



NATIONAL ASSOCIATION OF POSTAL SUPERVISORS

NAPS Legally Represents All EAS Postal Employees!

NAPS is not a union. **NAPS** is not UPMA, either. *NAPS is Family and Much, Much More!*

On February 22, 2022 the U.S. Court of Appeals in the District of Columbia officially ruled in favor of *National Association of Postal Supervisors (NAPS)* having the legal right, per Title 39, to represent and consult on USPS pay and benefits for all Postmasters.

The District Court of Appeals **ruled against** the U.S. Postal Service and United Postmasters and Managers of America (UPMA) regarding their challenge and objection that NAPS be given the legal right to represent Postmasters.

In their final decision, the U.S. Court of Appeals of D.C., ruled that the *National Association of Postal Supervisors* is legally recognized as a *Postmaster's organization*. The Appeal Court's final ruling also confirmed **NAPS** as the only postal supervisory organization to be recognized by the Postal Service. Below is an excerpt from U.S. Court of Appeals' ruling.

*While **postmasters' organizations are expressly prohibited from also representing supervisors**, and managerial organizations are prohibited from also representing supervisors or postmasters, no such restriction is placed on supervisory organizations. **Supervisory organizations – beyond having to show they represent a majority of supervisors – are not limited in who else they can represent.***

*This precisely crafted statute thus presents a “nested” structure, in which **Congress placed deliberate restrictions on postmasters' organizations (which may not represent supervisors)** and on managerial organizations (which may not represent either supervisors or postmasters), but conspicuously left the supervisory organization free to represent either postmasters or managers alongside supervisors. ... The Act does not say that a supervisory organization cannot represent postmasters.*

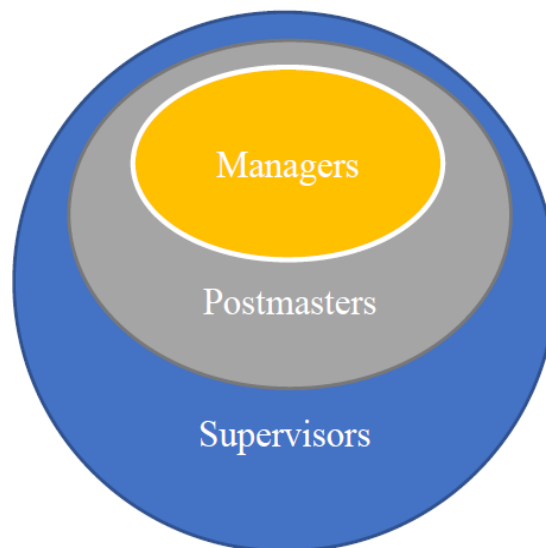


Figure 1: Section 1004(b)'s Nested Structure

US Court of Appeals, District of Columbia February 22, 2022
No. 20-5280 (No. 1:19-cv-02236)

Contact Brian J. Wagner at Brian4NAPS@aol.com if interested in receiving the entire 32-page Appeal Court's ruling.

Representing supervisors, managers, and postmasters in the United States Postal Service

