

A grievance starter to use a few months after improper route adjustments are implemented follows the discussion below.

This type of grievance is to be used in the event that management makes improper route adjustments in your office and fails to come back and make further route adjustments to bring the routes down to 8 hours work per day. This is a separate grievance from the grievance you would file at the point of the improper route adjustment.

This type of case should be filed approximately two months after the improper route adjustment takes place. For instance, if routes are adjusted on March 1st, you should file this kind of grievance somewhere around May 1st.

The incident date (Block #10 on PS Form 8190) is “continuing” or “ongoing”.

The reason we are suggesting you wait approximately two months before filing this type of grievance is because that takes away the argument that the Letter Carrier(s) wasn't/weren't familiar with his/her/their newly adjusted route(s) and allows for a reasonable period of time to go by so we can prove that the route(s) involved aren't adjusted to as near 8 hours work per day as possible.

You will be arguing that management has failed to abide by Section 243.6 of the M-39 Handbook, which requires them to review the route adjustments they made to ensure that the routes are adjusted to as near 8 hours per day as possible. In short, you are arguing that Section 243.6 of the M-39 Handbook requires management to fix what they broke.

These type of cases do not require a mountain of evidence as can be true with grievances protesting the initial improper route adjustments. The Incident Date **(continuing)**, Issue Statement, Facts, Contentions, and Remedy are in the grievance starter that follows.

You will need to request the Workhour/Workload Report (by Route) for each route, as well as any 3999s, the Data Summary and the Function Analysis screens, on routes where 3999s have been conducted since the route adjustment. You should also request the Weekly Operations Summary Report for the time period since the adjustments were implemented. These items are listed on the Request for Information starter.

The Workhour/Workload Report (by Route) will give you a synopsis of the route during the specific time frame requested. Remember to ask for the Workhour/Workload Report **(by Route)**. The By Route version of this report will separate the regular Letter Carrier's time from any replacement's that work the route when they are off.

The 3999s may help to show the street time credit given for the route when it was adjusted was wrong.

The Weekly Operations Summary Report (M-01752) will show you if hours are being recorded correctly or if time is improperly being transferred to another work function operational code, craft, or category of Letter Carriers.

Other documents you may want to review are:

- PS Form 1813. The Late Leaving and Returning Report. This daily report identifies those routes that are leaving and returning late on a daily basis.
- PS Form 3921. Volume Recording Worksheet. This form gives the daily volumes per route including the amount of curtailed mail. It also shows Cased Letters/Flats, DPS and Sequenced Mail.
- PS Form 3997. Unit Daily Record identifies the regular/overtime hours worked for each carrier.
- The Steward, Standby, and Meeting Time Report (M-01751). This report will show the carriers who were recorded as being on Steward, Standby, or Meeting time (and whose time will not be credited to their route) during the requested time frame.
- The MODS Operation Numbers (M-01754). This list of numbers provides a key for time codes so you can see the work function associated with time clock ring.

Incident Date: **Continuing** (Block #10 on PS Form 8190)

Local Grievance # _____

Issue Statement (Block #15 on PS Form 8190):

Did management violate Sections 243.6 and 242.122 of the M-39 Handbook and Section 911.2 of the M-41 Handbook via Article 19 of the National Agreement by failing to properly review the adjustments made to the route(s) in **[Station/Post Office]** on **[date]** and make further route adjustments needed to achieve routes that are adjusted to as near 8 hours work per day as possible, and if so, what should the remedy be?

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

Facts:

1. Route Inspections were conducted on all City Routes at **[Station/Post Office]** during the period **[dates]**.
2. The routes at **[Station/Post Office]** were adjusted on **[date]**.
3. The Workhour/Workload Reports (by Route) show that for the period **[date]** to **[date]** the routes have averaged the following times each day to complete each route on days where the Regular Letter Carrier assigned to the route works:

Route _____ – Letter Carrier _____ - _____ hours

Route _____ – Letter Carrier _____ - _____ hours

Route _____ – Letter Carrier _____ - _____ hours

Route _____ – Letter Carrier _____ - _____ hours

Route _____ – Letter Carrier _____ - _____ hours

Route _____ – Letter Carrier _____ - _____ hours

Route _____ – Letter Carrier _____ - _____ hours

Route _____ – Letter Carrier _____ - _____ hours

Route _____ – Letter Carrier _____ - _____ hours

Route _____ – Letter Carrier _____ - _____ hours

Aux Route _____ – Letter Carrier _____ - _____ hours

Contentions:

1. Management violated Section 243.6 of the M-39 Handbook when they failed to properly analyze, review and adjust the routes at **[Station/Post Office]** following the route adjustments made on **[date]**. The attached Workhour/Workload Reports (by Route) show that **[#]** out of the **[#]** full-time routes at the **[Station/Post Office]** are overburdened and in need of immediate adjustment.
2. Section 243.6 of the M-39 Handbook covers the requirements of management following the adjustment of routes. Section 243.611 states:

After the adjustment of routes has been placed in effect, the manager must carefully study and analyze Forms 3997, 3997-B, 1813, street management records, volume recording data, and carrier's time records to see that the objective has been met, especially for those routes where extensive changes have been made.

