

# National arbitration—some results



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Drass**

**T**wo of the pending national-level cases that were reported on in January have been resolved in the last few weeks. I think both settlements will be beneficial to letter carriers now and in the future.

The first case is Q11N-4Q-C 14278874 (M-01854). This grievance was about USPS requiring city carrier assistants (CCAs) in some locations to obtain fingerprints on their own time and at their own expense as part of being eligible for a conversion to career status. This grievance was resolved in part as follows:

Reasonable and necessary time spent by CCAs obtaining fingerprints necessary for a background investigation under the subject circumstance

is compensable time. Additionally, the Postal Service is responsible for any direct costs for fingerprinting...

Application of this agreement is prospective and applicable to any pending local grievance on this subject that was initiated and processed pursuant to Article 15 of the collective bargaining agreement.

The references above mean two things:

1. Beginning Feb. 4, any CCA who is required to obtain fingerprints as part of being converted to career status will do so on the clock and any associated cost(s) will be paid by USPS.
2. Any CCA that had this problem in the past and initiated a timely grievance will be part of this settlement.

Any branch that had grievances pending on this issue that were not held at the local level should either already have a decision or should receive one in the next few weeks. If not, the branch should contact its national business agent's office for assistance.

That leaves any grievances held for this issue at Informal/Formal Step A of the grievance procedure. If you haven't already done this, please print out a copy of M-01854 and ask for a meeting to discuss the matter. If management is unwilling to resolve a grievance on this issue, just forward the grievance to the next step of the grievance procedure with a statement from the former CCA who turned career and include any available documentation.

**The second case is Q06N-4Q-C-11084998 (M-01852).** This grievance was about whether or not management is required to convert part-time flexibles (PTFs) to full-time flexible (FTF) when the criteria in the national maximization/

FTF memorandum of understanding are met while an office is properly under Article 12 withholding. This grievance was resolved as follows:

When a part time flexible employee(s) meets the maximization criteria of the Memorandum in an installation that is withholding full-time city carrier residual vacancies in accordance with Article 12, a full-time flexible, incumbent-only position will be established but will not be filled until sufficient residual vacancies have been withheld to satisfy the withholding event(s) affecting the installation, or until the withholding order is canceled. As soon as practicable after satisfaction/cancellation of the subject withholding, the full-time flexible position(s) created pursuant to the first sentence in this paragraph will be filled in accordance with the Memorandum after any residual full-time vacancies (if available).

This case was settled along the same lines as previous cases where maximization rules (PTF conversion to full-time status) clash with Article 12 (withholding and excessing), but with one exception. In two previous maximization cases, the parties agreed that when maximization rules warrant a PTF conversion in an office under Article 12 withholding, a position would be created and withheld. Full-time flexible positions cannot be withheld under Article 12.

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That means these jobs are created, but not withheld. They will be filled after the fact. This should make it quicker and easier than has been true in the past for a letter carrier in a larger installation who chooses to revert to PTF (and remain in the installation) instead of being excessed to make regular again.

This settlement also answered the question of what will happen to pending cases on this issue as follows:

Any grievance held for this case in an installation that currently has no part time flexible city letter carriers on the rolls will be closed. Any grievance held for this case in an installation that currently has a part time flexible city letter carrier(s) on the rolls will be forwarded to headquarters through the regional/area offices.

There are not many cases pending on this matter in installations that still have PTFs. I hope to have the cases I am aware of resolved in the next month or so. If you have a grievance pending on this issue at the local level and still have PTFs, please contact your national business agent's office for guidance.