving written notice of decision to *(separate, demote, or suspend)* him or her for *(reason)*.

365.213 **Because of Illness**

The following policies apply in cases of resignation caused by illness:

- a. *5 Years or More of Service.* Employees covered by the Civil Service Retirement System with 5 or more years of civilian service who resign because of illness must be advised of their eligibility to apply for a disability retirement.
- b. *Less Than 5 Years of Service.* Civil Service Retirement System employees with less than 5 years of service who resign because of illness must furnish medical evidence supporting their claim to the installation head at the time of separation if their seniority on reinstatement is to be restored. The existence of such evidence should be annotated on the separation Form 50. The evidence itself is forwarded to the appropriate Postal Service medical official for retention.
- c. *18 Months or More of Service.* Employees covered by the Federal Employees' Retirement System with 18 months or more of creditable civilian service must be advised of their eligibility to apply for a disability retirement.
- d. *Less Than 18 Months of Service.* Employees covered by the Federal Employees Retirement System who have less than 18 months of creditable civilian service must be processed in accordance with b.

365.214 **Notice and Acceptance**

The following policies apply regarding notice and acceptance of resignations:

- a. *Written Resignation.* Resignations should be submitted in writing. The employee specifies the reason and effective date. Whenever possible, written notice of resignation is given at least 2 weeks before the anticipated last day of work. Resignations are delivered by employees directly to their immediate supervisors for transmission to the appointing official. Any action to compel employees to remain beyond the date specified by them is without authority.
- b. *Oral Resignation.* If employees decline to submit written resignations, their oral resignations must be accepted, preferably in the presence of witnesses. The supervisor or other official who receives an oral resignation records the date received, the reason given, the effective date, and the names of any witnesses. This record, signed by the supervisor, is placed in the employee's official personnel folder as a

permanent record. A copy of this record is sent to the affected employee with the employee copy of the resignation Form 50.

- c. *Reason for Resignation.* The reason for a resignation should be clearly stated in either a written or oral resignation. If the employee fails to give a reason for resignation, the supervisor enters the reason she or he believes the employee resigned.
- d. *Effective Date.* When the employee sets an effective date of resignation to include a period of unapproved leave, the unauthorized absence may be charged to either earned annual leave or LWOP at the discretion of the appointing official. The employee is informed of the decision and given the opportunity to change the effective date. If the employee is resigning in lieu of an involuntary separation, he or she may not set an effective date for resignation that will occur after the effective date for the involuntary separation.

365.22 **Separation-Transfer**

365.221 **Definition**

Separation-transfer is an action by which career employees are taken off the rolls of a postal installation to permit their appointments to positions in another federal agency without a break in service. This term is not applicable to the movement of an employee from one postal installation to another. Resignation by the person transferring is not necessary and no resignation is requested.

365.222 **Effective Date**

Employees who notify the appointing officials of their pending transfer may be carried in an annual leave (or nonpay, if no annual leave is due) status between the last workday in the postal installation and the entrance on duty in the other agency. No action is taken until notice of their employment has been received from the gaining agency. The personnel action form is then prepared effective as of the close of business the day before their entrance on duty date at the new activity.

365.223 **Replying to Requests for Suitability Information**

When another government agency requests information on the suitability of an employee transferring from the Postal Service, relevant information contained in Postal Service records is furnished in such a manner as to safeguard its confidential nature and to protect confidential sources.

365.23 **Separation-Military**

Reference Note:

Information formerly in this section is superseded by "Interim Guidelines for the Employment Restoration of Individuals Who Served in the Uniformed Services," issued by Manager, Selection, Evaluation, and Recognition, Memorandum of February 17, 1998. These guidelines appear as Exhibit 365.23. These guidelines also supersede Handbook EL-311, section 218, Restoration.

365.23

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February 17, 1998

**INTERIM GUIDELINES FOR THE EMPLOYMENT RESTORATION
OF INDIVIDUALS WHO
SERVED IN THE UNIFORMED SERVICES****I. POLICY**

It is the responsibility of Postal Management to restore to employment at the previous installation employees who served in the uniformed services and who are eligible under the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), P.L. 103-353, signed October 13, 1994. The statute became effective on December 12, 1994. However, benefit aspects of the statute are made retroactive as follows:

1. to August 1, 1990, for retirement credit;
2. to August 2, 1990, for the Thrift Savings Plan;
3. to October 13, 1994, for health benefits and life insurance.

II. ELIGIBILITY

Reemployment rights are extended to employees who were absent from work because of service in the uniformed services.

A. UNIFORMED SERVICES

The uniformed services consist of the following military branches:

- Army, Navy, Marine Corps, Air Force, Coast Guard, and their respective reserve components.
- Army National Guard or Air National Guard.
- Commissioned Corps of the Public Health Service.
- Any other category of persons who are designated by the President as uniformed services in time of war or emergency.

B. TYPES OF UNIFORMED SERVICE

Service in the uniformed services can be on a voluntary or involuntary basis for a variety of purposes

- Active duty.
- Active duty for training, including initial training.
- Inactive duty training.
- Full-time National Guard duty.
- Time needed for an examination to determine fitness for any of the above types of duty.

