

Local Grievance # _____

Issue Statement (Block 15 on PS Form 8190):

Did management violate Article 5, specifically the Fair Labor Standards Act (FLSA), Article 34, Section A, Article 41 Section 3.K, along with Sections 432.712, 665.16, and 665.44 of the Employee and Labor Relations Manual (ELM), Sections 146.251 and 146.26 of Time and Attendance Handbook F-21 via Article 19 at the [Station/Post Office] by falsely editing letter carrier time clock rings? If so, what should the remedy be?

Union Facts and Contentions (Block 17 on PS Form 8190):

Facts:

1. Letter Carrier(s) [Name(s)] worked at the [Station/Post Office] on [date(s)]. This fact is documented with the employee everything report(s) and/or the PS Form 1260, *Non-EBR Card* in the case file.
2. On [date], [Supervisor/Manager] [Name] edited Letter Carrier [Name] clock rings resulting in a work hour reduction of [hrs/units] at the [regular/ot/penalty] rate. This is documented with the employee everything report(s) in the case file.
3. Letter Carrier(s) [Name(s)] did not agree to a work hour time edit. This fact is documented in the case file with signed statement(s) from the letter carrier(s).
4. Article 34, Section A of the National Agreement provides:

A. The principle of a fair day's work for a fair day's pay is recognized by all parties to this Agreement.
5. Article 41, Section 3.K of the National Agreement provides:

K. Supervisors shall not require, nor permit, employees to work off the clock.

6. The Employee and Labor Relations Manual (ELM), Section 432.712 provides:

Allowed Time

Supervisors must credit employees with all time designated as work time under the Fair Labor Standards Act. Examples of time that must be credited as work time if the supervisor knows or has reason to believe the activities are being performed during the time, include:

- a. Time spent by employees in performing duties that are part of, or related to, the employees' principal work activity, such as pulling mail from a distribution case, collecting tools or supplies, and adjusting rest bars.*
- b. Time spent continuing to work after a tour ends in order to correct an error, to prepare records, or to finish up a task.*
- c. Time spent working during meal periods.*
- d. Time spent distributing work to work stations.*

7. The Employee and Labor Relations Manual (ELM), Section 665.16 provides:

Behavior and Personal Habits

Employees are expected to conduct themselves during and outside of working hours in a manner that reflects favorably upon the Postal Service. Although it is not the policy of the Postal Service to interfere with the private lives of employees, it does require that postal employees be honest, reliable, trustworthy, courteous, and of good character and reputation. The Federal Standards of Ethical Conduct referenced in 662.1 also contain regulations governing the off-duty behavior of postal employees. Employees must not engage in criminal, dishonest, notoriously disgraceful, immoral, or other conduct prejudicial to the Postal Service. Conviction for a violation of any criminal statute may be grounds for disciplinary action against an employee, including removal of the employee, in addition to any other penalty imposed pursuant to statute. Employees are expected to maintain harmonious working relationships and not to do anything that would contribute to an unpleasant working environment.

8. The Employee and Labor Relations Manual (ELM), Section 665.44 provides:

Falsification in Recording Time

Recording the time for another employee constitutes falsification of a report. Any employee knowingly involved in such a procedure is subject to removal or other discipline. Failure of a supervisor to report known late arrivals is regarded as condoning falsification. These practices may also result in criminal prosecution.

9. Handbook F-21, Section 146.251 (a) and (b) provide:

PS Form 1017-A, Time Disallowance Record

a. PS Form 1017-A serves as a permanent and cumulative record of disallowed time. Supervisors must establish a PS Form 1017-A for every nonexempt employee with disallowed time by completing the name and Social Security number blocks. The forms should be placed in a notebook binder by pay location or work section; (i.e., Carrier Section, Distribution Clerks, Window Units, etc.), and secured from unauthorized access in locked file cabinets or desk drawers. Postmasters are responsible for the control of disallowed time/unauthorized overtime. Only time on the clock, which has been documented as time not worked by the employee's supervisor, may be disallowed.

b. Document incidence of time disallowance on PS Form 1017-A as follows:

- | | |
|------------------|--|
| <i>Block 1:</i> | <i>Date of the incident.</i> |
| <i>Block 2:</i> | <i>Year.</i> |
| <i>Block 3:</i> | <i>Pay period.</i> |
| <i>Block 4:</i> | <i>Week.</i> |
| <i>Block 5:</i> | <i>Day.</i> |
| <i>Block 6:</i> | <i>Total clock time in hours and hundredths.</i> |
| <i>Block 7:</i> | <i>Total time disallowed in hours and hundredths.</i> |
| <i>Block 8:</i> | <i>Initials of supervisor annotating the disallowance.</i> |
| <i>Block 9:</i> | <i>The date the employee was notified of the disallowance.</i> |
| <i>Block 10:</i> | <i>The applicable disallowance code (codes appear on the reverse of PS Form 1017-A).</i> |
| <i>Block 11:</i> | <i>Enter remarks documenting reason for disallowance.</i> |

10. Handbook F-21, Section 146.26 provides in part:

Creditable Work Time

Supervisors must credit employees with all time designated as work time under the Fair Labor Standards Act (FLSA).

