

NATIONAL ASSOCIATION OF POSTAL SUPERVISORS



OFFICER TRAINING MANUAL

Revised 07/05

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1. Introduction

This is a complete revised edition of the Officer Training Manual, produced by the Education and Training Committee. It is designed as a permanent reference work for the officers of a NAPS branch. Although many of the procedures described in later sections will never change, updates, if necessary, will be made.

1.1. Responsibility for Maintaining this Manual

The branch president is responsible for maintaining this manual. It should be considered the property of the branch, **NOT THE PROPERTY OF AN INDIVIDUAL OFFICER OR MEMBER**. As new officers are elected each should review the chapter which describes the duties and responsibilities of the office to which they are elected.

1.2. How this Manual Is Organized

This manual provides information on the duties and responsibilities of all elected officers, standing committees and the legislative representative. The sections are organized as follows:

- Section 1 Introduction
- Section 2 President's Responsibilities
- Section 3 Secretary's Responsibilities
- Section 4 Treasurer's Responsibilities
- Section 5 Committees
- Section 6 Protocol
- Section 7 Congressional Liaison Network
- Section 8 Discipline, Grievances and Appeal Procedures
- Section 9 Adverse Action Appeals Under ELM Section 650
- Section 10 Adverse Action Appeal Procedures Under MSPB
- Section 11 Debt Collection Act
- Section 12 Disciplinary Defense Fund
- Section 13 Conflict Resolution

1.3. Terminology

References to officers, offices and documents in this manual, where a location is not explicitly noted, are to NAPS national officers, offices and documents. For example, references to president (other than those in the section on *branch* presidents) concern the nationally elected NAPS president. References to Headquarters refer to NAPS Headquarters. References to the Constitution and Bylaws refer to the national (not branch or Auxiliary) document. References to the Executive Board concern the NAPS national governing body.

1.4. Additional Copies

Additional copies are available from your area vice president or may be downloaded from the NAPS home page, Members Only section.

1.5. Additional Information Available on the NAPS Home Page:

NAPS has a home page on the World Wide Web:

<http://www.naps.org/>

Its members find timely information, updated on a regular basis. Currently the following categories of information available:

1.5.1. About NAPS

This is an overview of the organization for prospective or new members, including the object of the organization and its structure, the Executive Board and how to contact them.

1.5.2. NAPS News

This section contains:

- Student scholarship information,
- excerpts from the last two issues of the biweekly *The Postal Supervisor*,
- the last four issues of *Straight Talk*, a USPS publication, and
- highlights of the latest NAPS/USPS Pay and Benefits Package, including salary structure and salary ranges.

1.5.3. Member Services

The benefits available through the organization are listed here, as well as the various ways information is disseminated to the membership. A list of items for sale from NAPS Headquarters is also contained in this section.

1.5.4. Bulletin Board Service (Forums)

Members are able to ask for help *from one another* on the Forums in solving problems that are probably not unique. Members, branch officers or Executive Board members may respond. Small problems may be resolved before they become big problems requiring time-consuming letters or phone calls to local, area or national officers. The Forums is monitored, and inquiries and responses are automatically deleted after a specified number of days. NAPS Headquarters is not responsible for the accuracy of the comments provided by members, nor are any opinions expressed in the Bulletin Board necessarily those of the Association's Executive Board or resident national officers. The Forums is password protected so only members of the Association may read and/or respond to the questions posted. Members may register for a password in this section

1.5.5. Legislative News

Timely information is posted by NAPS' Legislative Counsel about pending legislation that may affect the membership and/or the Postal Service, our legislative agenda for the year, information on postal reform, the Congressional calendar; legislative officer update forms, SPAC contribution forms and "Hatch Act Dos and Don'ts."

1.5.6. Members Only

This section, which is password protected so only NAPS members have access, contains sections for News, File Downloads, SPAC contributions, Hot Links and the Forums (bulletin board service). Members may register for a password to this section through the Password tab on the homepage.

1.5.7. Feedback

Comments and suggestions are welcome from anyone accessing our Home Page and may be sent via email to NAPS Headquarters from this section.

1.5.8. Hot Links

Hot links provide quick access to other information that may be of interest to our membership. Clicking on the different hot links listed provides immediate access to the web sites of some NAPS branches, the USPS, other postal organizations, congressional and legislative information, the Government Printing Office and the Library of Congress.

1.5.9. Convention News

During and following a biennial national convention, the five daily newsletters from the national convention are reproduced to keep our membership up-to-date on the proceedings of the convention. Convention News is removed when the convention issue of *The Postal Supervisor*, which contains an abbreviated version of the transcript of the minutes of the convention, is mailed to the membership.

1.5.10. Need Help?

This section lists the NAPS contacts available to assist our membership.

2. President's Responsibilities

This section contains information on the duties and responsibilities of a branch president, including instructions for accomplishing the basic tasks assigned to the individual elected to this position. The suggestions contained herein were gathered from a number of former branch officers who collectively have many years of experience in NAPS. New branch presidents are encouraged to study this section closely and to benefit from their predecessors' experiences.

2.1. Definition of a Branch President

The branch president should be the spark plug and the heart of the branch. The branch president should be elected because he or she has a real desire to assist fellow supervisors. Anyone elected branch president should have a genuine desire to improve the lot of supervisors and the Postal Service; must be willing to dedicate long hours to the position and be prepared to receive little or no recognition for his or her efforts; and, must be able to communicate both verbally and orally with a high degree of skill.

The president is the branch's leader and presiding officer. The president's plan of operation is prescribed in the branch's constitution and bylaws. Further enhancement of the branch president's leadership and achievements is augmented by the:

- branch executive board;
- the committees which carry on the branch's projects and activities; and,
- the president's ability to organize, lead, suggest and inspire.

The success of the branch is often based on the president's ability to select capable leaders who will serve as committee chairs, and the judicious delegation of responsibility to the committee chairs so as to receive the cooperation and enthusiasm for goals, objectives and work which is the key to success.

The suggestions, ideas and opinions of the committee chairs must be respected and given consideration. The advice must be accepted without diluting the president's responsibility and leadership.

2.2. Communication with NAPS Headquarters

NAPS Headquarters exists to coordinate national activities of the Association and to act as a liaison with Postal Service managers at the headquarters level. The resident officers also provide assistance to branch officers who need immediate assistance in the absence of an area or national vice president.

The branch secretary (see Section 3) handles most communication between NAPS Headquarters and branches. When a branch president requires more immediate assistance, however, the resident officers are always available for advice and information. Branch presidents are encouraged to direct questions to area and national vice presidents whenever possible.

2.3. Duties of the President

2.3.1. Presiding at Meetings

The president directs and controls the meeting. The president sets the tone, maintains order, and controls the pace. The president has a planned agenda for each meeting, must be familiar with it and have a time frame for each agenda item. If there are guest speakers, the president knows who they are, what their subject is and has a brief biography of each prepared to give a proper introduction.

The branch president knows both the national and branch constitution and bylaws. For instance, the president must know if the branch constitution has a quorum requirement; if so, what is it? The president must then know whether there is a quorum before calling the meeting to order. Another necessary reference is *Robert's Rules of Order, Revised*, which is used to govern branch meetings. The president should always stay within the established order of business except in unusual circumstances (such as a guest who must leave by a certain time) and with the permission of those in attendance. The usual order of business is the following:

1. Roll call of officers
2. Report of officers
3. Report of committees
4. Unfinished business
5. New business
6. Adjournment

2.3.2. Maintaining Order

The branch president maintains order while allowing everyone an opportunity to speak on an issue. The branch president never gets caught up in the discussion, but monitors the membership, watching for those who wish to be recognized and speaking on the business being discussed. The president keeps the session moving at a brisk pace, and avoids losing control of the meeting to the long-winded individual who loves to talk but adds nothing to the discussion. The president uses the gavel and recognizes another member, or simply states that the area has been covered and it is time to let someone else speak on the issue.

If there is a guest speaker, the president maintains order during that person's speech and in any question and answer session that may follow. The president must not allow the membership to become rude or badger the guest. If a member becomes rude or unruly, it is the president's responsibility to maintain order and see that the guest is afforded every courtesy.

2.3.3. Assigning Tasks to Fellow Officers and Members

The president guides and conducts business for the branch. Most branch constitutions stipulate duties and responsibilities for each officer. However, it is the president who has the responsibility of ensuring that other officers perform their duties. The president is charged with conducting the business of the branch. This entails assigning tasks to various branch officers and members, which may include research on a particular subject, obtaining a hall for the next meeting, or arranging for a guest speaker.

2.3.4. Appointing Committees

Committees are a very important part of branch activity. They are the method whereby the branch conducts business and grooms future officers. The president appoints committees to accomplish tasks for the branch. Committees cover a wide range of areas from membership to elections. The president selects committee chairs carefully, as this usually determines how effective committees are. The president stays informed of the committees' progress and problems and is prepared to lend assistance or guidance as needed.

2.3.5. Communicating with Postal Service Officials

The branch president is the individual charged with representing branch members when the members have problems. The president communicates with higher-level management on behalf of the branch and individual members. The president develops an open communication channel with the postmasters and other higher-level managers depending on the branch's location. The importance of a working relationship with the postal officials cannot be over stressed. NAPS seeks to resolve supervisor problems at the lowest level, in the shortest possible time. The president's ability to communicate immediately with the necessary postal officials is vital to quick resolution of problems.

The president telephones or meets with the senior official in a timely manner. Good rapport and a working relationship are absolutely vital to the president's success. The president presents a member's case to the responsible postal official, who also may be the same individual who does the president's merit. Good rapport and a truly open communication channel are vital to the success of a branch president. NAPS is not a union; it is a management association. NAPS exists for the betterment of our membership and the Postal Service.

Resolving conflicts with senior postal managers is best accomplished at the lowest level through direct communication. See Section 13 for Conflict Resolution.

2.4. Types of Branch Meetings

The purpose of the meeting determines the type and extent of preparation needed. There are two types of meetings:

- regular meetings (such as monthly, or election meetings); and,
- special meetings (such as the installation of officers and Christmas meetings).

2.4.1. Regular Branch Meetings

Even when scheduling regular branch meetings, held in the same place, on the same day, at the same time each month, the president reminds the members of the meeting. Whenever possible the agenda should be sent with the meeting reminder. Figure 2-1 shows a sample of a typical meeting agenda.

Some typical issues addressed at branch meetings would include approving dues increases, planning for special meetings, selecting delegates for conventions, representatives for area or regional training seminars and discussing new postal policies.

2.4.2. Special Branch Meetings

The site for special meetings is usually different from that of the regular branch meeting. This requires more advance planning and notification of the event to the members.

When selecting the site for a special meeting, the president determines if the facility meets the needs of the branch:

- Is the room large enough?
- Location—Is the facility conveniently located to ensure attendance of as many members as possible?
- Food and Beverage—What will be served? What will the cost be to the members? Will there be a (cash) bar?
- Equipment—Is there a podium, microphone, A/V equipment?
- Is a flag available?

Once the arrangements are finalized, the president prepares the meeting notice and asks members and guests to RSVP. This is essential since most restaurants/hotels ask for a guarantee, or a minimum number of people attending, several days prior to the event.

Note: Most facilities prepare enough meals for three to five percent more guests than indicated by the guarantee. Since this figure varies, the person in charge of meeting arrangements finds out what the facility's policy is and uses this in determining if there are enough meals for the few unexpected guests who usually attend such functions.



Branch XYZ Meeting Agenda

1. Call to order
2. Invocation
3. Pledge of Allegiance
4. Roll call
5. Reading or disposition of minutes
6. Report of treasurer
7. Reports of standing committees
8. Reports of special committees
9. Old business
10. New business
11. Announcements
12. Adjournment

Figure 2-1, Sample Meeting Agenda

2.5. Guidelines and Rules for Conducting Branch Meetings

There are both guidelines and rules branch presidents should follow when preparing for and conducting branch meetings (regular or special).

2.5.1. Pre-Meeting Planning

Before the meeting begins, note the following guidelines:

- Review the agenda.
- Know the background behind all business items to be discussed.
- Bring the branch's copy of the Officer Training Manual (also known as the Red Book).
- Bring a list of all committees and committee members.
- Contact all those participating in the program to be assured they are adequately prepared.
- Bring a copy of both NAPS' and the branch's Constitution and Bylaws and Robert Rules of Order, Revised to the meeting.

2.5.2. Guidelines for Conducting the Meeting

- Start and end the meeting on time.
- Follow the prepared agenda.
- Determine if a quorum is present. A quorum is required to conduct any business to be voted on and which is binding on the branch.
- When an officer, committee chair or speaker is unable to attend, make arrangements for a written report to be read or for a substitute to provide the report.
- Allow only one question at a time.
- Require a member to stand when presenting motions or questions.
- If two members rise and address the chair simultaneously, recognize the one who has not spoken or has spoken the least, or the member who represents a point of view different from the last speaker.
- Tactfully interrupt any member whose comments are not germane to the discussion underway. Tell the member his or her remarks "are not germane" to the discussion. Do not say the member's remarks are "out of order."
- Be sure a full and free debate is conducted before voting on a motion.
- Whenever possible, permit the person making the motion to open and close debate on the motion.
- Put all motions to a vote.
- Restate all questions brought up before the membership.
- Decide all questions in order.
- Pass non-controversial motions using the unanimous consent procedure, to expedite business during the meeting. The president may say, "Is there any objection to this motion? If not, the motion is passed." If a member objects, then a vote must be taken.
- Follow parliamentary procedures strictly to preserve order and decorum at all times.
- Use the gavel sparingly.

2.5.3. Rights of the President/Presiding Official

During a debate the president or presiding officer has certain rights which should be exercised judiciously:

- The president may provide factual information if it increases the understanding of the group or if members request it.
- The president may debate a motion, but if this is done the president should appoint someone to take the presiding official's place until the full issue has been decided by the membership. After the vote has been completed on the motion, the president resumes control of the chair.
- The president enjoys full voting privileges, but should not vote unless it is necessary to do so. Voting on every issue lessens the attitude of impartiality a good president should strive to preserve. The president usually votes only to break a tie or to create a tie (Tie defeats a motion).

For additional information on parliamentary procedure, consult *Robert's Rules of Order, Revised*.

2.5.4. Follow-up after a Meeting

After the meeting the president confers with the committee chairs to make sure they understand what projects/tasks are assigned to them. Once the branch secretary completes the minutes the president should review them. If the branch requires an activity report, the president completes it.

2.6. Discipline/Adverse Actions/Grievances

The branch president is usually the person charged with representing members in adverse action and disciplinary situations and in debt determination situations. However, in some branches, individuals or committees are assigned these tasks.

Branch presidents must treat every adverse action or disciplinary case seriously and act accordingly, paying particular attention to time frame. (See Sections 8-11.)

2.7. Information on File

Periodically letters are sent from NAPS Headquarters to area vice presidents, who then distribute them to branch presidents. Letters distributed from NAPS Headquarters usually deal with significant changes to existing postal policy, or announce a new policy of importance. Branch presidents retain all letters distributed in this manner, and ensure that such letters are passed to the next president whenever there is a change in branch officers.

See the NAPS Home Page, Members Only section, *NAPS/USPS Pay Agreement*, for the “FY 2004-2005 NPA/Pay Package” and related information.

See the NAPS Home Page, Members Only section, *Essential Documents for Members and Branch Presidents*, for forms and letters, which can be printed or downloaded to a computer file from the following menu:

- NAPS Documents;
- ASP;
- Discipline;
- Miscellaneous;
- Reductions-in-Force – Frequently Asked Questions (FAQS);
- Salary/Merits;
- Upgrade Request Procedures;
- Vacancies;
- Workload Credits;

This is not intended to be a comprehensive list, but representative of the types of letters that every branch must retain, and must be sure are transferred when new officers are elected. Additional letters are referenced in subsequent sections of this manual.

NOTE: For information on other policy-setting letters, contact your area vice president.

3. Secretary's Responsibilities

This section contains instructions for completing those tasks generally assigned to the person elected branch secretary. If the branch chooses instead to combine the secretary and treasurer positions, the individual elected should review this section and Section 4, Treasurer's Responsibilities.

3.1. Definition of a Secretary

The secretary's primary responsibilities include:

- membership rolls;
- correspondence;
- attendance records; and,
- meeting minutes.

Accuracy in such records is essential. For example, many branches require a certain level of attendance at meetings for members to be eligible for office or to represent the organization at conventions. Attendance books may be used to keep track of this attendance. Members are asked to sign in at all meetings, thus enabling the resolution of disputes over eligibility for office or delegation.

The time taken in keeping careful and accurate minutes, correspondence and records saves many hours and resolves many disputes downstream and makes life easier for officers in the future.

3.2. Dues Check-Off Printout (DCO)

Branch secretaries use one document more than any other, for purposes ranging from resolving membership questions to setting branch budgets to verifying voting strength at a national convention. That document is the Dues Check-Off printout, or DCO. The DCO is a computer-generated list of active and associate members generated monthly by NAPS Headquarters, and which is mailed to an officer as indicated by the branch.

The DCO indicates the number of active and associate members by branch, the total amount of dues collected for a given month by the USPS Postal Data Center (PDC), the portion of the dues withheld for that month by NAPS Headquarters (i.e., per capita), and the portion of the dues remitted to the branch. Dues are remitted electronically to the branches monthly at the same time the DCO printouts are mailed.

The amount of the per capita withheld by NAPS Headquarters, the amount remitted to the branch and other details are based on which membership category an individual is listed under (see next section for details).

3.2.1. Membership

The branch secretary's responsibilities require a complete understanding of each membership category, who is eligible for each, the methods for collecting dues and the method for changing a member's type of membership.

There are three membership categories:

- active members,
- associate members, and
- honorary members.

3.2.2. Active and Associate Members

Active membership is open to “all supervisory/managerial and postmaster personnel who are not subject to collective bargaining agreements under Chapter 12 of Title 39, US Code, and who are employed in processing and distribution centers and facilities, including, but not limited to: Headquarters, area and district offices, post offices, bulk mail centers; and other installation personnel.

“NAPS is not the representative of personnel employed as PCES installation heads and postal inspectors, or other like positions in the USPS Headquarters or field facilities.”

There are two methods for paying active members' dues:

- dues withholding, and
- direct pay.

Dues-Withholding Members

Members who have their dues automatically deducted from their paychecks are called dues-withholding members. It is recommended that every new member be encouraged to become a dues-withholding member.

Each month NAPS Headquarters transmits an electronic deposit to the branch designated financial institution account for their share of the money withheld under the DCO program. Deposits which remain unprocessed by the financial institution for a period of six (6) months from the date of issue are written off and *will not* be replaced. The branch forfeits the dues money. (See national Constitution and Bylaws Article XIII, Section 9).

Forms 1187

The Form 1187 authorizes automatic dues withholding from a supervisor's paycheck. Branch officers may obtain blank forms from their area vice presidents or NAPS Headquarters.

When submitting Forms 1187 for new NAPS members, the completed original (top copy) is submitted directly to the area or district office of human resources. The area/district in turn relays the information to the (PDC) in Minneapolis, which processes the form and deducts the dues for the member. It is imperative that the forms contain all pertinent information, including the person's ZIP+4. The yellow copy of the Form 1187 is sent to NAPS Headquarters. This is the *only* notification that tells the Headquarters' staff there is a new member. The pink copy is kept for the branch files. The gold copy is retained by the member for his/her records. New members are added to *The Postal Supervisor* mailing

list from the yellow copy of their Form 1187. At this time a new member should be encouraged to complete a Form 1188 canceling their dues allocation from the bargaining unit organization and annotating that Form with the words "Promoted to EAS on _____."

The membership rolls are an essential record, and should be kept up-to-date. This information is vital to proper financial records, and national office records. Addresses of members must also be kept up-to-date. Without proper addresses, members do not receive the publications and communications from NAPS Headquarters or the local branch and problems with dues and other matters become difficult to resolve.

Forms 1188

The Form 1188 cancels the authorization for dues withholding. Blank forms are obtained from USPS Human Resources offices.

NAPS Headquarters cannot go directly to the PDC requesting to have members removed from the printouts and have their dues withholding stopped. A Form 1188 must be completed and submitted to the district or area of the person wishing to be canceled. If the reason the member is canceling is due to a reduction to a craft position, it should be noted as such on the Form 1188 along with the effective date of the action. NAPS Headquarters removes members from active membership status when the person is actually listed as canceled on the dues withholding printout. (For further instructions see Employee and Labor Relations Manual section 925).

