

March 20, 2009

Omar Gonzalez
APWU Western Regional Coordinator
500 Airport Blvd., Ste. 450
Burlingame, CA 94010

To: Pacific Area Locals
 Southwest Area Locals
 Western Area Locals
FOR YOUR INFORMATION
From Omar M. Gonzalez
Western Regional Coordinator

Dear Omar:

This is in response to your e-mails of March 19, 2009 regarding the seniority of clerks who are excessed into the carrier craft and the right of a Level 6 clerk to exercise a preference on a withheld Carrier Technician withheld assignment.

Clerks who are excessed to withheld assignments in other crafts start a new period of seniority. The date of reassignment is therefore their seniority in the receiving craft. However, upon return and/or retreat to the clerk craft in their former installation, they receive the seniority they had at the time of reassignment augmented by the time in the other craft. Senior clerks who elect to go in lieu of junior clerks identified to be excessed do not have retreat rights.

The position of Carrier Technician has been determined nationally to be the equivalent grade of a Level 7 clerk. Since the contract requires that we excess out of craft and/or out of installation to withheld same or lower level assignments, a Level 6 clerk even if they met the time requirements of the job would not be eligible to select a withheld Carrier Technician assignment.

Manuel Botello for
Manuel Botello
Manager, Human Resources

①

cc: Area Manager Operations Support
Area Manager Labor Relations
Area Complement Coordinator
File

FROM OMAR M. GONZALEZ
Western Region Coordinator

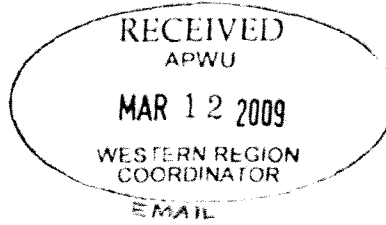
To: Impacted Locals

Subject: Carrier Issues

No. of Pages: 16 Comment(s):
1. Former carrier issue / carrier tech
2. Become carrier first, then train!
3.-4. Training info (Carrier)
5-6. Clerk into Carrier Q EAS
7. NALC dispute
8-16. Unemployment Insurance Regs.

cc NBAs
HQ Communication

PACIFIC AREA OFFICE
HUMAN RESOURCES



- TO: (x) Western Region Locals
- [] Withholding Info
- [] Staffing Issue(s)
- [] Status Update
- [] Grievance Administration
- [X] Please review, take action and reduce issues to writing
- [X] Comments:

March 12, 2009

Omar Gonzalez
APWU Western Regional Coordinator
500 Airport Blvd., Ste. 450
Burlingame, CA 94010

Critical information on the requirements of clerks exceeded into the carrier craft.

Also please see a Q&A on the issue from my office. If you need clarification please advise. FYI not attached.

Omar M. Gonzalez, Coordinator
cc NBAs / Communications Dept.

Attached you will find a copy of the driver training requirements that clerks who are placed into withheld carrier assignments will have to successfully complete. The training requirements are contained in the EL – 804, Safe Driver Program. A copy was faxed to you on Tuesday, March 10, 2009. This training is given once the clerk is officially placed into the carrier position and a Form 50 is processed. Failure to successfully complete the training can result in termination of Postal employment.

If you have any question or wish additional information, please feel free on call me at (858) 674-3180.

Manuel Botello
Manager, Human Resources

Attachment

2

FOR YOUR INFORMATION
FROM OMAR M. GONZALEZ
REGIONAL COORDINATOR
RE: Carrier Training Quals

EXCERPTS FROM EL-804 - SAFE DRIVER TRAINING

333 Classroom Driver Training

333.1 Description

Classroom driver training, conducted by the DSI, consists of two parts:

- Part 1* — Postal Service policy, rules, and requirements for safe and proper operation of a vehicle in the performance of duty.
- Part 2* — General defensive driving techniques. This is the National Safety Council DDC.

To supplement part 1, the DSI will discuss the most common types and causes of motor vehicle accidents in the district and the ways to avoid them. District accident data is available from the manager, Safety.

805 Test comes between Part 1 and Part 2 above.

334 Vehicle Familiarization

334.1 Description

The second component of initial driver training, vehicle familiarization is conducted in conjunction with the skills courses described in 335, Controlled Driving, and appendices B and C. Vehicle familiarization training may take up to 45 minutes for each vehicle.

334.2 Purpose

The purpose of vehicle familiarization is to explain and demonstrate the components and operating characteristics of a Postal Service-owned vehicle.

334.3 Content

Vehicle familiarization training includes the following subjects.

