

Long Island – Westchester District
Dispute Resolution Team



STEP B DECISION

Step B Team:	Decision:	RESOLVED
Long Island - Westchester	USPS Number:	4B19N-4B-C 22460156
	Grievant:	Class Action
Sean Killeen	Branch Grievance Number:	22-681
James Sheridan	Branch:	99
	Installation:	Staten Island
	Delivery Unit:	New Dorp 10306
District Grieving:	State:	New York
	Incident Date:	08/29/2022
Triboro	Date Informal Step A Initiate:	09/10/2022
	Formal Step A Meeting Date:	09/27/2022
	Date Received at Step B:	11/09/2022
	Step B Decision Date:	11/16/2022
	Issue Code:	19.0000,
	NALC Subject Code:	100093
	Original Step B Received Date:	09/30/2022
	Date Sent to Assisting Team:	11/08/2022

ISSUE: Did Management violate Articles 5, and 19 of the National Agreement (NA) and Section 222 of Handbook M-39, by creating a blanket order telling carries that they have to get out of the office within one hour? If so, what shall the remedy be?

DECISION: The Dispute Resolution Team (DRT) has **RESOLVED** this grievance. The grievance is deemed to have *some* merit. Upon the receipt of this decision Management will refrain from the practice of implementing locally developed policies that are not incorporated in Postal Handbooks and Manuals.

The DRT has determined that Management will allow carriers to perform their work methods that have been established through all Postal Handbooks and Manuals. Management will allow the carriers to sort and case their SPRs in compliance with Postal Handbooks. Management will refrain from requiring Letter Carriers to perform tasks within a required specific time on a daily basis regardless of the mail volume that the carriers have to sort and case.

Management will have a Service Talk alerting carriers to the retraction of the newly developed local policy.

The DRT has determined that the case file as presented fails to document exactly how Management has created a Hostile Work Environment at this Station.

EXPLANATION: The DRT asserts this instant grievance is a contractual case and it is therefore incumbent upon the Union to supply the evidence that meets the burden of proof in order to sustain the grievance. Documentary evidence contained in a case file determines the outcome of a grievance.

UNION CONTENTIONS: The Union contends that Management passed out a notice instructing carriers to be out of the office in an hour. The Union contends this is a violation of office standards. The Union contends that Management has given a blanket order. The Union contends that not all routes are designed equally. The Union contends the policy puts undue stress on the carriers at this Station. The Union contends that Management is creating a Hostile Work Environment. The Union contends that Managements policy dismisses all fixed office times and does not take into consideration the other duties a carrier performs every day. The Union contends that Management is attempting to instruct carriers into leaving times that are inaccurate.

Requested Remedy; The Union requests that Management Cease and Desist from violating the cited contract violations. The Union requests Management withdraw the blanket instruction of letter carriers that they must have to be out within one hour.

MANAGEMENT CONTENTIONS: Management contends that this grievance is frivolous and that it has no merit. Management contends Article 3 gives them the right to manage and that the Employee and Labor Relations Manual (ELM) Section 6655.15 states that employees are to "obey the instructions of your supervisors." Management states they are trying to save overtime and get carriers off the road. Management contends that the typed up instructions do not say "no exceptions". Management contends the list is suggestions to be more productive. Management contends that the Union did not say what was violated.

The DRT has reviewed all documentation and contentions provided within the case file prior to achieving a resolution to this grievance.

The DRT notes that Management contends that the policy does not say that there are "no exceptions" to the newly instituted work method instructions.

However, the DRT notes the case file demonstrates the carriers at the New Dorp Station have been given instructions to "make sure you are on the street time (loading) in 60 minutes" and that is in violation Postal Handbooks and Manuals.

The DRT notes in the provided policy notice, Management has arbitrarily assigned specific times to the Carriers Work Performance. The DRT cites the relevant language from MOU M-1769:

Projections are not the sole determinant of a carrier's leaving or return time, or daily workload. The use of any management created system or tool that calculates a workload projection does not change the letter carrier's reporting requirements outlined in section 131.4 of Handbook M-41, the supervisor's scheduling responsibilities outlined in section 122 of Handbook M-39, or the letter carrier's and supervisor's responsibilities contained in Section 28 of Handbook M-41.