When a member is listed on the monthly DCO printouts with the notation "SEP" (separated), "CAN" (cancel), "DEATH" or "RET" (retired), the member's name is automatically removed from the active roster and mailing list at NAPS Headquarters. If the name has been erroneously removed, the member must resolve the problem through the local personnel office. Members who retire are not automatically converted to associate member status. The member or branch must notify NAPS Headquarters to continue the membership. The member's social security number must be included in this correspondence.

Direct Pay Members

Members who send their dues directly to the branch are called direct-pay members. Very few members pay their dues in this fashion, and members should be discouraged from doing so.

When a new direct-pay member joins the branch, the branch secretary must send the member's name and mailing address to NAPS Headquarters along with the member's social security number. When a direct-pay member leaves the NAPS branch, NAPS Headquarters is notified in writing. Per capita is withheld until NAPS Headquarters is notified. *No refunds are made for months prior to notification.*

NAPS Headquarters withholds the national per capita of \$3.50 per pay period per member from the dues returned to the branch monthly. Dues for direct-pay members are due to the branch each January. The branch bills direct-pay members—for dues (both national and local)—and deposits the money in the branch treasury. Dues may be prorated, by pay period, for active members joining during the year. National per capita tax \$91.00 per year.

Associate Members

“Former active members of this Association who were in good standing at the time of retirement are eligible to become associate members.

“Associate members shall be entitled to all the same benefits granted to regular members.”

“Associate members shall pay dues at the national or branch level no less than an amount one-half the national per capita tax, which will include a subscription to *The Postal Supervisor*.” (National Constitution Article III, Section 3).

“Associate members who hold offices at the national level shall pay the full share and same dues and assessments as regular active members of their branches.”

Associate Member Per Capita

Associate members pay dues at the branch level, but no less than one-half of the national per capita amount, which includes a subscription to *The Postal Supervisor*. Associate members' national dues \$45.50 a year. NAPS Headquarters withholds national per capita at the rate of \$1.75 per pay period per member, from the per capita that is to be returned monthly in DCO proceeds.

Per capita for associate members is due to the branch each January. The branch bills associate members and deposits the per capita received in the branch treasury. (The branch is being paid in advance by the member for the national per capita that will be deducted on the monthly DCO printouts). Per capita may be prorated at \$1.50 per pay period for associate members joining during the year. Do not send the associate member's per capita to NAPS Headquarters. If it is sent to NAPS Headquarters it is returned.

Adding/Deleting Associate Members

The only time NAPS Headquarters adds or deletes an associate member to or from the rolls is if the request comes directly from a branch officer.

When a branch requests the addition of an associate member, it is assumed they are only making the request for those eligible for this membership category. Branch officers, not NAPS Headquarters, must verify the person's eligibility.

NEW/UPDATED OFFICER INFORMATION AND NEW OFFICE NOTIFICATION FORM

Mail copies to:

NAPS Headquarters
Area Vice President
State Branch President

- New Officer
 Current Officer

Branch Number and Name _____

Date _____

Branch Officer Title _____

Name _____

Street Address (where branch
correspondence should be mailed) _____

City, State, ZIP+4 _____

Social Security Number _____

Home Phone Number _____

Office Phone Number _____

Cell Phone Number _____

Email Address _____

Check here if the officer is to receive the DCO printout and DCO check.

**ORIGINAL FORM
MAKE A COPY BEFORE USING**

Figure 3-1, New/Updated Officer Notification Form

MEMBER CHANGE OF ADDRESS FORM

Mail copies to: NATIONAL ASSOCIATION OF POSTAL SUPERVISORS
1727 KING ST STE 400
ALEXANDRIA VA 22314-2753

Submitted by: _____ Branch # _____ Date: _____
Officer Name, Title _____
Street Address _____
City, State, ZIP+4 _____
Daytime Telephone Number _____

Member's Social Security Number _____

Membership Type: Active Associate

Name _____

Street Address _____

City State, ZIP+4 _____

Daytime Telephone Number _____

Member's Social Security Number _____

Membership Type: Active Associate

Name _____

Street Address _____

City State, ZIP+4 _____

Daytime Telephone Number _____

ORIGINAL FORM
MAKE A COPY BEFORE USING

Figure 3-2, Member Change of Address Form

It is the responsibility of the branch secretary to maintain addresses and billing for associate members. It is not necessary for branch officers to supply NAPS Headquarters with a list of their associate members indicating that payments have been received. The only times the branch needs to contact NAPS Headquarters concerning associate members is if someone is to be added and/or deleted from the printout or has an address change.

To add new associate members to a branch, the secretary submits a letter to NAPS Headquarters prepared as follows:

1. State that the branch has a new associate member.
2. State the per capita for the year has been received by the branch.
3. Provide the associate member's name and social security number.
4. Provide the associate member's address.
5. Indicate the month the membership is effective.

To delete associate members from a branch, the secretary submits a letter to NAPS Headquarters prepared as follows:

1. State the branch is deleting an associate member.
2. Provide the associate member's name and social security number.
3. Indicate the month the cancellation is effective.

NAPS Headquarters *does not* refund dues should the branch fail to cancel an associate membership promptly.

3.2.3. Honorary Members

NAPS members in good standing at the time of retirement or promotion are entitled to honorary membership. They are not required to pay dues and, except for attending meetings, are not eligible for any membership benefits.

An individual becomes an honorary member at the discretion of the local branch. NAPS Headquarters provides no information or materials for the honorary member, and thus does not need to be notified when someone is given this status.

3.3. Communicating with NAPS Headquarters

There are many ways of facilitating the secretary's duties, especially as they concern communications with NAPS Headquarters.

3.3.1. Branch Officer Information

It is the responsibility of the branch to notify NAPS Headquarters of all officer changes. When submitting a list of branch officers to NAPS Headquarters, include each person's full name, social security number, address where each officer wants to receive NAPS communications (including ZIP+4), home and office telephone and the office to which the person was elected or named. It must be noted in the letter if this is the officer who is to receive the dues withholding printouts each month. Include personal email address if available.

Figure 3-1 contains a form that may be copied and used to notify NAPS Headquarters of an officer change.

3.3.2. Member Change of Address Form

When NAPS members move, it is necessary for NAPS Headquarters to be notified immediately if the member is to receive issues of *The Postal Supervisor* without interruption (and any other communication from NAPS Headquarters). Figure 3-2 contains a form that may be copied and used for this purpose.

3.3.3. Correspondence

Correspondence should be kept for future reference, either in a file by date of receipt, or if volume necessitates, by both date and subject.

When a branch officer writes to NAPS Headquarters, the name, social security number, daytime phone number, complete mailing address and title of the officer referenced should be included in the correspondence. In this way NAPS Headquarters checks the correspondence as it is received to see if this is the officer in its files. This assists NAPS Headquarters in keeping its list of officers current.

When referring to any members, include the full name and social security number of each and the individual's type of membership (i.e., dues withholding, direct pay, associate, etc.). The NAPS Headquarters staff may immediately refer to the proper files if this information is included.

Branch dues increases or decreases that have been voted by the membership should be conveyed by NAPS Headquarters in writing and signed by an officer. List the new amount of "biweekly" dues to be withheld from the dues-withholding members' pay and the effective date of the change. Please be aware that it will be two (2) months before the dues change is seen on the DCO printouts. Changes are uploaded to the PDC only once a month, after completion of the DCO processing, and each DCO is processed the month after the withholdings have been made. (I.e., if NAPS Headquarters is notified of the dues change in the month of June *before* the corrections are uploaded to the PDC, it should be effective with the withholdings for July. The July printouts are processed and mailed to the branch in August. If the notification is received at NAPS Headquarters *after* the upload to the PDC, it will be one additional month before the change is seen on the printouts.)

3.4. Record Keeping

Record keeping is one of the most important responsibilities of branch officers, and is most often delegated to the branch secretary. Records should be kept up-to-date and legible. Constant updating is required. If an officer's handwriting is semi-legible, arrange for word processing or typing. Make sure records are centrally kept and turned over promptly to new officers.

Keeping accurate, standard and up-to-date financial records is essential to the fiscal health of an organization, and is the primary responsibility of the treasurer. See Section 4, Treasurer's Responsibilities, for details.

3.4.1. Suggested Schedule for Retaining Branch Records

Most documents kept in branch files usually are retained because they may be useful or pertinent to some future situation. There are other reasons for retaining them, such as the statutes of limitations. There is not a single statute, but many. They vary widely from state to state. Business record retention also is required by the Internal Revenue Code, among others.

In the event of an IRS audit, IRS requires the branch to produce some, if not all, of the records in Figure 3-3, a schedule for retaining records. This is only a guide. Legal and branch requirements may vary. Consult a lawyer and CPA concerning specific needs of the branch.

3.5. Meeting Minutes

Minutes are a very important record for an organization. They reflect the decision making of the organization in its meetings. The secretary should not hesitate to stop the meeting to clarify the language of any resolutions, motions or decisions. Minutes should be kept in a file, and copies should be distributed to all officers charged with implementing decisions contained in the minutes. Some branches require that copies be sent to all members.

It is not important that every comment or suggestion be quoted in the minutes, but decisions and reports should be covered. Minutes from the last meeting are read at the beginning of the next meeting to give everyone attending necessary background information and to assure accuracy.

The minutes follow the same order as the meeting's order of business or agenda, but should also include such information as:

- location, date and time of meeting;
- officers present at meeting;
- the list of reports presented;
- resolutions and motions presented and what action was taken on them;
- nominations and results of elections;
- appointments; and
- other notes of importance.

SUGGESTED RETENTION PERIOD FOR BRANCH RECORDS

ITEM	SUGGESTED RETENTION PERIOD	ITEM	SUGGESTED RETENTION PERIOD
Annual financial reports	P	IRS tax ID number	P
Audit reports	P	Invoices (issued or received)	7
Bank deposit slips	3	Leases	7
Bank reconciliation's	3	Ledgers and journals:	
Bank statements	7	Accounts payable ledger	7
Budgets	3	Accounts receivable ledger	7
Bylaws	P	Cash journal	P
Charter	P	Voucher journal	10
Check ledger	P	Minute books	P
Checks paid and canceled	7	Payroll records	7
Correspondence:		Personnel files, terminated	3
Accounting	5	Petty cash records	7
General	3	Personnel files, terminated	3
Legal	P	Petty cash records	3
Deposit slip copies	3	Purchase invoices	7
Depreciation schedules	7	Tax correspondence	P
Equipment leases (after expiration)	6	Tax records (including worksheets, bills and statements, etc.)	P
Financial reports:		Income	P
Audited P		Personal property	P
Annual P		Travel records (employee, officer)	7
Interim 3		Uncollectible accounts records	7
IRS determination letter for nonprofit status of the branch	P		

KEY

- P means that the records are kept permanently. If the branch does not have a permanent headquarters in which its files may be stored, these records must be transferred from the outgoing officer to the incoming after each election.
- 3-10 means the number of years.

3.6. Branch Newsletters and Web Sites

The first and probably most important step in a communications program is keeping members informed. Unless members are periodically reminded of the branch's activities, they become inactive.

A newsletter is the best and simplest way. It may be a typewritten sheet, copied at the local quick-copy shop and mailed out quarterly, or it may be more elaborate. But a newsletter keeps the members abreast of important information, such as meetings and events, new members, retirements and illnesses, transfers, new regulations and other activities.

A good method of extending the reach of the newsletter is to arrange with the local postmaster for a supervisor's bulletin board. This affords space to post the newsletter and other notices of branch meetings, events, etc.

If the branch establishes a Web site it should be kept up-to-date. Many branches publish information contained in their newsletters on the web, along with meeting dates and the latest local information that may be helpful to their members.

Branches may have their Web sites hot linked on the NAPS Headquarters Home page. To do so, an officer should send the request along with the Web address to NAPS Headquarters. It takes approximately two weeks for the hot link to be established.

3.7. Merging Branches

To disband a branch or merge an entire branch with another, the branch takes a vote on the issue just as they would on any resolution. If it passes, this decision is relayed by letter to NAPS Headquarters. The letter should state that the branch wishes to merge with another branch and to which branch or branches the members are transferring. Affected members must sign their names, and print their names and social security numbers. A letter(s) from the branch or branches the members wish to affiliate with, advising NAPS Headquarters they are accepting these members into their branch, should also be sent.

Members of the merging branch should not sign Forms 1187 or 1188. This is another frequent error. NAPS Headquarters notifies the PDC of the transfers, and changes in dues where applicable, and changes their branch affiliation in NAPS Headquarters' records. (Forms 1188 are *only* used to cancel membership in the Association, not membership in a specific branch; Forms 1187 are *only* used for signing up nonmembers of the Association, not for branch affiliation changes).

All outstanding bills are paid before merging. The members may decide what they wish to do with their treasury, if there is one. They may give the funds to the branch they are merging with or to another tax exempt organization, but IRS rules prohibit the members from dividing the funds among themselves.

3.8. *The Postal Supervisor* Distribution

Members automatically receive a subscription to *The Postal Supervisor*. Only when a change-of-address form is not submitted at the time a member moves is delivery interrupted. Members should be reminded to add *The Postal Supervisor* to their list of publications notified when submitting change-of-address forms. Changes-of-address may also be sent to NAPS using the form in Figure 3-2.

3.9. Invitations to NAPS Headquarters

Any branch may request a national resident officer to attend and address a branch function, such as a meeting, an annual dinner, a training seminar or a special program. Requests are sent by the branch secretary and directed to the national president, stating the name of the officer requested, the date of the function and the purpose. Branch secretaries should submit their request in writing at least six months in advance of the desired function.

4. Treasurer's Responsibilities

This section contains instructions for completing those tasks generally assigned to the person elected branch treasurer. If the branch chooses instead to combine the treasurer and secretary positions, the individual elected reviews this section and Section 3, Secretary's Responsibilities.

Keeping accurate, standard and up-to-date financial records is essential to the fiscal health of an organization and the primary responsibility of the treasurer. Therefore, branches should not hesitate to spend a few dollars on bookkeeping, reference works or an accountant to set up a bookkeeping system. A few dollars spent now may save many more later. Especially in larger branches with larger accounts, the treasurer's responsibilities may be supplemented with outside assistance. It may be worthwhile to have the books periodically audited, for the protection of both the treasurer and the organization. If an audit by an outside firm is deemed unfeasible or unnecessary, there are many finance supervisors and postal system examiners who would be glad to assist, not only in setting up books, but also in doing an annual audit.

4.1. Definition of a Treasurer

The treasurer's job is different in each branch. In general, the treasurer prepares the branch budget, pays the expenses, accounts for the receipts, and handles the checking account.

The treasurer is someone with very specific qualifications, because the treasurer is responsible for maintaining the financial integrity of the branch.

The treasurer must be experienced in money matters and know how to document all sources of income and expenditures with receipts, invoices and checks. Informality and organizational accounting do not mix.

4.2. The Job Description

These elements constitute the job of the treasurer:

- preparation of an annual budget;
- maintenance of checking and/or savings accounts;
- investment of funds;
- receipt of per capita remittances;
- collection of meal funds at functions;
- issuance of checks;
- preparation of a financial report for each branch meeting;
- preparation of the organization's tax returns; and,
- preparation of an annual financial report to the membership.

4.3. Branch Dues

When a branch drafts or revises its constitution and bylaws it is possible, with a little time and attention, to ensure that the dues structure will be as useful in ten years as it was when first prepared.

This manual does not contain recommended language for a branch's constitution and bylaws relative to every officer's function. In the case of the treasurer, however, two exceptions are made because of the critical importance of precise language.

4.3.1. Recommended Language for the Article on Dues

Using carefully crafted language is essential to communicating clearly a dues structure that involves both a local organization and a national one. Organizations that are subsidiaries of a higher body, such as a NAPS branch, should be flexible about their dues structure.

Here are three examples of language for a constitution and bylaws that attempt to reflect such flexibility.

Example I—Amount of dues. Dues for active members of this branch shall be equal to the sum of the following: national per capita, state branch per capita, state branch legal fund assessment, and \$72.00 per annum (\$6.00 per month) for the operating expenses of the branch. *Note: Biweekly collection.*

Example II—Amount of dues. Dues for the active members this branch shall be \$148.20 per annum (\$12.35 per month). *Note: Biweekly collection.* This amount shall include the national and state per capita taxes, the state legal fund assessment (as imposed at the 1976 state convention and duly and legally amended thereafter), and the state convention assessment (as imposed at the 1982 state convention and duly and legally amended thereafter). The dues shall automatically be increased by any lawfully passed increase in the national or state per capita in the same amount as passed by the respective body.

Example III—Amount of dues. Dues for the active members of this branch shall be \$148.20 per annum (\$12.35 per month). *Note: Biweekly collection.* Said amount shall include the national per capita, the state per capita, and the state branch legal fund assessment.

All three examples provide for approximately \$5.00 per month to pay the branch's operating expenses. In addition, \$6.00 per month would be held out by national. State dues are \$12.00 per year or \$1.00 per month. The state legal fund is \$.25 per month. The state convention fund is \$1.25 per year or \$.10 per month.

Which example is best? In Example III the treasurer would need membership approval to raise the dues for a dues increase caused by action of either the national or state convention. The process would take up to four months in most branches. In Example 1 the constitution states the fixed amount for one subsection over which there is control—the amount for the operating expenses of the branch. As a subsidiary of the national and the state it is bound to pay any legally imposed increases of those bodies. Example II is a perfect example of legalistic mumbo-jumbo.

Obviously, Example I is the best. It provided for automatic increases in the dues structure for dues and certain assessments of the parent bodies. The only time this branch needs to go to its membership for a dues increase occurs when the branch's operating fund needs to be increased.

4.4. Bank Accounts

References to financial institutions in the branch constitution and bylaws and the choice of financial institutions are two situations that have become more complicated in recent years. Special consideration to each situation is urged not only for new branches, but also for existing branches that are urged to review the adequacy of their own documents and the locations of their funds.

4.4.1. Banks Accounts in the Constitution and Bylaws

Special attention must be given to the language used in the branch constitution and bylaws concerning the choice of bank accounts in consideration of the need for flexibility expressed in the previous subsection. Some branches seek to tie up the treasurer by specifying in which bank or bank office the funds shall be deposited. In today's fluid banking world this could be unwise. Many accounts that previously were provided free to nonprofit groups are now being saddled with monthly service charges.

In the branch constitution and bylaws it is better to use the phrase, "nationally or state insured financial institution." Branches that are investing funds, such as for a legal defense fund or convention fund, want high interest rates.

The following paragraph is recommended for inclusion in branch bylaws:

Maintenance of funds. The treasurer shall maintain the moneys of this branch in a recognized federal or state insured financial institution approved by the executive board. Sufficient funds shall be maintained in a checking account. Other funds beyond immediate need shall be placed in an interest bearing savings account.

4.4.2. Rules to Remember

When conducting financial transactions the treasurer considers the following rules.

1. Run all transactions through the checking account. Do not attempt to have some payments by cash and others by check. If the branch has a savings or investment account, make all deposits to the checking account and then write a check transferring the funds. When it comes time to use the savings account, transfer the funds back to the checking and write the check.
2. If the branch has an interest-bearing account, supply the bank with the tax ID number for the branch. (See Sections 4.7.2 and 4.7.3.)
3. Carry no cash funds at the end of the calendar or fiscal year.
4. Balance checking account monthly. It saves time later in reconciling. It also prevents embarrassment for mistaken overdrafts.
5. File new signature cards with the bank as officers change. At the same time audit the books.
6. All withdrawals require two signatures, but the signature cards specify at least four people, any two of which are authorized to make withdrawals. In today's traveling postal world, officers are not always available to sign checks or withdrawal slips. Having back-ups ensures the business of the branch continues.
7. Begin new pages at the start of each calendar or fiscal year as appropriate.

4.5. Communicating with Headquarters

There are a number of occasions when the treasurer needs to communicate with NAPS Headquarters. This section provides essential information a treasurer reads before initiating such contact.

4.5.1. Raising the Amount Withheld for Branch Dues

When a branch votes to raise the dues withheld from all members according to the provisions of the branch's constitution and bylaws, it is necessary that the branch president or secretary notify NAPS Headquarters immediately. A blanket authorization for all DCO members is accepted. It must include the effective date, the old and new dues amounts and be signed by a branch officer. The information is sent by computer electronic file from Headquarters to the PDC. The branch treasurer need take no action on behalf of the individual members to notify the postal service. The dues increase will take approximately two pay periods following the end of the month in which the notice to NAPS headquarters is sent.

All Forms 1187 submitted following the submission to NAPS Headquarters contain the new dues withholding amount.

4.5.2. DCO

The Dues Check-off Printout, or DCO (detailed in Section 2, Secretary's Responsibilities), is a computer generated list of active and associate members generated monthly by NAPS Headquarters, and which is mailed to a designated branch officer.