11. Article 5 prohibits management from taking actions contradicting their obligations under the law, specifically the Fair Labor Standards Act (FLSA) which requires management by law to pay carriers for all time spent working.

Contentions:

1. Management has failed to provide any evidence Letter Carrier(s) **[Name(s)]** was not performing letter carrier duties during the time edited and disallowed by management. This is documented by a copy of (or lack of) the PS Form 1017-A, *Time Disallowance Record* in the case file.
2. **[Supervisor/Manager]** **[Name(s)]**'s false editing of Letter Carrier **[Name]** work hours resulted in a loss of pay for **[hrs/units]** at the **[regular/ot/penalty]** rate.
3. Also as a result of time lost, Letter Carrier(s) **[Name(s)]** was denied **[hrs/units]** of **[annual leave/night shift differential/sick leave/TSP contributions]**.
4. Management violated Article 5 of the National Agreement when they failed to adhere to the Fair Labor Standards Act by not paying carriers for all time spent working, as is their obligation under the law.
5. Management violated Article 34, Section A of the National Agreement at the **[Station/Post Office]** by not paying Letter Carrier(s) **[Name(s)]** for all hours worked on **[date]**.
6. Management violated Article 41, Section 3.K of the National Agreement at the **[Station/Post Office]** by requiring/permitting Letter Carrier(s) **[Name(s)]** to work of the clock as a result of falsely editing their work hours.
7. Management violated Handbook F-21, Section 146.251 when no written documentation was provided for his/her knowledge that the employee was not working during the time disallowed.
8. Handbook F-21, Section 146.26 was violated when falsely editing letter carrier clock ring entries which resulted in letter carriers not being credited with all time designated as work time.

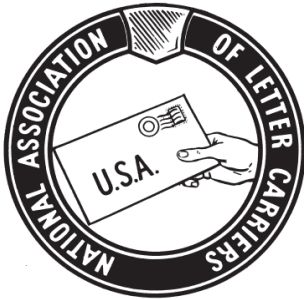
9. Management violated Section 665.16 of the ELM when falsely editing clock rings and resulting in the loss of pay for work performed. These actions are dishonest, egregious, and criminal. Such conduct erodes the harmonious environment and the working relationship between the carrier and management as well as the union and management.

Remedy (Block 19 on PS Form 8190):

1. Management at the **[Station/Post Office]** shall cease and desist the practice of falsely editing letter carrier clock rings.
2. Make Letter Carrier(s) **[Name(s)]** whole for _____ hours/units at the appropriate rate of pay and for all benefits associated with the loss. A copy(s) of the adjustment(s) made will be provided to the local union within 14 days.
3. Interest shall be paid at the federal judgment rate on all time lost.
4. Any other remedy the Step B team or an arbitrator deems appropriate.
5. To ensure future compliance of proper time keeping practices, management will provide clock rings upon request of the local union for the purpose of auditing for possible discrepancies. Such auditing of clock rings will be performed on the clock and at no cost to the union.

In cases where the actions are repetitive in nature consider including the following requested remedies:

6. **[Supervisor/Manager]** **[Name]** will no longer have access to letter carrier time keeping by having their TACS access revoked.
7. Additional monetary remedy to ensure future compliance.



National Association of Letter Carriers Request for Information

To: _____

(Manager/Supervisor)

Date _____

(Station/Post Office)

(Station/Post Office)

Manager/Supervisor _____;

Pursuant to Articles 17 and 31 of the National Agreement, I am requesting the following information to investigate a grievance concerning a violation of Articles 5, 19, 34, and 41 of the National Agreement.

1. Copies of the TACS Employee Everything Reports from [date(s)] to [date(s)] for [Name(s)] in [format (i.e. hard copy, pdf emailed, pdf on a cd, etc.)]
2. Copies of all PS Forms 1017-A for [Name(s)] from [date(s)] to [date(s)].
3. Copies of all PS Forms 1260 for [Name(s)] from [date(s)] to [date(s)].
4. The names and EIN's of all employees that have TACS access to edit city letter clock rings at the **[Station/Post Office]**.

I'm also requesting time to interview the following individuals:

Your cooperation in this matter will be greatly appreciated. If you have any questions concerning this request, or if I may be of assistance to you in some other way, please feel free to contact me.

Sincerely,

[(Union Representative) (Name)]

Request received by: Printed:

Date: _____



National Association of Letter Carriers Request for Steward Time

To: _____
(Manager/Supervisor)

Date _____

(Station/Post Office)

Manager/Supervisor _____,

Pursuant to Article 17 of the National Agreement, I am requesting the following steward time to investigate a grievance. I anticipate needing approximately _____ (hours/minutes) of steward time, which needs to be scheduled no later than _____ in order to ensure the timelines established in Article 15 are met. In the event more steward time is needed, I will inform you as soon as possible.

Your cooperation in this matter will be greatly appreciated. If you have any questions concerning this request, or if I may be of assistance to you in some other way, please feel free to contact me.

Sincerely,

_____ **[(Union Representative) (Name)]**

Request received by: _____ Printed: _____

Date: _____