The DRT further notes the policy changes how a Letter Carrier handles the casing "SPRS." The DRT agrees carriers should not be pulling down their routes before receiving their final "smalls" as the policy instructs. That is work that is office time and should be cased or trayed according to the M-39.

The DRT asserts that Management's opinion on a Handbook Provision is not a reason to fail to comply with it. Management is required to follow all Handbooks and Manuals.

The DRT provides the relevant language found in the M-39 Section 121:

121.16 Flats and SPRs

When casing flats and small parcels and rolls (SPRs), the carrier stands directly in front of the flat case holding approximately 50 pieces (6 inches) in the left arm while distributing with the right hand. The carrier will not pick up pieces individually from the case ledge. Only the essentials in the street lines of the address are read. The addressee's name is read only when the street address triggers a recall of a change of address, special instructions, etc.

121.17 Pulling Down Flats

After all flats and SPRs have been cased, the carrier will pull, sequence, and strap out the contents of one flat separation at a time. The carrier sequences flat mail by pulling down the contents of a separation and placing them to one side of the case ledge. Next, the top flat is placed in the middle of the ledge and the remaining flats are arranged in sequence on both sides of the first flat in the shape of a fan. Cased small parcels and rolls are fitted into the bundle after sequencing is completed. Then the fan is closed into a stack. (The sequenced bundle of flats is not to be placed back into the flat separation, except when operating under the Expedited Preferential Mail (EPM) System or collating as required under 121.18 below.) The bundle is strapped and/or trayed. When necessary, it is also identified to indicate the loop or relay.

The DRT cites JCAM Pages 19-1 and 19-2:

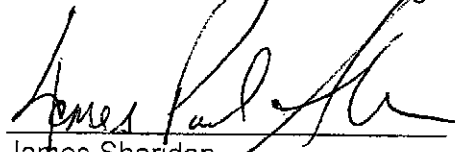
Handbooks and Manuals. Article 19 provides that those postal handbook and manual provisions directly relating to wages, hours, or working conditions are enforceable as though they were part of the National Agreement. Changes to handbook and manual provisions directly relating to wages, hours, or working conditions may be made by management at the national level and may not be inconsistent with the National Agreement. A challenge that such changes are inconsistent with the National Agreement or are not fair, reasonable, or equitable may be made only by the NALC at the national level.

A memorandum included in the 2019 National Agreement establishes a process for the parties to communicate with each other at the national level regarding changes to handbooks, manuals, and published regulations that directly relate to wages, hours, or working conditions.


Local Policies. Locally developed policies may not vary from nationally established handbook and manual provisions (National Arbitrator Aaron, H1N-NAC-C-3, February 27, 1984, C-04162). Additionally, locally developed forms must be approved consistent with the Administrative Support Manual (ASM) and may not conflict with nationally developed forms found in handbooks and manuals. National Arbitrator Garrett held in MB-NAT-562, January 19, 1977 (C-00427), that "the development of a new form locally to deal with stewards' absences from assigned duties on union business—as a substitute for a national form embodied in an existing manual (and thus in conflict with that manual)—thus falls within the second paragraph of Article 19. Since the procedure there set forth has not been invoked by the Postal Service, it would follow that the form must be withdrawn."

The DRT has determined that the methods typed up in the instruction sheet (Item Numbers 6 and 10) are not consistent with Postal Procedure.

The DRT has RESOLVED this grievance.



James Sheridan
USPS Step B Representative



Sean Killeen
NALC Step B Representative

cc: Step A Parties
District Labor Relations

National Business Agent
Area Labor Relations

Grievance File Contents:

PS Form 8190 (1 Page)
Union's Addition/Corrections (1 Page)
Management Contentions (1 Page)
PS Form 8190 (2 Pages)
Union Contentions (1 Page)
Policy Instructions (1 Page)
Workhour Workload Report (109 Pages)
Scheduling Emails (4 Pages)