The DCO indicates the number of active and associate members by branch, the total amount of dues collected for a given month by the USPS Postal Data Center, the portion of the dues withheld for that month by NAPS Headquarters (i.e., per capita) and the portion of the dues remitted to the branch. Dues are remitted electronically to the branches monthly at the same time the DCO printouts are mailed.

If there is an error on the DCO printout, the treasurer or secretary writes to the national office, giving the name, social security number and post office finance number for the person(s) involved and stating the error in question and the correction to be made.

Deposits which remain unprocessed by the financial institution for a period of six (6) months from the date of issue are written off and *will not* be replaced. The branch forfeits the dues money. (See national Constitution and Bylaws Article XIII, Section 9).

4.6. The Annual Budget

One of the primary responsibilities of the treasurer is the preparation of an annual budget. However, before preparing the budget the treasurer considers several questions.

Many branches have gone to the funding method of operation. The bylaws set aside a specific amount or percentage of income for functional areas. A branch sets aside fifteen percent of the branch's income for attendance at national conventions, twenty-five percent for state conventions, fifteen percent for seminars and training, fifteen percent for social events, twenty percent for general expenses, and ten percent for reserve. However, every few years the treasurer must adjust these percentages because of overruns or excessive funding.

Other branches adopt an annual budget. A good example is one that can be built upon and used year after year. The budget in Figures 4-1 and 4-2 has been used as a guideline by a branch for a number of years.

Whatever type of funding authority the branch has, the idea behind the budget is to live within it. Consequently, the membership of this branch has been quite generous in several areas in the amount allocated in order to allow for any unforeseen expenses that might arise.

Adoption of a budget gives the officers the responsibility of running the branch. It relieves the branch membership from the tedium of discussing business matters at each meeting.

4.6.1. Bookkeeping

Once a budget has been approved by the membership, the treasurer has the budget categories needed to set up branch records that are balanced monthly.

An inexpensive accounting ledger or a simple computer accounting program or even a computer spreadsheet such as Lotus or Excel may be used.

4.6.2. Reports to the Membership

At each meeting the treasurer is called upon to give a financial report. Some branches prefer a full financial accounting, listing the source of all income and all checks. Other branches prefer only a financial statement since the last meeting. Either is acceptable.

Branch XYZ Proposed Budget—FY 2001

RECEIPTS

Dues Withholding (117 members @ \$6.50 a month x 12 months)	\$ 9,126.00	
Interest Income	<u>\$ 225.00</u>	\$ 9,351.00

EXPENDITURES

FEES AND ASSESSMENTS

State Dues and Convention City Assessment 117 members @ \$9.25 a year)	\$ 1,082.25	
Legal Fund (branch and/or state (117 members @ \$.25 a month x 12 months)	<u>\$ 351.00</u>	\$1,433.25

MEETING EXPENSES

Business Meeting Rooms and Refreshments	\$ 120.00	
Reserve—Retirement Dinner (January 2001)	\$ 1,100.00	
Attendance Prize (4 meetings @ \$25 a meeting)	\$ 100.00	
Branch Bar-B-Q	<u>\$ 600.00</u>	\$ 1,920.00

STATE CONVENTION

Registration Fee (5@ \$45 a delegate)	\$ 225.00	
Hotel Accommodations (maximum) (5 delegates x 3 nights x \$90 a night)	\$ 1,350.00	
Transportation (maximum for all)	<u>\$ 65.00</u>	\$ 2,000.00

Any money remaining from state convention fund will be transferred to the regional fund to enable more delegates to attend.

REGIONAL SEMINAR

Registration Fee (3@ \$25)	\$ 75.00	
Hotel Accommodations (3 delegates x 2 nights x \$70 a night)	\$ 420.00	

Figure 4-1, Sample Branch Budget, Part One

Branch XYZ Proposed Budget—FY 2001, Continued

Food Allowance	\$ 144.00	
(3 delegates x 2 days x \$25 a day)	\$ 36.00	
(3 delegates x 1/2 day x \$12 a delegate)		
Transportation	\$ 525.00	\$ 1,200.00
(3 delegates x \$175 a delegate)		
NATIONAL CONVENTION		
Reserve for 2002 National Convention		\$ 1,300.00
LEGISLATIVE TRAINING SEMINAR		
Reserve for 2001 Legislative Training Seminar		\$ 300.00
PUBLICATIONS		
Bulk mail permit	\$ 150.00	
Printing	\$ 200.00	
Postage	\$ 300.00	\$ 650.00
MISCELLANEOUS ITEMS		
Retirement awards	\$ 250.00	
Condolences and flowers	\$ 300.00	
Bank charges and check printing	\$ 200.00	
Supplies	\$ 50.00	
Election of branch officers	\$ 50.00	
Box Rent	\$ 22.00	
Auxiliary Support	\$ 125.00	
President's Fund	\$ 150.00	\$ 967.00
TOTAL EXPENDITURES		<u>\$ 9,670.25</u>
GENERAL RESERVE BALANCE		<u>\$ (419.25)</u>
ADJUSTMENTS		
Reserve from 2001 budget for regional or area seminar		<u>\$ 500.00</u>
EXCESS OF INCOME OVER EXPENDITURES		<u>\$ 80.75</u>

Figure 4-2, Sample Branch Budget, Part Two

4.6.3. Audit Committee

At least once each year and whenever there is a change in treasurers, the audit committee audits the branch's books. Within the supervisory ranks there are many people working in the finance area qualified to do this and who require little or no training. Someone familiar with audit procedures is selected chair of the committee. The audit committee consists of at least three members, all appointed by the president. However, some branch constitutions provide for elected trustees to conduct this function.

Prior to the audit the treasurer prepares for the committee by having all items posted and all receipts cross-referenced. Receipts are arranged in chronological order. Copies of all bank statements and dues-withholding (DCO) statements are available for examination. Any bank registers, vouchers and canceled checks are turned over to the audit committee. Prior to the audit, the treasurer prepares the annual financial statement. This allows the audit committee an opportunity to review and to amend the report prior to its submission to the membership.

4.6.4. Annual Report

At the end of each fiscal year a detailed financial report is required from the treasurer. The report is published in the branch newsletter or copies are made available to the members. The budget serves as the basis for preparing an annual report and parallel closely the approved budget. Some treasurers seek to compare the budgeted amount with the expended amount. Other treasurers conduct a multi-year analysis of expenses and receipts.

4.7. IRS Issues

There are a number of issues related to the Internal Revenue Service (IRS) which every treasurer must understand.

4.7.1. Form 990, 990EZ

Form 990 (or Form 990EZ) is the annual income tax report every branch is required to file with the IRS.

Branches with less than \$25,000 in annual income may file the simplified return, Form 990EZ. Larger branches and branches which hold a state convention may have to do the whole report. Many states also require a form similar to the IRS version. In many states a one-page cover letter with a copy of the federal Form 990 is all that is required.

Failure to file can cause penalties to be assessed by both the IRS and the state tax agency. Normally, penalties are waived if an organization proves the delayed report was not willfully done and the problem is corrected.

There is no filing fee required by the IRS; however, some states may assess a small filing fee. In California there is a charge for each annual filing. Once the first year's report has been completed, the branch has an example for future years.

4.7.2. Tax Identification Number

All branches must file for a federal identification number from IRS. Publication 557 is available from the IRS to assist with this responsibility. Having a tax identification number does not grant a branch tax-exempt status. This is a separate procedure (discussed below).

At the same time that the branch is filing for a federal identification number, a state corporation identification number (which may be referred to by a different name in some states) is to be obtained. There is a filing fee for a federal identification number.

4.7.3. Tax Exempt Status

The national Association has been granted an exempt status. However, this is not a blanket exemption that covers all of our branches. The national Association is exempted under Section 101(1) of the 1939 Internal Revenue Code, which corresponds with Section 501(c)(5) of the 1954 code. Branches apply for nonprofit status under the same section of the code.

NOTE: NAPS Headquarters is exempt for federal income tax only—not sales tax or any other tax.

Each branch must file separately with IRS for a tax-exempt status. The local IRS office in the branch's area provides the proper forms and publications. There is now a substantial application fee for this procedure. IRS provides information on the amount of the fee and procedures for paying with the publications explaining how to obtain tax-exempt status.

One IRS requirement for tax-exempt status is a dissolution clause in the branch constitution indicating what is done with the branch treasury in the event the branch is dissolved. The dissolution clause does not allow the branch to distribute the branch treasury among the branch members.

NAPS Headquarters' accountants have suggested the following language be used as the dissolution clause to conform with IRS requirements:

"No part of the net earnings of the branch shall inure to the benefit of or be distributable to its members, trustees, officers or other private persons, except that the branch shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purpose in Article ____." (Insert the article number stating the object/purpose of the branch.)

"Upon dissolution of the branch, assets shall be distributed for one or more exempt purposes within the meaning of Internal Revenue Code section 501."

For additional information on the application form, tax filings, etc., contact the IRS or the branch's accountant.

4.7.4. Retention of Records

The IRS requires the retention of several branch financial reports for specified periods of time. See Figure 3-3, Schedule for Retaining Branch Records, for more information.

5. Committees

Every branch organizes its work by establishing several committees that are responsible for specific duties.

5.1. Effective Committee Work

To make committees most effective in their work, the president follows these essential guidelines:

- Make committee appointments based on indicated interest, capacity and willingness to work. The chairperson for each committee is a member with a demonstrated ability in the field of the committee's work and is appointed by and reports to the branch president.
- Provide each committee with a statement of its function and responsibilities.
- Have committee chairs determine programs of work at the beginning of each year and submit these programs in writing to the branch president.
- Determine the frequency of committee meetings set at the discretion of the committee members. Have written reports furnished to the branch president following each committee meeting. Have each committee make a report at each branch meeting.

5.2. Types of Committees

There are several different committees recommended for all branches:

- Membership
- Grievance/Discipline
- Resolutions
- Constitution and Bylaws
- Audit/Budget
- Social and Recreation
- Attendance
- Program
- Legislation

Each committee is discussed in the following sections.

5.2.1. Membership Committee

The Membership Committee is responsible for the important task of strengthening the branch through retention of existing members and signing up new members. There are several possible approaches, but it is important that the first contact made with a potential new member be made in person. This has proven to be much more effective, especially as the initial gesture, in recruiting new members.

NAPS Branch XYZ

Date

Dear (name):

As (branch title) of (branch name) Branch (number) of the National Association of Postal Supervisors, I have been appointed chairperson of the membership Committee. I realize that we have a few supervisors in our district who have not yet been asked to join our association.

I have included a list of the current slate of officers of Branch (number) for your information. I know that any of our board members would be glad to answer any questions you have about NAPS. On the reverse side of the list is a calendar of meetings and events our branch has scheduled for the year.

Also enclosed is a Form 1187 to encourage you to join NAPS. The benefits are many, as you can read in the enclosed NAPS Historical Sketch.

Please take a few moments to read the information I have provided, consider the benefits this organization has accomplished for postal supervisors and managers, and send the completed Form 1187 in the self-addressed, stamped envelope provided.

We in Branch (number) look forward to your participation and hearing from you soon.

Sincerely,

(name)
(branch title)
(branch address)

Figure 5-1, Sample Member Recruitment Letter #1

NAPS Branch XYZ

Date

Dear (name):

As (branch title) of (branch name) Branch (number), I would like to express a welcome to you from all Branch (number) members and advise you that you are eligible to be a member of NAPS.

I am sending you this letter to introduce you to the National Association of Postal Supervisors. It is the only organization composed of supervisors, administered by supervisors and working for supervisors in the US Postal Service. Our objective is to promote, through appropriate and effective action, the welfare of our members.

Membership in NAPS grows day-to-day because supervisors realize they need a national organization that can express their views to the Postal Service, to Congress and to the general public. We invite you to be a member of this outstanding organization.

Enclosed is a Form 1187 to encourage you to join. Please complete the form and return it in the self-addressed, stamped envelope provided.

We look forward to your participation in NAPS and hearing from you soon..

Sincerely,

(name)
(branch title)
(branch address)

Figure 5-2, Sample Member Recruitment Letter #2

NAPS Branch XYZ

Date

Dear (name):

It has been some time since I first contacted you regarding the National Association of Postal Supervisors. This is the only organization composed of supervisors, administered by supervisors and working for supervisors in the US Postal Service. NAPS is dedicated to working with USPS to improve service to the public and to widen the field of opportunity for its members.

We hope you will accept this personal invitation to join our association by completing the enclosed Form 1187 and returning it in the self-addressed, stamped envelope provided.

Sincerely,

(name)
(branch title)
(branch address)

Figure 5-3, Sample Member Recruitment Letter #3

NAPS Branch XYZ

Date

Dear (name):

Welcome to the National Association of Postal Supervisors! We are pleased to have you as a member of Branch (number).

Soon you will be receiving your first issue of *The Postal Supervisor* magazine, which will be most informative on current issues from the national level. You will also be receiving information periodically regarding upcoming branch meetings and other events. We encourage your participation.

As a NAPS member your spouse or designated family member may enroll in our Auxiliary, and is invited to take an active part at the Branch (number) Auxiliary meetings.

We welcome your involvement. This is your Association, working for and in the interest of all supervisors.

Sincerely,

(name)
(branch title)
(branch address)

Figure 5-4, Sample Member Recruitment Letter #4

A. Personal Contact

When contacting a potential member in person, recruiters keep in mind these techniques which other branch presidents have found to be very effective:

- Be prepared. Know the supervisor's name, and greet the supervisor by name and with a handshake and a smile. Consider taking along another branch member, preferably one who already knows the nonmember.
- Wear the NAPS pin to reflect pride and enthusiasm.
- Bring along a membership packet or materials such as:
 - ◆ NAPS Historical Sketch
 - ◆ *The Postal Supervisor*
 - ◆ Legislative Update
 - ◆ State/local branch newsletter
 - ◆ Auxiliary information
 - ◆ Organizational chart of representation
 - ◆ Correspondence from NAPS Officials

As these materials are presented, the recruiter stresses that these are just some of the examples of the communication materials NAPS provides its members. The recruiter also mentions NAPS has a legislative counsel in Washington to protect supervisors' interests in Congress.

- Mention the Disciplinary Defense Fund, including any local cases authorized for funding.

After signing up a new member, be sure to follow-up with a letter of welcome (Figure 5-4).

B. Contact by Mail

The first step is getting organized and determining who the nonmembers are. A nonmember list will be provided quarterly to your area vice president who will, in turn, provide a copy for each branch.

Send a letter to each supervisor on the list for the branch, inviting them to become a member, and include a Form 1187. (Figures 5-1 through 5-3 are examples of the types of letters sent.) If no response is received, it's time for some one-on-one contact.

Resolution 1

WHEREAS, To help process resolutions at NAPS Headquarters, do not place a caption at the top of each sheet; do use a single sheet of plain, white paper, 8 1/2" x 11" double-spaced, one side only for each resolution, and

WHEREAS, It is necessary to remove all reference to your branch, its meeting dates, etc., do substitute "National Association of Postal Supervisors" or "NAPS" for the name of the branch in WHEREAS and RESOLVED portions, and

WHEREAS, It is necessary to place name and number of the branch under each resolution, but do not include names of branch officers or any similar information at the bottom of the sheet, and

WHEREAS, For identification purposes, it is necessary to attach a letter signed by a branch officer certifying that the resolutions were adopted at a meeting (or convention) of the branch and furnish the date and location of the meeting (or convention); but do not use WHEREAS any more than necessary for understanding, therefore be it

RESOLVED, That this resolution format will be used in forwarding all original resolutions—no copies—to the national office for action.

State Branch Name and Number or
Local Branch Name and Number

Figure 5-5, Sample Resolution

5.2.2. Grievance/Discipline Committee

The branch establishes a committee to review all requests for representation in cases relative to ELM section 650 and MSPB. Guidelines for this committee are contained in Sections 8-10.

5.2.3. Resolutions Committee

This committee may propose resolutions for presentation to the biennial national convention. The committee must give adequate attention to both the content of the resolution and its format. Make sure the resolution is grammatically correct and the language is not ambiguous. Deadlines for submitting resolutions at a national convention are set by NAPS Headquarters and announced in *The Postal Supervisor* in January of the national convention year. Figure 5-5 contains an example of the proper format.

When typing resolutions note in the sample:

- the text is double-spaced;
- the words WHEREAS and RESOLVED are the only words typed in all capital letters (do not submit resolutions typed in all capital letters);
- the first letter of the first word after WHEREAS and RESOLVED is capitalized;
- the first line of each WHEREAS and each RESOLVED is indented five spaces;
- note where there are commas;
- resolutions approved by a state convention are submitted with the name of the state branch, not the local branch and not both branch names.

Originals of all approved resolutions are mailed to the executive vice president at NAPS Headquarters. If possible, they should be sent on computer disk, along with a printed copy.

5.2.4. Constitution and Bylaws Committee

The function of this committee is to constantly review the Constitution and Bylaws of the local or state branch and to propose revisions as needed. The committee must know that no local constitution or bylaws may conflict with the national Constitution and Bylaws, and ensure the local document is in compliance with same. In the event of a conflict, the National Constitution and Bylaws supersedes the local document.

5.2.5. Audit/Budget Committee

This committee, including the treasurer, prepares an annual budget for the branch and submits it to the branch president. This committee is responsible for seeing that an annual audit of the branch financial records is conducted.

5.2.6. Social and Recreation Committee

Social events help fulfill one of the branch functions. People who work together and share so much else also may share a good time. By tying these in with a meeting, the branch increases interest and attendance.

The committee chair picks social events appropriate for the branch's size and interests based on the committee chair's experience in running such events. It is best to start out small. As interest grows, the committee chair may make more elaborate plans, such as having a meeting at a restaurant and arranging for a buffet dinner afterwards.

Events held outside of meetings add vitality to the organization. Consider getting people together for a softball team or bowling league, a picnic, dance or barbecue. By getting the people together the committee gets them involved.

There is no magic involved in running good, well-attended meetings; just planning, strategy, and leadership. The committee must work all details out ahead of time, analyze weaknesses and make adjustments to correct them.

5.2.7. Attendance Committee

The Attendance Committee keeps attendance up by contacting members and encouraging attendance at branch functions. Telephone campaigns, as one example, are effective. The committee chair assigns committees to each unit (i.e., stations/branches, plants, maintenance, etc.). Attendance by 50 percent of eligible members is an attainable goal.

5.2.8. Program Committee

There are many reasons for inviting speakers to meetings, which is the responsibility of this committee. Their presentations make the meeting more interesting to the attending members and provide them with useful information. Also, the branch builds good relations and communications with the speakers, who provide a break in the routine of the business meeting.

- Who should the branch invite? Here are a few examples:
- the local postmaster,
- employee relations specialist,
- EEO counselor,
- postal inspector,
- labor relations specialist,
- representative of the Social Security Administration,
- representative of the Merit Systems Protection Board,
- state branch president,
- national or area vice president,

- local college faculty members,
- local Chamber of Commerce or speakers' bureau official, and
- institution/organization representative.

5.2.9. Legislation Committee

The work of the legislation committee is detailed in Section 7.

5.3. Public Relations

Local news media, *The Postal Supervisor and Web Site* are the branch's best sources for distributing information about branch activities. The road to good publicity has two lanes—good information and good pictures. No reporter prepares a story unless the reporter has enough factual information from which to work. Any story sent to a newspaper or NAPS' magazine includes, at the very least, the five "w's" and one "h":

- who,
- what,
- where,
- when,
- why, and
- how.

5.3.1. Local Media

To have an event promoted in a local or community newspaper, the information is sent typed (without errors) to the appropriate person (usually the community editor; call to obtain the specific person's name), and sent well before the newspaper's deadlines.

5.3.2. The Postal Supervisor

NAPS accepts articles for its monthly publication, *The Postal Supervisor*, from all branches. The individual sending the article must be the designated branch correspondent. The branch president must send a cover letter with the first article by a new correspondent indicating this author is so designated.

Articles may not exceed 250 words, and must be prepared in the following manner:

- Articles must be typed, double-spaced, on plain white paper (not branch stationary or onion skin paper).
- Articles are subject to editing for clarity and style.
- Photographs are welcome when they are of good quality and taken with black and white film.
- Articles must have the following header information:
 - NAME
 - BRANCH 00
 - TITLE

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6. Protocol

In keeping with tradition and policy of NAPS, conventions and other Association meetings are identified as NAPS activities and should not be held jointly with other organizations.

6.1. Protocol at Meetings, Conventions and Seminars

The state president should confer with the convention chair, who is appointed by the host branch, in setting up a state convention or state seminar. The state president appoints all committees and it is the president's responsibility to issue invitations to Postal Service officials and NAPS national and area officers. The state president presides at all times, except perhaps during the opening ceremonies, which may be presided over by the host branch president or convention chair.