- The main focus of vehicle familiarization is teaching the student how to use Notice 76, *Expanded Vehicle Safety Check*.
- If appropriate, the training also includes mirror adjustment activities for long-life vehicles (LLVs) and flexible-fuel vehicles (FFVs) using the LLV/FFV Mirror Station in appendix A.
- Additional components of vehicle familiarization may include demonstrating and explaining how to:
 - Use seatbelts.
 - Overcome blind spots.
- Identify cockpit controls.
- Location of the accident kit.
- Use rear vision cameras, monitors, and microphones (where appropriate).
- Use keyless entry and ignition systems (where applicable).
- Start and park vehicles properly.
- Use rear vehicle power lifts (where applicable).
- Understand vehicle clearances (horizontal and vertical).
- Use Job Safety Analysis to:
 - Identify hazards associated with entering and exiting a vehicle.
 - Understand proper fueling procedures for gasoline and alternative fuels).
- Identify hazards associated with the rear bumpers of LLVs and FFVs.
- Secure vehicles properly against theft, following Postal Service national policy.
- Report a motor vehicle accident according to national and local procedures and requirements.
- Understand a vehicle's unique features (such as right-hand drive, turning radius, and mirrors).

**FOR YOUR INFORMATION
FROM OMAR M. GONZALEZ
REGIONAL COORDINATOR**

TO: RE: *Carrier Training* *Info*

335 Controlled Driving

335.1 Description

Controlled driving is the third and final component of initial driver training. Each student takes the appropriate Postal Service-designed skills course, as follows:

- Driving RHD delivery vehicles (see appendix C).
- Driving large trucks, including 2-ton, 5-ton, and all vehicles that require a CDL (see appendix D).

Controlled driving includes practice in street driving.

335.4 Delivery Skills Course

335.41 Purpose

The purpose of the delivery skills course is to train drivers how to use Postal Service-owned vehicles to deliver the mail safely and effectively.

335.42 Content

The delivery skills course includes training in the following skills:

- Using vehicle controls (where applicable, including rear vision cameras and monitors).
- Exiting and entering a vehicle safely.
- Adjusting mirrors.
- Parking safely (including parallel parking).
- Backing up safely (including offset backing).
- Navigating intersections.
- Making angled turns.
- Delivering mail curbside.
- Navigating overhead clearances.
- Making 3-point turns and U-turns.
- Parking and securing a vehicle.
- Turning.
- Stopping.
- Learning other practices as dictated by local accident data.

335.5 Large-Truck Skills Course

335.51 Purpose

The purpose of the large-truck skills course is to screen and train drivers on the use of large Postal Service trucks (including 2-ton, 5-ton, and vehicles that require a CDL).

335.52 Content

The large-truck skills course includes screening and training in:

- Parallel parking.
- Offset maneuvering and backing up.
- Forward stopping, straight line maneuvering, and backing up.
- Understanding, managing, and avoiding curb overhangs.
- Maneuvering around and backing up to alley docks.

335.53 Training

Authorized current employees who need CDL training to fulfill job requirements will receive appropriate on-the-job training and assistance as follows:

- On an individual basis as assessed by a DSI with a CDL.
- Up to 80 hours when going from a passenger vehicle license to a CDL. For applicant CDL operators, see note at bottom of Exhibit 336.3.

335.6 Street Driving

335.61 Purpose

The purpose of training in street driving is to have the student apply what was learned in the classroom, in vehicle familiarization, and on the skills course to real-life driving on the street.

335.62 Content

Street driving training includes practicing maneuvers in:

- Situations similar to those experienced on the skills course.
- Situations encountered on the street, such as changing lanes and maintaining following distances.

End of Training road test follows the street driving

Clerks Excessed Into The Carrier Craft

WESTERN REGION
GUIDE

Article 12.5.C.5. CBA

Management is fulfilling their Strategic Transformation & Evolutionary Network Development using the economy and workload reductions as "business reasons" for involuntarily reassigning clerks out of the installation/into other crafts.

The Collective Bargaining Agreement (Article 12) requires a sequential process for involuntarily reassigning employees out of the craft and/out of the Installation:

- ◆ 1st involuntarily reassign excess clerks into other craft residual duty assignments within the Installation.
- ◆ 2nd Involuntarily reassign clerks into available clerk residual duty assignments in other Installations.
- ◆ 3rd Involuntarily reassign clerks into other craft residual duty assignments in other Installations.

Apparently due to management's Network Plan (first mile-last mile concept) there are very few clerical residual duty assignments available in which to place excess clerks. While there are a few Maintenance assignments available the majority of available residual assignments for placement are in the letter carrier craft.