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USERRA Guidelines
Page 2**C. DURATION OF UNIFORMED SERVICE**

Under USERRA, the cumulative length of absence from employment because of service with the uniformed services is limited to five years. There are several categories of service which are excluded from the five-year limitation. These exceptions are:

- Service required in excess of five years to complete the initial period of obligated service.
- Service from which a person, without control over the circumstances, is unable to obtain a release within the five-year limit.
- Required training for reservists and National Guard members. This training includes the monthly weekend drills, the two-week annual session, and any additional training mandated as essential to the professional development of service members by the specific Secretary of a uniformed service.
- Service required under an involuntary order to active duty or to be retained on active duty because of domestic emergencies or national security matters.
- Service as the result of an order to active duty or to remain on active duty during a war or national emergency declared by the President or Congress.
- Active duty performed in support of an operational mission for which selected reservists have been involuntarily activated.
- Active duty performed in support of a critical mission or critical requirement during the time of no involuntary call up, no war, or national emergency. The Secretary of a uniformed service has the authority to designate a military operation as a critical mission or requirement.
- Federal service by members of the National Guard called into action by the President to suppress an insurrection, repel an invasion, or execute the laws of the United States.
- Service time prior to the effective date of USERRA, December 12, 1994, will not be applied to the five-year limit unless it would have counted under the previous law, The Veteran's Reemployment Rights Statute.

D. CHARACTER OF DISCHARGE

Under USERRA, persons separated from the uniformed services with a dishonorable, bad conduct, or other than honorable conditions discharge are not eligible for restoration of employment or any other benefit the law provides.

E. EFFECTS OF PERFORMANCE AND CONDUCT ON RESTORATION

Restoration may be denied on the basis of performance or conduct that occurred prior to the employee's departure from the uniformed service, if such conduct or poor performance is not related to the uniformed service. Further, restoration rights may be denied if the conduct of the employee while on uniformed service was such that the returnee would be disqualified for employment under postal regulations.

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USERRA Guidelines
Page 3**F. ADVANCE NOTIFICATION OF ENTERING THE UNIFORMED SERVICES**

To ensure entitlement to reemployment rights and benefits, employees must notify their immediate supervisor of the impending absence from work because of service in the uniformed service.

The advance notice can be given by the employee orally or in writing to the immediate supervisor.

- Notification can also be made orally or in writing by the employee's military command. This situation may arise because military necessity may prevent the employee from giving notification.
- No advance notice is required if it is precluded by military necessity or it is otherwise impossible or unreasonable to give notice.

Upon receipt of notification, the responsible Human Resources office must be contacted by the immediate supervisor to assure continuation of appropriate benefits. This notification is made in writing regardless of the way the employee's departure for military service became known. Typical employee identifiers such as full name, pay location, and social security number are to be included.

The employee's military authority/postal supervision written notification are to be retained in the Official Personnel Folder (OPF) on the right side.

It is important to note that employees serving in the military and the Postal Service have a mutual responsibility under USERRA. Given the nature of the employee's obligation and the operational needs of the Postal Service, it is essential that both parties make a good faith effort to avoid conflict. Employees with reserve obligations are expected to work with their military unit to minimize the burden on postal operations because of the frequency and duration of reserve duty. Employees must give as much advance notice as possible to allow time for management to plan for coverage. In the event that managers face a legitimate operational burden, they may contact the employee's military command to express their concerns and to determine if the military duty can be rescheduled for the reservist. However, the military authority determines the schedule for duty; USERRA clearly reflects that the nature of duty, its time, or frequency is not relevant to compliance with USERRA, as long as the employee has given proper notice and the time limits stated above have not been exceeded. Military command contacts for the purpose of rescheduling are not to be made during the time when the President's mobilization authority has been exercised.

G. NOTIFICATION OF THE EMPLOYEE'S RIGHTS AND OBLIGATIONS

Managers are responsible for notifying employees orally or in writing of their rights, obligations, and benefits before departing and upon return from active service. This notification includes any appeal and grievance rights. However, this does not relieve the employee from the responsibility to exercise due diligence to request this information from management or the appropriate Human Resources office.

Additionally, the law requires that individuals on military duty are to be given the opportunity for career advancement as if they are actively present to the job. To assure

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compliance, local Human Resources offices need to include the following in the discussion as appropriate:

1. Bargaining Unit Positions

While on military service, employees continue to accrue seniority and may bid on positions that may become vacant during the employee's absence. A written or electronic notice must be submitted by the employee to Human Resources, or if appropriate, to the manager-in-charge, such as Postmaster, indicating the departee's interest to bid on specific positions. The bid needs to be processed and awarded in accordance with the appropriate Collective Bargaining Agreement (CBA) as if the employee is actively employed. If awarded, a personnel action needs to be initiated to place the employee in the newly gained position and pay scale and to assure that seniority is credited as specified by the appropriate CBA.

Unsuccessful bids are retained until the desired position is gained or the employee resumes active employment upon return from the military service. Training will be deferred for employees who gain a position for which there is contractually required training until they return. Upon their return, the employee will be required pursuant to the respective CBA to meet the training requirements. No personnel action is to be initiated until the training requirement is completed. In these cases, every effort must be made to train the employee upon return to work. The employee would only be awarded the position upon satisfactory completion of the required training. An audit trail documenting the bid submissions must be maintained.