The convention chair is responsible for the overall management of the convention and sees to all necessary arrangements. The local branch president, or chair, should invite the mayor (for a welcoming address) and local clergy. Copies of the convention program should be mailed as soon as possible to all guests listed in the program.

State presidents should consult with other state presidents within the surrounding area, and with the area vice president, before setting dates for the following year. Convention dates and location are sent to NAPS Headquarters by the state branch president or secretary in January. This is very important so a national officer can be assigned to the convention, if possible.

State presidents and convention planners should keep in mind that USPS Headquarters will only send a representative to those conventions having 100 or more active employees in attendance. Letters requesting a USPS representative may be sent to USPS Headquarters at least sixty to ninety days prior to the activity. The letter should be addressed as follows:

Manager, Labor Relations Policy Administration
USPS Headquarters - Room 9119
475 L'Enfant Plz SW
Washington, DC 20260-4114

Although you may request a specific USPS manager by name, there is no guarantee he/she will be available. Because of this, you should specify whether or not you want a substitute speaker, as well as the subject area(s) about which you are specifically interested in hearing. Provide inclusive dates and the specific location of the convention, including room name/location and date and hour you wish to have him/her speak. If at all possible, arrange to have someone pick him/her up or greet them at the entrance to take them directly to the appropriate room.

6.1.1. Requests for Public Officials

Where the governor/senator or their representative is invited, usually they are asked to attend the grand banquet. Where local/state dignitaries are invited, the following is suggested:

1. mayor--opening session;
2. senator/representative--afternoon business session (invite these individuals and Auxiliary speakers to lunch);
3. governor--grand banquet or lunch;
4. USPS and regional officials--business sessions, and scheduled subsequent to a member of Congress and the governor; and,
5. NAPS representative--scheduled last at the banquet.

The above sequence should be adjusted depending on who accepts the invitation. An invitation sent to the mayor, members of Congress and the governor, even if their schedule does not permit them to attend, puts NAPS' name on their desk. This lets them know NAPS exists as a vital, organized group.

6.1.2. Other Invitations

Assignments of NAPS national officers are made by the national president starting in early March. It is an act of courtesy to extend a formal invitation to national and area vice presidents.

6.1.3. Name Tags

A person's name is important. Print the full name on a name badge in bold letters and encourage the member to wear it on the right lapel where it is most easily read. Also, make sure the spelling of the name and title are correct. If it is a NAPS or Auxiliary officer, it is good preparation to check *The Postal Supervisor* for the correct spelling of the person's name. If it is a postal official, check with their department to insure the correct spelling and title.

Special guests should be met by a member of the VIP Committee and Hospitality Committee; registration and nametags should be prepared in advance and provided for such guests.

6.1.4. Order of Speakers/Presentation

The area manager speaks the first day. If no official from USPS Headquarters speaks at the banquet, then the area manager is one of the featured speakers. This procedure is optional and may be reversed.

Not more than two speakers should be scheduled for any one session and they should be notified in advance of the exact time and place, and the amount of time allotted.

If there is to be a question and answer panel, it should be limited to two hours or less. Make arrangements with the Postal Service if panel members are desired from their offices. The moderator should be an enthusiastic person.

The installation of new officers should be scheduled at the final business session. The installation ceremony should be held even if all incumbents have been reelected. The installation may be at either the last business session or during the closing banquet.

The dinner or banquet should begin at 7 or 7:30 p.m. and have a two-hour time limit. If there is a cocktail hour, it should be scheduled before the banquet and should be listed in the program. It must start and end promptly. Consideration should be given to special dietary needs.

6.1.5. Order of Seating, Introductions

At branch meetings, retirement dinners and installation ceremonies, there appears to be a problem with who sits where; who is recognized; who sits at the head table; who speaks first; who speaks last, etc. It is a matter of protocol worked out by the state and branch presidents and the chairpersons of those functions.

Many organizations are moving away from large head tables and instead using a standing lectern for introductions and speakers. A reserved table(s) may be set up close to the lectern for special guests and senior branch officers.

If a head table is used, place cards are left at each seat on the head table. Figure 6-1 shows an example of a seating chart. The place of highest honor is at the right of the master of ceremonies (facing the audience). A member of Congress or an official from NAPS Headquarters would sit there. The highest-ranking NAPS national officer would sit to that person's right.

If there were no national officer present, then the highest-ranking regional officer would sit on the right.

Usually those at the head table, other than the above, are the national vice president and the Auxiliary national officers; NAPS area vice president and Auxiliary area vice president; state and local branch presidents; Auxiliary state and local presidents; host postmaster; and, clergy.

Advance notice must be given to both seating at the head table and the reserved tables for special guests of VIPs and spouses. (The seat to the right of the podium is the seat of highest esteem; second is to the left of the podium; third is right; fourth is left, and so on.)

Introduction of the head table should start from the master of ceremonies' far left up to the podium. Then the introductions start from the MC's far right up to the principal speaker. Say, "I will introduce the next guest later." Usually the principal speaker is given special recognition. Special introduction of principal speaker is optional.

The master of ceremonies should introduce special guests and officers at the reserved tables, as well as those at the head table. All possible recognition should be accorded the Auxiliary and its officers by NAPS.

There is too much unused talent among NAPS members to have an outsider as master of ceremonies. It could be the state president or the host branch president, but regardless of whom is selected, it should be a NAPS member.

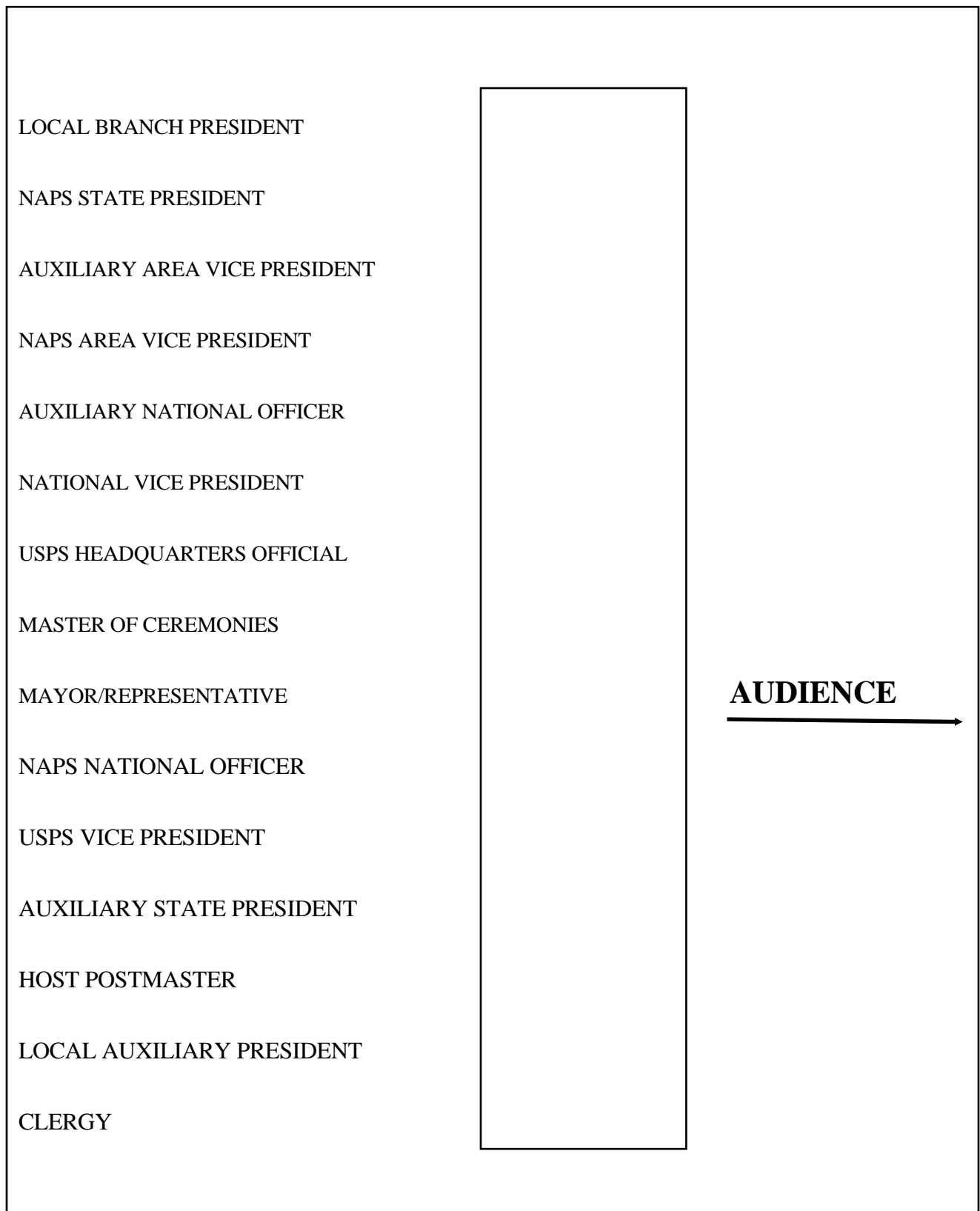


Figure 6-1, Sample Head Table Seating Chart

Use Figure 6-1 as a guide to head table protocol. The invited guest is the responsibility of the state or branch president, and when there is a dance following a dinner, the state/branch president has the invited guest at his or her table. Do not let the guest wander around or stand-alone. If there is a large number of guests, it may be advisable to set up an additional table for them.

The preceding may be adjusted for other occasions. A general rule accepted in seating guests is, as previously stated, the highest honor is at the right of the MC.

On the program, the principal speaker should have the word "address" opposite his or her name. Other guests who will be called upon should have the word "remarks" opposite their name.

Usually speakers know the time limitations between an address and remarks. An address is twenty to thirty minutes long, while remarks are only five to ten minutes.

6.1.6. Installation Ceremony

The following is the NAPS oath of office:

Raise your right hand and repeat after me: "I promise, on my honor to the best of my ability to fulfill the duties and responsibilities of the office to which I have been elected. I promise to uphold the Constitution and Bylaws of the National Association of Postal Supervisors and Branch _____. I promise to attend all meetings of the branch and executive committee unless hindered by reasons beyond my control. I promise to protect all records, property, and funds coming into my control and to turn them over to my successor when he or she is elected. So help me God. Lower your hand. By virtue of the authority vested in me as your installing officer, I now declare the officers of Branch _____ installed.

6.1.7. Pledge of Allegiance

The president should ask someone to lead in giving the Pledge of Allegiance:

I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one nation, under God, indivisible, with liberty and justice for all.

The following is an example of an invocation appropriate for a NAPS function:

Our heavenly Father, we thank Thee for all the privileges we enjoy in this Thy world. We thank Thee for the opportunity we have to meet with one another in business and friendship. We entreat Thy continued guidance and pray that Thy wisdom will lead us into decisions reflecting the greater purposes of our organization.

In the current proposed postal legislation which is essentially involved with human rights, we ask the blessing of Thy wisdom for our national officers and

congressional leaders as they work together in our best interests, so that their decisions will lead to the strengthening of local branches.

Throughout the world wherever there is strife or unrest, hunger or poverty, we implore Thy presence in the hearts of all national and state leaders in the ongoing work of peace on this earth.

As each of us turns toward home at the conclusion of this _____, we ask that Thou would travel with us, keep us safe from harm and enlighten our spirits that we may better serve our fellow man and Thee.

Dear Lord will Thou bless each one here bowed in humility before Thee, bless the food which has been prepared and set before us that it may nourish our bodies and preserve our spirits, guide us and provide for us at all times.

7. Congressional Liaison Network

NAPS Congressional Liaison Network is designed to provide NAPS with an effective grass roots lobbying system that lets lawmakers know what is in our best interest.

It is important for every member to understand how laws are made, the lawmakers who represent them, and the issues in Congress that affect postal employees, NAPS and the Postal Service. This section provides information on the political system and how NAPS members can make a difference.

7.1. Breakdown of the Network

This section contains information particularly valuable to any new member of the liaison network, including its purpose, how it operates, who are its leaders, and how NAPS members fit into the organization.

7.1.1. Purpose

This network's purpose is to establish a group of knowledgeable and effective grass roots lobbyists who develop personal contacts with congressional staff members at the state and district level, and initiate and coordinate NAPS' legislative activity at the state, district and branch level.

7.1.2. Goal

The ultimate goal of the network is to have a NAPS member, Auxiliary member or retiree establish working relationships with every member of Congress, and/or their legislative assistants in Washington, in the district offices of all 435 House members, and in the Senate offices in each of the fifty states.

7.1.3. Organization

The Congressional Liaison Network consists of the following:

- national executive vice president (chair);
- national president (ad hoc member);
- branch legislative representatives.

The state legislative chair is either elected to the position or is appointed by the state president and selected from one of the following membership two categories: active NAPS member or associate NAPS member. The branch legislative representatives are appointed or elected, depending on the branch's constitution, from the same membership categories.

7.1.4. Role of the National Auxiliary

The National Auxiliary to NAPS was organized in 1933 when postal supervisors were fighting to keep those benefits that had already been gained. Their purpose is to assist NAPS in its efforts to provide a better Postal Service, to assist at its direction in securing beneficial legislation, and to promote the welfare of its members and supervisors as a whole.

The work performed by Auxiliary members is essential to the successes of NAPS' legislative program. By supporting and promoting the Supervisors Political Action Committee (SPAC), through letter writing campaigns and other urgent communication programs, Auxiliary members provide the additional support necessary for NAPS' continuing progress.

The Auxiliary work in the legislative field is always under the direction and jurisdiction of NAPS. No steps are taken, or policies voiced, without its approval.

The Auxiliary is an integral part of the Liaison Network, and its members are prepared to assist NAPS in support of its legislative objectives, just as they have for over sixty years.

7.2. Duties and Responsibilities

Each level of the network has specific responsibilities that are designed to ensure the maximum level of communication among network members.

7.2.1. National Headquarters

The executive vice president directs all legislative activity, working with the legislative counsel in initiating, identifying and promoting legislation of interest to NAPS. The duties of the executive vice president, who is actively involved in the Congressional Liaison Network, include:

- establishing a communication network to all participants;
- providing timely information regarding legislation; and,
- identifying members of the House or Senate who should be contacted regarding pertinent legislation.

NAPS Headquarters provides training and/or training aids as directed by the Executive Board.

7.2.2. State Legislative Chair

The state legislative chair acts as a link between NAPS Headquarters and the Congressional Liaison Network. The chair directs and coordinates the activities between these individuals and the branch legislative representatives in their state. The chair establishes and maintains a mailing list of the Senate and House liaisons, always forwarding an updated copy to the executive vice president. The chair establishes a communication system within the Congressional Liaison Network.

The state legislative chair is responsible for:

- maintaining a personal dialogue with a senator and/or staff members in the state of residence;
- determining the member's position on NAPS' issues and reporting their findings to NAPS Headquarters; and,
- recommending actions to be taken by branches.

7.2.3. Branch Legislative Representative

The branch legislative representative is responsible for:

- maintaining a personal dialogue with a representative and/or staff members in the state of residence;
- determining the member's position on NAPS' issues and reporting their findings to NAPS Headquarters and the state legislative chair;
- recommending actions to be taken by branches.
- alerting branch members on pending legislation that may impact them and initiating letter writing campaigns;
- developing personal contacts with the media and establishing legislative coalitions within their home areas; and,
- preparing editorials for local newspapers expressing NAPS' position on specific bills in the House and Senate.

The branch legislative representative's activities are coordinated with the state representative.

7.3. Communication System

7.3.1. Information on File

NAPS Headquarters maintains a list of all branch legislative representatives and state legislative chairs. The latter maintain a list of all Senate and House liaisons. The legislative counsel provides state chairs with a list of the House and Senate district offices.

7.3.2. Up-to-the-Minute News

The NAPS Home Page provides breaking news. The URL is:
<http://www.naps.org/>

7.3.3. Methods

NAPS Headquarters uses letters, memoranda, telephone or electronic transmissions for communication. Legislative memos are developed on a periodic basis as necessary.

The Auxiliary also provides assistance when action is required immediately through its Hotline Network. When members of Congress need to be notified of NAPS' position just prior to a vote or hearing, the legislative counsel contacts the Auxiliary president and the network is put into action in a matter of hours.

7.4. How a Bill Becomes a Law

For a bill to become a law it must move through Congress in an ordered process. A bill must proceed through:

- introduction;
- committee action;
- scheduling for debate;
- floor action;
- two-house passage; and,
- presidential action.

7.4.1. Introduction

A bill may be introduced in either chamber of Congress by a senator or representative. When a bill is introduced it is given a bill designation and a bill number. These two items tell in what chamber the bill was introduced (House or Senate), and what number it is, in the order of bills introduced. For example, HR 79 means the bill was introduced in the House of Representatives and was seventy-ninth in the order of bills introduced.

Legislation may also be introduced in the form of resolutions. Simple resolutions are denoted as S Res or H Res, and are numbered sequentially. They deal primarily with matters concerning only one chamber of Congress.

Concurrent resolutions, which are denoted as S Con Res or H Con Res, are used to deal with matters that affect both chambers or to express the sentiments of both on an issue.

Lastly, joint resolutions, indicated by SJ Res or HJ Res, are like bills, in that they deal with matters affecting the United States. They require approval in the same form (a majority in both chambers). They must be signed by the president and have the force of law.

7.4.2. Committee Action

After its introduction a bill is then referred to a committee, which usually then refers it to a subcommittee for in-depth study. Sometimes NAPS gives testimony before these committees and subcommittees when a bill deals with an issue that affects supervisors or the USPS. (Testimony may be given in person, or submitted in writing.)

When the work has been completed at this level, the subcommittee reports the bill with recommendations back to the full committee. The full committee usually discusses the bill further.

They may amend, reject or approve the bill. If approved, the bill is "reported out" of committee, usually accompanied by a committee report explaining the bill's provisions and the committee's decision.

7.4.3. Scheduling for Debate

A bill is then scheduled for debate by the full House or Senate. In the House a bill is scheduled by the Rules Committee, which determines when a bill is debated, how much time is spent on the debate, and whether or not amendments to the bill from the House floor are to be allowed. In the Senate, however, bills go on the Senate calendar and are scheduled for debate by the majority leadership. There is no time limit on debate in the Senate unless there is a unanimous vote from all members.

7.4.4. Floor Action and Two-House Passage

Next, a bill is sent to the House or Senate floor for consideration by all members. The bill is debated, sometimes amended, then voted up or down. If approved by one body, the bill is sent to the other to go through the committee procedure. If the second body passes the bill with no changes, it is then sent to the president for signature. However, if the House and Senate pass separate versions of the bill, it is sent to a conference committee. Both the House and the Senate appoint members from the committees that first considered the bill to serve on the conference committee to resolve the differences. These members are called conferees. Failure to compromise leads to the death of the bill in the conference committee. On the other hand, if the committee members reconcile their differences, the bill goes back to the Senate and House for passage. At this point there can be no further changes; the bill must be voted up or down.

7.4.5. Presidential Action

After a bill has been sent to the White House, the president has three choices:

- Sign it within ten days, wherein it becomes law.
- Take no action for 10 legislative days, after which the bill becomes law.
- Veto the bill and send it back to the House and Senate, where it can only be overridden by a two-thirds vote of both chambers.
- Veto certain sections of the bill, using the Line Item Veto (see next section).
- Exercise a "pocket veto," or withhold approval of a bill until after Congress has adjourned, killing the bill.

7.5. How to Contact a Member of Congress

It is essential for every member of the NAPS Congressional Liaison Network to maintain contact with members of the Senate and House of Representatives or their staff. There are many communication routes such as letters, phone calls and face-to-face meetings. Some people feel uncomfortable speaking their minds to someone of such importance, and they are not alone. Surveys show ninety percent of American adults have never written a letter to a member of Congress.

This section is a guide for communicating clearly and properly for best results. Communication is a basic key in a grass roots organization such as ours, and the way constituents communicate is just as important as what they communicate.

7.5.1. Writing Letters

Letter writing is an effective way to get a point across to a member of Congress. Letters must be written correctly. Long-winded letters very rarely get read. Letters must indicate clearly what it is NAPS is requesting.

Letters are written for different reasons:

- to express a stance on an issue and to ask for support;
- to congratulate them or thank them for a particular vote; and,
- to express disapproval of a vote (politely, of course).

