



American Postal Workers Union, AFL-CIO

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Lance:

This is to respond to your letter regarding the rights of Preference Eligibles. My earlier statements that you attached continue to reflect the rights of Preference Eligibles. The law prohibits the movement of vets who meet the requirements of the law to a job of a different wage level, with different qualifications or duties if there is a non vet remaining in the former assignment. Previous court decisions have clearly defined the standards applying to a reduction in pay grade and a position requiring different qualifications. The intent of the law is less clear as it applies to "different duties".

A veteran (preference eligible) cannot be reduced in grade if non-veterans continue to be employed in the former grade and the only process for reducing a veteran in grade is through the RIFF procedure which provides a superior ranking to veterans. The same restriction apply to the reassignment of veterans to duties that require different qualifications. The veteran can only be reassigned through a RIFF.

The assignment of veterans to positions involving different duties or job qualification has been interpreted within the Postal Service as those assignments requiring different entrance examinations so if the assignment to which the veteran is assigned requires a different examination the veteran can only be reassigned through RIFF.

The law is often interpreted by those who are not totally informed as a bar against the excessing of veterans. This is true within the above restrictions however if the reassignment does not include these restrictions, a veteran can be excessed from a Section, craft or installation under the provisions of Article 12. A veteran does not receive any preference when the excessing is within the same pay grade or examination qualification. A veteran who is distribution

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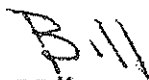
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clerk in Des Moines can be excessed to California so long as he is excessed to a Distribution clerk position or one requiring the same entrance exam and he is not reduced in pay grade. Article 12 is the appropriate rule to determine the excessed employee.

For clarification purposes, all veterans do not receive preference status. The criteria is that the employee served in the military during a period when preference status was extended to eligible personnel. To verify the status for specific individuals you should refer to the Handbooks for the listing of events that qualify.

Thank you for communicating with me on this issue. I hope that this information proves useful.

In solidarity,



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