2. Nonbargaining Positions

Nonbargaining and bargaining unit employees on military service interested in being considered for EAS positions are required to submit completed PS Forms 991 for specific position descriptions to Human Resources reflecting the desired position(s) and location(s). Human Resources will activate the application as soon as the desired position and location has a vacancy. The application is considered in accordance with the EAS Selection Policies for local and national positions and in accordance with the area of consideration noted on the announcement. Applications resulting in a non-selection will be considered as vacancies occur in the specified occupation until the applicant has been successfully selected. Applications from employees who are on active duty with the uniformed services will be accepted at any time for subsequent consideration when an appropriate vacancy is announced.

EAS employees on active duty may also request reassignments to lateral or lower level positions in accordance with the EAS SELECTION POLICY.

Selected individuals will be placed in the new position and the appropriate pay level by initiating a personnel action while in the LWOP status.

An audit trail of the selection activity needs to be established and retained by Human Resources.

Upon return from active military service, the responsibility for submitting bids or applications for EAS positions reverts to the employee.

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Page 5**H. PERSONNEL ACTION**

1. Employees called for active duty are to be placed in a leave without pay status, using NOA 460 and Special Benefit Code "U" as stated in CMS Update 97:70, dated December 5, 1997.
2. Individuals who exercise a written option to resign with the intention of not returning to the Postal Service must be advised that their restoration rights are not affected by the resignation. In these cases, a resignation military, NOA-313, is to be initiated. These individuals have the right to return; however, they do not accrue any seniority while they are off the rolls. These individuals need to be advised of the loss of seniority before initiating the personnel action.

I. RETURN TO WORK

The following time limits have been established for returning to work after the completion of military service:

1. Service of 1 to 30 Days
 - The employee needs to report by the beginning of the first regular scheduled day of work following eight hours after return home from the military service.
 - If an employee's return to work within this time frame is unreasonable or impossible and he or she is not at fault for the delay, the employee must return to work as soon as possible.
2. Service of 31 to 180 Days
 - A written request for reemployment must be submitted no later than 14 days after the employee's completion of the military service.
 - If submission of a written request for reemployment is impossible or unreasonable through no fault of the employee, it must be submitted as quickly as possible.
3. Service of 181 or More Days
 - A written request must be made within 90 days from the date of discharge.

Individuals who fail to request reemployment in writing within the above specified time frames do not forfeit their rights automatically. However, they are subject to discipline because of unexcused absences.

4. Service Connected Hospitalization or Convalescence

- Members of the uniformed services who are hospitalized or are convalescing because of a service-connected disability incurred during active military service are required to return to work once recovered. They are to report or apply in accordance with their length of service as stated in Section II, Paragraph I, "Return to Work." The recovery period may not exceed two years, except as stated below.

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The two-year period will be extended in order to accommodate circumstances which prevented the returnee from reasonably reporting or applying. This extension will be of minimum duration to reasonably resolve the difficulty beyond the returnee's control.

J. DOCUMENTATION TO RETURN TO WORK

1. USERRA requires the restoration of returnees in a 'prompt fashion.' The following documentation is to be requested from a service returnee who was absent in excess of 30 days.
 - The person's timely application.
 - DD214 or other official documentation showing that the returnee did not exceed the five-year limitation.
 - DD214 or other official documentation showing that the separation was under honorable conditions (see Section II D).
 - Documentation relating to convalescence or hospital confinement which resulted in a delay of returning to employment.
2. In the event that a returnee is unable to provide satisfactory documentation
 - The returnee is to be 'promptly' reemployed.
 - Subsequently, if the returnee is not able to provide documentation that meets the eligibility requirements for restoration, the individual can be separated.

III. REEMPLOYMENT POSITIONS**A. LENGTH OF SERVICE**

Returnees from the uniformed services are to be reemployed promptly based on their length of military service as defined in the following categories:

1. 1 to 90 Days of Service

Without exercising any other options, the returnee will be restored in accordance with the following priority:

- a) The returnee will be restored to the seniority, step, and position he or she would have held if he or she had remained continuously employed; this is known as the escalator position. This means that craft employees progress in accordance with the provisions of the appropriate contract as if they had been active with the Postal Service during the period of military service.

Employees who were serving their probationary period at the time of entry into active duty and who met the probationary time period while serving on active duty are considered as having met the probationary requirement.

- b) If the employee is unable to qualify, then the employee is assigned to:

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- The position held prior to entry in the service with full seniority. If not qualified in that position after reasonable effort, then
- To any position of lesser status and pay, with full seniority, that the returnee is qualified to perform.

2. 91 Days and More Service

Without exercising any other option, the returnee will be restored according to the following priority:

- a) To the escalator position with full seniority. If not qualified after reasonable effort, then
- b) To a position of like seniority, status, and pay. If not qualified after reasonable effort, then
- c) To the position held prior to entry in the uniformed service, with full seniority, status, and pay. If not qualified after reasonable effort, then
- d) To any position of lesser status and pay, with full seniority, that the returnee is qualified to perform.

