

## PROPOSED CHANGES TO CONSTITUTION AND BY - LAWS

**Article VII. Section 1.** (b). Change to read: "These officers, all of whom must be active members, shall hold office for a four (4) year period, or until their successors are duly appointed or elected, or until separation from the Postal Service if earlier, unless ineligible under the provisions of Article III, Section 2, provided that not more than one (1) member from any one (1) local branch may hold any of these offices.

**Article VII. Section 2.** Insert the following as paragraph (a): To be considered as candidates for any of the full-time officers. President, Executive Vice President and Secretary/Treasurer, they must be members in good standing and must have served as an Executive Board member at the local branch level prior to serving at the National level. Members who are in good standing would be those who have been active members for at least four (4) years and have paid full membership dues. These offices will be elected on a nationwide basis. All other vice presidents shall be eligible for election to office only if employed in a post office or installation within the area or region served and shall be elected only by the votes of the duly accredited members from the area or region being served.

**Article VII. Section 2.** Insert the following as paragraph (b): Full-time Officer candidates will be required to have the backing of the local branch. All other candidates will be required to have the backing of the local or state branch of the area or region being served. All candidates will be required to notify the election committee by February 1 of the year of the election of their intent and enclose a copy of a letter from the branch giving their backing of such candidate. All candidates will bear all expenses for their campaign. Under no circumstance will monies from the NAPSHQ treasury be utilized to support any candidate. There is nothing to exclude a local or state branch supporting a candidate with monies providing the majority of members support the help of the local or state branch.

**Article VII. Section 2.** Change the present first paragraph as (c). (1). And to read as follows: The President shall, with the approval of the Executive Board, appoint an Election Committee of five (5) members. Of the five (5), at least two (2) will be associate members. Appointments must be made to take effect February 1 of the election year.

⊙ (2). The Election Committee will assume full control of the election. With the help of the Webmaster, a special forum will be used for candidates to use for campaigning and to answer any and all questions nationally for all members. This forum will be used for candidates to campaign without any prejudices and will be given equal time. The election committee will mail a ballot to all members with instructions for voting.

⊙ (3). The Election Committee will appoint one (1) of the committee as the Judge of Elections. The judge will make any necessary decisions concerning the validity of candidates and/or ballots. All decisions will be discussed with the full committee. The judge will determine the days the committee will be in session at NAPSHQ. NAPSHQ will provide all necessary expenses to the committee. Expenses for lodging, meals and travel will be absorbed by NAPSHQ. NAPSHQ will establish an election expense account solely for the purpose of elections. NAPSHQ will not in any way or manner interfere with the progress of the committee but will be available to provide the needs necessary for the committee to perform its duties. For days the committee does not

meet, all records and files will be kept in a locked secured area allowing no one to enter.

Ⓢ. (4). The campaign will not exceed (60) days. All voting must be completed and received by the election committee with a postmark no later than April 1. Any received with a later postmark will be considered void and null. The Election Committee suggests to members not to use Postal equipment for campaigning or voting. Neither the Elections Committee nor NAPSHQ will assume responsibility of any member that does so. The election committee will post the results on the BB forum no later than the third (3<sup>rd</sup>) Wednesday in April.

Ⓢ. (5). New officers will be sworn on the first Monday of May. Outgoing officers maybe required to help the incoming officers in the office, no more than one hundred and twenty (120) days at the request of the new officers, to turn over all records and to help break in the new officers. No files and/or property of NAPSHQ will be taken out of the office by outgoing officers.

Ⓢ. (6). Each of the Officers shall have equal voice and vote in all Executive Board actions.

**All other references to Article VII.** Section 2 will be deleted. A note should be put in place to state: If this change is approved and accepted by the members at the National Convention of 2004, the term of office for the incumbent officers will automatically be extended to allow the elections to take place in the year 2005.

**In Article VII. Section 3.** Delete the words national convention and insert it their place national elections.

**In Article VIII. Section 4.** Change to read as follows: If a member of the Executive Board accepts a detail to the US Postal Service Headquarters, the position shall immediately be declared vacant and the President shall appoint a replacement, subject to the approval of the Executive Board. RESOLUTION CONCERNING PAY DISPARITY BETWEEN EAS AND CRAFT AND WORKING CONDITIONS.