Here are a series of questions posed to me on the issue of being reassigned to the carrier craft. They are not exhaustive and are offered for informational purpose only not as policy declarations.

Q- I got a letter from USPS saying I may be involuntarily reassigned into the carrier craft. Is that a violation of the contract?

A- *The National Agreement under Article 12 (Principles of Seniority and Reassignment) provides for a series of actions for involuntary reassignments. 1. USPS declares an excessing event (e.g., over staffed), 2. USPS Area VP declares a withholding in a geographic area (radius/miles) and begins to withhold (i.e., reserve) residual vacancies (i.e., assignments left vacant after the bidding process) for the placement of excess employees. 3. If there are not enough residuals in the losing installation in the same craft , residuals in other crafts are withheld also. 4. If there are still not enough residuals in the losing installation the residual vacancies in the same craft and/or other crafts in outside Installations are withheld. The placement of excess employees is by juniority except that a senior excessed employee can select choice(s).*

Q- How do I become a carrier?

A- *If there are no clerk jobs available you are involuntarily reassigned into the carrier craft. You must have a valid state driver's license, two years driving experience and be physically able to perform that job. A Form 50 is cut and you become a letter carrier*

but you must then qualify (i.e., pass) two written tests on the computer { after getting training on the computer } and then qualify on a driving test.

**CORRECTED &
AMENDED
VERSION***

Q- What if I do not have a driver's license or I can't pass the physical?

A- *If you do not have a driver's license or have a bad driving record management claims they will find you another residual duty assignment for placement. If you are not physically able to perform the duty of a carrier you will have to medically substantiate that fact and will likely be sent through the District Rehabilitation Accommodation Committee (DRAC) process.*

Q- What if I fail the written test or road test?

A- *According to USPS if you fail either one of the three tests they will issue you a termination notice for failure to qualify.*

Q- But it is not my fault what am I to do?

A- *First of all apply yourself! Like any other job an employee must be qualified on it. Once reassigned you are a carrier and must qualify to drive a postal vehicle. If you fail ,contact the NALC (National Association of Letter Carriers) Shop Steward for representation. Also as soon as you are able make sure you are issued an SF-8 Form so you can file for unemployment insurance compensation. { You may also try to transfer to an available PTR clerk assignment under eReassignment . If you are successful before the 30 day termination period expires you're no longer are a carrier. But you do not have much time}.*

Q*- Do I take my clerk craft seniority into the carrier craft?

A*- *NO! You begin a new seniority period! You will remain a FT employee. When and if you return to the clerk craft you regain your clerk craft seniority along with any seniority you accrued as a carrier.*

Q*- But the APWU CBA says I become junior to the junior carrier. Why don't I have seniority over the PTF carriers?

A*- *It does say that!. However, you are now a carrier and Article 41 (the carrier craft article) controls the seniority rules. The NALC/USPS JCAM states an arbitrator (Snow) ruled that when you come into the carrier craft you go to the bottom of the seniority list even under the PTFs as per Article 41.*

The NALC/USPS contract becomes the controlling factor. Upon return to the clerk craft the APWU/USPS contract controls.

Q– Is it true the letter carriers do not have lay-off protections? Will I be laid off?

A– The NALC/USPS National Agreement does contain lay-off protections. What they may not presently have is lay-off protections for new hires during the life of their current agreement. (2006-2011). But a clerk involuntarily reassigned into the carrier craft is not necessarily a “new hire.” However, the clerk should have earned lay-off protections (being in a pay status 20 pay periods per year for six years) as a clerk. Otherwise under the NALC/USPS Contract he/she may not be protected. Check with the NALC Shop Steward.

Q– Is it true that I am going to be excessed again when letters carriers are reassigned due to a FSS machine?

A– The reality is that management's migration mess sees no end. Since you have become a junior FT carrier you could be excessed (i.e., involuntarily reassigned) again. This could be due to the Flat Sequence Sorter impacts or other events. Also, it appears that prior to excessing FT carriers an offer must be made to impacted carriers to work the TE duty assignments. Check with your NALC Steward.

Q– I heard that the NALC does not want us to be carriers, why is that?

A– There is no reason for NALC to reject postal employees being reassigned into the carrier craft. However, NALC, like any other postal union, must insist USPS abides by the contract rules. However, there is currently a contract dispute over management withholding residual carrier assignments outside the installation without first withholding all same or lower level clerk vacancies in the entire United States.

Q– Can I ever return to the clerk craft?

A– YES! This is accomplished by a set of rules called “Retreat Rights.”