Here are some helpful hints to remember when writing letters:

- Keep letters as short and to the point as possible.
- Write on the organization's or personal letterhead, and place a signature above the typed name at the end of the letter.
- Identify what the subject of the letter is and state the name and number of the legislation (e.g., HR 79 or S 2558).
- State the reason for writing, including any personal experiences that pertain to the matter.
- Do not be argumentative.
- Do not resort to name calling.
- If the author has met the member of Congress personally or has some connection over and above that of a constituent, draw attention to it in the letter.
- Ask legislators to state their positions on the issue by written reply.
- Write as soon as possible, preferably while a bill is still in committee. Senators and representatives are usually more responsive to an appeal at that time.
- Write to legislators when they have voted in a way that pleases NAPS. Never miss a chance to show approval of the actions taken by members of Congress.
- Never threaten political repudiation if the member of Congress disagrees with NAPS' position.
- Avoid standard phrases that give the appearance of form letters. They have less impact than a more personal one.
- Ask family members and friends to send letters too, the more the better!
- Send copies of letters and any replies to NAPS.

Whenever possible, instead of writing, talk to members of Congress when they are home during adjournment. Talk to the administrative assistant or legislative aide if the legislator is unavailable.

Once a letter is written, send it off right away. When it arrives is just as important as what it says.

To better understand the importance of format, Figure 7-1 provides an example of a constituent's letter.

7.5.2. Sending Email

Receiving email is not the preferred method of communication on Capitol Hill, and NAPS Headquarters does not recommend it.

Date

Honorable Sally Smith
or Honorable John Doe
US House of Representatives
or US Senate
Washington, DC 20515 or 20510

Dear Representative Smith:
or Dear Senator Doe:

As a voter and constituent represented by you, I am writing to urge you to oppose/support S_____/HR_____, a bill to _____. This bill will be considered soon by the Committee on _____ (or on the floor of the Senate/House).

Passage/defeat of this legislation is important to me as a member (spouse of a member) of the National Association of Postal Supervisors and an employee (retired employee) of the Postal Service.

When this bill comes up for consideration. I urge you to vote for/against it because (in your own words, state your reason—state your expertise on the matter—relate personal experiences that are relevant).

I would appreciate your support of this position and would like to know your views on the issue and how you intend to vote on this bill.

Thank you for taking time to consider my view.

Sincerely,

Jane Smith
111 Main Street
Yourtown, ST 54321
(010) 555-1212

Figure 7-1, Sample Letter to a Member of Congress

7.5.3. Telephone Calls

Another effective way of communicating with legislators is through telephone conversations. Every representative and senator has an office in their home district or state. Phone calls to a member's office are effective even when it isn't possible to speak to the member directly. The staff member relays a constituent's views to Washington, especially if there is a large number of responses on an issue.

In certain situations it may be necessary to contact Washington directly. If the office number is not known, the Capitol operator connects any caller with the appropriate office (including committee offices). The Capitol operator number is 1-202-224-3121.

Members of Congress and their staff are very busy, so have an idea of what issues are to be discussed. Always ask for the member's position on the issue in question. If the member indicates how he or she intends to vote, immediately pass the information through the network so the news is spread.

Honorable Sally Smith
or Honorable John Doe
US House of Representatives
or US Senate
Washington, DC 20515 or 20510

I urge you to support S _____ now under consideration by the entire House/Senate because it will _____. This is important because _____. Please oppose amendments not supported by Senator Jones.

Jane Smith
111 Main Street
Yourtown, ST 54321
(010) 555-1212
ejones@acme.com

Figure 7-2, Sample Mail Gram to a Member of Congress

7.5.4. Obtaining Copies of Bills

Copies of bills are available from the House and Senate Document Rooms. Call to see if the bill has been printed, and be sure to supply self-addressed labels when mailing a request.

HOUSE DOCUMENT ROOM
H-236 US CAPITOL
WASHINGTON DC 20515
(202) 225-3456

SENATE DOCUMENT ROOM
B-04 HART SENATE OFFICE BLDG
WASHINGTON DC 20510
(202) 224-7860

The public may receive as many as six different items per request. Only one request per day may be filled. Only one copy of an individual item may be distributed at a time.

Many bills are available through the Internet. Bills are not put up the same day as introduced, and amendments may not be posted for several days. To find bills check these Web sites:

Thomas

<http://thomas.loc.gov/>

US House of Representatives

<http://www.house.gov/>

US Senate

<http://www.senate.gov/>

7.5.5. Meeting Face-to-Face

The face-to-face meeting is the best way to communicate NAPS' positions on legislative issues. Many individuals are afraid to lobby their legislators because they feel unprepared for such a meeting. Legislators often appreciate constituents giving their opinions. Many decisions made by legislators are based on public response.

Appointments to see legislators may be made when they are home or when they are in Washington. It is always good to bring a delegation along, as it shows the broad-based support for our position. When preparing for a meeting, plan out the interview in advance. Legislators should feel the time spent with constituents was well spent.

Remember to be friendly and cordial. Personal contacts are the basis for successful lobbying.

Don't be disappointed when scheduled to meet with a staff member instead of the elected official. Staff members are just as important and informative as members of Congress, and their influence and importance should never be underestimated. Members of Congress always receive reports of constituent visits to staff members, including how organized the individual or group was.

7.5.6. Constituent Gatherings

This last route of communication, the constituent gathering, is usually held when the legislator is in their home state or district. It is here the legislator and the constituent may come together in a more relaxed atmosphere. Most legislators are eager to attend a gathering of voters, because the legislator has the opportunity to learn voters' views and lobby for their support at the polls.

7.6. Electing Members of Congress: Supervisors Political Action Committee (SPAC)

With the influence Congress has over the future of the Postal Service, and on the benefits of working and retired postal supervisors, it has become increasingly important that NAPS members do everything possible to help elect or re-elect members to both the House and Senate who are supportive of supervisors' interests. But with the cost of political campaigns increasing, how can an individual supervisor have any real impact on a political campaign? Political action committees, or PACs, were created for just this purpose.

PACs collect contributions from individuals in the same business or industry and combine them for maximum impact. The PAC then can make a more substantial contribution to their legislator's campaign in the name of their organization. In the case of NAPS members, they contribute to SPAC—the Supervisors Political Action Committee.

SPAC is a bipartisan contributor, with most funds going to campaigns of postal oversight committee members—both Democrats and Republicans. Donations are only allowed from supervisors (including retired supervisors) and their families. They may be collected at branch meetings, legislative meetings, and state and national conventions.

NAPS and Auxiliary members contributing at least \$100 in a calendar year receive special recognition—a lapel pin showing their membership in the NAPS President's Club for that year. Those contributing at least \$200 in a calendar receive their own unique pin designating them members of the President's Roundtable. Members of both groups receive special opportunities and information throughout the year.

Here are some rules to follow when making a contribution to SPAC:

- Do not accept checks from branch or Auxiliary bank accounts, or checks drawn from a contributor's business account.
- If a contribution was accepted during a collection at a meeting, make note of the date, the number of people present and the amount of money collected.
- Forward all cash collected via money order or certified check. Neither personal nor branch checks may be used to forward cash donations to SPAC.
- Do not accept third party checks (checks from one member, made out to a second, endorsed over to SPAC) under any circumstances.

Federal law prohibits SPAC from accepting donations from nonmembers. Donations are not tax deductible.

7.6.1. Protect Your Benefits

SPAC collections are a primary responsibility of every branch president. Not every member can or does attend branch meetings. Branch officers must be sure that every branch member is contacted personally about making a donation at least once a year. If supervisors value their benefits, those received now and those received after retirement, supervisors must work to protect them. Make sure every branch member makes a generous contribution to SPAC.

7.7. Electing Members of Congress: Working on Political Campaigns

The best way to ensure that Members of Congress support legislation of concern to NAPS is to help elect incumbents and candidates who we know are supportive of our Association and its members. NAPS members can influence who is elected to Congress:

- by contributing money to SPAC, as the previous section explains, and
- by contributing time to a political campaign.

Rules for what you, as a federal employee, may and may not do when participating in political campaigns were approved during Franklin Roosevelt's Administration with passage of the Hatch Act. Congress approved major changes to the Hatch Act that took effect in February 1994. Those changes allow postal and federal employees the opportunity to become very involved in congressional races when working on such campaigns off the clock and out of uniform.

NOTE: Violation of the Hatch Act carries severe penalties, including removal. NAPS officers at any level do not have the authority to grant approval of political activity. The Office of Special Counsel is responsible for investigating reports or complaints concerning Hatch Act violations and provides information on what is and is not allowed. If you have questions about whether or not a specific political activity is allowed, call the Office of Special Counsel:

1-800-85-HATCH (1-800-854-2824).

7.7.1. Branch Political Activity

The reformed Hatch Act allows NAPS Headquarters and branches to participate actively in congressional campaigns. A partial list includes the following:

- Endorse Senate candidates.
- Endorse House candidates.
- Send delegates to Washington for legislative training seminars.
- Invite incumbents and candidates to speak at state conventions.
- Invite incumbents and candidates to speak at branch meetings.

- Hold workshops to educate members on Hatch Act do's and don'ts.
- Organize a voter registration campaign for branch members.

7.7.2. Individual Political Activity

The reformed Hatch Act allows NAPS members to participate actively in congressional campaigns. A partial list includes the following:

- Volunteer for the NAPS Congressional Liaison Network.
- Develop a political action plan for your branch in an election year.
- Work on a political campaign.
- Contribute to the SPAC.
- Contribute directly to a political party or campaign of your choice.
- Write House and Senate candidates and determine whether they support NAPS issues.
- Offer friends, neighbors and relatives a ride to a polling location on Election Day.
- Write an article supporting a political candidate.
- Make legislation and politics a major part of a branch's activities.

Some specific examples of acceptable activity include the following:

- You can work on a campaign when you are off the clock and out of uniform.
- You can make speeches on behalf of a candidate, stuff envelopes, make phone calls to encourage individuals to vote for a candidate, put a sign in your yard or a bumper sticker on your personal vehicle.
- You can solicit campaign contributions, but only from NAPS members.
- You may be candidates for public office in nonpartisan elections.
- You may register and vote as you choose.
- You may assist in voter registration drives.
- You may express opinions about candidates and issues.
- You may contribute money to political organizations.
- You may attend political fundraising functions.
- You may attend and be active at political rallies and meetings.
- You may join and be an active member of a political party or club.
- You may sign nominating petitions.
- You may campaign for or against referendum questions, constitutional amendments, municipal ordinances.
- You may campaign for or against candidates in partisan elections.
- You may make campaign speeches for candidates in partisan elections.
- You may distribute campaign literature in partisan elections.
- You may hold office in political clubs or parties.

Some specific examples of prohibited activities include the following:

- You may not use your official authority or influence to interfere with an election.
- You may not collect political contributions unless both individuals are members of the same federal labor organization or employee organization and the one solicited is not a subordinate employee.
- You may not knowingly solicit or discourage the political activity of any person who has business before the agency.
- You may not engage in political activity while on duty.
- You may not engage in political activity in any government office.
- You may not engage in political activity while wearing an official uniform.
- You may not engage in political activity while using a government vehicle.
- You may not solicit political contributions from the general public.
- You may not be a candidate for public office in partisan elections.
- You may not wear political buttons on duty.

7.8. References

For additional legislative information, consult any of the following references.

- *The Postal Supervisor*, mailed to each member from the National office biweekly, is a source of information on current legislative activity.
- WEB Site
- Legislative Update, mailed to each branch that has a legislative chair, contains a detailed examination of legislative action. It is published when Congress is in session or as needed.
- NAPS regional, area, state or branch seminars are held on a variety of issues, including legislation, and are an excellent source of up-to-the-minute information.
- League of Women Voters provides up-to-date information on members of Congress.
- Local newspapers publish information on members of Congress, including their voting records.

7.9. Congressional Leadership

Most bills of interest to postal supervisors that are introduced in Congress most often are handled by only a couple of committees in the House and Senate. It is especially important that branches whose members reside in the same districts and states as the members of Congress on these committees develop and maintain the best possible rapport with the members. And because scheduling a bill for action is critical to passage, members of the network should be familiar with the House and Senate leadership as well.

Lists of Democratic and Republican leaders are provided at every NAPS legislative training seminar. See the branch legislative representative for a copy.

7.10. Glossary of Congressional Terms

It is sometimes difficult to understand all the congressional jargon when someone is new to grassroots political activity. This glossary of terms is helpful for even the "greenest" of Congressional Liaison Network members.

Act	A bill that has passed through the legislative process and become a law.
Adjournment Sine Die	The final adjournment of a session of Congress.
Amendment	A proposal to change the language of a bill or Act.
Appropriations Bill	A bill reported out of the House or Senate Appropriations Committee, which assigns government funds to spending bills.
Authorization Bill	A bill reported out of an authorizing committee. This type of committee authorizes a government program and the funds necessary to finance it.
Bill	A legislative proposal introduced by a member of Congress. Bills are designated as HR (House of Representatives) or S (Senate) according to the body in which they are introduced, and assigned numbers according to the order in which they are introduced.
Budget	The document sent to Congress by the US president early each year estimating government revenue and expenditures for the ensuing fiscal year.
Budget and Impoundment Control Act of 1974	The law in which Congress changed its budget process; the act also created the Congressional Budget Office and the Senate and House Budget Committees.
Budget Committees	A committee in each chamber that coordinates spending legislation and formulates the overall congressional budget.
Budget Resolution	Concurrent resolution of both the House and Senate which prescribes spending limits in the various areas of government activity.
By Request	A phrase used when a senator or representative introduces a bill at the request of somebody else.
Calendar	An agenda for pending legislative business.

Clerk of the House	The chief administrative officer of the House of Representatives, with duties corresponding to those of the secretary of the Senate.
Cloakrooms	Small rooms for Democrats and Republicans located off the floor of the Senate and House of Representatives, where members can go for informal conferences and phone calls.
Closed Rule	A rule granted by the House Rules Committee that prohibits amendments to a particular bill during House floor action. Under a "closed rule" the House must either accept or reject the bill as recommended by the sponsoring committee.
Cloture	The procedure by which a filibuster can be ended in the Senate. Cloture requires the signatures of 16 senators and the votes of three-fifths of the entire Senate membership.
Committee of the Whole House	This device enables the House to act with a quorum of 100 instead of the normally required 218. The House itself becomes "committee" and is assisted by the parliamentarian. All debate is confined to the pending bill. After it has considered a bill as a "committee of the whole," the "committee" is dissolved and the House then takes up the bill for final action.
Conference Committee	A special committee formed to reconcile differences between differing versions of a bill passed by the Senate and House. Conference committee members, or conferees, are appointed from the bill's sponsoring committees in each chamber.
Congressional Record	The daily printed account of the proceedings of the House and Senate.
Congressional Terms of Office	Congressional terms normally begin on January 3 of the year following a general election. They are two years in length for representatives and six years for senators.
Enacting Clause	A clause included in every bill: "Be it enacted by the Senate (or House of Representatives)..."
Engrossed Bill	The final copy of a bill as passed by the House or Senate.
Enrolled Bill	The final copy of a bill which has been passed in identical form by both the Senate and the House.

Executive Session	A closed meeting of a Senate or House committee.
Filibuster	A delaying tactic of unlimited debate, used only in the Senate.
Germane	Pertaining to the purpose of a bill.
Hearings	House and Senate Committee sessions in which testimony regarding legislation is taken from interested parties.
Hopper	A box on the House clerk's desk where bills are placed to be introduced.
Joint Committee	A committee composed of members of both the Senate and the House.
Line Item Veto Act	Gives the President carefully defined authority to cancel dollar amounts of discretionary spending, items of new direct spending, and limited tax benefits, which may only be overridden by a two-thirds vote in Congress.
Majority Leader	The leading spokesperson and legislative strategist for the party in control of either the House or the Senate.
Majority Whip	The assistant majority leader in the House or Senate.
Marking Up a Bill	The process of going through a bill section-by-section in committee and considering possible changes.
Minority Leader	The leading spokesperson and legislative strategist for the minority party in either the House or Senate.
Minority Whip	The assistant minority leader in either House or Senate.
Omnibus Bill	A bill containing several separate but related items.
Ordered Reported	A full committee approves a bill and orders it "reported" to the House or Senate. The bill has cleared the committee but is not quite ready for floor action. The committee first must write a report explaining the bill. The report may contain not only the "majority views" (opinion of the committee's majority), but the "minority views" and "individual views" or "additional views." The bill and report are then filed in the House or Senate and at that point the bill is considered "reported."

Override a Veto	A procedure that Congress enacts when the US president refuses to sign a bill into law. Congress must have a two-thirds vote in each chamber to override the veto. If this vote occurs, the bill then becomes law over the US president's objections.
President of the Senate	The presiding officer of the Senate, normally the US vice president.
President Pro Tempore	The presiding officer of the Senate in the vice president's absence, elected by the full Senate.
Quorum	The required minimum number of members present in order for the House or Senate to conduct official business (fifty-one in the Senate, 218 in the House).
Recommit to Committee	A motion to return a bill to the committee that reported it after it has been debated on the floor.
Reconciliation	The process whereby Congress enforces a budget resolution which requires the authorizing and appropriations committees to spend within the resolution's prescribed limits.
Reporting a Bill	A committee that has been examining a bill referred to it by the parent chamber "reports" its findings and recommendations to the chamber when it completes consideration and returns the measure. The process is called "reporting" a bill.
Rider	An amendment, usually not germane, which its sponsor hopes to get through more easily by including it in other legislation.
Rule	The instructions on the time and substance of debate on a bill, which are attached to the bill when reported out to the floor by the House Rules Committee.
Secretary of the Senate	The chief administrative officer of the Senate, responsible for overseeing the duties of Senate employees, educating Senate pages, administering oaths, handling the registration of lobbyists, and handling other tasks necessary for the continuing operation of the Senate.
Select or Special Committee	A committee set up for a special purpose and, usually, for a limited time by resolution of either the House or Senate.

Speaker of the House	The elected presiding officer of the House of Representatives.
Special Session	A session held after Congress has adjourned sine die. Special sessions are convened by the US president.
Suspension of Rules	The process where the Senate and House may suspend their usual rules on the first and third Mondays of each month and during the last six days of a session if two-thirds of a quorum vote affirmatively. A bill may now be brought up immediately for a debate limited to twenty minutes for each side. No amendments are permitted.
Unanimous Consent	Proceedings of the House or Senate and action on legislation often take place upon the unanimous consent of the chamber. Unanimous consent is used to expedite floor action and frequently is used in a routine fashion, such as when a senator requests the unanimous consent of the Senate to have specified members of his staff present on the floor during debate on a specific amendment.
US Code	A consolidation and codification of the general and permanent laws of the United States arranged by subject under fifty titles. The first six deal with general or political subjects, and the other 44 are alphabetically arranged from agriculture to war. Title 39 covers the Postal Service.
Veto	The rejection of a bill by the US president.
Well	The area in front of the speaker's rostrum from which House members address the House.
Yielding	When a member has been recognized to speak, no other member may speak unless he obtains permission from the member recognized.

Equipped with these important words and phrases, it is easier to communicate with a legislator with confidence.

8. Discipline and Grievances and Appeal Procedures

This section establishes procedures for appealing discipline (issued to an employee) and filing a grievance (filed by an employee). Discipline can be taken against any EAS employee; a grievance can be initiated only by employees EAS-16 and below.

There are three types of discipline:

- letter of warning (LOW),
- emergency placement in off-duty status, and
- letter of warning in lieu of time-off suspension.

All three are forms of discipline, but the process for appealing a letter of warning in lieu of time-off suspension is different.

A letter of warning in lieu of a time-off suspension was created in 1996 as a result of consultations between NAPS and the Postal Service. The concept is to create a means to identify inappropriate management behavior and recommend a constructive means of addressing and changing this behavior—without leaving a permanent record in the manager's OPF.

NOTE: Federal statute requires time-off suspension in some situations, defined in Postal Service's Employee and Labor Relations Manual (ELM). These suspensions may be appealed under the process defined in ELM Section 650 or through the Merit Systems Protection Board (MSPB). See Section 9 of this manual for ELM Section 650 and MSPB appeal procedures.

8.1. Representation

Representation rights apply to both discipline and grievance situations. Employees have free choice of representation. Postal employee representatives in a duty status designated to assist employees receive a reasonable amount of official time to respond to a notice of proposed disciplinary action, prepare for and represent the employee at a hearing, and to represent an employee who has appealed a letter of warning or emergency placement in a nonduty status.

8.2. Discipline

8.2.1. Letter of Warning

When warranted by the failure of nondisciplinary corrective measures such as discussions or counseling, or by the seriousness of the offense, a letter of warning may be issued, usually by the employee's immediate supervisor. The written warning contains specific reasons for the letter, and a statement of appeal rights.

