

Arbitration—current status and plans for 2015 (continued)



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In December and January, I reported on pending national-level grievances that were scheduled during the first half (January through June) of this year's national arbitration season. We had seven cases scheduled for arbitration during this period. I thought it would be a good idea to provide another update.

Four of the cases were resolved and three of the cases were arbitrated. If this were baseball, I'd say we have a pretty good batting average going. Unfortunately, sometimes agreement cannot be reached and we have to let an arbitrator decide.

Here are the three cases we arbitrated and the status of each one:

1. **Q11-N-4Q-C-14032224: Interpretation of M-39, Section 126.3**—The issue in this case is whether or not management is required to schedule employees in advance to fill "known" vacancies. This case was heard on Jan. 29. Briefs have been submitted and a decision is pending.
2. **Qo6N-4Q-C-1111196**: Return to first vacancy when excessing occurs—The issue in this case is whether an involuntarily reassigned city letter carrier's retreat rights pursuant to Article 12.5.C.5.b.6 are triggered by the first vacancy instead of the first *residual* vacancy. This case was heard on March 20. Briefs have been submitted and a decision is pending.
3. **Q11N-4Q-C 14289728: Article 17.2.B**—The issue in this case is 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 particular grievance in another station within the same installation. The first day of hearing was April 21. A second day of hearing has not been scheduled as of this writing.

It also should be noted that we are still waiting for a decision on a case that was heard in December concerning the issue of whether or not newly converted CCAs should be able to use annual leave during the first 90 days of career status. We should have an answer very soon.

The cases we resolved were:

1. **Qo6N-4Q-C 11084998**—The issue in this case was whether management is required to convert part-time flexibles (PTFs) to FTF when the criteria in the national maximization/FTF memorandum of understanding are met while an office is under a proper Article 12 withholding order. This case was resolved

on Jan. 22 (M-01852) and previously was explained in my March article.

2. **Q11N-4Q-C 14278874**—The issue of this case dealt with compensation for time spent and costs incurred by city carrier assistants (CCAs) when obtaining fingerprints for the background investigation required for conversion to full-time career status. This case was resolved on Feb. 4 (M-01854) and also was explained in my March article.
3. **Qo6N-4Q-C 09240093**—The issue in this case concerned time credit for relays on routes that are adjusted when using the Carrier Optimal Routing (COR) program. This case was resolved on May 8 (M-01859). In this settlement, the parties agreed that if a relay remains unchanged, the actual relay time from the PS Form 3999 would be used and lays out a process for addressing the time credit for all other relays created by the COR program.
4. **Qo6N-4Q-C 09106352**—The issue in this case concerned application of the settlement for case number Q98N-4Q-C 01045570 (M-01663). This case was resolved on June 16 (M-01861). In this settlement, the parties agreed to clarify that portion of M-01663 that deals with when letter carriers on park-and-loop or foot routes can be required to carry presequenced addressed mailings as a third bundle as follows:

The parties agreed in case Q98N-4Q-C 01045570 that, with respect to presequenced addressed mailings only, city letter carriers on park and loop or foot delivery routes may, within weight restrictions, be required to carry as a third bundle Enhanced Carrier Route (ECR) and Periodicals walk sequenced letter or flat mailings (WSS) based on either the 90% or more coverage of the total active residential deliveries on a route or 75% or more coverage of the total number of active deliveries on a route criteria.

Each presequenced addressed mailing for a particular route that meets this criteria is identified with a label/indicia containing the ECRWSS endorsement. This label/indicia remains the determining factor of whether a presequenced addressed mailing on a particular route meets the above referenced criteria required to assign a city letter carrier on a park and loop or foot route to carry it as a third bundle within weight restrictions. Accordingly, if a presequenced addressed mailing for a particular route is identified with a different label/indicia (e.g. ECRWSH or ECRLOT), the bundle would not meet the subject criteria.

The second half of the season will begin on Aug. 11. We currently are discussing which cases will be scheduled for national arbitration between August and November. I will report further on this once the schedule is finalized. I look forward to seeing those of you who will attend the upcoming rap session.