If you are reassigned to the carrier craft in your current Installation and a clerk residual vacancy becomes available you will automatically be “retreated” back to the clerk craft by seniority.

If you are reassigned to a carrier assignment outside of your current Installation and a clerical residual vacancy becomes vacant you will be given an opportunity to retreat back to the clerk craft but only if you submitted a Request To Retreat prior to being reassigned to the carrier craft. You will have the option of retreating or remaining a carrier. [Please check with your APWU Steward on filling out the Retreat Request Form and how to submit it.]

Q– Why is all this so complicated?

A– Actually the rules have been established a few decades ago. Although USPS has not had such massive excessing before for the most part these rules and been tested time and again. Seniority is the only principle that works in these situations. It is not perfect but does serve the purpose.

The rules seem complicated because you have not experienced this type of disruption before.

Q– I was a former letter carrier but transferred into the clerk craft. Can I select a Carrier Tech vacancy?

A– According to USPS No! Clerks excessed to withheld assignments in other crafts start a new period of seniority in the receiving craft. The date of reassignment is therefore their seniority in the receiving craft.

The position of Carrier Technician is equivalent to a Level 7 clerk. A level 6 clerk even if they met the time requirements of being a carrier is not eligible to select a higher level assignment such as Carrier Tech.

Q– I was a former letter carrier who was robbed. As a result I was reassigned to the clerk craft as a rehab. Do I have to go back to carrying mail?

A– the sole criteria for selecting employees to be excessed is seniority. According to the contracts of APWU & NALC whether you are on limited duty has no bearing on the issue. Management must still accommodate your work restrictions. However, if you can not medically perform the duties of a carrier you must substantiate that fact with comprehensive medical documentation. You will then likely go through the District DRAC process.

Q– Why is the APWU allowing this to happen? Why belong to any union at all– NALC or APWU?

A– It is not up to the APWU. Federal law provides that the Postal Service has statutory rights to manage USPS. Management has declared that because of low mail volume, low work load and the economy they need to fill the gap in automation and realign their operations and staffing.

In the APWU contract you have job security. The alternative is to lay-off excess clerks, something millions of Americans are going through today.

Getting out of the Union or not joining the NALC only weakens our ability to challenge improper excessing or fight in Congress to ensure the postal service stays in business. We can not bet that management will do the right thing! Please remain a member!!

Q– If someone with less seniority than I is remaining in the clerk craft what can I do about it?

A– Again the sole criteria used to determine who is excessed is seniority. There is no bumping allowed. So this type of situation must be investigated as soon as you discover the issue. Contact your APWU steward immediately and your NALC steward.

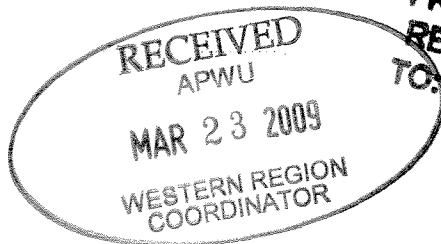
Q– Can I remain if I become a PTF or PTR?

A– There is no guarantee PTFs or PTRs will not be eventually excessed. In a 200 man year office there are no PTFs. PTFs in Associate Offices are not working much hours. PTRs only work four hours a day when scheduled.

Q– Why is it that casuals and PTFs remain?

A– The rules of seniority and reassignment require PTF hours be reduced and casuals be separated if by doing so would allow for an 8 hour assignment. Contact your APWU steward to report this!

LABOR RELATIONS



FOR YOUR INFORMATION
FROM OMAR M. GONZALEZ
REGIONAL COORDINATOR
TO:

February 13, 2009

Mr. William H. Young
President
National Association of Letter
Carriers, AFL-CIO
100 Indiana Avenue, NW
Washington, DC 20001-2144

RE: Q06N-4Q-C 09106125
Washington, DC 20260-4100

Dear Bill:

The Postal Service has concluded that case number J06N-4J-C 08321007 (K. Crawford, Alpena, Michigan) involves an interpretive issue within the meaning of Article 15 of the 2006 National Agreement. The interpretive issue is (when it is proposed to excess clerk craft employees out of their installation pursuant to Article 12 of the National Agreement) whether management is prohibited from withholding any residual city carrier duty assignments outside the impacted installation, without first withholding all same or lower level clerk craft vacancies in the entire United States and its territories.

Pursuant to Article 15.4.B.5, case J06N-4J-C 08321007 is to be held pending the outcome of the national interpretive dispute. Article 15.2, *Interpretive Step*, requires the national parties meet at the Interpretive Step within 30 days of the initiation of this dispute to define the precise issue(s) involved, develop all necessary facts and attempt to reach agreement.