B. RETURNEES WITH A SERVICE-CONNECTED DISABILITY

The following is the priority for reemploying individuals who return from the uniformed service with a service-connected disability:

1. Restore the applicant to the escalator position with reasonable accommodation. If not qualified for the position after a reasonable effort to accommodate the disability, then
2. Employ in any other position equivalent in seniority, status, and pay which the applicant is qualified to perform with reasonable accommodation. If the applicant is not qualified after a reasonable effort to accommodate, then
3. Employ the applicant with full seniority, consistent with the circumstances of the individual's case, in a position which approximates as nearly as possible the equivalent position in number 2 above in terms of status and pay.

C. REASONABLE EFFORT TO QUALIFY — REASONABLE ACCOMMODATION

Postal management is obligated to make reasonable efforts to qualify returning individuals who are not immediately qualified to assume employment in a position to which they are entitled. The qualifying efforts may include appropriate testing and training or refresher training to update skills where the employee did not have the opportunity to keep up with skills or technological advances.

Additionally, service members returning with a service-connected disability are entitled to reasonable accommodation into positions as stated in the above priority scheme, "Returnees With a Service-Connected Disability." Service members with non-service connected disabilities also are entitled to reasonable accommodation. Accommodations

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are to be accomplished in line with Handbook EL-307, "Guidelines on Reasonable Accommodation.

D. TEMPORARY POSITIONS

USERRA covers career and all temporary classifications. Temporary employees are reemployed for the remainder of their term if temporary employees are still used. The time spent in active service is not counted against the term of the temporary appointment.

E. EMPLOYMENT PROTECTION AND SERVICE CREDIT

1. While on military service, an employee may not be demoted or separated except for cause. Further, the employee does not participate in a reduction in force (RIF). If his or her position is abolished during the absence for military service, the employee must be reassigned to another position of like status and pay.
2. Reemployed service returnees with career status are protected from discrimination and retaliation. Furthermore, they are protected from discharge, except for cause, as follows:
 - For one year after the date of reemployment, if the period of military service was for more than 180 days.
 - For 180 days, if the military service period was for more than 30 days, but less and 181.
 - No protection is provided under this section for employees who served less than 31 days.
 - Temporary employees who are reemployed for the remainder of their term are not protected.

IV. OTHER RIGHTS

Service members are entitled to participate in the rights and benefits that are available to employees on a nonmilitary leave of absence. Furthermore, they are entitled to participate in any nonseniority right and benefit which became effective during their service time. Postal Service policy complies with USERRA and includes, but is not limited to, the features outlined below.

A. HEALTH BENEFITS

Employees in a leave without pay (LWOP) status or who separate to perform service covered by USERRA are eligible to continue health benefits coverage under FEHB for a maximum of eighteen (18) months.

For the first twelve (12) months, a career employee who chooses to continue health benefits coverage is responsible for paying the employee's share of the premium cost and the USPS will pay the employer's share. A noncareer employee who chooses to continue health benefits coverage must pay the full premium costs.

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For the remaining six (6) months of allowance coverage, both career and noncareer employees who choose to continue health benefits coverage must pay the full premium, plus a two percent administrative charge, for a total of 102 percent of the premium.

Employees may pay premiums on a current basis or defer payment until returning to pay and duty status. The Postal Service, however, must pay the employer's cost on a current basis every pay period. When coverage terminates at the end of the 18-month period, employees are entitled to a 31-day extension of coverage and may convert to a non-group policy, but do not qualify for coverage under the temporary continuation of coverage (TCC) provision.

B. LIFE INSURANCE

USERRA provides for FEGLI coverage for employees on military leave without pay (LWOP) for up to twelve (12) months at no cost to the employee.

Employees who separate for military duty are considered to be in a military LWOP status for the purpose of FEGLI coverage. Life insurance coverage continues for up to twelve (12) months or until a date that is 90 days after the service with the uniformed service ends, whichever is earlier.

C. FLEXIBLE SPENDING ACCOUNT

An employee on military leave without pay (LWOP) must continue participating in the FSA program for as long as eight (8) consecutive full pay periods of LWOP, or until the end of the plan year, whichever comes first. Any eligible expenses incurred can still be paid through the FSA program, and the employee will be required to make up any contributions missed.

If LWOP lasts longer than eight (8) consecutive full pay periods, then on the first day of the ninth consecutive full pay period of LWOP, FSA participation ends. Likewise, if an employee separates, FSA participation ends. Whether FSA participation ends based on extended LWOP or separation, from that date on expenses that employees incur cannot be paid through the FSA program and employees will not owe any further FSA contributions. They are still required to make up any contributions missed before FSA participation ended.

D. PENSION BENEFITS

To receive retirement credit for military service, employees covered by the Federal Employees Retirement System (FERS) are required to contribute to the retirement fund either what they would have contributed had they not gone on military duty or a 3 percent deposit of their military earnings, whichever is less. Employees who were first covered by the Civil Service Retirement System (CSRS) on or after October 1, 1982, are required to pay a deposit of 7 percent of their military earnings. Employees who were first covered by CSRS prior to October 1, 1982, will continue to receive credit for their military service without being required to pay a deposit for this service until they qualify for social security benefits at age 62.

