

Dear Dr. Hector P. Garcia

This is to advise you that on November 30, 1990, I am retiring from the Postal Service.

This is a result of the Budget Bill recently passed which suspended the "Lump Sum" provisions. The Bill provides that anyone eligible to retire must retire by no later than November 30, 1990 to benefit and be able to receive the lump sum payment.

I have completed total creditable service of 41 years and 6 months, this includes military time and accumulated sick leave. I am 61 years of age and feel that I have many more years that I can contribute to the Postal Service. However, it is difficult since the passage of the budget bill.

However, there is a provision under Public Law 91-375 which is better known as the Postal Reorganization Bill, whereby under Title 39, U. S. Code 1001 that provides for the Postal Service to hire individuals under employment contracts for periods not in excess of five years.

This opportunity has been extended to other employees in the Postal Service. I am hereby requesting that I be considered for such an employment contract as provided for under Title 39, U. S. Code 1001. Notwithstanding, this type of employment contract will not affect my retirement status.

Your assistance in this matter is greatly appreciated.

Your friend,


FRANK PANIAGUA

"§ 604. Seizing and detaining letters

"An officer or employee of the Postal Service performing duties related to the inspection of postal matters, a customs officer, or United States marshal or his deputy, may seize at any time, letters and bags, packets, or parcels containing letters which are being carried contrary to law on board any vessel or on any post road. The officer or employee who makes the seizure shall convey the articles seized to the nearest post office, or, by direction of the Postal Service or the Secretary of the Treasury, he may detain them until 2 months after the final determination of all suits and proceedings which may be brought within 6 months after the seizure against any person for sending or carrying the letters.

"§ 605. Searching vessels for letters

"An officer or employee of the Postal Service performing duties related to the inspection of postal matters, when instructed by the Postal Service to make examinations and seizures, and any customs officer without special instructions shall search vessels for letters which may be on board, or which may have been conveyed contrary to law.

"§ 606. Disposition of seized mail

"Every package or parcel seized by an officer or employee of the Postal Service performing duties related to the inspection of postal matters, a customs officer, or United States marshal or his deputies, in which a letter is unlawfully concealed, shall be forfeited to the United States. The same proceedings may be used to enforce forfeitures as are authorized in respect of goods, wares, and merchandise forfeited for violation of the revenue laws. Laws for the benefit and protection of customs officers making seizures for violating revenue laws apply to officers and employees making seizures for violating the postal laws.

"PART II—PERSONNEL"**"CHAPTER**

	Sec.
"10. EMPLOYMENT WITHIN THE POSTAL SERVICE-----	1001
"12. EMPLOYEE-MANAGEMENT AGREEMENTS-----	1201

"Chapter 10.—EMPLOYMENT WITHIN THE POSTAL SERVICE**"Sec.**

- "1001. Appointment and status.
- "1002. Political recommendations.
- "1003. Employment policy.
- "1004. Supervisory and other managerial organizations.
- "1005. Applicability of laws relating to Federal employees.
- "1006. Right of transfer.
- "1007. Seniority for employees in rural service.
- "1008. Temporary employees or carriers.
- "1009. Personnel not to receive fees.
- "1010. Administration of oaths related to postal inspection matters.
- "1011. Oath of office.

"§ 1001. Appointment and status

"(a) Except as otherwise provided in this title, the Postal Service shall appoint all officers and employees of the Postal Service.

"(b) Officers and employees of the Postal Service (other than those individuals appointed under sections 202, 204, and 1001(c) of this title) shall be in the postal career service, which shall be a part of the civil service. Such appointments and promotions shall be in accordance with the procedures established by the Postal Service. The Postal Service shall establish procedures, in accordance with this title, to assure its officers and employees meaningful opportunities for promotion and career development and to assure its officers and employees full protection of their employment rights by guaranteeing them an

opportunity for a fair hearing on adverse actions, with representatives of their own choosing.

"(c) The Postal Service may hire individuals as executives under employment contracts for periods not in excess of 5 years. Notwithstanding any such contract, the Postal Service may at its discretion and at any time remove any such individual without prejudice to his contract rights.

"(d) Notwithstanding section 5533, 5535, or 5536 of title 5, or any other provision of law, any officer or employee of the Government of the United States is eligible to serve and receive pay concurrently as an officer or employee of the Postal Service (other than as a member of the Board or of the Postal Rate Commission) and as an officer or employee of any other department, agency, or establishment of the Government of the United States. 80 Stat. 483, 484.

"(e) The Postal Service shall have the right, consistent with section 1003 and chapter 12 of this title and applicable laws, regulations, and collective-bargaining agreements—

Post, p. 733.

"(1) to direct officers and employees of the Postal Service in the performance of official duties;

"(2) to hire, promote, transfer, assign, and retain officers and employees in positions within the Postal Service, and to suspend, demote, discharge, or take other disciplinary action against such officers and employees;

"(3) to relieve officers and employees from duties because of lack of work or for other legitimate reasons;

"(4) to maintain the efficiency of the operations entrusted to it;

"(5) to determine the methods, means, and personnel by which such operations are to be conducted;

"(6) to prescribe a uniform dress to be worn by letter carriers and other designated employees; and

"(7) to take whatever actions may be necessary to carry out its mission in emergency situations.

"§ 1002. Political recommendations

"(a) Except as provided in subsection (e) of this section, each appointment, promotion, assignment, transfer, or designation, interim or otherwise, of an officer or employee in the Postal Service (except a Governor or member of the Postal Rate Commission) shall be made without regard to any recommendation or statement, oral or written, with respect to any person who requests or is under consideration for such appointment, promotion, assignment, transfer, or designation, made by—

"(1) any Member of the Senate or House of Representatives (including the Resident Commissioner from Puerto Rico);

"(2) any elected official of the government of any State (including the Commonwealth of Puerto Rico) or of any county, city, or other political subdivision of such State or Commonwealth;

"(3) any official of a national political party or of a political party of any State (including the Commonwealth of Puerto Rico), county, city, or other subdivision of such State or Commonwealth; or

"(4) any other individual or organization.

"(b) Except as provided in subsection (e) of this section, a person or organization referred to in clause (1), (2), (3), or (4) of subsection (a) of this section is prohibited from making or transmitting to the Postal Service, or to any other officer or employee of the Government of the United States, any recommendation or statement, oral or written, with respect to any person who requests or is under consideration for any such appointment, promotion, assignment, transfer, or designation. The Postal Service and any officer or employee of the