Whereas: With the implementation of the EVA program in the 90s for EAS employees, being done under the pretext that the same was going to happen to the craft employees. And Whereas: With the implementation of EVA, bargaining units have negotiated several new agreements. Under the terms of those agreements, there was no such agreement between crafts and management concerning EVA. And Whereas: With the implementation of EVA, EAS employees lost COLA, step increases, and changes were made to the payment of over-time and night differential pay. And Whereas: With the implementation of the 2002 pay negotiations, EVA was removed from the pay procedures. While EVA was removed there was nothing put in its place. COLA, step increases, over-time and night differential was not included to take place of EVA. And Whereas: US Code Title 39, Chapter 10, Section 1004 states: "It shall be the policy of the Postal Service to provide compensation, working conditions, and career opportunities that will assure the attraction and retention of qualified and capable supervisory and other managerial personnel; to provide adequate and reasonable differentials in rates of pay between employees in the clerk and carriers grades in the line workforce and supervisory and other managerial personnel; etc." And Whereas: The rate compensation and working conditions of EAS employees have seriously deteriorated. And Whereas: US Code Title39, Chapter 10, Section 1004

provides a means for supervisory and other managerial organizations to follow when they and the Postal Service cannot agree to terms. This procedure has not been followed for at least the last three (3) or four (4) negotiations. Therefore let it be Resolved: That immediately upon the approval of this resolution, that NAPSHQ notify the Postal Service of it's intent to adhere and abide by Section 1004 of Chapter 10 of US Code Title 39. And that intent would be to renegotiate the rate compensation, including step increases, COLA, overtime, night differential and working conditions of all EAS employees. And let it be further Resolved: That the step increases will be in the same format as was prior to the EVA program. Thus assuring that a supervisor and other managerial personnel will reach the top step in that pay grade within a reasonable time limit. And let it be further Resolved: That NAPSHQ follow the procedures of Section 1004 of Chapter 10 of US Code Title 39 by any and all means available, including the use of attorneys and going to congress or whatever has to be done. And let it be further Resolved: That under no circumstances will any future negotiations be implemented unless all procedures under Section 1004 of Chapter 10 of US Code Title 39 has been followed.

#### **PROPOSAL TO CHANGE ARTICLE V (MEETINGS)**

**Article V. Section 1.** Reads: National conventions of this Association shall be held biennially during the month of August, September or October of each even-numbered year, the convention site to be selected four (4) years in advance. Etc.

Change Section 1 to read: National conventions of this Association shall be held biennially during the month of March, April or May of each even-numbered year, etc.

This reason for this change is that when the crafts settle their negotiations, it is done so usually in the fall and/or winter months. If conventions were held in the spring, this would give all NAPS members an opportunity to make suggestions to NAPSHQ as to what issues should be discussed during the negotiations.

#### **RESOLUTION TO KEEP MEMBERS INFORMED DURING NEGOTIATIONS**

Whereas: Under the procedures NAPSHQ now exercises for negotiations, members are not kept inform as to what or how negotiations are be conducted. And Whereas: Members are only told of the package after NAPSHQ has signed off with USPSHQ. Therefore let it be Resolved: That commencing immediately NAPSHQ will keep members informed of the progress of any and all negotiations with USPSHQ.

#### **DISPARITY OF PAY FOR PERFORMANCE/BONUS BETWEEN PCES AND EAS**

Whereas: The pay that the EAS employees receive for pay for performance/bonus is only a portion of the pay that is given to PCES employees. And Whereas: Such pay for PCES is based on the performance of EAS employees under the direction of the PCES. Therefore let it be Resolved: That NAPS negotiate with the USPSHQ to change the procedure of the pay for performance/bonus. And let it also be Resolved: That the percentage of the total amount to be distributed, be the same for headquarters, executives, PCES, postmasters, managers, supervisors and all other EAS employees.

## LOCALITY PAY

Whereas: The cost of living varies from one region to another. EAS employees are paid the same regardless of the difference of the cost of living. And Whereas: Other Federal Agencies and the Postal Inspection Services have implemented a Locality pay program. Therefore let it be Resolved: That NAPSHQ enter into negotiations with the Postal Service to include in the pay package a locality pay program consistent with other agencies. **General** Schedule in section 5332 of title 5, United States Code, shall be paid by reason of the enactment of this section."

