



UNITED STATES POSTAL SERVICE
Labor Relations Department
475 L'Enfant Plaza, SW
Washington, DC 20260-4100

DATE	19
SECTION	ELM
SUBJECT	BACK PAY

Re: H7C-NA-C 77
Biller
Washington, DC 20005

Dear Gentlemen:

On April 19, 1990, we met to discuss the above-captioned grievance at the fourth step of our contractual grievance procedure.

The issue in this grievance involves the proper interpretation of back pay provisions contained in Section 436 of the Employee and Labor Relations Manual (ELM).

As a result of the discussion, it was mutually agreed that ELM Sections 436.22, and 436.425 would be revised to read as follows:

436.22 Back pay is allowed, unless otherwise specified in the appropriate award or decision, provided the employee has made reasonable efforts to obtain other employment, except that the employee is not required to make such efforts during the first 45 days of the back pay period.

436.425 Where the original action resulted in separation or indefinite suspension and no outside employment was obtained, employees must furnish the following:

- a. If the back pay period is 45 days or less, employees are not required to certify or to provide documentation in support of their efforts to secure other employment during this period.
- b. If the back pay period is more than 45 days and does not exceed 6 months, employees must provide a statement certifying the reasons why outside employment was not obtained for all parts of the back pay period which exceeded the first 45 days.

c. If the back pay period is more than 6 months, employees must provide documentation in support of their efforts to secure other employment for all parts of the back pay period which exceed the first 45 days.

Please sign and return the enclosed copy of this decision as your acknowledgment of agreement to settle this case.

Time limits were extended by mutual consent.

Sincerely,

David A. Stanton
David A. Stanton
Grievance & Arbitration

Thomas A. Neill
Thomas A. Neill
Industrial Relations Director
American Postal Workers
Union, AFL-CIO

Vincent R. Sombrotto
Vincent R. Sombrotto
President
National Association of
Letter Carriers, AFL-CIO

DATE 5-30-90