Retention Period

A letter of warning remains in the employee's OPF for up to two years after issuance, provided there is no intervening disciplinary action. If intervening disciplinary action is taken, active letters of warning may be cited as a past element. An employee or representative may negotiate a lesser period of retention at any step of the appeal process and should attempt to do so if immediate removal of the letter is not possible. A letter of warning may also be reviewed by the employee's supervisor before the two-year period has elapsed. The letter may be removed from the employee's personnel record, when appropriate, at the discretion of the employee's supervisor or manager.

8.2.2. Emergency Placement in Off-Duty Status

An employee may be placed in an off-duty status immediately (without pay), but remain on the rolls, when: (a) intoxicated, (b) failing to observe safety rules, (c) failing to obey a direct order, or (d) disrupting day-to-day postal operations in any other way. The employee is returned to duty status when the cause for nonpay status ceases. Placement in an off-duty status is confirmed in writing, stating the reasons, and advising the employee that the action is appealable. Use of these emergency procedures does not preclude disciplinary action based on the same conduct.

8.2.3. Letter of Warning in Lieu of a Time-Off Suspension

The appeal procedures for this form of discipline are different than for LOW or emergency placements. Federal statute requires time-off suspension in some situations, as defined in the ELM.

8.3. Appealing Discipline for LOW and Emergency Placement in an Off-Duty Status

The process for appealing a letter of warning and emergency placement in an off-duty status is different from the process for appealing a letter of warning in lieu of time off suspension. This section describes the first of those two processes.

Employees follow the same procedures whether appealing discipline or filing a grievance:

- Step A,
- Step B, and
- Review.

8.3.1. Step A

There are specific time and procedure requirements in Step A:

- The employee may file an appeal within 10 calendar days of receiving the LOW or the Notice of Emergency Placement in Nonduty Status.
- The appeal must be in writing to the immediate supervisor.
- The employee or representative has the right to discuss the discipline with the supervisor during this period.
- The employee must receive a decision in writing within five calendar days after filing an appeal.
- If time limits cannot be met, reasons for the delay must be explained in the decision.

8.3.2. Step B

There are specific time and procedure requirements in Step B:

- The employee or representative has seven calendar days after receipt of Step A decision to appeal to the next higher level of management.
- The Step B official discusses the appeal with the employee or representative and issues a decision in writing within 10 calendar days. Usually this appeal is final.
- If the employee believes the decision is unfair, the employee may request a review. The Postal Service must provide a review if requested.

8.3.3. Review

There are specific time and procedure requirements in the Review:

- The employee may request a review of a Step B decision to the area manager of human resources.
- The request must be in writing and must give the specific reasons why a review is necessary.
- The request must be submitted within 15 calendar days after the Step B decision is received.

- The review of the appeal is based solely on the record, and there is no opportunity for the employee or the employee's representative to meet with the reviewing official. The reviewing official issues a written decision, and there is no further right of administrative appeal. In consultation with USPS, it was agreed that a benchmark should be established for review when these actions are appealed and that, generally, 60 days would be appropriate to complete the review and issue a decision.

8.4. Appealing a Letter of Warning in Lieu of a Time-Off Suspension

A letter of warning in lieu of a time-off suspension replaces a time-off suspension for nonbargaining employees, except when required by statute. In addition, this policy does not preclude management from placing a nonbargaining employee in an indefinite nonpay, nonduty status when there is reasonable cause to believe the employee has committed a crime for which a sentence of imprisonment may be imposed.

An LOW may be issued only in lieu of either a 7- or 14-day suspension. Unless required by statute, suspensions of more than 14 days are prohibited, except for indefinite suspensions.

Letters of warning in lieu of a time-off suspension are equivalent to time-off suspensions as an element of past discipline and may be cited as such in future disciplinary actions.

An LOW in lieu of time off-suspension is issued in a two-step process:

- the proposed letter of warning, and
- the letter of decision.

8.4.1. Proposed Letter of Warning, Letter of Decision

A proposed letter of warning in lieu of time-off suspension states the following information:

- specific and detailed reasons for the letter,
- instructions for responding to it,
- the right of the employee or representative to review all material used in determining the action, and
- when and where the material is available.

The employee and/or his or her representative may reply to the proposed letter of warning in lieu of time-off suspension in writing and/or in person to the deciding official (management at a higher level of authority than the individual who issued the proposed letter of warning in lieu of time-off suspension) within 10 calendar days of receipt.

The deciding official, after full consideration of the reply, issues a letter of decision after the expiration of the 10-calendar-day period for reply.

8.4.2. Appeal Procedures

The employee may appeal the letter of decision in writing within 15 calendar days of receipt. If the employee is assigned to Headquarters or a Headquarters field unit, or is in the Inspection Service, or if an area vice president is the deciding official in an action taken, the request is directed to the vice president of Human Resources at the address shown in the letter of decision. If the employee is assigned to a field installation, the request is directed to the area Human Resources manager at the address shown in the letter of decision.

The review of the appeal is based solely on the record, and there is no opportunity for the employee or his or her representative to meet with the reviewing official. The reviewing official issues a written decision, and there is no further right of administrative appeal. In consultation with USPS, it was agreed that a benchmark should be established for review when these actions are appealed and that, generally, 60 days would be appropriate to complete the review and issue a decision.

8.4.3. Retention Period

A letter of warning in lieu of a time-off suspension is filed chronologically on the left side of the employee's official personnel folder (OPF) with the most current record on top.

A letter of warning in lieu of a time-off suspension remains in the employee's OPF up to two years after issuance, provided there is no intervening disciplinary action. If intervening disciplinary action is taken, any active letter of warning in lieu of time-off suspension may be cited as a past element.

A letter of warning in lieu of time-off suspension may be reviewed by the employee's supervisor before the three-year period has elapsed. The letter may be removed from the employee's OPF when appropriate at the discretion of the employee's supervisor or manager.

8.4.4. Determining Cause

One effective means of determining if there was cause for disciplinary action is for the employee and representative to review the following questions:

- Did the Postal Service have a rule/order which reasonably related to the efficient and safe operation of the business?
- Was the supervisor forewarned or did the employer have knowledge of the possible or probable disciplinary consequences of the employee's conduct?
- Did the Postal Service investigate before administering discipline to determine that the supervisor did in fact disobey a rule or management order?
- Have all related causes received the same disciplinary action? Have the penalties been applied evenhandedly and without discrimination?
- Was the discipline administered reasonable in light of the seriousness of the offense and the past record of the supervisor?

8.5. Grievances

8.5.1. Definition

A grievance is an employee-initiated appeal of working conditions. Grievances must be filed under the provisions contained in ELM Section 650.

8.5.2. Appeal Process Eligibility

Access to appeal procedures is determined by an employee's grade and the nature of the discipline:

- Employees EAS-16 and below, regardless of length of service, can appeal a letter of warning, emergency placement in non-duty status, and other matters concerning all working conditions (such as an employee's schedule or treatment by the individual's manager) using the procedures listed in the next section.
- Employees EAS-17 and PCES Level I and above employees have access to these procedures only to appeal discipline in the nature of a letter of warning and emergency placement in a nonduty status.

8.6. Filing A Grievance

Employees follow the same procedures whether appealing discipline or filing a grievance:

- Step A,
- Step B, and
- Review.

8.6.1. Step A

There are specific time and procedure requirements in Step A:

- The employee may file a grievance within 10 calendar days of learning its cause.
- The grievance must be in writing to the immediate supervisor.
- The employee or representative has the right to discuss the grievance with the supervisor during this period.
- The employee must receive a decision in writing within five calendar days after filing the grievance.
- If time limits cannot be met, reasons for the delay must be explained in the decision.

8.6.2. Step B

There are specific time and procedure requirements in Step B:

- The employee or representative has seven calendar days after receipt of Step A decision to appeal to the next higher level of management.
- The Step B official discusses the appeal with the employee or representative and issues a decision in writing within 10 calendar days. Usually this appeal is final.
- If the employee believes the decision is unfair, the employee may request a review. The Postal Service must provide a review if requested.

8.6.3. Review

There are specific time and procedure requirements in the Review:

- The employee may request a review of a Step B decision to the area manager of human resources.
- The request must be in writing and must give the specific reasons why a review is necessary.
- The request must be submitted within 15 calendar days after the Step B decision is received.
- The review of the appeal is based solely on the record, and there is no opportunity for the employee or the employee's representative to meet with the reviewing official. The reviewing official issues a written decision, and there is no further right of administrative appeal. In consultation with USPS, it was agreed that a benchmark should be established for review when these actions are appealed and that, generally, 60 days would be appropriate to complete the review and issue a decision.

9. Adverse Action Appeals Under ELM Section 650

There are two methods for appealing adverse actions:

- the Employee and Labor Relations Manual (ELM) Section 650 process, or
- the Merit Systems Protection Board (MSPB) process.

This section reviews Section 650 appeals as well as MSPB appeals. Whether appealing through Section 650 or MSPB, supervisors may use NAPS' Disciplinary Defense Fund (DDF). See Section 11 for DDF procedures.

9.1.1. Adverse Actions Defined

There are four types of adverse action:

- removals,
- suspensions of more than 14 days (issued only when required by statute),
- furloughs, and
- reductions in grade or pay.

NOTE: Time-off suspensions under most circumstances were discontinued in 1996. The Postal Service may issue them only when required by law. (See Section 8 of this manual and ELM Section 650 for more information.)

Adverse actions may be taken against an employee for any of three situations:

- because lesser measures do not result in the correction of deficiencies in behavior or performance,
- because of the gravity of the offense, or
- because of nondisciplinary reasons, such as the correction of a position mis-ranking.

An employee may appeal any of the above adverse actions under ELM Section 650 Procedures or through the MSPB.

NOTE: If MSPB rights are exercised, the employee waives access to the ELM Section 650 process.

Either appeal process provides an employee with the right to a hearing, but there are other differences between the two processes:

- Under the ELM Section 650 process the hearing is conducted by the Postal Service, the decision is rendered by the Postal Service, and if necessary, any appeal of the decision is made to the Postal Service.
- Under the MSPB process the hearing is conducted by an impartial administrative law judge who then renders the decision. Any appeal of the decision is made to the full Board, which may or may not accept a petition for review.

9.2. Issuing Adverse Action

This section reviews procedures for issuing adverse actions against nonbargaining employees and appeal procedures as described in the Employee and Labor Relations Manual.

There are three elements in issuing an adverse action:

1. Notice of Proposed Adverse Action,
2. Response to the Notice of Proposed Adverse Action, and
3. Letter of Decision.

9.2.1. Notice of Proposed Adverse Action

Defined

An adverse action begins with a written Notice of Proposed Adverse Action issued by an employee's immediate supervisor (unless the circumstances of a particular case make it impracticable). The written notice contains the following information:

- the action proposed, with specific and detailed reasons,
- the instructions for responding to the notice, and
- a statement of the rights of the employee or representative to review all material relied upon in proposing the action, when and where the material is available for review, and the name of official rendering the decision.

The proposal advises the employee that a reasonable amount of official time is allowed for the preparation and presentation of a reply if the employee is in a duty status, and advises that the proposed action is final no sooner than 30 calendar days after the employee receives the notice.

Duty Status

“The employee, unless otherwise provided in 651.77, remains in a pay status either on the job or on administrative leave, at the option of the employer, during the notice period. The notice period must be at least 30 calendar days, unless covered by 651.77. Discharged or indefinitely suspended employees who appeal remain on the rolls in a nonpay, nonduty status until the disposition of the case through the chosen appeal procedures. *Normally, disposition of the case would be a final decision from the MSPB or a Step 1 decision in an administrative 650 appeal. In cases where the MSPB has mitigated an adverse action in an initial decision and the Postal Service files an appeal, the employee’s status will be handled in accordance with MSPB regulations regarding interim relief.*” (ELM Section 651.76)

Exceptions to the 30-Day Notice

When there is reasonable cause to believe an employee is guilty of a crime for which a sentence of imprisonment may be imposed, the advance notice may be reduced to no less than seven calendar days. At the expiration of the reduced notice period the decision is issued, resulting in one of two situations:

- If the decision is to suspend the employee indefinitely, the individual remains on the rolls in a nonpay, nonduty status pending a final decision or until the suspension is otherwise terminated.
- If the decision is to remove the employee, the individual remains on the rolls only if a timely appeal is filed.

9.2.2. Written Response to Charges

The employee and representative prepare a thorough written response to each individual charge by stating facts that will rebut or prove the charge to be erroneous or untrue. To prepare such a response the employee and representative must take these steps:

- Obtain statements from witnesses, if any, who can testify on the employee’s behalf.
- Obtain supporting documents favorable to your case.
- Research all the agency’s documents to understand the basis of the charges.

PRIOR TO RESPONDING WITHIN THE 10-DAY RESPONSE PERIOD THE EMPLOYEE MAY REQUEST MEDIATION FOR THE FOLLOWING ALLEGED OFFENSES.

❖ **USE PAGE ON 650 Mediation Protocol LISTED BELOW.**

❖ **THOUGH LETTERS OF WARNING ARE NOT CONSIDERED ADVERSE ACTION, THEY ARE INCLUDED IN THE MEDIATION PROCESS.**

IT IS ALWAYS WISE TO REQUEST MEDIATION AS ANOTHER AVENUE OF ATTEMPTING TO RESOLVE THE ISSUE AT THE LOWEST LEVEL.

REMEMBER THE 10-DAY RESPONSE PERIOD BEGINS AFTER MEDIATION.

¹650 Mediation Protocol

A. Letter of Warning:

- If a non-bargaining employee is issued a letter of warning pursuant to ELM 651.4, the employee may request mediation at Step A as an alternative to the traditional response provided for under ELM 652.32. The mediation will be between the employee and his or her supervisor who issued the letter of warning. If no resolution is reached, the employee may then appeal the letter of warning directly to Step B, which is set forth under ELM 652.33.

B. Letter of Warning in Lieu of Time-Off Suspension

- If a non-bargaining employee is issued a “proposed letter of warning in lieu of a time-off suspension” pursuant to Management Instruction EL-650-96-3, the employee may request mediation as an alternative prior to the traditional “reply” to the deciding official. The mediation will be between the employee and the proposing official. If there is no resolution reached during the

¹ USPS 650 Mediation Protocol presentation

mediation, the employee may “reply” to the proposed charges pursuant to the provisions in the Management Instruction.

C. Notice of Proposed Adverse Action

- If a non-bargaining employee is issued a written notice of “proposed adverse action” pursuant to ELM 651.63, the employee may request mediation as an alternative prior to the traditional response notice set forth under ELM 651.64. The mediation will be between the employee and the proposing official. If there is no resolution reached during the mediation, the employee may respond to the deciding official pursuant to the provisions outlined in 651.64.

D. Exclusions

- Where an employee has been accused of a crime and is issued a “shortened” notice period of 7 days pursuant to ELM 651.76, the employee will not be offered mediation.

Note: At any time during this period of the proposed action you should meet with the issuing official or designee to seek a resolution to the situation. If unsuccessful, proceed with the formal process.

Initial Preparation

Upon receiving a Notice of Proposed Adverse Action, the employee takes the following actions:

1. Reads the proposed charges and notes the date, time and name of the issuing official.
2. Carefully reviews the instructions pertaining to answering the charges, representation, reviewing the materials and documents relevant to the charge(s), and the final date for answering the charges.
3. Requests assistance from the local branch president immediately.
4. Gives the president or designee the content of the proposed actions.
5. Makes five copies and has them available for the branch president or designee.
6. Reads and examines the charges for facts, just cause, misrepresentation of the facts, untrue statements and mitigating circumstances.
7. If necessary, asks for an extension of time for answering the charges. Valid reasons include the following:
 - inaccessible representative,
 - inadequate time to prepare for the case, or
 - inability to understand the charges.
8. In writing, requests copies of all materials, documents (including investigative memorandum) used to render a decision.
9. Meets with the representative to determine the validity and seriousness of the proposed action. (Charges must be specific in nature and contain detailed reasons for the action.)
10. Gets advice from the representative before answering if unsure how to respond.

11. Isolates anything useful in the employee's defense. Look for contradictions, implications, admissions and mistakes that may be used to build your case. Perform a role-playing exercise, assuming the part of each participant involved.

NOTE: The employee's or designee's response must be submitted within 10 calendar days to the decision making authority or designee, unless an extension has been granted, or the employee has requested mediation.

Written Response to Charges

The employee and representative prepare a thorough written response to each individual charge by stating facts that will rebut or prove the charge to be erroneous or untrue. To prepare such a response the employee and representative must take these steps:

- Obtain statements from witnesses, if any, who can testify on the employee's behalf.
- Obtain supporting documents favorable to your case.
- Research all the agency's documents to understand the basis of the charges.

Meeting with the Decision-Making Official

To conduct a successful meeting with the decision-making official, the employee *and* designee follow these guidelines:

- Make and bring extra copies of your written response to the meeting.
- Notify and discuss the appointment with your representative, as well as appropriate tactics and behavior for the meeting.
- Deliver a professional and courteous presentation, avoiding confrontations with the agency's official.
- Cover all specifics.
- Provide brief, concise answers.
- Get advice from the representative before answering if unsure how to respond.
- Isolate anything useful in the employee's defense. Look for contradictions, implications, admissions and mistakes that may be used to build your case. Perform a role-playing exercise, assuming the part of each participant involved.

NOTE: The employee and representative must read all documents, statements, correspondence to and from everyone connected with the issue in any way.

Preparation Questions

One effective method of preparing for a hearing is to think the case through from start to finish—beyond the hearing to the final decision and what the employee and representative want to achieve. Before meeting with the decision-making official, the employee and representative review each of these questions:

- Why did the proposing official decide on this action?
- Why did the proposing official make a decision that led to discipline?
- Are there any underlying motives, not spoken or written, from anyone involved in this issue?

9.2.3. Letter of Decision

The deciding official, who must be higher in authority than the proposing official, considers the employee's response and gives a written decision, including reasons for the decision, as soon as possible after the employee's time to respond has expired, *but no later than 60 calendar days following the receipt of the employee's response. In field installations, the installation head or designee usually makes the decision.* In other offices, the decision is made by a branch manager or above. If the decision is to effect the adverse action or to modify it to a lesser penalty, the employee's appeal rights, including Merit Systems Protection Board (MSPB) appeal rights, if applicable, are stated. (ELM 651.75)

9.3. The Appeal

This section reviews the ELM Section 650 appeal procedures for employees not subject to the provisions of a collective-bargaining agreement. These procedures do not deprive an employee of the right to remedy an allegation of discrimination through equal employment opportunity procedures. These procedures also do not deprive a preference eligible or other entitled employee of the right to appeal an adverse action to the MSPB.

Eligibility

Upon receipt of a letter of decision ordering an adverse action, the following employees may appeal: (ELM 652.21)

- All non probationary EAS and PCES Level I employees and all employees of the Office of Inspector General.
- EAS and PCES Level I and Office of Inspector General employees who have completed a minimum of 12 months of combined service, without a break of a workday, in positions in the same line of work in the Civil Service and the Postal Service – unless any part of this service followed a temporary appointment in the competitive service with a definite time limitation.
- Officers (PCES Level II employees) are not covered by these procedures.

9.3.1. Request for Hearing and Decision

These employees may submit a written request for a hearing, or waiver of a hearing, within 15 calendar days of receipt of a letter of decision on an adverse action. This appeal is made to the Step 1 official (Headquarters vice president Labor Relations or designee). A copy of the appeal is sent by the appellant to the official taking the action, who forwards the case file to the Step 1 Official. (ELM 652.231)

If the employee does not request a hearing, the Step 1 official determines whether the issues on appeal can be decided on the record and on written submissions by the employee and management. If the appeal cannot be judged fairly without a hearing the Step 1 official schedules a hearing.

If the employee requests a hearing, a hearing is held as soon as possible, usually at the installation where the employee is located. The employee receives at least seven-calendar days' notice of the hearing. In most instances this will be done by your designated representative.

Prehearing Conference Preparation

Before the hearing date in a teleconference or on the morning of the hearing, the USPS hearing officer or the MSPB administration judge conducts a prehearing conference between you, your representative and the Postal Service. During that conference the employee and representative take these actions:

- Discuss a settlement, mentioning what the employee is willing to settle for, if anything,
- Advise the hearing officer or judge of attempts to settle with the Postal Service's representative and provide a copy of that individual's response.
- If the employee or representative refuses the USPS offer, review the reasons why.