Provisions of section 9 of Pub. L. 91-375 effective Aug. 12, 1970, see section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding section 101 of this title.

SECTION REFERRED TO IN OTHER SECTIONS This section is referred to in sections 1001, 1004 of this title. -CITE- 39 USC Sec. 1004.01/02/01 -EXPCITE-

TITLE 39 - POSTAL SERVICE  
PART II - PERSONNEL

CHAPTER 10 - EMPLOYMENT WITHIN THE POSTAL SERVICE

-HEAD-

Sec. 1004. Supervisory and other managerial organizations

-STATOTE-

(a) It shall be the policy of the Postal Service to provide compensation, working conditions, and career opportunities that will assure the attraction and retention of qualified and capable supervisory and other managerial personnel; to provide adequate and reasonable differentials in rates of pay between employees in the clerk and carrier grades in the line work force and supervisory and other managerial personnel; to establish and maintain continuously a program for all such personnel that reflects the essential importance of a well-trained and well-motivated force to improve the effectiveness of postal operations; and to promote the leadership status of such personnel with respect to rank-and-file employees, recognizing that the role of such personnel in primary level management is particularly vital to the process of converting general postal policies into successful postal operations. (b) The Postal Service shall provide a program for consultation with recognized organizations of supervisory and other managerial personnel who are not subject to collective-bargaining agreements under chapter 12 of this title. Upon presentation of evidence satisfactory to the Postal Service that a supervisory organization represents a majority of supervisors, or that a managerial organization (other than an organization representing supervisors) represents a substantial percentage of managerial employees, such organization or organizations shall be entitled to participate directly in the planning and development of pay policies and schedules, fringe benefit programs, and other programs relating to supervisory and other managerial employees. (c)(1) The Postal Service and the supervisors' organization shall, unless otherwise mutually agreed to, meet at least once each month to implement the consultation and direct participation procedures of

subsection (b) of this section. (2) (A) At least 7 days before each meeting, each party shall - (i) provide notice of agenda items, and (ii) describe in detail the proposals such party will make with respect to each such item. (B) Grievances of individual employees shall not be matters, which may be included as agenda items under this paragraph. (d)(1) In order to facilitate consultation and direct participation by the supervisors' organization in the planning and development of programs under subsection (b) of this section which affect members of the supervisors' organization, the Postal Service shall -

(A) provide in writing a description of any proposed program and the reasons for it;

(B) give the organization at least 60 days (unless extraordinary circumstances require earlier action) to review and make recommendations with respect to the program; and

(C) give any recommendation from the organization full and fair consideration in deciding whether or how to proceed with the program.

(2) If the Postal Service decides **to** implement a program described in paragraph (1) of this subsection, the Postal Service shall before such implementation .-

(A) give the supervisors' organization details of its decision to implement the program, together with the information upon which the decision is based;

(B) give the organization an opportunity to make recommendations with respect to the program; and

(C) give such recommendations full and fair consideration, including the providing of reasons to the organization if any **of** such recommendations are rejected.

(3) If a program described in paragraph (1) of this subsection **is** implemented, the Postal Service shall -

(A) develop a method for the supervisors' organization to participate in further planning and development of the program, and

(B) give the organization adequate access to information to make that participation productive.

(4) The Postal Service and the supervisors' organization may, by agreement, adopt procedures different from those provided by this subsection.

(e)(1) The Postal Service shall, within 45 days of each date on which an agreement is reached on a collective bargaining agreement

between the Postal Service and the bargaining representative recognized under section 1203 of this title which represents the largest number of employees, make a proposal for any changes in pay policies and schedules and fringe benefit programs for members of the supervisors' organization which are to be in effect during the same period as covered by such agreement. (2) The Postal Service and the supervisors' organization shall strive to resolve any differences concerning the proposal described in paragraph (1) of this subsection under the procedures provided for, or adopted under, subsection (d) of this section. (3) The Postal Service shall provide its decision concerning changes proposed under paragraph (1) of this subsection to the supervisors' organization within 90 days following the submission of the proposal.

(f)(1) If, notwithstanding the mutual efforts required by subsection (e) of this section, the supervisors' organization believes that the decision of the Postal Service is not in accordance with the provisions of this title, the organization may, within 10 days following its receipt of such decision, request the Federal Mediation and Conciliation Service to convene a fact-finding panel (hereinafter referred to as the "panel") concerning such matter.

