

National-level arbitration update



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We currently have 25 cases pending at the national level of the grievance procedure. We have had four new cases referred to the interpretive step at the national level since the national convention in Philadelphia. They are:

- **Q11N-4Q-C 14278874**—This case concerns city carrier assistants (CCAs) being required to obtain security clearances at their own expense when they are converted to career status. The issue is whether the time and costs incurred by CCAs to obtain fingerprints, etc., as a requirement to be converted to career status are compensable.

- **Q11N-4Q-C 15005929**—This case concerns the potential enrollment of CCAs in the NALC’s Consumer Driven Health Plan. NALC’s position is that all CCAs are eligible for membership and participation in the NALC’s Consumer Driven Health Plan from their first day of employment as long as one of these two circumstances exists: a) the USPS plan becomes unavailable, or b) the CCA elects more than self-only coverage.

- **Q11N-4Q-C 14289728**—This case concerns whether a shop steward is a “union officer” for the application of Article 17.2.B when designating a steward from one station within an installation to investigate, present and adjust a specific grievance in another station within the same installation.
- **Q11N-4Q-14270600**—This case concerns whether the holiday schedule pecking order is applicable to the assignment of personnel to complete parcel select delivery during testing of Sunday package delivery, when the assignment occurs on an actual holiday.

There are two national-level cases scheduled for hearing this month:

- The first case is scheduled for Dec. 4. This case was referred to the interpretive step by the Postal Service. It concerns the application of Section 126.3 of the *M-39 Handbook*. The issue is whether or not management is required to schedule replacement letter carriers in advance to cover known vacancies. NALC does not believe this is an interpretive matter. Our position is that the language in the *M-39 Handbook* is plain and simple. It requires management to schedule replacement letter carriers in advance when there is a known vacancy such as a leave situation.

- The second case is scheduled for Dec. 19. This case was referred to the interpretive step by the NALC. There are two issues involved in this case. The first issue is whether a CCA who has been employed for more than 90 days before conversion to career status must complete a new 90-day qualifying period prior to taking annual leave. The second issue is whether the USPS can unilaterally convert approved annual leave to leave without pay (LWOP) when a letter carrier has a sufficient annual leave balance to cover such leave.

We have eight national arbitration dates scheduled between January and June of 2015. We are in the process of jointly selecting which cases will be scheduled on these dates.

One case that will definitely be scheduled is the “return to first vacancy” case. The issue in this case involves situations when an excessed letter carrier is offered retreat rights to return to his or her original installation. The Postal Service interprets the term “first vacancy” to mean the first residual vacancy. That means retreat rights are not offered until there is no successful bidder in the original installation for a posted vacancy. The NALC position is that when someone leaves the rolls of the Postal Service and his or her full-time position is posted in the installation, that is the “first vacancy” and retreat rights should be activated at this point. This case was scheduled earlier this year, but was postponed with the understanding that it would be scheduled early in 2015 if the parties didn’t resolve the issue.

I plan to continue with the idea of mixing newer and older interpretive issues when scheduling cases for national arbitration.

The biggest complaint about interpretive issues is the length of time it takes to get them resolved. A good example is the case described above scheduled for Dec. 4. There are a number of Article 8 cases being held for this case. As stated above, we don’t think this is an interpretive matter. However, USPS does, so the best thing we can do is get the case scheduled and get the matter resolved as soon as we can.

With respect to the older cases, consideration is given to the number of cases held for each issue, the age of the case and several other factors.

As a reminder, if you are a shop steward/grievance handler and have not received a copy of the new *NALC Shop Steward’s Guide* and the NALC 2014 Shop Steward’s Tool Kit yet, please contact your branch president. If your branch president doesn’t have enough copies, your national business agent’s office has a supply.

In closing, I want to wish all of you and your families a wonderful holiday season and a happy New Year!