Please have your representative contact me at (202) 268-7795 to arrange the Interpretive Step meeting.

Sincerely,

Alan S. Moore
Manager
Labor Relations Policies and Programs

550 Unemployment Compensation

551 **Overview**

551.1 **Legal Guidelines**

551.11 **Administration**

The Unemployment Compensation for Federal Employees Program (UCFE) is administered by the states under separate agreements with the U.S. Secretary of Labor. Under these agreements, the states are agents of the United States and take, adjust, pay, or deny claims for unemployment compensation. Based on wage and separation information supplied by the Postal Service, the state agency determines under its state employment security law the postal employee's entitlement to unemployment compensation.

551.12 **Liability**

Benefit payments are made to former postal employees by the states under the agreements between the states and the U.S. Department of Labor. The Postal Service then reimburses the states through the Department of Labor.

551.13 **Illegal Claims**

Federal law provides criminal penalties for anyone who knowingly makes a false statement or representation of a material fact, or knowingly fails to disclose a material fact, to obtain or increase for self or for any other individual unemployment compensation benefits for federal employees.

551.2 **Qualification Factors**

Requirements for unemployment compensation benefits vary from state to state in accordance with each state's employment security law. However, each state law requires that a claimant:

- a. Be unemployed or be employed less than full-time as defined by the state employment security law with earnings less than an amount specified in the state law.
- b. Register for work and file an unemployment compensation claim at a local state employment security office.
- c. Have worked a specified amount of time or have earned a specified amount of wages, or both, within a certain period.
- d. Be able to work.
- e. Be available for work.
- f. Be actively seeking work.
- g. Report periodically to the local state employment security office.

551.3 **Disqualification Factors**

Disqualification provisions vary from state to state. In the majority of states, employment security laws provide for a period of total disqualification or for a penalty period of temporary disqualification for certain types of separations. A former postal employee is not disqualified if the separation was an

involuntary termination of employment for other than misconduct, or if the separation was a voluntary termination or resignation based on good cause. The most common reasons for disqualification are:

- a. The claimant was discharged for misconduct.
- b. The claimant quit the job voluntarily without good cause.
- c. The claimant refused a suitable job without good cause.

551.4 **Information to State Employment Security Agencies**

551.41 **Information Required**

The Postal Service furnishes state employment security agencies certain salary and separation information concerning claimants who are or have been employed by the Postal Service. This information is processed and returned to the state agency by the Eagan ASC within 4 workdays after receipt of the request. The information includes:

- a. Periods of Postal Service employment.
- b. Amount of remuneration for service.
- c. Amount of lump sum terminal leave payments and periods of time for which the lump sum payment was made.
- d. Reason(s) for separation.

551.42 **Privacy Act Requirements**

551.421 **Authority to Disclose**

Release of wage and separation information to a state employment security agency can be made without written authorization from the former Postal Service employee.

551.422 **Accountability of Disclosure**

To meet the Privacy Act disclosure accounting requirements, the state coordinators described in [552.3](#) receive from the Eagan ASC copies of Unemployment Compensation for Federal Employees Form ES 931, *Request for Wage Separation Information*; Form ES 934, *Request for Information or Reconsideration of Federal Findings*; Form ES 936, *Request for Verification of UCFE Wage and Separation Information Furnished on Form ES 931*; and PS Form 2342, *Request: Unemployment Compensation Data*, and PS Form 6803, *Wage and Separation Information (ES 931) (3-part continuous)*. These forms are to be retained by the state coordinator for a period of 3 years. The Eagan ASC maintains the PS Form 6803 Issue Report (Program No. PHE100) on microfiche for a period of 5 years. State coordinators are to maintain hearings and appeals case files for 5 years. Official Postal Service records control schedules should be consulted to determine retention requirements by state coordinators and installation heads.

552 **Responsibilities**

552.1 **Headquarters**

552.11 **Functional Administration**

The functional responsibility for the development, implementation, and control of the national Postal Service Unemployment Compensation

- h. Refers recommendations for final appeal cases to the managing general counsel for the state along with appropriate supporting information.
- i. Contacts the appropriate postal installation upon receipt of PS Form 6803 (ES 931), to ascertain the reason(s) for separation or the nonpay status of a claimant when the Eagan ASC cannot supply this information.
- j. Monitors the preparation of separation forms and information provided by the Eagan ASC and identifies areas where incomplete or inaccurate information could generate unjustified unemployment compensation claims and subsequent payment.
- k. Provides the Eagan ASC with required information in order to resolve problems concerning individual employees.
- l. Maintains program records in accordance with official Postal Service records control schedules.
- m. Serves as liaison for Headquarters in dealing with state employment security agencies.