USERRA also expands retirement coverage to include all full-time National Guard duty if that duty interrupts creditable civilian service and is followed by reemployment on or after August 1, 1990.

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USERRA Guidelines
Page 10**E. THRIFT SAVINGS PLAN**

FERS, CSRS, AND CSRS Offset employees returning from the military under the USERRA criteria may make up employee contributions that were missed due to military service.

FERS employees will receive Automatic Agency (one percent) and matching contributions along with lost earnings (retroactive interest). Retroactive interest is calculated at the G Fund rate.

FERS employees who separated and were not vested may have any forfeited funds restored to their TSP accounts.

FERS, CSRS, and CSRS Offset employees who separated and were required by TSP to have their accounts paid out may redeposit these monies. They may also have any taxable distributions for TSP loans reversed.

F. USE OF ACCRUED LEAVE DURING MILITARY SERVICE

Employees on active military service are permitted to request earned leave, such as annual or sick, during the period of military service. However, these requests cannot be approved for the purpose of qualifying an employee who is on leave without pay for holiday pay (ELM, Section 434.432). Furthermore, military leave is authorized in accordance with ELM, Section 517, Military Leave.

V. ENFORCEMENT OF USERRA

- USERRA prohibits discrimination against an applicant or an employee on the basis of service in the uniformed services and prohibits acts of reprisal for exercising a right stipulated in its provisions or for seeking its enforcement.
- Employees and applicants may file a complaint with the Veterans' Employment and Training Service (VETS) of the Department of Labor, which has the responsibility for investigating and resolving complaints. VETS has the right of reasonable access to records that it deems relevant to the case and to examine and to duplicate them. VETS has been granted subpoena power for witnesses and documentation.
- Responses to requests by VETS for information and/or records should be coordinated with Labor Relations and the Managing Counsel. Additionally, Selection, Evaluation, and Recognition will provide policy guidance.
- If VETS cannot successfully resolve the complaint, VETS may ask the office of special counsel to represent the employee in an appeal before the Merit Systems Protection Board (MSPB). Further, the employee may bypass VETS and appeal directly to the MSPB.

The remedy for violations of USERRA may include the award of backpay, lost benefits, and legal costs.

365.24

365.24 Separation, Retirement

See 560.

365.25 Separation, Abandonment of Position

Separation for abandonment of position is no longer used. Employees, who formerly would have been separated for this reason, are removed for AWOL (see 365.31).

365.3 Separations — Involuntary**365.31 Removal****365.311 Definition**

Removal is an action involuntarily separating an employee, other than an employee serving under a temporary or casual appointment, or a career employee who has not completed the applicable probationary period, for cause.

365.312 Procedure

- a. Bargaining unit employees follow the discipline procedures specified in the appropriate collective bargaining agreement.
- b. Nonbargaining unit employees follow the discipline procedures specified in 650.
- c. Employees currently serving a probationary period (see 365.32).
- d. Temporary and casual employees (see 365.33).

365.313 Effective Date

The effective date is the date designated by the official making the decision but is not before the expiration of the required time limit for the notice period.

365.32 Separation-Disqualification**365.321 Applicability**

This type of separation applies only to employees who have not completed their probationary period, except where the separation is caused by a finding that employees who have completed the probationary period have failed to meet certain conditions attached to their appointment.

365.322 Reasons for Action

Separation by disqualification results from the failure to meet conditions specified at the time of appointment (such as failure to qualify in investigation or failure to qualify by conduct or capacity during the probationary period) or it may result from information that, if known at the time of appointment, would have disqualified the employee for the appointment.

365.323 Probationary Period

Separation-disqualification must be effected during the probationary period except as provided in 365.321. Action is initiated at any time in the probationary period when it becomes apparent that the employee is lacking in fitness and capacity for efficient service. Any separation based on disqualification not effected during the probationary period, as provided in

365.321, even though the action is based on unsatisfactory performance during the probationary period, must be effected as a removal.

365.324 Who Initiates Action

Supervisors may recommend separation-disqualification, but such recommendations must be referred for decision to the official having authority to take the action.

365.325 Procedure in Separating

If an appointing official decides to terminate an employee who is serving a probationary period due to conditions arising prior to appointment, or because work performance or conduct during this period fails to demonstrate fitness or qualification for continued postal employment, the employee's services are terminated by notifying the employee in writing why she or he is being terminated and the effective date of the action. The information in the notice regarding the termination must, at a minimum, consist of the appointing official's conclusions as to the inadequacies of performance or conduct.

365.326 Effective Date

The effective date of separation must be before the end of the probationary period but may not be retroactively effective. The notice of separation must be given to the employee before the end of the probationary or trial period.

365.33 Termination or Separation of Temporary or Casual Employees

An employee serving under a temporary or casual appointment may be separated at any time on notice in writing. In determining the proper action for a particular case, the following criteria are used:

- a. *Separation* is the term used to discontinue the services of a temporary or casual employee because of inefficiency, poor deportment, or other deficiencies personal to the employee that warrant removal from the Postal Service.
- b. *Termination* is the term used to separate an employee serving under a temporary or casual appointment whose services are no longer required, or to separate a temporary or casual employee for any reason not specifically covered by another type of personnel action.

