

DATE February 2, 1989

OUR REF: SND06:TCHopper:021:9401

SUBJECT:


TO:

Mr. Robert R. Templeton
Regional Manager
Labor Relations
Southern Regional Office
Memphis, TN 38166-0979

ARTICLE	37
SECTION	1-K
SUBJECT	
LIVE RECORD	
SUBSEQUENT AM	

During a recent meeting at Step 2 of the Modified Article 15 procedures, the question arose as to the language of Article 37.3, P 3, at page 122. The language states, "Within 21 days after the end of the deferment period, the senior bidder then qualified shall be permanently assigned..." Does the "then" mean the employee must be qualified at the closing of the posting or can an employee qualify during the deferment period (bid on position with same scheme, different offdays and qualified during interim period) and be then eligible for the position?

In addition to the above, would an employee be eligible to submit a 10-day letter (37.3.P.8.) under the above circumstances if they were not qualified at the closing of the posting and subsequently bid on another position?


Thomas C. Hopper
Manager, Labor Relations
Jacksonville, FL 32203-9401

UNITED STATES POSTAL SERVICE
SOUTHERN REGIONAL OFFICE

Memphis, TN 38164

DATE: FEBRUARY 9, 1989

OUR REF: WFLANAGAN

SUBJECT: CONTRACT QUESTIONS



TO: THOMAS C. HOPPER
• MANAGER, LABOR RELATIONS
JACKSONVILLE, FL 32203-9401

THIS REFERS TO YOUR FEBRUARY 2, 1989, INQUIRY ON TWO ARTICLE 37 PROVISIONS. YOUR QUESTIONS WERE AS FOLLOWS:

DOES THE "THEN QUALIFIED" PORTION OF ARTICLE 37, SECTION 3, F-3 ON PAGE 122 MEAN THE EMPLOYEE MUST BE QUALIFIED AT THE CLOSING OF THE POSTING OR CAN AN EMPLOYEE QUALIFY DURING THE DEFERMENT PERIOD (BID ON ASSIGNMENT WITH SAME SCHEME, DIFFERENT OFF DAYS AND QUALIFY DURING THE INTERIM PERIOD) AND BE THEN ELIGIBLE FOR THE POSITION?

RESPONSE: IN THIS CASE, THE EMPLOYEE DOES NOT HAVE TO BE QUALIFIED AT THE CLOSING OF THE POSTING; HOWEVER, IF HE BECAME A SUCCESSFUL BIDDER ON ANOTHER ASSIGNMENT WITH THE SAME SCHEME BUT WITH DIFFERENT OFF DAYS, HE WOULD HAVE TO FOLLOW THE PROVISIONS OF ARTICLE 37, SECTION 3, F-8 AND SUBMIT TO MANAGEMENT IN WRITING WITHIN TEN DAYS HIS ELECTION TO REMAIN A LIVE BIDDER ON ONE OR MORE OTHER ASSIGNMENTS FOR WHICH QUALIFIED.

ANOTHER EXAMPLE WOULD BE AS FOLLOWS: CLERK HOPPER BIDS ON AN ASSIGNMENT WITH SCHEME A. HE ALSO BIDS ON ANOTHER ASSIGNMENT WITH SCHEMES A & B. HE IS NOT ANNOUNCED AS SENIOR BIDDER ON THE FIRST ASSIGNMENT WITH SCHEME A, BUT IS ANNOUNCED AS THE SENIOR BIDDER ON THE ASSIGNMENT WITH SCHEMES A & B. CLERK HOPPER QUALIFIES ON SCHEME A AND IS PROCEEDING TO QUALIFY ON SCHEME B. AT THAT POINT, THE SENIOR BIDDER ON THE ASSIGNMENT WITH SCHEME A DECIDED TO WITHDRAW FOR WHATEVER REASON. IF CLERK HOPPER IS THE SENIOR "THEN QUALIFIED" BIDDER (WITH SCHEME A), CLERK HOPPER WOULD BE ANNOUNCED AS THE SUCCESSFUL BIDDER ON THE SCHEME A ASSIGNMENT AND COMPENSATED FOR THE TRAINING ON SCHEME A.

YOUR SECOND INQUIRY HAS BEEN ADDRESSED IN THE ABOVE EXAMPLES. REMEMBER, ARTICLE 37, SECTION 3, F-8 ONLY APPLIES WHEN AN EMPLOYEE IS DESIGNATED AS SUCCESSFUL BIDDER AND WISHES TO REMAIN A LIVE BIDDER ON OTHER BIDS.


ROBERT R. TEMPLETON
REGIONAL MANAGER, LABOR RELATIONS