552.4 **Installation Heads**

552.41 **Completion of PS Form 50, Notification of Personnel Action**

Installation heads:

- a. Ensure the accurate and timely completion of PS Form 50 and SF 8, *Notice to Federal Employees About Unemployment Insurance*, when initiating separation actions (see [553.11](#) and [553.12](#)).
- b. Submit PS Form 50 as expeditiously as possible for processing.

552.42 **Cooperation With Postal and State Authorities**

Installation heads:

- a. Provide full cooperation to Postal Service state coordinators when supplemental information is required.
- b. Cooperate with Postal Service state coordinator requests for witnesses to appear before state appeal hearings to testify about the reason(s) a former employee was separated.
- c. Give direct responses to state employment security agency requests for additional separation information (Form ES 934) (see [553.22](#)).

552.5 **Eagan Accounting Service Center**

552.51 **Initial Response**

The Eagan ASC:

- a. Completes PS Form 6803 (see [553.13](#)) in response to state agency requests for wage and separation information (Form ES 931) within 4 working days after receipt of the request.
- b. Retains a copy of each PS Form 6803 submitted to state agencies (Privacy Act accounting requirements) on microfiche and distributes a copy of PS Form 6803 to the appropriate Postal Service state coordinator.

- c. If separation or wage information is unavailable at the Eagan ASC, forwards PS Form 6803 (and Form ES 931) to the appropriate Postal Service state coordinator requesting that PS Form 6803 be completed and returned to the state agency.

552.52 **Additional Information**

The Eagan ASC responds to state agency requests for additional information on Form ES 934 and verifies Form ES 931 on Form ES 936 within 4 working days after receipt (see [553.22](#) and [553.23](#)).

553 **Explanation of Forms and Procedures**

553.1 **Postal Service Procedures**

553.11 **PS Form 50**

Personnel offices:

- a. Complete PS Form 50 in an accurate and timely manner when separating an employee.
- b. Enter the three-digit unemployment compensation code that most accurately describes what the Postal Service believes to be the reason(s) that the employee was separated in the appropriate block on PS Form 50.
- c. Ensure that all additional information relating to the reason(s) for separation is incorporated into the remarks section of PS Form 50. (In those instances when the employee's reason(s) for separation differ from the Postal Service's reason(s), personnel offices enter the standard remarks message (Standard Code 542) on PS Form 50.) This standard remark states that a difference in separation reason(s) does exist and will be furnished upon request.
- d. State the fact of the issuance of SF 8 in the remarks section of PS Form 50.

553.12 **SF 8, Notice to Former Employee About Unemployment Insurance**

SF 8 explains an employee's eligibility for unemployment compensation and describes the steps to be taken in filing a claim. Personnel offices complete SF 8 by entering at top of form the employee's name, Social Security number, and pay location. In item 3 personnel offices enter #732 on the extreme right side and then enter the address of the Eagan ASC:

PAYROLL PROCESSING/UNEMPLOYMENT
USPS EAGAN ASC
2825 LONE OAK PKWY
EAGAN MN 55121-9635

SF 8 is issued promptly to the employee by the separating personnel office so that he or she does not lose unemployment compensation benefits to which he or she may be entitled. An individual whose work or tours of duty are on an intermittent basis is issued an SF 8 only the first time in each



calendar year that he or she is placed in a nonpay status. However, a completed SF 8 is issued to an employee each time the employee:

- a. Separates from the Postal Service for any reason.
- b. Transfers to another federal agency.
- c. Is (or will be) placed in a nonpay status for 7 or more consecutive calendar days.

SF 8 is issued on the employee's last workday. The date is to be noted in the remarks section of PS Form 50.

553.13 **PS Form 6803, Wage and Separation Information (ES 931)**

553.131 **Completion**

The Eagan ASC:

- a. Completes PS Form 6803 in response to a state agency's request for wage and separation information (Form ES 931, see [553.21](#)).
- b. Extracts wage and separation information from the Automated ES 931 System and enters it on PS Form 6803.
- c. Attaches two copies of PS Form 6803 to Form ES 931 and returns them to the state agency within 4 workdays after receipt of the request.
- d. Forwards one copy of PS Form 6803 to the appropriate Postal Service state coordinator and retains a copy for Privacy Act accounting requirements (see [551.422](#)).