365.34 Separation-Disability

365.341 Definition

Separation for disability is the separation of an employee other than a temporary, casual, or a probationary employee whose medical condition renders the employee incapable of performing the duties of the position and who is ineligible for disability retirement.

365.342 Applicability

- a. Employees not eligible for disability retirement may be separated for disability if they are considered a hazard to self or to others or if they can no longer perform the duties of the position.

365.343

- b. Placement of employees with partial disability is attempted through reassignment to positions in which they can perform satisfactorily without being a hazard to themselves or others.
- c. At the expiration of 1 year's continuous absence without pay, an employee who has been absent because of illness may be separated for disability. This action is not mandatory, however, and if there is reason to believe the employee will recover within a reasonable length of time beyond the 1 year period, the employee may be granted additional leave in 30-day periods, not to exceed 90 days. If the employee's condition indicates that LWOP beyond that period is necessary incident to full recovery, the postal official must submit a comprehensive report to the area Human Resources manager with appropriate recommendation and retain the employee on the rolls pending a decision.
- d. If an employee on the rolls of the Office of Workers' Compensation Programs (OWCP) is unable to return to work at the end of the initial 1-year period of LWOP, the LWOP may be extended for successive additional periods of up to 6 months each. Extensions are granted only if it appears likely that the employee will be able to return to work within the period of the extension. If it does not appear likely that the employee will be able to return to work during the period, the employee, upon approval of the regional General Manager, Employee Relations, is separated subject to reemployment rights.
- e. Before any employee on the rolls of the OWCP can be separated, the requesting postal official must submit a comprehensive report through channels to the regional General Manager, Employee Relations, with appropriate recommendations. The employee must be retained on the rolls of the Postal Service pending a decision.
- f. If the request is approved by the region, and if the employee has sufficient service for entitlement to retirement, the employee is not separated until given an opportunity to retire. For involuntary separation, the notice and appeal procedures outlined in subchapter 650 or the applicable collective bargaining agreement, whichever is appropriate, is followed.
- g. An employee who is eligible for disability retirement but chooses not to apply is not separated for disability until a complete medical report has been received and the employee has received retirement counseling.
- h. An employee who is eligible for disability retirement is not separated for mental disability. Rather, the appointing official files an application for disability retirement on the employee's behalf provided the requirements are met (see 568 and 588).

365.343 Notice to Employee

No employees who have completed their trial or probationary period are separated for disability until given a notice in writing of the proposed action and an opportunity to reply in accordance with the appropriate adverse action procedure. A letter to a sick employee should be as diplomatic as possible. Employees eligible for disability retirement are so advised and notified that,

unless they file application for disability retirement within 1 year of separation, their rights will lapse.

365.344 **Effective Date**

Separation-disability is effective on the date determined by the appointing official or on the date authoritative notice is received in the case of legal incompetence. If unused sick leave remains to the employee's credit, the effective date may be extended to permit payment for the unused sick leave. If an annuity is involved, an employee may wish to evaluate an earlier annuity payment against the unused sick leave. Separations for disability may not be effected retroactively or before the date of expiration of the time specified in the notice.

365.35 **Separation, Reduction in Force**

The Postal Service procedure for effecting reductions in force parallels the OPM procedure. The Postal Service attempts to make personnel adjustments by various administrative actions other than reduction in force. If these actions are not adequate, however, and reduction in force appears to be appropriate, prior approval for such action must be obtained, through channels, from the vice president of Employee Resource Management.

365.36 **Death**

365.361 **Proof of Death**

No action is taken to process the separation until credible evidence of death is received. Evidence of death is filed in the deceased employee's official personnel folder. The time and date of a postmaster's death should be reported immediately to the vice president of Area Operations and the vice president of Employee Resource Management.

365.362 **Effective Date**

The effective date of separation is the date of the employee's death. Personnel action forms also show the last day the employee was in a pay status.

365.363 **Letter of Condolence**

The appropriate postal official prepares a brief letter of condolence with a simple expression of sympathy, a brief reference to any appropriate qualities of the deceased, and an offer of assistance in filing claims for any funds to the deceased employee's credit.

366 **Appeals from Involuntary Personnel Actions**

366.1 **Bargaining Unit Employees**

Employees subject to the provisions of a collective bargaining agreement may grieve involuntary personnel actions that they believe to be improper through the grievance procedure of the appropriate agreement.

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366.2 Nonbargaining Unit Employees

Employees who are not subject to the provisions of a collective bargaining agreement and who are otherwise eligible may appeal involuntary personnel actions that they believe to be improper under the provisions of, and to the extent provided by, subchapter 650.

366.3 Veterans' Preference Eligible Employees

Bargaining unit and nonbargaining unit employees who are entitled to veterans' preference, as that term is defined in part 241 of Handbook EL-311, may appeal involuntary removals, suspensions of more than 14 days, and reductions in grade or pay to the Merit Systems Protection Board.

370 Performance Evaluation

371 Introduction

Employees of the Postal Service are expected to conduct themselves in a manner that reflects favorably upon the federal government and to perform their duties in the most efficient manner. The supervisor and employee have a mutual responsibility in achieving these goals. Performance evaluation, if used properly, strengthens the day-to-day supervisor-employee relationship in working toward this end.

