

90/10 SETTLEMENT

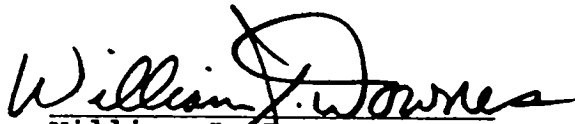
JOINT STATEMENT OF CLARIFICATION OF THE

REMEDY

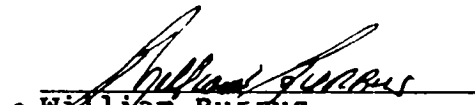
The parties hereby agree to clarify the prospective remedy of the 90/10 settlement as follows:

1. The 365 day restriction for bidding pursuant to Article 37.3.B.2, will begin the day the employee should have been converted to full-time Distribution Clerk, Machine.
2. The calculation of time for step increases for promotions will begin on the day the employee was actually converted to full-time and not when he should have been converted.

The settlement of this dispute has no impact on the pending grievance over proper compensation and step placement when promoted.


 William J. Downes
 Director
 Office of Contract Administration
 Labor Relations Department
 AFL-CIO

DATE 6-29-89


 William Burrus
 Executive Vice President
 American Postal Workers
 Union,

DATE 7-14-89

**MEMORANDUM OF UNDERSTANDING
BETWEEN
THE UNITED STATES POSTAL SERVICE
AND
THE AMERICAN POSTAL WORKERS UNION, AFL-CIO
AND
THE NATIONAL ASSOCIATION OF LETTER CARRIERS, AFL-CIO**

The United States Postal Service, the American Postal Workers Union, AFL-CIO, and the National Association of Letter Carriers, AFL-CIO, hereby agree to the following remedy for the postal installations which have 200 or more man years of employment in the regular work force and have violated the 90/10 staffing requirement of Article 7, Section 3.A. The parties agree further to remand the following remedy to the aforementioned installations for application of the terms of this Memorandum of Understanding.

REMEDY FOR PAST VIOLATIONS:

- I. The remedy shall be retroactive to November 6, 1986, for the American Postal Workers union, AFL-CIO and for the National Association of Letter Carriers, AFL-CIO.
- II. Any installation with 200 or more man years of employment in the regular work force which is not presently in compliance with Article 7, Section 3.A, management shall immediately convert sufficient part-time flexibles to full-time regulars to meet the 90/10 staffing requirement.
- III. In any installation with 200 or more man years of employment in the regular work force which was not in compliance with the 90/10 staffing requirement in any particular accounting period during the period commencing November 6, 1986, and ending when the facility is in compliance, management will:
 - A. Identify those employees who would have been earlier converted to full-time regular had the installation been in compliance with the 90/10 staffing requirement.
 - B. Determine the date on which each employee should have been converted.

IV. Each employee shall then be paid \$35.00 for each week commencing on the date the employee should have been converted to full-time regular and ending on the date the employee was actually converted.

PROSPECTIVE REMEDY:

- I. Any installation with 200 or more man years of employment in the regular work force which fails to maintain the 90/10 staffing ratio in any accounting period, shall immediately convert and compensate the affected part-time employee(s) retroactively to the date which they should have been converted as follows:
 - A. Paid the straight time rate for any hours less than 40 hours (five 8 hour days) worked in a particular week.
 - B. Paid the 8 hour guarantee for any day of work beyond five (5) days.
 - C. If appropriate, based upon the aforementioned, paid the applicable overtime rates.
 - D. Further, the schedule to which the employee is assigned when converted will be applied retroactively to the date the employee should have been converted and the employee will be paid out-of-schedule pay.
 - E. Where application of Items A-D, above, shows an employee is entitled to two or more rates of pay for the same work or time, management shall pay the highest of the rates.

William J. Downes

 William J. Downes
 Director
 Labor Relations Department

William Burrus

 William Burrus
 Executive Vice President
 American Postal Workers
 Union, AFL-CIO

DATE 4/14/89

DATE _____

Lawrence G. Hutchins

 Lawrence G. Hutchins
 Vice President
 National Association of
 Letter Carriers, AFL-CIO

DATE 4/14/89