

# Understanding TEs

**W**ith the ratification of the 2006-2011 National Agreement, numerous changes have taken place. One of the significant changes involves transitional employees (TEs). In the previous contract, Article 7, Section 1.B dealt with the supplemental workforce (casuals). That language was deleted from the 2006-2011 contract and replaced with new language related to TEs.

The new Article 7.1.B.1 deals with the number of TEs who may be employed in any period. Other than December, TEs shall not exceed 3.5 percent of the total number of career city carriers covered by the agreement. The 3.5 percent, which is a national cap, will be monitored for compliance at the national level.

However, within each district, the number of TEs who may be employed in a district under Article 7.1.B.2 may not exceed 6 percent of the total number of career city carriers (other than December). The 6 percent will also be monitored for compliance at the national level.

In addition to the 3.5 percent hiring limit set in Article 7.1.B.1, the parties also agreed to allow for the hiring of another category of TEs. Provisions for hiring this other category are found within the memorandum for the Flat Sorting System (FSS). That memo provides that, upon ratification of the contract, the employer is authorized to hire up to 8,000 TEs nationally during the implementation phase of the FSS. Union representatives need to be aware of the percentage that applies to these TEs. Of the TEs who are hired strictly for the FSS, they shall not exceed 8 percent of the career letter carriers in any given district.

Union representatives need to realize that these 8,000 TEs hired specifically for the FSS are completely different from the TEs hired under the 3.5 percent national cap. To differentiate between the two types of TEs, the parties have agreed that each type will have its own Designation Activity Code, which will be annotated on the PS Form 50.

**The parties also agreed upon a Transitional Employee Employment Opportunities Memorandum.** This memo provides that TEs completing 180 days of employment, and who are still on the rolls, may take the entrance exam for a career city letter carrier position. Each TE gets one opportunity to do this. To do so, TEs submit a request for testing to their personnel office. Tests will be provided no less than

once each quarter. TE scores will be merged with the appropriate existing city letter carrier register. Eligible TEs who already have a passing test score on the city letter carrier register may take the exam again under this memorandum.

Protection for part-time flexible employees is provided via language in Article 7.1.B.3, which provides the following: Over the course of a pay period, the employer will make every effort to ensure that qualified and available part-time flexible employees are utilized at the straight-time rate prior to assigning such work to TEs working in the same work location and on the same tour—provided that the reporting guarantee for TEs is met.

**TEs, as non-career employees, are hired for a limited period** with a break in service as provided in Article 7.1.B.4. This provides that TEs shall be hired pursuant to such procedures as the employer may establish. They will be hired for a term not to exceed 360 calendar days for each appointment. TEs will have a break in service of at least five days between appointments.

Article 8, Section 4.B requires that management pay TEs overtime for all work over eight hours in a service day, and for over 40 hours in a service week. Article 8, Section 4.E requires management to pay penalty overtime to TEs for all work in excess of 10 hours in a service day or 56 hours in a service week. Any TE who is scheduled to work and reports to work is guaranteed four hours of work or pay pursuant to Article 8.8.D.

Article 9.7 covers the pay provision for TEs. It states that TEs will be hired at Grade 1, Step A. As of November 24, 2007, that salary is \$39,211 annually, which equates to \$19 per hour. They will also receive salary increases contained in Article 9.1, and the COLAs contained in Article 9.3.

The leave provisions for TEs are contained in the Transitional Employees—Additional Provisions Memorandum. TEs earn annual leave based on hours worked to a maximum of four hours per pay period. However, they do not earn sick leave. The MOU does allow TEs to use annual leave for sick leave purposes.

**Union representatives should take special care to learn the contractual provisions that apply to transitional employees.** Remember, TEs can be signed up as union members. ☐