(2) Within 15 days after receiving a request under paragraph (1) of this subsection, the Federal Mediation and Conciliation Service shall provide a list of 7 individuals recognized as experts in supervisory and managerial pay policies. Each party shall designate one individual from the list to serve on the panel. If, within 10 days after the list is provided, either of the parties has not designated an individual from the list, the Director of the Federal Mediation and Conciliation Service shall make the designation. The first two individuals designated from the list shall meet within 5 days and shall designate a third individual from the list. The third individual shall chair the panel. If the two individuals designated from the list are unable to designate a third individual within 5 days after their first meeting, the Director shall designate the third individual.

(3)(A) The panel shall recommend standards for pay policies and schedules and fringe benefit programs affecting the members of the supervisors' organization for the period covered by the collective bargaining agreement specified in subsection (e)(1) of this section. The standards shall be consistent with the policies of this title, including sections 1003(a) and 1004(a) of this title. (B) The panel shall, consistent with such standards, make appropriate recommendations concerning the differences between the parties on such policies, schedules, and programs. (4) The panel shall make its recommendation no more than 30 days after its appointment, unless the Postal Service and the supervisors' organization agree to a longer period. The panel shall hear from the Postal Service and the supervisors' organization in such a manner as it shall direct. The cost of the panel shall be borne equally by the Postal Service and the supervisors' organization. (5) Not more than 15 days after the panel has made its recommendation, the Postal Service shall provide the supervisors' organization its final decision on the matters covered by factfinding under this subsection. The Postal Service shall give full and fair consideration to the panel's recommendation and shall explain in writing any differences between its final decision and the panel's recommendation. (g) Not earlier than 3 years after the date of the enactment of this subsection, and from time to

time thereafter, the Postal Service or the supervisors' organization may request, by written notice to the Federal Mediation and Conciliation Service and to the other party, the creation of a panel to review the effectiveness of the procedures and the other provisions of this section and the provisions of section 1003 of this title. The panel shall be designated in accordance with the procedure established in subsection (f)(2) of this section. The panel shall make recommendations to the Congress for changes in this title as it finds appropriate. (h) For purposes of this section - (1) "supervisors' organization" means the organization recognized by the Postal Service under subsection (b) of this section as representing a majority of supervisors; and (2) "members of the supervisors' organization" means employees of the Postal Service who are recognized under an agreement between the Postal Service and the supervisors' organization as represented by such organization.

-SOURCE-

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 731; Pub. L. 96-326, Aug. 8, 1980, 94 Stat. 1023.)

-REFTEXT-

REFERENCES IH TEXT The date of the enactment of this subsection, referred to subsec. (g), is the date of enactment of Pub. L. 96-326, which was approved Aug. 8, 1980.

-MISC2-

AMENDMENTS

1980 - Subsecs. (c) to (h) . Pub. L. 96-326 added subsecs. (c) to (h).

EFFECTIVE DATE Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as a note preceding section 101 of this title.

-SECREf-

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1005 of this title; title 5 section 8473; title 18 section 205.

-CITE-

39 USC Sec. 1005

01/02/01

-EXPCITE-

TITLE 39 - POSTAL SERVICE PART II – PERSONNEL

CHAPTER 10 - EMPLOYMENT WITHIN THE POSTAL SERVICE

-HEAD- Sec. 1005. Applicability of laws relating to Federal employees

-STATUTE- (a) (1) Except as otherwise provided in this subsection, the provisions of chapter 75 of title 5 shall apply to officers and employees of the Postal Service except to the extent of any inconsistency with - (A) the provisions of any collective-bargaining agreement negotiated on behalf of and applicable to them; or (B) procedures established by the Postal Service and approved by the Civil Service Commission. (2) The provisions of title 5 relating to a preference eligible (as that term is defined under section 2108(3) of such title) shall apply to an applicant for appointment and any officer or employee of the Postal Service in the same manner and under the same conditions as if the applicant, officer, or employee were subject to the competitive service under such title. The provisions of this paragraph shall not be modified by any program developed under section 1004 of this title or any collective-bargaining agreement entered into under chapter 12 of this title. (3) The provisions of this subsection shall not apply to those individuals appointed under sections 202, 204, and 1001(c) of this