372 Purpose of Performance Evaluation

372.1 Standards of Performance

Standards of performance are helpful in defining the level of performance expected of a satisfactory employee. These need not be formal or written, but each supervisor determines and communicates to employees being supervised what is expected by way of: (a) quality of work; (b) quantity of work; and (c) manner of performance, such as relationship with co-workers, contacts with public, work methods and habits, and extent to which the employee should make decisions.

372.2 Sound Supervision

Sound supervision requires that evaluation of performance be done on a day-to-day basis. It also requires counseling and instruction of the employee as necessary, giving attention to evidences of good performances as well as defects.

373 Established Performance Standards and Evaluation Systems

373.1 Standards

An employee's performance is evaluated on the basis of the following:

- a. Amount of work.
- b. Accuracy.
- c. Reliability.
- d. Neatness.
- e. Thoroughness.
- f. Application to duty.
- g. Promptness.
- h. Conduct.
- i. Ability to get along with others.
- j. Cooperativeness.

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- k. Where appropriate, performance is evaluated on the basis of other factors such as initiative, judgment, ability to direct the work of others, ability to establish and attain management objectives, etc.

373.2 Performance Evaluation Systems

373.21 Formal

Postal Service Headquarters prescribes formal evaluation systems for a variety of purposes. A formal evaluation consists of a set of defined standards of performance, instructions for establishing a measure of where the employee fits within the standards, and a form on which the information is recorded. In the absence of a Headquarters prescribed system, other appropriate authority may prescribe an evaluation system designed to meet specific requirements within its area of responsibility. When a system not prescribed by Headquarters is developed, no attempt is made to make distinctions finer than *outstanding*, *satisfactory*, and *unsatisfactory*. Outstanding and unsatisfactory performances are defined in 375. All performance that does not fall within those two categories is considered *satisfactory*.

373.22 Informal

Informal evaluation is based on the day-to-day observations of the supervisor and is characterized by the absence of prescribed forms and written instructions. It is part of the supervisor's daily obligation to make effective use of available human resources and to give individual encouragement and/or correction. The supervisor's obligation must be a continuous process undertaken whether or not formal evaluation systems are prescribed.

374 Discussing Performance with Employees

The supervisor is responsible for discussing performance with each employee. If the employee's performance is unsatisfactory, the supervisor discusses constructive measures that employees should follow to improve their performance to a satisfactory level.

375 Outstanding and Unsatisfactory Performance

375.1 Outstanding Performance

Outstanding performance is a level of performance that far exceeds that which is normally expected of an individual in a particular position and is far above the performance and achievement of most satisfactory employees in terms of productive effort, proficiency, and significant contributions to the Postal Service. If a supervisor determines that a bargaining unit employee's performance is outstanding, the supervisor considers recommending the employee for a superior accomplishment award or quality step increase. For EAS employees, such performance is recognized in their annual merit review and recognition programs (see 470 for procedures on recognition awards, and see 416 regarding the merit program).

375.2 Unsatisfactory Performance

Unsatisfactory performance is a level of performance which is repeatedly or consistently below the minimum requirements expected of an employee in the position based on an evaluation of such job-related factors as reliability, willingness to work with fellow employees, quantity or quality of work production, and attendance. If a supervisor determines that an employee's performance is unsatisfactory and reasonable efforts toward improving performance to a satisfactory level have not been successful, effort is made to reassign the employee to a job that the employee can be expected to perform satisfactorily. If there is no such job available and if disciplinary action must be taken, the appropriate adverse action procedure is followed.

376 Performance Evaluation During Probation**376.1 Significance of Probationary Period**

Probationary periods are provided as essentially the final step in the examination process. Written and other tests can assist in selecting those most likely to be valuable employees, but only an actual trial on the job can be conclusive. Proper use of the probationary period is in the best interest of both the new employee and the Postal Service. During this period the new employee is given orientation and whatever additional training is needed. Attentive treatment during the period, both in training sessions and on the job, often ensures the satisfaction and efficient service of an employee who might otherwise resign or be separated.

376.2 Informal Evaluation During Probationary Period

The supervisor is responsible for maintaining close observation of a new employee throughout the probationary period. The supervisor must analyze the new employee's performance to determine both proficiencies and deficiencies. The supervisor consistently attempts by guidance, counsel, and training to assist the new employee to correct any deficiencies in either conduct or performance.

376.3 Formal Evaluations During Probationary Period

See 378 for bargaining unit employees.

377 Probationary Periods**377.1 Length of Time Required**

Some appointments are subject to the completion of a probationary period. Others may be subject to completion of a probationary period begun under a previous appointment. (Details on counting probationary service are in 377.2.) The following probationary or trial periods are required:

- a. *Career Appointment to Bargaining Unit Position.* An eligible selected for career appointment from a Postal Service register serves a probationary period of 90 days. This applies not only to the first such

377.2

appointment but to any subsequent career appointment by selection from a register or any other method of rehiring whether or not the appointee had previously completed a probationary period.

