



STEP B DECISION

STEP B TEAM:**Tennessee**Betsy Davis, USPS
Genie Kinsey, NALC

District Grieving:

Tennessee

Decision:

USPS Number:

Grievant:

Branch Grievance #:

Branch:

Installation:

Delivery Unit:

State:

Incident Date:

Informal Step A Initiated:

Formal Step A Meeting Date:

Date Received at Step B:

Step B Decision Date:

Issue Code:

NALC Code:

RESOLVED

C16N-4C-C 17645264

Class Action

B4-00405-17

4

Nashville

Acklen

Tennessee

ONGOING

09/22/2017

10/06/2017

10/11/2017

11/17/2017

41.4510, 01.6000

504204, 100004

ISSUE:

Did Management violate Articles 1 and 19 of the National Agreement via Handbook M-41 Section 131 when Management annotated in the Carrier's section on PS Form 3996? If so, what is the appropriate remedy?

DECISION:

The Dispute Resolution Team (DRT) has **RESOLVED** this grievance. The DRT determines Management will utilize PS Form 3996 for the sole purpose of recording overtime and/or auxiliary assistance when requested by a letter carrier. Management will cease and desist annotating PS Form 3996 outside of the provisions of Section 280 of the M-41 Handbook.

EXPLANATION:

The Union contends Management violated the National Agreement when Station Manager Nicole Thomas annotated in the letter carrier's portion blocks on PS Form 3996. Management is performing bargaining work unit work. Management should only be completing Line Item L and the portions instructed on the back of PS Form 3996. The Union requests Management instructed to cease and desist this practice and to remain in compliance with the applicable provisions of the handbooks and manuals as well as the Step 4 decisions included in the case file.

Management contends they have the right to manage provided they do not violate any manuals of the contract. The back of PS Form 3996 provides Management and Carrier's parts to complete. The Manager of Acklen Station is completing Section N for a vacant route that is being divided for carriers in the office to carry due to the route being vacant for that day. This particular issue is not found in any handbook, manual or contract. Section 131 of the M-41 does not state you cannot use PS Form 3996 for other purposes therefore we cannot be violating this issue. The wording in the M-41 and the back of the PS Form 3996 is very vague. Nothing in the books discuss when you are pivoting routes and

the use of 3996. Management's interpretation of the instructions on the back of the 3996 is that from section L-O can be completed by Management. Management asks that this grievance be denied.

Section 280 of the M-41 Handbook, City Delivery Carriers Duties and Responsibilities, reads in relevant part as follows:

Prepare Form 3996, *Carrier-Auxiliary Control* (see exhibit 28) as follows:

- a. *Items C, D, and E.* Enter the date (C); route number and name (D); lunch place and time, if applicable (E).
- b. *Item F.* Place an X in the space below the number indicating the case shelf containing the mail for which assistance is being requested. The bottom shelf of the letter separations is designated No. 1. When assistance is required for less than a full shelf of mail, enter the portion of shelf in fractions. The portion should be identified as follows: L 1/2, R 1/4; M 1/2; (L-Left, R-Right, M-Middle of the shelf).
- c. *Items G, H, and I.* Indicate if keys and/or carfare are required and if there is accountable mail for delivery on the route.
- d. *Item J.* Show the reason in detail for requesting assistance. The phrase "Heavy Mail" is not suitable explanation. (Omit reason for requesting assistance during the Christmas period.)
- e. *Item K.* Under *Estimated Work*, the carrier must enter the estimated hours and minutes of the amount of assistance being requested.
- f. Present form to manager.
- g. Item L — Auxiliary Assistance. If assistance is approved the manager shall initial Form 3996 and return it to the carrier for completion of route information.**
- h. *Overtime.* If overtime is approved, the manager shall initial the form and enter near his initials the amount of overtime in minutes. After advising the carrier, the form is then deposited in a designated place for use later when the timecard or printout is verified.
- i. *Street Assistance.* When street assistance is approved, the regular carrier shall complete the additional sections of the form as follows.
- j. *Item M.* Show transportation information as indicated.
- k. *Item N.* Indicate the delivery starting point and the blocks on each street to be delivered.
- l. *Item O.* List the points where relays will be found.
- m. *Item P — Carrier Assistant.* Before leaving, enter name and time beginning and ending office work if auxiliary assistance is given in office. Enter begin and end travel to time for street assistance. Enter the begin and end delivery time used to actually deliver all of the assistance. *After completing actual assistance*, enter the begin and end travel from time in the appropriate spaces. Deposit the form in designated place or give it to the manager.