553.132 **Incomplete Information**

When a PS Form 50 has not been processed, the separation information is not entered into the automated ES 931 system. In such circumstances, the Eagan ASC immediately forwards all three copies of PS Form 6803 (and Form ES 931), with the wage portion completed, to the appropriate Postal Service state coordinator, requesting that the separation portion of PS Form 6803 be completed.

Upon completion of PS Form 6803, the state coordinator attaches two copies of PS Form 6803 to Form ES 931 and forwards them to the state agency, retaining copies.

The same control and processing of PS Forms 6803 are used when the automated ES 931 system fails to complete wage and separation information except that the Postal Service state coordinator sees that both the information and separation information are provided.

553.133 **Erroneous Findings**

If the Eagan ASC ascertains at any time within 1 year after it has returned a completed PS Form 6803 (Form ES 931) to a state agency that any of its findings were erroneous, it must promptly correct the error and forward corrected findings to the appropriate state agency.

553.2 **State Agency Forms and Procedures**

553.21 **Form ES 931**

When a former Postal Service employee (or an employee who works less than full-time as defined in the state employment security law with earnings less than an amount specified in the state law) applies for unemployment

compensation at a state employment security office, the state agency sends Form ES 931 to the Eagan ASC (see [553.13](#)) as indicated on the claimant's SF 8.

The Eagan ASC responds to the state agency by extracting the requested wage and separation information from the automated ES 931 system on PS Form 6803 (see [553.13](#)).

553.22 **Form ES 934**

553.221 **Reason for Form ES 934**

If the Eagan ASC provides inadequate data on PS Form 6803, the state agency may request additional information on Form ES 934. If Form 934 cannot be processed within the 4-workday time period, the Eagan ASC or separating installation must immediately notify the state agency when it can expect to receive a completed Form ES 934.

553.222 **Request for Wage Information**

The Eagan ASC completes the form and returns it directly to the state agency within 4 workdays after receipt. A copy of Form ES 934 is sent to the respective Postal Service state coordinator by the stage agency. The Eagan ASC retains a copy of the completed Form ES 934 for Privacy Act accounting requirements.

553.223 **Request for Separation Information**

If the state agency sends Form ES 934 directly to the employee's separating installation, the installation completes the form and returns it to the state agency within 4 workdays after receipt of the request. A copy of Form ES 934 is sent to the appropriate Postal Service state coordinator by the state agency. A copy of Form ES 934 is retained by the postal installation and one copy is forwarded to the Eagan ASC for Privacy Act accounting requirements.

553.224 **Request for Wage and Separation Information**

The state agency sends Form ES 934 to the Eagan ASC, which inserts the requested wage information and forwards the form to the separating installation.

The postal installation:

- a. Inserts the requested separation information and returns the form directly to the state agency within 4 workdays after receipt.
- b. Returns a copy of Form ES 934 to the Eagan ASC for Privacy Act accounting requirements and retains one copy.

The state agency sends a copy of Form ES 934 to the appropriate Postal Service state coordinator.

553.23 **Form ES 936, Verification of ES 931 (PS Form 6803)**

State agencies request the Eagan ASC to verify a sampling of PS Forms 6803 completed by the Eagan ASC semiannually on Form ES 936.

A Form ES 936 shows the name of the claimant, Social Security number, payroll account number (if available), and the date that the PS Form 6803 was requested.

Form ES 936 is completed, when possible, by a person other than the one who prepared the related PS Form 6803. If the verification is made by the same person, Form ES 936 is reviewed by an authorized certifying officer. Form ES 936 must be completed and returned to the requesting state agency within 4 workdays after receipt of the request.

554 **Appeals**

554.1 **State Law Requirements**

State employment security laws provide for (a) administrative appeals at two levels in state agency proceedings and (b) appeals to state courts. Appeals may be initiated by the claimant or by the Postal Service.

The state agency's notice of determination of a claimant's benefit rights includes (a) the determination and the basis for it and (b) information concerning appeal rights and the time within which an appeal may be filed.

554.2 **Initial Level Appeals by Claimants**

All claimants, including former probationary employees, have the right to request additional information (see [553.22](#)) for clarification of Postal Service findings or to correct errors and omissions in their records. If a claimant is not satisfied with a state agency's determination, the claimant has the right to appeal the determination. Notices of such appeals received by postal managers are referred to their respective Postal Service state coordinators (see [554.414](#)).

554.3 **Initial Level Appeals by the Postal Service**

554.31 **Cause to Appeal**

If the Postal Service believes that a state agency's determination in awarding unemployment compensation is incorrect, the Postal Service may appeal the determination under the applicable state employment security law.