- b. *Career Appointment to Nonbargaining Position.* An eligible selected for career appointment from a Postal Service register or other hiring process must serve a probationary period of 6 months of continuous service in the U.S. Postal Service, or 12 months of combined service (federal and postal) without a break of a workday in positions in the same line of work, unless any part of such service was pursuant to a temporary appointment in the competitive service with a definite time limit.
- c. *Position Change.* A career employee who is promoted, demoted, reassigned from one position to another, or transferred before completion of probation must complete the probationary period in the new position.
- d. *Temporary or Casual Appointment.* Casual and temporary employees do not serve a probationary period. However, their performance should be reviewed periodically. Unsatisfactory casual or temporary employees should be separated as soon as it becomes evident the employee is unable to meet the requirements of the position.
- e. *Reinstatement.* Former federal and postal employees who are reinstated must serve a new probationary period.

377.2 **How to Count Probationary Service**

377.21 **Periods of Absence**

Periods of absence during which an employee is carried on the rolls are counted toward completion of the probationary period.

377.22 **Periods of Military Service**

Military service is counted toward completion of a probationary period if the employees leave a position in which they were serving a probationary period to enter military service. If the military service is not sufficient to complete the probationary period, the employee is required to complete the period upon restoration or reemployment.

377.23 **Postal Service Prior to Personnel Action Involving New Probationary Period**

Postal Service in a casual or temporary status does not count toward completion of the probationary period even though it may have immediately preceded the career appointment.

377.24 **Effect of Personnel Actions During Probationary Period**

Service following transfer during an employee's probationary period is counted toward completion of the probationary period.

377.25 Effect of Position Changes Within the Postal Service

A change from part-time flexible schedule or part-time regular employment to full-time regular (annual rate) employment does not interrupt or otherwise change the running of time counted toward completion of the probationary period. When promoted, demoted, or reassigned to another position within the Postal Service at the same postal installation, or reassigned from one installation to another within the Postal Service, the employee is not subject to serving a new probationary period, but is subject to the completion of any uncompleted probationary period.

378 Bargaining Unit Employees**378.1 Evaluation During Probationary Period****Reference Note:**

For additional material concerning the subject matter found in 378.1, refer to:

- Vice President, Human Resources, Memorandum, dated August 24, 1994, concerning Evaluation and/or Probationary Report.

378.11 At Initial Session, Thirty, and Sixty Days

An initial session must be held during the employee's first week at the work site. The purpose of this session is to clearly outline performance expectations for the first 30 days utilizing Form 1750, *Employee Evaluation and/or Probationary Report*. At the end of the first 30 days and again at the end of the first 60 days of the probationary period, the supervisor prepares and submits Form 1750 to the postmaster or designee. In the specific sections provided, the supervisor marks the appropriate ratings and provides the necessary supporting comments. The supervisor discusses the evaluation with the employee, and at the conclusion of each session, the supervisor and the employee must sign the form to indicate that the discussion has taken place. The supervisor and the employee each retain a copy of the evaluation. After each evaluation, new expectations are set for the following evaluation period.

378.12 At Eighty Days

At the end of the first 80 days of the probationary period, a final evaluation is prepared and submitted by the supervisor on Form 1750. This evaluation contains a definite recommendation regarding whether the employee should be retained or be separated.

378.13 At Other Intervals

Most deficiencies can be corrected with discussion, training, and counseling. Additional formal evaluations are made only when informal evaluation has not been successful. If any additional formal evaluation is made, it is only after employees understand their deficiencies and have had reasonable

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opportunities to correct them. Form 1750 is used for any additional evaluations of probationary employees.

378.2 **Evaluation After the Probationary Period**

Regular evaluation of performance is encouraged after the employee has completed the probationary period. Evaluations after the probationary period are used for promotion recommendations and for the early identification and correction of problems. Under some labor agreements, such evaluations are used to determine eligibility for step increases (see 420 and the various national agreements).

380 Postal Career Executive Service

381 Purpose

The Postal Career Executive Service (PCES) was established in 1979 to develop and maintain a highly motivated, competent group of individuals capable of filling the key management positions and providing the leadership needed for the continued success of the Postal Service. PCES comprises Officers (PCES II) and Executives (PCES I).

382 Equal Opportunity

The principles of equal opportunity are applied to all aspects of the PCES, including executive reassignment, training and development, evaluation, compensation, and awards. Individuals seeking entry into the PCES will be considered without regard to race, color, sex, religion, age, national origin, political affiliation, marital status, disability, or any other nonmeritorious factor or consideration.

383 Positions in the PCES

383.1 Officer Positions

Officer positions are established by the postmaster general, subject to approval by the Board of Governors.

383.2 Other Executive Positions

Executive positions (PCES I) are established by the Executive Compensation Committee (ECC), subject to approval of the postmaster general.

384 Filling PCES Vacancies

384.1 PCES II Vacancies

Vacancies in PCES II positions (except for the positions of postmaster general/CEO and deputy postmaster general, which are filled pursuant to 39 U.S.C. 202), are filled through appointment by the postmaster general/CEO.

384.2 PCES I Vacancies

Vacancies in PCES I positions are filled through selection by an officer, subject to approval of the next officer level. Selections are made from the Succession Planning List or from outside the Postal Service.