

National-level grievance updates



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This follows my January article, where I reported on the first four cases that were scheduled for national arbitration during the first half of 2016. The following is an update on where we are with these and some other national-level grievances.

- **Q11N-4Q-C 15005929—Health Benefits:** USPS brought this case to the national level. This grievance concerned the effective date of coverage when a letter carrier converts to career status. This was a unique case based on an unusual set of circumstances. The issue was resolved on Jan. 7 by national settlement (M-01867) that remanded the case back to the local level for further processing. The case has since been resolved.

- **Q06N-4Q-C 09106125—Article 12**

Excessing: USPS brought this case to the national level. This case arose at a time when nearly the whole country was under withholding. It concerns a disagreement on the rules for withholding positions and excessing employees from other crafts outside their original installation into the letter carrier craft. Most of the cases held for this dispute were really PTF conversion cases. The national case was resolved on Jan. 7 by national settlement (M-01868), which recognized that this issue is not interpretive. The rules for withholding and excessing are explained in great detail in Article 12 of the National Agreement and the *Joint Contract Administrative Manual (JCAM)*. Grievances on these subjects should be resolved on a case-by-case basis at the regional level. Hopefully, this resolution will allow for that in the future.

- **Q06N-4Q-C 81135613—Article 12.5.B.9—Qualification Requirements:** NALC brought this case to the national level. This case arose when management excessed clerks into our craft before ensuring the excessed employees could pass the mandatory driving test that was in place at the time. When a clerk (now a letter carrier) failed the driving test, USPS separated (fired) him/her for not meeting the qualification standards needed to be a letter carrier. This case was resolved on March 16 by national settlement (M-01871), with the USPS recognizing that it cannot excess employees into the letter carrier craft until after they pass any required driving test.
- **Q06N-4Q-C 12013405—Video Recording:** NALC brought this case to the national level. This case arose before the last round of bargaining, when management unilaterally filmed 400 letter carriers while they performed office duties to gather data for the 2011 bargaining session. This case was heard in arbitration on Feb. 4 and is pending a decision from Arbitrator Dennis Nolan.

- **Q11N-4Q-C-13100328:** USPS brought this case to the national level. The question in this case is, “Can an arbitrator (or the parties themselves) award a letter carrier annual leave hours or compensation for annual leave hours that exceed the amount of annual leave carry-over allowed (440 hours) as part of a make-whole remedy?” The Postal Service took the position that arbitrators do not have the authority to award annual leave hours/compensation that exceeds the 440-hour carry-over limit through our grievance procedure, regardless of the circumstances, as part of a make-whole remedy. We argued that there could be (and have been) circumstances that would warrant the awarding of annual leave hours/compensation over the normal 440 carry-over rules provided for in the *Employee and Labor Relations Manual (ELM)*. Arbitrator Nolan issued his decision for this case (C-32294) on Feb. 3 and ruled as follows:

USPS properly brought this dispute to national level arbitration because it involves the interpretation of ELM provisions incorporated into the National Agreement. Because the record in this case is slender and the predictable variety of situations raising this issue is so wide, a global decision on the power of parties to negotiate remedial settlements or on the power of arbitrators to award remedies involving annual leave would be premature. I therefore remand this grievance to the local level for further proceedings.

- **Q06N-4Q-C 81135613:** NALC brought this case to the national level. This case arose as a result of USPS creating a Management Instruction (MI) that required letter carriers who ride bicycles as part of their official duties to wear bicycle helmets. There are two small groups of letter carriers who ride bicycles. One group uses them for transportation to and from their routes. The other group drives vehicles out to their routes and then delivers mail by bicycle all day long. This case was resolved on March 16 by national settlement (M-01872) with an agreement that a letter carrier who wants to wear a bicycle helmet will be provided one and those that do not want to wear helmets will not be required to do so unless required by law.
- **Q06N-4Q-C-13031740:** USPS brought this case to the national level. This case was a byproduct of a test conducted by the USPS referred to as the caser-streeter program. During the test, casing and delivering duties were separated in about 50 sites around the country. The interpretive issue concerning the program itself is still pending. This case was about whether we should be able to bid on the temporary assignments created by USPS within a test. The parties agreed to close this issue without prejudice to either party’s position.

As you can see, a lot has happened with interpretive issues since January. I’ll continue to update you as things unfold.