

New national settlement on management's time projections

The NALC and the USPS have settled a national-level interpretive dispute over management's use of an "office efficiency tool" developed in the Greater Indiana District. This settlement has been assigned Materials Reference System (MRS) number M-01769. It is available on the NALC website at nalc.org on both the City Delivery and MRS pages.

M-01769 is the latest in a long string of settlements designed to protect letter carriers from management's improper use of office and street time projections. To better understand the significance of this new settlement, let's first take a look at a few past agreements on other time projection systems.

- In 1979, the NALC and the USPS came to an agreement (M-00394) concerning the use of the Delivery Unit Volume Recording System (DUVRS). DUVRS was an early tool used to project office time for letter carriers. M-00394 states that DUVRS "will not constitute the basis for disciplinary action for failure to meet minimum standards" and that the program "will not constitute the sole basis for a carrier's leaving time."
- In 2001, a national-level settlement (M-01444) was signed regarding three different projection systems. M-01444 makes clear that these three projection systems "will not constitute the sole basis for discipline." The agreement also quotes Section 242.332 of the *M-39* handbook, which states: "No carrier shall be disciplined for failure to meet standards, except in cases of unsatisfactory effort which must be based on documented, unacceptable conduct that led to the carrier's failure to meet office standards." M-01444 also reinforced language agreed on in the 1985 national-level settlement M-00304, stating: "There is no set pace at which a carrier must walk and no street standard for walking."
- A 2007 settlement (M-01664) protected letter carriers from management's use of Delivery Operations Information System (DOIS) time projections. M-01664 states that DOIS projections "are not the sole determinant of a carrier's leaving or return time, or daily workload. As such, the projections cannot be used as the sole basis for corrective action." The settlement also makes clear that the use of DOIS does not change the letter carrier's or the supervisor's

responsibilities and requirements found in the *M-39* and *M-41* handbooks.

M-01769 extends the same protections to letter carriers concerning management's use of the "office efficiency tool" that was the subject of this grievance. The terms of M-01769 also are applicable to any management office or street time projection system/tool currently in use or developed in the future. The new language states:

The subject office efficiency tool is a management tool for estimating a carrier's daily workload. The office efficiency tool used in the Greater Indiana District **or any similar time projection system/tool(s)** will not be used as the sole determinant for establishing office or street time projections. Accordingly, the resulting projections will not constitute the sole basis for corrective action. This agreement does not change the principle that, pursuant to Section 242.332 of Handbook *M-39*, 'No carrier shall be disciplined for failure to meet standards, except in cases of unsatisfactory effort which must be based on documented, unacceptable conduct that led to the carrier's failure to meet office standards.' Furthermore, as stated in the agreement for case H1N-1N-D 31781, 'there is no set pace at which a carrier must walk and no street standard for walking.'

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*. (Emphasis added.)

Shop stewards are advised to consider citing violations of this settlement in all grievances concerning management's improper use of office and street time projections.

M-01769 may also be applicable to management's use of managed service points (MSP) data to issue performance related discipline or other forms of improper use of MSP data. For example, management's projected intervals between scan points is a form of street time projections, which are covered by M-01769. In such cases, shop stewards should consider citing violations of both M-01769 and the 2002 national-level settlement on MSP scans (M-01458). ☒