

Supervisors performing bargaining-unit work

Article 1, Section 6 of the National Agreement prohibits supervisors from performing any bargaining-unit work except in very limited circumstances. Section 6.A states:

Section 6. Performance of Bargaining Unit Work

A. Supervisors are prohibited from performing bargaining unit work at post offices with 100 or more bargaining unit employees, except:

1. in an emergency;
2. for the purpose of training or instruction of employees;
3. to assure the proper operation of equipment;
4. to protect the safety of employees; or
5. to protect the property of the USPS.

The USPS/NALC *Joint Contract Administration Manual (JCAM)*, which explains the national parties' agreed-upon interpretation of the National Agreement, states (in part) the following on page 1-5 in regard to the above provisions:

The prohibition against supervisors performing bargaining unit work also applies to acting supervisors (204b). The PS Form 1723, which shows the times and dates of the 204b detail, is the controlling document for determining whether an employee is in a 204b status. A separate PS Form 1723 is used for each detail. A single detail may not be broken up on multiple PS Forms 1723 for the purpose of using a 204b on overtime in lieu of a bargaining unit employee. Article 41.1.A.2 requires that a copy of the PS Form 1723 be provided to the union at the local level.

An acting supervisor (204b) may not be used in lieu of a bargaining unit employee for the purpose of bargaining unit overtime. An employee detailed to an acting supervisory position will not perform bargaining unit overtime immediately prior to or immediately after such detail on the day he/she was in a 204b status unless all available bargaining unit employees are utilized. However, an employee may work bargaining unit overtime, otherwise consistent with the provisions of Article 8, on the day before or the day after a 204b detail (Step 4, HoN-5R-C 13315, August 30, 1993, M-01177).

An emergency is defined in Article 3.F as 'an unforeseen circumstance or a combination of circumstances which calls for immediate action in a situation which is not expected to be of a recurring nature.'

Article 1, Section 6.B addresses supervisors performing bargaining-unit work in offices with fewer than 100 bargaining-unit employees, and reads as follows:

B. In offices with less than 100 bargaining unit employees, supervisors are prohibited from performing bargaining unit work except as enumerated in Section 6.A.1 through 5 above or when the duties are included in the supervisor's position description.

Branches that wish to determine whether a post office has 100 or more bargaining-unit employees should contact the NALC national business agent for their region.

The Step 4 settlement M-00021 provides that, except in accordance with Article 1, Section 6 of the National Agree-

ment, an employee in a 204B status as a supervisor shall not perform bargaining-unit work while he or she is in the a 204B status. Form 1723, Assignment Order, is the controlling document to be used in determining when the employee is in a 204B status. Furthermore, the Step 4 Settlement M-00755 reads that "in accordance with Article 41, Section 1.A.2, of the National Agreement, Form 1723 'shall be provided to the union at the local level showing the beginning and ending times of the detail.' Such copies of Form 1723 should be provided to the union in advance of the detail or modification thereto."

Other Step 4 decisions related to Article 1.6.A and B of the National Agreement are:

- **M-00336** states that the Postal Service reaffirms its intent that supervisors will do as little bargaining-unit work as possible and that such work will be performed only under the strict limitations of Article 1, Section 6.
- **M-00202** provides that the changing of collection box labels should be performed by bargaining-unit employees and that supervisors will refrain from performing bargaining-unit work except as specifically provided for in Article 1.6 of the National Agreement.
- **M-00832** and **M-00974** provides that, where the phrase "distribution tasks" or "may personally perform non-supervisory tasks" is found in a supervisor's job description, this does not include casing mail into letter carrier cases. "The provisions for distributing mail, as contained in a supervisor's position description, refer to clerk duties and not the routing of mail into a carrier case."
- **M-00870** provides that the general delivery and pick-up of Express Mail is bargaining-unit work.
- **M-00205** provides that the supervisor had been instructed to discontinue placing the mail in question on the carriers' ledge.
- **M-00540** states that, except in an emergency, a supervisor should not transport a member to his or her route.

The appropriate remedy for a grievance alleging a violation of the above provisions would be to pay the employee(s), whom management should otherwise have assigned the work, for all the time the supervisor or 204B spent performing bargaining-unit work. The remedy should be calculated at what would have been the applicable pay rate had the employee(s) been able to perform the work, even if it results in overtime or penalty overtime.

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