The FACTS: Comparing Postal Management Disciplinary Defense Funds

National Association of Postal Supervisors (NAPS) FREE - No Cost - Disciplinary Defense Fund (DDF)	United Postmasters & Managers of America (UPMA) \$3,000 Cost- Adverse Action Legal Defense Fund (AALDF)
<p>NAPS DDF Eligibility 90-Day Waiting Period: Must be an active dues paying member of NAPS for at least ninety (90) days prior to the date of an initial proposed adverse action or debt collection case being issued. Membership effective date is determined by the date <i>Form 1187</i> is signed by a branch officer or received at NAPS Headquarters without a respective officer's signature.</p> <p>60-Day Waiting Period Exception: Must have signed a <i>Form 1187</i> for NAPS membership within sixty (60) days from the effective date of <i>promotion from the craft</i>. Membership effective date is date signed by a local branch officer or received at NAPS Headquarters without a respective officer's signature. Date of EAS promotion on <i>Form 50</i> establishes start date of 60 day period.</p> <p>Associate members (retirees), who were NAPS members within 90 days of USPS retirement are eligible for DDF as it relates debt collection cases.</p>	<p>UPMA AALDF Eligibility 12-Month Waiting Period: Must be an active EAS member of UPMA for at least one-year (12-months) prior to the date of an initial proposed adverse action being issued. Membership effective date is determined by the date <i>Form 1187</i> is processed at the UPMA National Office.</p> <p>Member's representation request is forwarded to UPMA attorney. Under AALDF, attorney may accept or decline the member's case.</p> <p>AALDF will not provide representation for any criminal related matters including if member has admitted to criminal activity to law enforcement.</p>
<p>Adverse Action (Removal/Downgrade/Suspension > 14 days) \$0.00 cost to NAPS member. No (\$0.00) legal retainer required. NAPS pays 100% of total cost for an initial adverse action case. No NAPS DDF cap on expenses paid.</p> <p>No out-of-pocket cost to NAPS members ever; not before, during or even after receiving an initial Merit System Protection Board (MSPB) decision. This includes adverse action cases not qualifying for MSPB, but handled at a USPS 650 Hearing. NAPS may provide additional financial resources in any initial DDF case to cover evidentiary expenses.</p> <p>Member is responsible for the full cost of an appeal <u>beyond</u> the initial Merit System Protection Board (MSPB) decision.</p>	<p>Adverse Action (Removal/Downgrade/Suspension > 14 days) \$3,000 up front legal retainer required. UPMA <u>member is responsible for 25% of the total</u> cost with a \$3,000 maximum cap. UPMA will pay 100% of the additional costs beyond \$3,000. This includes adverse action cases not qualifying for MSPB, but handled at a USPS 650 Hearing.</p> <p>Member responsible for full cost of appealing beyond initial Merit System Protection Board (MSPB) decision.</p> <p>A UPMA member, desiring adverse action representation of the Legal Defense Attorney, must submit a cashier's check (or wire transfer) within ten (10) days of the Decision Letter to the UMPA National Office in the amount described in the AALDF Plan. Failure to adhere to this stipulation will disqualify the member from receiving AALDF representation.</p>
<p>Reduction-in-Force (RIF) & Debt Collection DDF representation provided. \$0.00 cost to NAPS member. No (\$0.00) legal retainer required. NAPS pay 100% of DDF representation in all RIF or Debt Collection cases. No DDF cap!</p>	<p>Reduction-in-Force (RIF) & Debt Collection No information found on this representation.</p>
<p>NAPS DDF Representation Since the inception of the NAPS DDF (1988), NAPS has accepted and continues to accept all Adverse Action, debt collection and RIF cases. No qualifying NAPS member has been denied or refused DDF representation. No member has paid a retainer or out-of-pocket expenses for an initial DDF MSPB/650 Hearing or debt collection case.</p> <p>Disclaimer: <i>NAPS is a professional postal management organization of supervisors, managers, postmasters, and other managerial personnel, not a Union. Under this classification, NAPS is not obliged to defend each and every member, regardless of the charges they may face. The integrity of NAPS, both national and local, and the interests of the Postal Service must be considered when receiving a request for DDF advocacy. This provision is necessary if an EAS employee's allegations are so severe or egregious that representation cannot be accomplished. To date, no DDF qualifying member has been denied DDF representation.</i></p>	<p>UPMA AALDF Representation UPMA National Executive Board will conduct a review and determine the appropriate UPMA action; 80% approval of the UPMA National Executive Board is required before AALDF may be used to represent a Member.</p> <p>If UPMA's AALDF Attorney advises the UPMA National Executive Board that a case is not justifiable to pursue, the UPMA National Executive Board (with 80% approval) reserves the right to cease the use of its AALDF.</p> <p>Settlement: If client (member) does not agree to settle his/her appeal, UPMA National Board may be called upon by request of the Member Representative to review the proposed settlement. If the National Board considers the settlement to be fair, then the client will be personally responsible to pay 100% of further cost to pursue the case regardless of the outcome. If attorney fees are awarded by a percentage (i.e., 50%) the same percentage will be used when refunding the member's used portion of their retainer.</p>