Section 243.682 of the M-39 Handbook states in relevant part:

If the route is found to be too heavy, relief should be granted...

Section 242.122 of the M-39 Handbook states:

The proper adjustment of carrier routes means an equitable and feasible division of the work among all of the carrier routes assigned to the office. All regular routes should consist of as nearly 8 hours daily work as possible.

Section 911.2 of the M-41 Handbook states:

The count of mail is used to gather and evaluate data to adjust routes fairly and equitably to insure that the workload for each route will be as near as possible to an 8-hour workday for the carrier.

3. Management in the **[Station/Post Office]** has clearly violated the above referenced contract provisions.
4. The Workhour/Workload Reports (by Route) associated with this case clearly show that the routes at **[Station/Post Office]** are not adjusted to 8 hours. Management has made no effort to comply with the requirements of Sections 243.6 and 242.122 of the M-39 Handbook, and Section 911.2 of the M-41 Handbook.
5. The routes in **[Station/Post Office]** have been grossly overburdened for at least **[# of years/months]** and counting. This situation must be remedied.

6. Management is, and has been, well aware throughout this entire situation that the routes in **[Station/Post Office]** are not adjusted to as near as 8 hours work per day as possible as required by the M-39 and M-41 Handbooks. The contractual violations associated with this case are both “knowing” and “flagrant”. Therefore, they fall into the “egregious” category. This fact must be considered when fashioning an appropriate remedy for the instant case.

Remedy (Block #19 on PS Form 8190):

1. That management at the **[Station/Post Office]** immediately adjust all routes to as near eight hours daily work as possible.
2. That these particular route adjustments be territorial and implemented as soon as administratively possible but no later than **[date]**.
3. That all new routes created by this route adjustment be posted for bid in a timely fashion, and any no-bid position(s) be filled in accordance with the Memorandum of Understanding *Re: Full-time Regular Opportunities – City Letter Carrier Craft*.
4. That each City Letter Carrier in **[Station/Post Office]** (to include PTF’s/CCA’s) be paid \$25.00 per calendar day starting **[date]** and continuing until this grievance is resolved in order to provide an incentive to ensure future compliance.
5. That all payments associated with this case be made as soon as administratively possible, but no later than 30 days from the date of settlement.
6. That proof of payment be provided to **[NALC Official]** upon payment, and/or any other remedy the Step B team or an arbitrator deems appropriate.

Add the following issue statement, facts, contentions, and remedy request if we can prove the violation is repetitive:

Issue Statement:

Did management violate Article 15, Section 3.A of the National Agreement along with policy letter M-01517 by failing to comply with the prior Step B decisions or local grievance settlements in the case file, and if so, what should the remedy be?

Facts:

1. Article 15, Section 3.A of the National Agreement states in relevant part:

The parties expect that good faith observance, by their respective representatives, of the principles and procedures set forth above will result in resolution of substantially all grievances initiated hereunder at the lowest possible step and recognize their obligation to achieve that end.

2. M-01517 states in part:

Compliance with arbitration awards and grievance settlements is not optional. No manager or supervisor has the authority to ignore or override an arbitrator's award or a signed grievance settlement. Steps to comply with arbitration awards and grievance settlements should be taken in a timely manner to avoid the perception of non-compliance, and those steps should be documented.

3. Included in the case file are **[Arbitration Awards/Step B decisions/local grievance settlements, etc.]** in which management was instructed/agreed to cease and desist violating Article 19 of the National Agreement.

Contentions:

1. Management violated Article 15, Section 3.A of the National Agreement and M-01517 by failing to abide by the previous Step B decisions/local grievance settlements in the case file. When management violates contractual provisions despite being instructed/agreeing to cease and desist these violations, they have failed to bargain in good faith.
2. The Union contends that Management has had prior cease and desist directives to stop violating Article 19. The Union also contends that Management's actions are continuous, egregious and deliberate. The Union has included past decisions/settlements in the case file to support their claim.

Remedy:

1. That management cease and desist violating Article 15 of the National Agreement.
2. That Letter Carrier(s) **[Name], [Name], and [Name]** each be paid a lump sum of \$100.00 to serve as an incentive for future compliance.



National Association of Letter Carriers Request for Information

To: _____
(Manager/Supervisor)

Date _____

(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 M-39 and M-41 Handbooks via Article 19:

1. Copies of the Workhour/Workload Report (by Route) for all routes in the _____ Station/Post Office for the period _____ - _____.
2. Copies of PS Form 3999 (DCD Handheld Computer Printout if available) with all attachments for all routes with 3999s conducted since the last route adjustment.
3. Copies of the 3999 "Data Summary" screen for all routes with 3999s conducted since the route adjustment.
4. Copies of the 3999 "Function Analysis" screen for all routes with 3999s conducted since the route adjustment.
5. Copies of the Weekly Operations Summary Reports for the period _____ - _____.
6. The Steward, Standby, and Meeting Time Report for the period _____ - _____.

I am also requesting time to interview the following individuals:

1. **Name**
2. **Name**
3. **Name**

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,

Shop Steward
NALC

Request received by: _____

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,

Shop Steward
NALC

Request received by: _____

Date: _____