554.32 **Initiation of Appeal**

The Postal Service state coordinator files an appeal whenever:

- a. The state agency appears to have misinterpreted or disregarded the Postal Service's findings.
- b. The Postal Service believes the determination is not in accordance with the provisions of the state employment security law.

554.4 **Postal Service Participation in Appeals**

554.41 **Representation**

554.411 **Preparation for Appeal**

The Postal Service state coordinator:

- a. Ensures that the Postal Service is represented at state unemployment compensation appeal hearings (representation should include Postal Service employee(s) with first-hand knowledge of the case).
- b. Ensures that all documented evidence that supports the Postal Service's position is submitted.

554.412 **Appearance As a Witness**

A postal representative with first-hand knowledge of the case in question who appears before a state appeal hearing as a witness on behalf of the Postal Service provides evidence concerning the facts that support Postal Service findings. Evidence provided at state appeal hearings may be in the form of oral testimony or written documentation. (For sources of information to be used as evidence, see [554.43](#).)

554.413 **Appearance As an Appellant**

When the Postal Service initiates an appeal against a state agency's determination (see [554.31](#)), the Postal Service state coordinator ensures the presence of a postal representative at the state appeal hearing. The postal representative is an individual who has first-hand knowledge of the facts in the appeal case. The representative offers oral testimony or written documentation as argument in support of the Postal Service findings. (For sources of information to be used as evidence, see [554.43](#).)

554.414 **Appearance As an Appellee**

When the Postal Service receives a notice of an appeal hearing in which it is an appellee, the Postal Service state coordinator reviews the facts of the case and notifies a postal representative having first-hand knowledge of the case to appear on its behalf. The representative presents oral testimony or written documentation (see [554.43](#)) in support of Postal Service findings.

554.42 **New Evidence by Claimant**

In those appeal hearings in which a claimant introduces new evidence, the Postal Service representative either replies with Postal Service evidence and arguments or requests a continuation of the case in order to prepare a response to the new evidence.

554.43 **Disclosure of Information**554.431 **Routine**

During a state unemployment compensation appeal hearing, the Postal Service has the legal authority to disclose all relevant information from any of the systems of records appearing in the list in chapter 3 of the *Administrative Support Manual (ASM)*. All postal records presented as evidence during state appeal hearings are excised of all irrelevant information not pertaining to the claimant's reason(s) for separation and for the appeal or the Postal Service's reason(s) for separation of the claimant and for the appeal.

554.432 **Medical Records**

Only medical information that directly relates to the reason(s) the claimant was separated can be presented as evidence during a state appeal hearing. However, in those instances in which the relevant information contains a reference to a malignancy or mental condition, a medical officer is contacted for the purpose of determining whether the claimant previously has been made aware of its existence. If the claimant has not been made aware of the condition, the information is not to be disclosed. If such evidence is essential to the Postal Service case, a cautionary statement is sent to the state referee prior to the hearing, indicating the importance of such evidence and the possible psychological effect it may have on the claimant if released during the hearing.

554.433 Inspection Service Records

Whenever documents originated by the Inspection Service are involved in an appeal hearing, the appropriate inspector in charge is notified by the Postal Service state coordinator. The material in question is referred to the chief postal inspector for review and approval prior to release.

554.434 Managing Field Counsel

The managing field counsel for the area is consulted when any questions or problems arise in interpreting Postal Service Privacy Act regulations or interpreting implementation instructions. The chief field counsel is consulted if:

- a. Disclosure of certain relevant information contained in Personnel Investigation Records may reveal the identity of a source who has requested confidentiality.
- b. Disclosure of certain relevant information contained in either Personnel Research and Test Validation Records, or Recruiting, Examining, Training, and Placement Records might jeopardize the fairness or objectivity of an examination process.

554.5 Appeals (Second Level) to State Appellate Board

Either the claimant or the Postal Service may appeal a determination made by the initial level state appeal authority to the second level state appellate authority, which is usually the State Appeals Board. The initial level appeal determination indicates the basis for such a determination, as well as the time frame in which an appeal can be filed. When a Postal Service state coordinator receives an initial level appeal determination that continues to contradict the Postal Service findings based on either of the reasons outlined in [554.32](#), the Postal Service state coordinator files an appeal based on such arguments. Participation by the Postal Service in second level state appeals are conducted in the same manner as in the initial level appeal process (see [554.4](#)).

554.6 Postal Service Appeals to State Courts

When a determination has been rendered by a State Appellate Board that continues to contradict Postal Service findings, the Postal Service state coordinator immediately contacts the managing field counsel, who initiates appeals to state courts.