The officer or judge conduct the hearing somewhat informally, but consistent with the orderly presentation of the case. Witnesses give testimony under oath or affirmation. Although legal rules of evidence do not apply, testimony and evidence is held within reasonable bounds of relevancy. Both the employee and the employer have these rights:

- to be present at the hearing,
- to be represented,
- to present evidence and witnesses, and
- to cross-examine the other party's witnesses.

An employee or representative who is a postal employee in a duty status receives a reasonable amount of official time to prepare for the hearing. The employee may choose self-representation.

Before the hearing, both management and the employee advise the Step 1 official or the hearing officer of their choice of representative and witnesses and the nature of their testimony. Both parties exchange this information.

Management Obligation for Witnesses

Management has an obligation to make available witnesses who are postal employees approved by the hearing officer as having relevant testimony, unless it is administratively impracticable to do so. In those cases, witnesses may be required by the hearing officer to answer written questions.

Work Hours Compensation

If the employee, representative and witnesses are postal employees in a duty status at the time of the hearing, the Postal Service compensates them for straight time hours spent at the hearing that are part of their regularly scheduled workday. Witnesses are not present at the hearing except when testifying, unless they are also acting as representatives or technical advisors.

Noninterference Rule

The employee, representative and witnesses are not subject to restraint, interference, coercion, discrimination or reprisal.

Transcript

A written transcript of the hearing, taken by a court reporter or other qualified person, is normally made of the hearing proceedings. The office or installation initiating the adverse action or suspension of 14 days or less will arrange for and pay all costs of the transcript. If, because of geographical remoteness or other unusual circumstances, a written transcript cannot be obtained, an exception to the procedures must be authorized in advance by the appropriate area manager of human resources.

Preparing for a Hearing

Upon notification of a selected hearing officer and a date of the hearing, the employee and representative prepare for the hearing following this checklist:

1. Check the representative's availability.
2. Determine if any new material has been received by the Postal Service (and if it has, request copies). Ask for a change in the hearing date, if necessary, to review and prepare a response to any new material.
3. Notify the hearing officer of the names of the employee's representative and their witnesses, including information about the nature of the witnesses' testimony.

Note: The employee is entitled to the name of the agency's representative and the agency's approved witnesses. All witnesses must be approved by the hearing official.

4. Review the list of Postal Service witnesses.
5. Prepare three copies of all documents and exhibits to be introduced or used.
6. Prepare an opening statement, questions for each witness, and a tentative closing statement (subject to modification).
7. Decide what type of settlement is acceptable.

Determining Cause

One of the most effective means of preparing for a hearing is determining whether there was cause for disciplinary action by asking these questions:

- Did the Postal Service have a rule/order that reasonably related to the orderly, efficient or safe operation of the business?
- Was the supervisor forewarned of probable disciplinary consequences or did the employer have knowledge of the possible or probable disciplinary consequences of the employee's conduct?
- Did the Postal Service investigate before administering discipline to determine that the supervisor did in fact disobey a rule or management order?
- Have all related cases received the same disciplinary action? Have all resulting penalties been applied evenhandedly and without discrimination?
- Was the administered discipline reasonable in light of the seriousness of the offense and the past record of the supervisor?

Prehearing Preparation

To prepare witnesses for a hearing the employee and representative follow these guidelines:

- Interview your witness prior to the hearing.
- Determine if the witness knows the facts of the case.
- Familiarize the witness and prepare that individual with both the process of a hearing and with questions to be asked by the representative and the Postal Service.
- Make a witness comfortable so that during the testimony he or she responds truthfully and concisely.
- Explain how the witness fits into the case.
- Prior to the hearing, refresh the witness' recollection, going over evidence and planned questions.

Hearing Conduct and Tactics

The hearing officer expects the employee's representative to follow these general rules of conduct. Within these rules, however, the representative can use certain tactics to present the best possible defense and highlight weaknesses in the Postal Service's case.

- Do not lead a witness.
- Do not ask any questions you do not know the answer to.
- Do not try to spring a surprise by presenting new evidence half way through the hearing.
- Do not continue to make the same point over and over.
- Do not call as a witness someone who does not want to testify.
- Do not ask compound questions.
- Do not ask leading questions.
- Do not alienate the hearing officer.
- Do not be argumentative throughout the hearing.
- Do not constantly object solely for the purpose of objecting.
- Do not argue with or interrupt your adversary.

Advice to Witnesses

Individuals called to serve as witnesses follow these guidelines:

1. Listen to questions carefully.
2. Be completely honest in answering questions.
3. Do not answer beyond the question asked.
4. If cross-examined, be honest. If you don't know the answer, say so.
5. Don't guess on times and places. If necessary, give approximate times and place.

Suitable Objections at a Hearing

There are three suitable objections to testimony delivered at a hearing:

- irrelevant testimony that lacks value to prove or disprove a fact at issue;
- immaterial testimony that lacks substantive importance and is too inconsequential and remote for considerations; or,
- incompetent testimony that lacks credibility.

9.3.2. Hearing Officer Action

The hearing officer prepares a proposed decision to include findings of fact and a determination whether the charge(s) is/are sustained. The hearing officer forwards the proposed decision, the transcript of the hearing, and all other records regarding the appeal to the Step 1 official within 30 calendar days following the hearing. (ELM 652.251)

9.3.3. Step 1 Official Action

Upon receipt of the hearing officer's proposed decision, the Step 1 official reviews it and the case file to determine if the hearing officer's proposed decision will be accepted or rejected. The Step 1 official will determine if the hearing officer's proposed decision is supported by the facts of the case; is in accordance with postal regulations or with postal policy; and, in Office of Inspector General cases, complies with Office of Inspector General policy. If the Step 1 official determines the hearing officer's proposed decision is inconsistent with the facts of the case or is not in accordance with postal regulations or with postal policy and/or Office of Inspector General policy as applicable, the Step 1 official may reject the hearing officer's proposed decision and issue a final decision which is in accordance with the aforementioned criteria. The Step 1 official will issue a final decision letter either accepting or rejecting the hearing officer's proposed decision within 21 calendar days of receipt of the file. If the hearing officer's proposed decision is rejected by the Step 1 official, the final decision letter will provide explanations for rejecting of the hearing officer's proposed decision. The decision of the Step 1 official is the final decision, and there are no further appeal rights. The final decision letter will be transmitted to the employee with a copy to the employing office for any necessary implementation. A copy of the written transcript of the hearing will be enclosed with the final decision. (ELM 652.252)

The difference in an ELM 650 hearing and a MSPB hearing is as follows:

- ELM 650 hearings appeal within 15 calendar days of receipt of a letter of decision on an adverse action.
- An MSPB hearing appeal must be filed within 30 days of the effective date of decision.

MSPB Hearing

A hearing is scheduled no earlier than 35 days after the date of the notice, unless both parties agree to an earlier date. The Postal Service must provide an appropriate hearing site upon request of the presiding official. A supervisor has the right to representation by an attorney or other representative. A transcript of the hearing is taken and a copy is furnished to the supervisor.

Initial Decision

The presiding official prepares an initial decision within 25 days after the closing of the record. The initial decision of the presiding official becomes final 35 days after issuance, if no timely petition for review is filed or the board has not reopened the case.

Petition for Review

After the initial decision the employee may file a petition for review to the full Board. Should the Board deny the petition for review, the initial decision becomes final five days after the Board's issuance. If the Board accepts the petition, the Board renders a written decision, which the Postal Service is required by law to follow.

Discharged or indefinitely suspended employees who appeal remain on the rolls in nonpay, nonduty status until the disposition of the case through the chosen appeal procedures. Normally, disposition of the case would be a final decision from the MSPB or a Step 1 decision in an administrative 650 appeal. In cases where the MSPB has mitigated an adverse action in an initial decision and the Postal Service files an appeal, the employee's status will be handled in accordance with MSPB regulations regarding interim relief.

10. Debt Collection Act

Most supervisors have heard about letters of demand, but most don't realize that they cannot be issued to nonbargaining employees. Supervisors may still receive a letter requesting/demanding repayment of a debt that the USPS believes a supervisor owes. This section explains under what types of circumstances the Postal Service may make a request/demand for payment through a notice of involuntary administrative salary offset.

This section reviews the different circumstances under which a notice may be administered, and the procedures for responding to it. This section supplements, but does not replace, information contained in the Employee & Labor Relations Manual (ELM), Section 450, although portions of the ELM are quoted at length in this section.

10.1. The Debt Collection Act

The Postal Service procedures for recovering postal debts from nonbargaining unit employees are detailed in ELM Section 450, which came into being with the passage of the Debt Collection Act of 1982. As noted in ELM Section 450, the Act covers any debt owed the Postal Service by a current postal employee who is not included in any collective bargaining unit, including the following:

- payroll related debts,
- recovery of amounts due under federal benefits programs,
- federal court ordered judgment for salary offset,
- improper or disallowed payment on a travel voucher,
- shortage in main stamp stock or stamp credit, or
- improper salary payment.

Under the Debt Collection Act an employee may admit that the debt is rightfully due the Postal Service, but the employee may object to the amount of deduction to be made each pay period. In these cases, the employee has recourse to the Act proceedings to request a different payment schedule.

The Act seeks first to settle the debt informally. When agreement cannot be reached in an informal settlement, provisions are contained in the Act for a hearing before an administrative law judge.

NOTE: It is at this point that the employee needs the assistance of a qualified individual.

The agency is obligated to provide the employee with his rights at all steps of the proceedings. The limits are specific not only to the employee, but also to the agency in response to the employee's request.

10.1.1. Scope

These regulations apply to the collection of any debt owed the Postal Service by current and retired postal employees not included in any collective bargaining unit. Generally, the Postal Service may withhold a maximum of 15 percent of any employee's current disposable pay each pay period after providing the employee with certain due process rights. If, however, a federal court has granted judgment upholding the debt, up to 25 percent of the employee's current disposable pay may be withheld each pay period.

10.1.2. Representation

Employees have the right to, and free choice of, representation. An employee's designated representative, if also a postal employee and in a duty status, is granted a reasonable amount of official time to perform any function for the employee that is authorized by these regulations. Eligible NAPS members may use the DDF.

10.2. Responding to a Notice/Informal Overview

This section provides an informal overview of situations where the Debt Collection Act is applied, how an employee responds to a notice of debt determination, and how a branch officer represents a member who receives a notice. See Section 11.3 for detailed instructions and information.

10.2.1. Case Histories

Consider the following two situations.

1. You are promoted from an EAS-16 to an EAS-18 position. Someone at your district, however, miscalculates the amount of the increase, overpaying you by \$10 a pay period. The error is not discovered for over a year. At that time the Postal Data Center (PDC) sends you a letter of demand for the amount of the overpayment.
2. You are the manager of a station with a retail unit. Postal inspectors discover a shortage in your reserve or main stock of more than \$500. Your postmaster sends you a letter of demand for the shortage.

How would you respond to each of these situations? If you are a branch officer and one of your members was placed into such a situation, what advice would you give the member? The answers lie in understanding the Debt Collection Act and the postal procedures established in response to it.

These two examples are situations when a supervisor could be responsible for a debt. The supervisor's manager should not send a letter of demand, but instead, send a notice of debt determination. However, if in the opinion of the postmaster or installation head the circumstances warrant that expeditious action must be taken the postmaster or installation head may initiate a notice of involuntary administrative salary offset.

If a supervisor is issued a letter of demand (which occasionally still occurs, even though they are no longer allowed), the supervisor (or representative) returns the letter, denies the demand, and refers the issuing official to ELM Section 450.

10.2.2. When a Notice Is Not Appropriate

The Postal Service may not hold a supervisor responsible for an employee shortage where the supervisor has no direct access to the credit, and/or the supervisor is not in collusion with the employee.

There are situations when postal policy prohibits sending a notice of debt determination/salary offset, but some managers continue sending such letters anyway. These situations typically occur when a shortage in a credit created by one individual is transferred to another, usually that employee's supervisor.

As one example, a supervisor conducts a quarterly count of a clerk's stock, but several days after the deadline for the count. The supervisor determines there is a shortage of \$200. The supervisor issues a notice of debt determination to the clerk for \$200. The clerk grieves the notice. An arbitrator determines that the clerk is not responsible because the Postal Service failed to audit a credit in accordance with the terms of the National Agreement (i.e., the count was not conducted in a timely manner). Subsequently the supervisor's manager issues a notice of debt determination or involuntary salary offset demanding payment of the \$200 from the supervisor.

Letters from postal officials written since 1985—and that remain in effect—reiterate postal policy concerning the accountability of postmasters and supervisors in situations involving employee credit shortages where contractual or other reasons preclude collection of the shortage from the employee. (See NAPS Home Page on the Web for these and other important letters.)

10.3. Responding to a Notice of Debt Determination

When a supervisor receives a notice of debt determination, the supervisor may either pay the amount in question or appeal the notice. Whether or not a supervisor appeals, the supervisor may request copies of all postal records relating to the debt.

10.3.1. Procedures When a Notice Is Not Appealed

If the supervisor does not dispute the debt, the supervisor may:

- pay the debt in its entirety,
- agree to voluntary offsets of 15 percent or more of disposable pay, or,
- propose an alternative payment schedule.

10.3.2. Procedures for Appealing a Notice of Debt Determination

If the supervisor does not agree with the notice of debt determination, the debt may be appealed by submitting a statement requesting reconsideration of the existence of, or the amount of, the debt. The written submission must be received by the postmaster/installation head, 1.) no later than 15 calendar days from the date the employee received the notice of determination, if the supervisor does not request copies of postal records relating to the debt; or, 2.) within 15 calendar days from the date the employee receives any requested records.

Within 15 calendar days of receiving the supervisor's proposal or request, the postmaster/installation head must notify the employee in writing whether or not the supervisor is indebted for the amount. If the supervisor is found responsible for the debt, the postmaster/installation head will send a notice of involuntary administrative salary offset and information on how to appeal.

10.4. Responding to a Notice of Salary Offset

When a supervisor receives a notice of salary offset, the supervisor may either pay the amount in question, or appeal the notice. Whether or not a supervisor appeals, the supervisor may request copies of all postal records relating to the debt.

10.4.1. Procedures When a Notice Is Not Appealed

If the supervisor does not dispute the salary offset, the supervisor may:

- pay the debt in its entirety,
- agree to voluntary offsets of 15 percent or more of disposable pay; or,
- propose an alternative payment schedule.

10.5. Procedures for Appealing a Salary Offset

If the supervisor does not agree with the notice of salary offset, the offset may be appealed by petitioning for a hearing on the Postal Service's determination of the existence or the amount of the debt. The hearing petition must be filed with the Recorder, Judicial Officer Department at USPS Headquarters on or before the 15th calendar day following the receipt of the notice. A timely request for a hearing will stay the commencement of the collection of the debt.

At a hearing a supervisor may be represented by a NAPS member or officer (or use the NAPS DDF provider, as explained in Section 11). While title 39, part 961, refers to employees or attorneys authorized to practice law as those eligible to represent a supervisor, hearing officials have ruled that employees may be represented by NAPS officials.

10.5.1. Burden of Proof

At a hearing, the supervisor always demands that the Postal Service proceed first with any evidence. The burden of proof is on the Postal Service to prove that the supervisor owes the debt in question, not on the supervisor to prove his or her innocence.

If supervisors do not exercise any of the rights set forth in ELM Section 450, the Postal Service will initiate the proposed offset 30 days from the date the notice was received.

10.6. Procedures Governing Administrative Salary Offsets

10.6.1. Determination and Collection of Debt

Depending upon the circumstances of a particular case, the determination of a debt subject to collection may be made by an official in the field or at the Minneapolis Accounting Service Center (ASC).

Regardless of the amount of the debt, it is the responsibility of the Minneapolis ASC to create a receivable for each debt and to forward an invoice to the postmaster or installation head at the facility where the debtor is employed. At the time a receivable is created, the ASC must ensure that the employee's records are flagged so that the final salary or lump sum leave payment for that employee is not made until the debt is paid.

10.6.2. Collection by the Postmaster or Installation Head

Each postmaster or installation head is responsible for collecting, in accordance with these regulations, any debt owed to the Postal Service by an employee under his or her supervision. Postmasters or installation heads may delegate their responsibilities under these regulations.

10.7. Voluntary Repayment Procedures

10.7.1. General

The procedures are intended to facilitate the informal resolution of employee-owed debts, and, in most cases, are followed before a notice of involuntary administrative salary offset under the debt collection act is issued. However, if in the opinion of the appropriate postmaster or installation head, the circumstances warrant that expeditious action be taken, a notice of involuntary administrative salary offset may be initiated immediately.

10.7.2. Notice to Employee

Upon receiving an invoice reflecting an employee-owed debt from the Minneapolis ASC, the postmaster or installation head must provide the employee with a copy of the invoice and with written notice of the Postal Service's determination of the existence, nature and amount of the debt. The letter must inform the employee that he or she may pursue one or more of the following options, as appropriate, in order to avoid involuntary salary offsets:

- The employee may request copies of all postal records relating to his or her particular debt.
- The employee may arrange to pay the entire debt.
- The employee may agree to voluntary salary offsets of 15 percent or more of a current disposable pay.
- The employee may propose an alternative offset schedule.
- The employee may request the Postal Service to reconsider its determination of the existence or amount of the debt.

10.8. Employee Response to Notice

10.8.1. Request for Copies of Postal Records

If an employee would like copies of records relating to a postal debt, he or she must notify the postmaster or installation head in writing within 10 calendar days of receiving notice of the Postal Service's determination of a debt. The postmaster or installation head is responsible for requesting copies of the pertinent records by telephone, if necessary, from the Minneapolis ASC and/or appropriate postal facility, and for providing the employee with copies of these records within five calendar days of receiving the employee's written request. Until collection of the debt is completed, the postmaster or installation head must keep a copy of all records provided to the employee at this stage.

10.8.2. Payment in Full

An employee who acknowledges the validity of the Postal Service's claim and wishes to repay the entire debt voluntarily is instructed to remit to the postmaster or installation head, for transmittal to the Minneapolis ASC, a check or money order for the full amount due, with the employee's Social Security number on its face. The employee submits the check or money order no later than 15 calendar days from the date the employee receives the notice of the Postal Service's determination of a debt if he or she does not request copies of postal records relating to the debt, or within 15 calendar days from the date the employee receives any requested records.

10.8.3. Consent to Salary Offsets

If an employee acknowledges the validity of the Postal Service's claim and would like to repay the debt voluntarily through offsets of 15 percent or more of his or her current disposable pay, the employee and the postmaster or installation head complete the appropriate sections of Form 3239, Payroll Deduction Authorization to Liquidate Postal Service Indebtedness. This form must be completed no later than 15 calendar days from the date the employee receives the notice of the Postal Service's determination of a debt, or within 15 calendar days from the date the employee receives any requested records.

10.8.4. Request for Consideration of Alternative Offset Schedule

If the employee acknowledges the debt, but contends that the proposed deductions of 15 percent of current disposable pay would be too severe, he or she may propose an alternative offset schedule.

Proposal

The employee's proposed offset schedule must be submitted in writing to the postmaster or installation head, along with a written statement and supporting documentation, stating the employee's reasons for believing the deductions proposed by the Postal Service would result in a "severe financial hardship."

The proposal must include the following information:

1. the amount to be paid each pay period,
2. the number of pay periods it would take to repay the debt under the employee's proposal, and
3. the date the first payment would be made.

The supporting documents must also show the following information relating to the employee and his or her spouse and dependents, for the one-year period preceding the Postal Service's notice and the repayment period proposed by the employee's alternative offset schedule:

1. total family income, assets, and liabilities;
2. number of dependents; and
3. total expenses for food, housing, clothing, transportation, medical care, and any exceptional expenses.

The employee is instructed to provide all information in his or her possession relating to the debt and to his or her financial ability to repay it so that the postmaster or installation head may make an informed decision on an employee's proposed alternative offset plan.

Time Frame

The employee's proposed alternative offset schedule and written submissions must be received by the postmaster or installation head no later than 15 calendar days from the date the employee receives the notice of the Postal Service's determination of a debt if he or she does not request copies of postal records relating to the debt, or within 15 calendar days from the date the employee receives any requested records.

Consideration

Based upon the material submitted by the employee and postal records relating to the debt, the postmaster or installation head must consider these factors:

1. the extent to which the assets of the employee and his or her spouse and dependents are available to meet their essential material expenses and to repay the postal debt,
2. whether the essential material expenses have been minimized as much as possible, and
3. the extent to which the employee and his or her spouse and dependents can borrow to finance their essential expenses and to repay the postal debt.

An employee's alternative offset schedule is approved only if it provides for installment payments that bear a reasonable relationship to the size of the debt and the employee's ability to pay. Generally, an alternative offset schedule provides for installment payments of no less than ten percent of current disposable pay per pay period, and for a repayment period of 26 pay periods or less.

