

Local Grievance # _____

Issue Statement (Block 15 on PS Form 8190):

Did management violate Section 217 of the M-39 Handbook and Section 917 of the M-41 Handbook via Article 19 of the National Agreement by failing to properly conduct a "Dry-Run Count" with all Letter Carriers within the 21-day period prior to the start of the route count and inspection which began on [date] at the [Station/Post Office], and if so, what should the remedy be?

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

Facts:

1. Management scheduled/conducted a route count and inspection on all city routes at the [Station/Post Office] that began on [date].
2. Section 217 of the M-39 Handbook states:

217 Dry-Run Count

217.1 A review of the count procedures will be made within 21 days prior to the start of the count and route inspection to teach the carrier how to accurately complete count forms (PS Forms 1838-C and 1838-A) during the period of count and inspection. An actual count of mail or recording of time used will not be kept on the day the dry run is made.

217.2 The sample dry-run count items, forms, and completion instruction must be furnished each carrier concerned in time to allow for completion and review prior to start of the period of count and inspection (see exhibits 217.2 (p. 1, 2, and 3)). Overtime or auxiliary assistance should not be used for the completion of the dry run. Therefore, a lighter volume day should be selected. Use only the appropriate data (EPM/Non-EPM) for the unit being inspected.

217.3 An instruction period should be held following the issuance of the dry-run materials but before the completion of the dry-run exercise.

217.4 The carrier must be furnished a sample list of mail-count items and time-used items. The carrier must enter these items on a dry-run form. A manager must review each completed dry-run form for accuracy, error, and omissions, and they must be discussed and explained to the carrier. When necessary, the manager may require a second completion of the form to assure that the carrier is thoroughly familiar with completing the form to be used.

3. Section 917 of the M-41 Handbook states:

917 Dry-Run Count

917.1 A review of count procedures shall be made within 21 days prior to the start of the count and route inspection.

917.2 The sample dry-run count items, forms, and completion instructions are furnished to each carrier concerned early enough to assure that the dry-run can be completed and reviewed before scheduled count and inspection period.

917.3 An instruction period is held following issuance of the dry-run materials but before completion of the dry-run exercise.

917.4 A manager will review each completed dry-run form for accuracy. Errors and/or omissions are discussed and explained to the carrier. When necessary, the manager may require a second completion of the form to assure that the carrier is thoroughly familiar with its completion.

4. The case file includes statements/interviews from multiple Letter Carriers verifying that they did not receive “Dry-Run Count” training within 21 days of the start of the route count and inspection that began on **[date]**.
5. None of the Letter Carriers at the **[Station/Post Office]** were provided proper “Dry-Run Count” training. This is because no Letter Carrier was provided appropriate forms, given instruction, asked to fill out a practice PS Form 1838-C, and had a manager review the form and discuss/explain the results to them. This point is verified by the statements/interviews included in the case file.

Contentions:

1. Management violated Section 217 of the M-39 Handbook and Section 917 of the M-41 Handbook via Article 19 of the National Agreement by failing to conduct a proper “Dry-Run Count” with the Letter Carriers in the **[Station/Post Office]** within the 21-day period prior to the start of the route count and inspection that took place during the period **[dates]**.
2. None of the Letter Carriers at the **[Station/Post Office]** received a proper “Dry-Run Count”. Therefore, they were not provided with the necessary training to properly record information on the PS Form 1838-C.
3. Management must be accountable for following their own rules when conducting route counts and inspections.

Remedy (Block 19 on PS Form 8190):

1. That management be instructed not to implement route adjustments based on the data collected during the week of inspection at the **[Station/Post Office]**.
2. That management cease and desist violating Section 217 of the M-39 Handbook and Section 917 of the M-41 Handbook via Article 19 of the National Agreement in the future.
3. In the event management schedules a new route count and inspection at the **[Station/Post Office]**, that all Letter Carriers be provided with proper "Dry-Run Count" training within 21 days of the beginning of the week of inspection.
4. That management furnish the local union with copies of all training material used in the "Dry-Run Count" training referenced in # 3.
5. That each Letter Carrier in the **[Station/Post Office]** be paid a lump sum of \$100.00 to serve as an incentive for future compliance.
6. 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.
7. 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 Section 217 of the M-39 Handbook and Section 917 of the M-41 Handbook via Article 19 of the National Agreement by failing to conduct a proper "Dry Run Count."

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 Section 217 of the M-39 Handbook and Section 917 of the M-41 Handbook via Article 19 of the National Agreement by failing to conduct a proper

“Dry Run Count.” 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 if any and all correspondence from management to the local NALC branch regarding the route count and inspection which began on **[date]**.
2. Copies of any and all correspondence, emails and/or notifications between local management and the route inspection team/route inspectors.
3. A copy of the route count and inspection schedule for **[date]** through **[date]** at the **[Station/Post Office]**.

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: _____

Route Count and Inspection Dry-Run Interview with Letter Carrier

Letter Carrier Interviewed: _____

Route # (or UAR, PTF, T-6, CCA): _____

1. Did you receive any "Dry-Run" training within 21 days before the route count and inspection?
2. If so, did management give you a sample form, a list of mail-count items and a list of time-used items to be used to fill out a practice form?
3. Did management have you practice entering the mail count and time-used items on a practice form?
4. Were you told to turn your practice form back in after you finished filling it out?
5. Did you turn your practice form in after you finished filling it out?
6. Did a manager first review, and then discuss and explain the results of the practice form you filled out with you?

The signatures below affirm that the questions above were asked and the responses to these questions were accurately recorded.

Shop Steward (print name)

Letter Carrier (print name)

Signature

Signature

Date _____