

Postal Service Reservists Eligible for Back Pay

As many as 100,000 military reservists who worked at the U.S. Postal Service between 1980 and 2000 could be eligible for thousands of dollars in compensation because they were improperly charged for their military leave, under a new ruling.

The Merit Systems Protection Board decision greatly expands the scope of a larger back pay issue that ultimately could cost the government half a billion dollars, said Mathew Tully, a New York attorney who is representing affected employees for free.

Previous rulings have held that between 150,000 and 200,000 reserve or National Guard members who worked for executive branch agencies between 1980 and 2000 are eligible for back pay because of an erroneous leave policy. In a March 7 ruling, *Miller v. U.S. Postal Service*, MSPB said reservists who worked at the Postal Service also are covered because that agency used the same policy.

Outside the Defense Department, the Postal Service is the largest single employer of Guard and reserve members, Tully said. He said complying with the decision could cost the Postal Service upwards of \$200 million.

"They're probably going to have to jack up the price of stamps 3 or 4 cents just to pay for the outcome of this decision," Tully said.

The Postal Service did not immediately respond to a request for comment.

The Postal Service could appeal the ruling to the U.S. Court of Appeals for the Federal Circuit, although that court in 2003 issued the landmark decision that employees were entitled to back pay because federal agencies improperly charged reservists who were on military leave for days they were not scheduled to work. Subsequent decisions by MSPB expanding the scope of the appeals court ruling have not been challenged.

The policy, which was changed in 2000, had charged reservists for every calendar day they were on military leave, instead of charging them for the actual workdays they missed. Reservists who used up their military leave because they were charged for weekends or other days they weren't scheduled to work instead had to use their own vacation days or take leave without pay to complete their annual military training.

The court decisions require agencies to restore annual leave to current employees or provide back pay to retired workers to make up for the lost compensation or leave that employees incurred because of the policy.

Tully said the average back payment has totaled \$3,500, although employees have received anywhere from \$400 to \$14,000 depending on how long they were in the reserves and their paygrade.

Reservists who believe they are owed back pay must file their case with MSPB.