10.8.5. Request For Reconsideration of Debt

If an employee wishes to request reconsideration of the Postal Service's determination of the existence or amount of a debt, he or she may proceed as follows:

Request

The employee's request for reconsideration must be submitted in writing to the postmaster or installation head, along with a written statement and supporting documentation indicating why the employee believes he or she is not so indebted. Because the postmaster or installation head uses the material provided by the employee, along with postal records relating to the debt, in deciding whether the Postal Service's determination of the debt should be revised, the employees is instructed to provide all information in their possession relating to the debt so that the postmaster or installation head may make an informed determination.

Time Frame

The employee's written submission must be received by the postmaster or installation head no later than 15 calendar days from the date the employee receives the notice of the Postal Service's determination of a debt if he or she does not request copies of postal records relating to the debt, or within 15 calendar days from the date the employee receives any requested records.

10.9. Action Following Reconsideration of Debt and/or Offset Schedule

10.9.1. Consideration and Response

After reviewing an employee's proposed alternative offset schedule and/or request that the Postal Service reconsider its determination of the existence or amount of a debt, the postmaster or installation head, within 15 calendar days of receiving the employee's proposal or request, must notify the employee in writing of the determination.

10.9.2. Reconsideration of Debt

If the employee challenged the existence or amount of the debt, the postmaster or installation head takes one of the following three actions:

- A. Notifies the employee in writing that:
 - 1. the employee is indebted to the Postal Service for the amount set forth in its letter, and
 - 2. to prevent the initiation of involuntary offset proceedings, he or she must make arrangements to repay the debt.

- B. Notifies the employee in writing that:
 - 1. the employee is indebted to the Postal Service for a revised amount, and
 - 2. the employee may, within 10 calendar days of receiving the Postal Service's determination upon reconsideration, propose in writing to the postmaster or installation head an alternative offset schedule based on the new figure, and within five calendar days of receiving this proposed alternative offset schedule, the postmaster or installation head must notify the employee in writing whether or not it is acceptable.

If the postmaster or installation head rejects the employee's alternative offset schedule, the employee must be advised in writing that, to prevent the initiation of involuntary offset proceedings, he or she must make arrangements to repay the debt.

- C. Notifies the employee in writing that he or she is not indebted to the Postal Service for any amount.

10.9.3. Consideration of Alternative Offset Schedule

If an alternative offset schedule was proposed, the postmaster or installation head takes one of the following actions:

A. Notifies the employee in writing that:

1. the Postal Service's proposed offset schedule would not result in a severe financial hardship for the employee and his or her spouse and dependents, and accordingly the alternative offset schedule proposed by the employee is not acceptable, and
2. to prevent the initiation of involuntary offset proceedings, the employee must make arrangements to repay the debt.

B. Notifies the employee in writing that:

1. the employee has demonstrated that the Postal Service's proposed offset schedule would result in a severe financial hardship, and accordingly the alternative offset schedule proposed by the employee (or some variation of it) is acceptable, and
2. the employee must complete appropriate sections of Form 3239.

10.10. Voluntary Repayment Following Reconsideration

10.10.1. Payment in Full

If an employee, upon receiving notice of the Postal Service's determination upon reconsideration, acknowledges the validity of the Postal Service's claim and would like to repay the entire debt voluntarily, he or she is instructed to remit to the postmaster or installation head, for transmittal to the Minneapolis ASC, a check or money order for the full amount due, with the employee's Social Security number on its face. The employee must submit payment within 15 calendar days of receiving notice of the Postal Service's determination upon reconsideration.

10.10.2. Consent to Salary Offsets

If an employee, upon receiving the Postal Service's determination upon reconsideration, acknowledges the validity of the Postal Service's claim and would like to repay the debt voluntarily through offsets of 15 percent or more of his or her current disposable pay, the employee and the postmaster or installation head complete the appropriate sections of Form 3239. This form must be completed no later than 15 calendar days from the date the employee receives notice of the Postal Service's determination upon reconsideration.

10.10.3.Failure to Resolve or Repay Debt

If an employee, after receiving notice of the Postal Service's determination of a debt, or after receiving notice of the Postal Service's determination upon reconsideration, fails, within the applicable time periods, to resolve a debt or to make satisfactory arrangements to repay it, the postmaster or installation head must initiate the statutory collection procedures.

10.11.Statutory Offset Procedures

10.11.1.Authority

Under Section 5 of the Debt Collection Act, 5 USC. 5514(a) (1982), the Postal Service may, after providing certain procedural rights, offset an employee's salary in order to satisfy any debt due the Postal Service. Generally, up to 15 percent of an individual's "current disposable pay" may be deducted in monthly installments or at "officially established pay intervals." A greater percentage may be deducted with the written consent of the individual debtor. If the individual's employment ends before the full debt is collected, deduction may be made from subsequent payments of any nature due the employee.

10.12.Notifying the Employee

10.12.1.Notice

At least 30 calendar days before making an administrative offset under this authority, the postmaster or installation head must provide an employee-debtor with the following:

1. two copies of a Notice of Involuntary Administrative Salary Offsets Under the Debt Collection Act, containing the information, and
2. a copy of the procedures that govern hearings under the Debt Collection Act set forth at 39 CFR Part 961.

10.12.2.Contents

The Notice of Involuntary Administrative Salary Offsets must notify the employee of the following:

- A. The name, work address, and telephone number of the postmaster or installation head issuing the notice.
- B. The Postal Service's determination of the existence and amount of the debt.
- C. The nature of the debt.
- D. The Postal Service's intention to collect the amount due by offsetting 15 percent of the employee's "current disposable pay" each pay period.
- E. The estimated amount, starting date (generally 30 days from the date the employee receives the notice), frequency, and duration of the intended deductions.

- F. The procedural rights available to the employee, as well as the appropriate method for requesting them. These rights include an opportunity to:
1. obtain copies of Postal Service records relating to the debt,
 2. avoid the need for involuntary offsets by paying the debt in full,
 3. consent to salary offsets of 15 percent or more of current disposable pay,
 4. enter into a written agreement with the Postal Service, under terms agreeable to the postmaster or installation head, to establish an alternative debt repayment schedule,
 5. obtain a hearing on the Postal Service's determination concerning the existence or the amount of the debt, or on the terms of the Postal Service's proposed repayment schedule.
- G. The employee must be informed that the timely filing of a petition for a hearing stays the collection proceedings.

10.13. Procedures Governing the Exercise of Employee Rights

10.13.1. Employee Options

Employees may pursue as many of the options available to them as they wish. It should be noted, however, that an employee's petition for a hearing on the Postal Service's determination of the existence or amount of a debt, or on the terms of the Postal Service's proposed repayment schedule, must be submitted within the time frame specified. If, after requesting a hearing, the employee is able to resolve the debt through another available option, his or her hearing petition may be withdrawn.

10.14. Requests for Postal Records

If an employee wishes to request copies of any records, the employee and the postmaster or installation head proceed as follows:

Submission

At any time after receiving notice of the Postal Service's intention to collect a debt through involuntary salary offsets and before any requested hearing is held, a nonbargaining unit employee may request copies of any records he or she did not previously obtain. Requests for copies of postal records relating to an alleged debt must be made in writing and directed to the postmaster or installation head.

Response

The postmaster or installation head takes care to respond expeditiously to records requests so as not to deprive an employee of the benefit of any information that might resolve questions relating to the debt. Once a request is received, the postmaster or installation head must promptly request, as necessary, copies of the pertinent records by telephone from the Minneapolis ASC or appropriate postal facility and provide the employee, within five calendar days of receiving the employee's request, with copies of all records requested.

Notification

The postmaster or installation head must notify the employee in writing of his or her decision regarding the employee's proposed alternative offset schedule within 15 calendar days of receiving it from the employee.

Implementation

The postmaster or installation head and the employee must implement the terms of an acceptable alternative repayment agreement by completing the appropriate sections of Form 3239.

10.14.1. Debt Collection Hearing – Usually Prepared by Scialla Associates

If an employee wishes to request a hearing, the employee and the Postal Service proceed as follows:

Hearing Request

If an employee desires a hearing prescribed by Section 5 of the Debt Collection Act on the Postal Service's determination of the existence or amount of the debt, or on the involuntary repayment terms proposed by the Postal Service, the employee must file a written petition for a hearing in accordance with the requirements of 39 CFR 961.4. The petition must be filed with the Recorder, Judicial Officer Department, US Postal Service, 2101 Wilson Boulevard, Suite 600, Arlington, VA 22201-3078, on or before the fifteenth calendar day following the employee's receipt of the Notice of Involuntary Administrative Salary Offsets Under the Debt Collection Act. The hearing procedures are set forth in 39 CFR Part 961, which is incorporated herein by reference.

Post-Decision Responsibilities

After an employee has been accorded a requested hearing and a written decision has been rendered, the general counsel of the Postal Service notifies the appropriate postmaster or installation head of the determination. If the hearing decision indicates that the employee is not indebted to the Postal Service, the postmaster or installation head must take the necessary steps to remove all references to the debt from the employee's records. However, if the decision authorizes the Postal Service to offset an employee's salary, the postmaster or installation head must initiate the authorized offsets by completing the appropriate sections of Form 3239.

10.14.2. Employee Failure To Respond

If, upon receiving notice of the Postal Service's intention to collect a debt through involuntary salary offsets, the employee fails to repay the debt, fails to consent to the Postal Service's proposed offsets, fails to propose an acceptable alternative offset schedule, and does not request a hearing on the Postal Service's determination of the debt or its proposed offset schedule, the postmaster or

installation head may initiate the offsets specified in the Postal Service's notice to the employee, no earlier than 30 calendar days after the debtor's receipt of that notice, by completing the appropriate sections of Form 3239.

10.15. Debt Collection Process Review

The following outline summarizes the process for responding to a notice of debt determination or notice of involuntary administrative salary offset.

1. An account receivable is established.
2. The installation head provides the employee with a copy of the invoice and with a written notice of the Postal Service's determination of the existence, nature, and amount of the debt. The notice must advise the employee of all available options.
3. Employee requests copies of all postal records used in the Postal Service's determination.
4. Employee considers all available options:
 - Employee may voluntarily arrange to pay the debt in its entirety.
 - Employee may agree to voluntary salary offset of 15 percent or more of disposable pay.
 - Employee may propose an alternative offset schedule.
 - Employee may request the Postal Service to reconsider its determination of the existence or amount of the debt.
5. If the employee requests copies of all postal records, the employee must do so in writing to the postmaster or installation head within 10 calendar days of receiving the notice of the Postal Service's determination of the debt. The employee receives copies of these records within five calendar days of receipt of the written request. At this point the employee must then consider what option to take from the other options listed in Step 4.

If the employee elects to voluntarily pay the debt in its entirety, the debt must be cleared within 15 calendar days of the date on which all postal records were provided to the employee if so requested, or 15 calendar days from the original notice of the Postal Service's determination of the debt.

6. If the employee consents to the Postal Service's claim and elects to pay by voluntary salary offset, the employee completes a Form 3239 within 15 calendar days.
7. If the employee acknowledges the debt, but contends that 15 percent salary offset would pose a severe burden or hardship, he/she may propose in writing to the installation head an alternative offset schedule. The installation head responds in 15 calendar days. The installation head provides for installment payments, which minimally provide 10

percent of disposable pay each pay period, and for a repayment period of no greater than one year.

8. If the employee challenges the very nature of the debt and requests reconsideration of the entire or part of the debt, the employee must submit in writing not later than 15 calendar days a statement and such supporting documents relating to the debt. The installation head shall make a determination of the debt's existence based on the documents of the Postal Service and those submitted by the employee.
9. Within 15 calendar days, the installation head shall notify the employee in writing of the findings.
10. If the debt amount is affirmed or revised, the employee shall be advised that to prevent the initiation of involuntary offset proceedings, he/she must make arrangements to repay the debt.
11. Failing resolution of the debt at this point, the Postal Service must at least 30 calendar days prior to making administrative offset, notify the employee with two copies of the written notice of involuntary administrative salary offset under the Debt Collection Act and a copy of the procedures which govern hearings under the Debt Collection Act (39 CFR part 961).
12. The employee may request postal records not previously obtained.
13. The employee may consent to payment in full, consent to salary offset, propose an alternative offset schedule, or request a debt collection hearing.
14. If the employee requests a debt collection hearing, the petition must be filed with the Recorder, Judicial Officer Department, United States Postal Service, 475 L'Enfant Plaza, SW, Washington, DC, 20260-6100 not later than 15 calendar days following the employee's receipt of the Notice of Involuntary Administrative Salary Offsets Under the Debt Collection Act. The hearing shall be conducted in accordance with 39 CFR, part 961. See ELM Exhibit 452.322 for particulars. The hearing is conducted in a similar manner to an MSPB hearing before an administrative law judge. The hearing officer must ensure that a decision is rendered in the case not later than 60 days following the employee's filing of the case.

Proceedings under the act are governed by very specific time limits. There is no grace for failure to adhere to the time limits. If the last day is a Saturday, a Sunday or a legal holiday, the time expires on the next day which is not a Saturday, Sunday or a legal holiday.

11. Disciplinary Defense Fund

This section establishes procedures for using the NAPS Disciplinary Defense Fund (DDF). NAPS established the DDF because it is committed to representing its membership in all areas, including adverse actions. The DDF provides professional representation for eligible members for the actions set forth in Section 12.1.

11.1. DDF Criteria

DDF representation is available for:

- appealing a reduction in grade or removal under ELM Section 650 or MSPB procedures,
- appealing a Notice of Involuntary Administrative Salary Offset under ELM Section 450 procedures, and
- appealing a Reduction in Force (RIF).

The member must have been a NAPS member: 1) No fewer than ninety days prior to the proposed action or incident resulting in discipline, or 2) Have signed a NAPS membership application within thirty days from the effective date of promotion from the crafts.

11.2. Authorized DDF Provider

The DDF provides representation only through the NAPS provider. NAPS' DDF provider is:

Scialla Associates
Post Office Box 167
Totowa, NJ 07511-0167

The DDF will pay to the provider, and only to the provider, all approved fees and expenses up to \$3,000 per case, plus all approved transportation expenses. Should a member decide to hire a lawyer or other representative, neither NAPS nor the DDF is responsible for any fees or expenses incurred.

The representative assigned by the provider may or may not be a lawyer. Representation extends to the best possible settlement at the discretion of the provider, in consultation with the member.

If fees and expenses for a member's defense are expected to exceed the authorized limit of the DDF, the provider must notify the member in advance. No additional fees or expenses are incurred without the member's authorization. If the member does authorize additional expenditures, the member is personally liable to the provider for those additional fees and expenses.

If legal fees are awarded by the MSPB, the member must reimburse the DDF for all amounts disbursed from the fund to the extent possible under the award.

11.3. Reviewing Appeal Procedures

Appeal rights under ELM Section 650 are found in Section 9. Appeal rights under the MSPB are also found in Section 9. Appeal rights under ELM Section 450 are found in Section 10.

11.4. DDF Procedures

Upon receiving a Notice of Proposed Adverse Action (ELM Section 650 or MSPB appeals) or a Notice of Debt Determination (ELM Section 450 appeal), a member requesting representation under the DDF must provide a copy of the Notice to the branch president.

The branch president or designee is responsible for assisting the member in responding to the Notice of Proposed Adverse Action or the Notice of Debt Determination.

The branch president needs to/must *immediately* notify:

- NAPS area vice president.
- NAPS regional vice president.

The branch president or designee must also mail a copy of the notice to:

- Scialla Associates.

If the Notice of Proposed Adverse Action or Notice of Debt Determination is withdrawn and the issue is resolved, the branch president or designee must so inform Scialla Associates and the branch's area vice president.

If the member receives a Letter of Decision imposing a reduction in grade or removal, the member must decide whether to appeal under:

- (1) ELM Section 650 or
- (2) MSPB procedures and comply with the procedures set forth in Section 12.4.1 or 12.4.2, as applicable. Upon receipt of a Notice of Involuntary Offset the member must comply with the procedures set forth in Section 12.4.3.

11.4.1. ELM Section 650 Appeal of the Letter of Decision

Upon receiving a Letter of Decision imposing either a reduction in grade or removal, the member may appeal under ELM Section 650. If the member chooses to use the DDF, the member names the NAPS DDF provider as representative (see Section 9), and IMMEDIATELY by Priority Mail sends following materials to Scialla Associates, the area vice president and regional vice president:

- copies of the request for a hearing,
- the Notice of Proposed Adverse Action and response,
- the Letter of Decision, including all supporting documents, and
- a completed Disciplinary Defense Fund Representation Request Form signed by the member and the branch president.

NOTE: The written request for a hearing must be submitted by Scialla Associates within 15 days of receipt of the letter of decision. See Section 9 for details on the Section 650 process.

11.4.2. MSPB Appeal of the Letter of Decision

Upon receiving a Letter of Decision imposing either a reduction in grade or removal, a member choosing to appeal the action to the MSPB must complete the following sections of the MSPB Appeal Form 283. The member then sends the following to Scialla Associates, the area vice president and regional vice president:

- completed Form 283,
- copies of the Notice of Proposed Adverse Action and response,
- the Letter of Decision, including all supporting documents, and
- a completed Disciplinary Defense Fund Representation Request Form signed by the member and the branch president.

There are five forms 283 being used, and all are still current. Only the following information is required, and *the form must be signed by the member*:

Information Required

Name

Social Security Number

Present address

Home phone

Name and address of agency

Supervisor's position, title, and duty station at time of action

Grade at time of action

Salary at time of action

Check Veteran status

Length of government service

Date written proposed action received

Date final decision notice received

Effective date of action

Indicate if you have filed a formal discrimination complaint (EEO)

The DDF provider completes the balance of the appeal form.

NOTE: Original signatures (no photocopies) are required on Form 283 and the Disciplinary Defense Fund Representation Request Form. It is imperative that all parties realize the importance of processing and mailing all case documents *within the time limits established for the submission of appeals*. The time limit under MSPB is 30 days after the effective date of the decision Use Express Mail to expedite handling if necessary—not a fax machine. See Section 10 for more information on the MSPB process.

11.4.3. ELM Section 450 Appeal of the Notice of Involuntary Administrative Salary Offset

If after submitting a response to the Notice of Debt Determination the member receives a Notice of Involuntary Offset, the member may appeal the action under ELM Section 450 procedures. If the member chooses to use the DDF, the member names the NAPS DDF provider as representative (see Section 11), and IMMEDIATELY sends the following to Scialla Associates, the branch's area vice president and regional vice president:

- copies of the Notice of Debt Determination and the response,
- the Notice of Involuntary Offset, including all supporting documents, and
- a completed Disciplinary Defense Fund Representation Request Form signed by the member and the branch president.

NOTE: The written request for a hearing must be submitted by Scialla Associates within 15 days of receipt of the notice of Involuntary Administrative Salary Offset. See Section 10 for details on the Section 450 process.

NAPS Disciplinary Defense Fund Representation Request Form

DDF Applicant Name: _____
SS#: _____

Office: _____
Branch: _____

Work Phone: () _____
Home Phone: () _____

Date of Notice of Proposed Action
or Notice of Debt Determination: _____

Date of Letter of Decision or
Notice of Involuntary Offset: _____

I request representation from the NAPS Disciplinary Defense Fund (DDF). Representation will be provided by Scialla Associates. The representative provided may not be an attorney. The DDF covers fees and expenses up to \$3,000 and approved travel costs.

If fees or expenses incurred for my defense are expected to exceed the \$3,000 limit, Scialla Associates will notify me, in advance. No additional fees or expenses will be incurred for my representation without my authorization. If I do authorize additional fees and expenses, I will be personally liable to the provider for these additional expenses.

In the event the MSPB should award any payment for my legal fees, it is understood that the monies will be used to reimburse the NAPS DDF for monies expended for my representation by Scialla Associates to the extent possible under the award.

**NOTE: I have been a member of NAPS since: Month _____ Year _____
If you have been a NAPS member less than 90 days from the date of the proposed action, you should supply a statement that you signed a NAPS membership application within 30 days of your promotion from the craft.**

I understand that should I seek representation through any means other than the NAPS DDF at any time, I will, in effect, discharge the National Association of Postal Supervisors and Scialla Associates of any further obligation regarding my case. Furthermore, I understand that I will have to bear the cost and consequence of any outcome resulting from this action.

Signature of Member

Signature of Branch President

Date

Date

Send this signed form and a copy of the adverse action file by **Express Mail** to:

SCIALLA ASSOCIATES
POST OFFICE BOX 167
TOTOWA NJ 07511-0167

Send copies of this form and file by **First-Class mail** to your area and regional vice presidents.