The DRT notes there are no instructions given in Section 280 of the M-41 Handbook which provide instruction or obligation to annotate in other sections on PS Form 3996 as seen on the documentation included in the subject grievance case file.

The DRT notes the grievance case file contains PS Form 3996 which reads in relevant part as follows:

L. MANAGEMENT ACTION - This section is completed by the manager reviewing the form. The manager reviews the request and makes a determination as to the appropriate actions. The manager shall check the appropriate actions and initial each section.

The Delivery Manager will complete the following item:

Office time used;
Travel to time;
Delivery time;
Travel from time;
Total street time, and
Total auxiliary time used.

The DRT notes the reverse side of PS Form 3996 states the appropriate sections Management is authorized to annotate within.

The DRT notes the grievance file contains 14 PS Form 3996, which reveals Management is entering Letter Carrier's estimated work times in Section K and also approving the same amount of time in Section L. The DRT agrees Letter Carrier's notify Management of their estimated work using PS Form 3996; therefore Management cannot predetermine the amount of assistance being requested by a Letter Carrier. The grievance case file also reveals Management has made annotations in Sections A, C, D, J, K, N and P on PS Form 3996.

The DRT directs the parties to Step 4 Decision (M-01391) dated October 25, 1999, G94N-4G-C 98024445 which reads in relevant part as follows:

The parties agreed there is no dispute between the parties that Step 4 grievance settlements are precedential and binding, unless otherwise agreed between the national parties.

Step 4 Decision (M-00131) dated May 6, 1985, H1N-3W-C 42292 reads in relevant part as follows:

PS Forms 3996 are to be completed as provided for in Part 280 of Methods Handbook, Series M-41. Deviations from these instructions, including locally devised forms attached to the 3996, are not appropriate.

The DRT determines the parties at the National level have agreed the appropriate completion of PS Form 3996 must be in accordance with Section 280 of the M-41 Handbook. Management in the Acklen Post Office is instructed to comply with the above provisions contained in the M-41 Handbook and to cease and desist the practice of writing on PS Form 3996 except in instances which are deemed appropriate via the M-41 Handbook.

The Dispute Resolution Team (DRT) has **RESOLVED** this grievance. The DRT determines Management will utilize PS Form 3996 for the sole purpose of recording overtime and/or auxiliary assistance when requested by a letter carrier. Management will cease and desist annotating PS Form 3996 outside of the provisions of Section 280 of the M-41 Handbook.

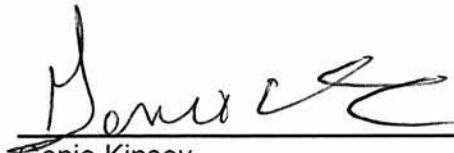
This grievance file contained the following documents:

- (1) PS Form 8190
- (2) Union Contentions (4 Pages)
- (3) Carrier's Statement (2 Pages)
- (4) PS Form 3996 (2 Pages)
- (5) M-41 Language (3 Pages)
- (6) JCAM Language(3 Pages)
- (7) M-00260 Document
- (8) M-00131 Document
- (9) M-00661 Document
- (10) M-00294 Document
- (11) M-00336 Document
- (12) M-00034 Document
- (13) PS Form 3996 (14 Pages)
- (14) M-01391 Document
- (15) Management's Contentions
- (16) PS Form 3996 (2 Pages)

In reaching the above decision, the DRT carefully reviewed each of the documents and placed the appropriate value to each as it applied to the issue in this grievance.



Betsy Davis
USPS Step B Representative



Genie Kinsey
NALC Step B Representative

USPS Number: C16N-4C-C 17645264

Cc: Pete Moss, NALC NBA, Region 8
Jill Miniard, Eastern Area Labor Relations Manager
Michael Kulikowski, Eastern Area Labor Relations Representative
Dannett Hemmingway, USPS, Step A Representative
Jason Leath, NALC Step A Representative
Christopher Alexander, District Manager (A)
Jeryl Wilson, District Human Resources Manager (A)
Nita Fournier, District Labor Relations Manager