

Contract Talk

by the Contract Administration Unit

Contract Administration Unit

Brian Renfroe, Executive Vice President
Lew Drass, Vice President
Christopher Jackson, Director of City Delivery
Manuel L. Peralta Jr., Director of Safety and Health
Dan Toth, Director of Retired Members

Vehicle fires in an aging fleet

As has been previously written in *The Postal Record*, USPS is testing prototypes for the Next Generation Delivery Vehicle (NGDV) with the goal of replacing its aging fleet of Long Life Vehicles (LLVs). With the full deployment of the NGDV still months down the road, letter carriers will be operating LLVs for the foreseeable future.

As LLVs continue to age, the threat of vehicle fires and the risk to letter carriers increases. Letter carriers need to be aware of their rights and responsibilities when operating Postal Service vehicles and the steps to take should problems arise. In addition, shop stewards and branch officers should hold management accountable for proper maintenance and repairs to the fleet.

The Postal Service is required to provide safe working conditions for all employees. This requirement includes ensuring vehicles are maintained and safe to operate. Sections 1 and 2 of Article 14, on pages 56 and 57 of the 2016-2019 National Agreement, state in part:

Section 1. Responsibilities

It is the responsibility of management to provide safe working conditions in all present and future installations and to develop a safe working force.

Section 2. Cooperation

The Employer and the Union insist on the observance of safe rules and safe procedures by employees and insist on correction of unsafe conditions. Mechanization, vehicles and vehicle equipment, and the work place must be maintained in a safe and sanitary condition, including adequate occupational health and environmental conditions. The Employer shall make available at each installation forms to be used by employees in reporting unsafe and unhealthful conditions.

Letter carriers recognize that many LLVs are worn out and in need of repair. Repairs should be prompted by your daily inspection of the vehicle, which is your responsibility in accordance with Section 832 of *Handbook M-41, City Delivery Carriers Duties and Responsibilities*, and Section D of *Handbook EL-814, Postal Employees Guide to Safety*, below.

M-41 Section 832: Inspecting Vehicle

832.1 Inspect vehicle as described on Notice 76, Expanded Vehicle Safety Check (see exhibit 832.1) for deficiencies, body damage, or inoperable items.

EL-814 Section 10.D:

D. Vehicle Regulations

1. Vehicle Safety Inspections

Make a daily safety check of your assigned vehicle as outlined in Notice 76, Expanded Vehicle Safety Check, before leaving the post office parking lot or garage.

USPS Notice 76 is a checklist of 27 specific items that should be inspected prior to operating any postal vehicle, whether right or left-hand drive. A sample of the checklist is seen on page 84 of the *Handbook M-41*. Letter carriers also should inspect the vehicle upon returning to the office to determine if any issues arose while delivering on the street. Mechanical defects or failures as well as major body damage should be reported as soon as they are discovered, as stated in Section 842 of the *Handbook M-41*:

842.1 Reporting Defects

Driver must (a) report all mechanical defects or failures and major body damage on Form 4565, Vehicle Repair Tag (see exhibit 842.1) as soon as noted, and (b) immediately turn in the completed form to a dispatcher or manager. Minor body damage can sometimes await repair until the next regular inspection and need not be reported more than once.

842.2 Preparation of Form 4565

Whenever a motor vehicle requires repairs, complete Form 4565 in triplicate as follows:

a. Enter vehicle number and the hour and date vehicle was checked in.

b. Put check mark opposite item requiring repair, or, if not listed, enter opposite Other Repairs.

c. Describe details of repair under Remarks. For example, if brake block is checked, state: pulls to the right, brakes fading, etc.

842.3 Disposition of Form 4565

842.31 Deliver to the garage dispatcher or manager for initialing. Driver copy will be returned to you and should be kept as proof that damage was reported.

842.32 Attach dispatcher copy to Form 4570.

842.33 Mechanic copy is sent to the garage with vehicle.

The *Postal Operations Manual* Section 736, Fleet Maintenance, states:

The VMF [Vehicle Maintenance Facility] is responsible for providing quality and timely maintenance to the Postal Service fleet as outlined in the guidelines established by Vehicle Maintenance, Headquarters.

Management should contact the VMF promptly upon submission of PS Form 4565, Vehicle Repair Tag, to initiate repairs. A second copy of PS Form 4565 should be provided once repairs are complete. Carriers should request a receipt of this document before putting the vehicle back in use.

If the vehicle is used fewer than 500 miles per month, it is to undergo routine servicing twice a year (26-week cycle). If driven more than 500 miles per month, it is to

Vehicle fires in an aging fleet (continued)

undergo servicing three times a year (17-week cycle). Letter carriers should request proof that vehicles are being properly serviced. If proper servicing is not taking place, carriers should contact their steward to investigate why the vehicles are not being properly maintained. USPS created PS Form 4546-B, United States Postal Service Preventive Maintenance Inspection Guidelines Light Delivery Vehicles, to identify the required elements of routine maintenance and to document that the maintenance was performed.

Whether the Postal Service completes the required maintenance itself or contracts out the work to non-postal facilities, letter carriers have the right to verify that routine maintenance is taking place. If the maintenance is not being completed, letter carriers should submit PS Form 1767, Report of Hazard, Unsafe Condition or Practice. They should speak to a shop steward or branch officer and, if necessary, initiate grievances, citing Article 14 of the 2016-2019 National Agreement.

If a vehicle fire occurs, stewards and branch officers should investigate to determine if management's failure to perform routine maintenance was a contributing factor. Use the steps below to determine what went wrong and how to correct the problem:

1. Request and review the vehicle maintenance records for the vehicle involved in the fire/mishap, then determine whether USPS conducted a required preventative maintenance inspection (PMI).
2. Request copies of PS Form 4546 for the involved vehicle. Review the forms and compare them with the PMI guidelines for light delivery vehicles beginning on page 22 of Vehicle Maintenance Bulletin V-07-98 found on the NALC website at nalc.org/safety.
3. If necessary, interview the mechanics (postal or contractor) to make sure that the inspection/PMI was done correctly.
4. Interview the carrier to determine what he or she recalls of the events leading up to the fire or equipment failure.
5. Prior to the fire or equipment failure, were we conducting thorough vehicle inspections? If so, did we report any items on PS Form 4565, Vehicle Repair Tag?
6. Was the vehicle properly serviced? If not, what did management do with the vehicle? Request copies of any and all repair tags submitted and resulting repairs.



On April 11, 2011, USPS issued Vehicle Maintenance Bulletin 04-11 (VMB-04-11), establishing the policies and procedures related to the reporting of fires involving USPS-owned vehicles. Stewards, branch presidents and regional union officials should ensure that these policies are being followed when such incidents occur. Proper reporting assists USPS in identifying the causes of vehicle fires, thereby helping in prevention efforts.

Current business and safety needs require USPS to document the number and nature of Postal-owned vehicle fires. This information is necessary to pin down root causes, and to capture the data needed to determine commonalities, in these fires.

The following is a list that may prove helpful in your investigation and should be included in any grievance file. The information can be accessed on the NALC website at nalc.org/safety.

- PS Form 4546-B, United States Postal Service Preventive Maintenance Inspection Guidelines Light Delivery Vehicles
- Notice 76, Expanded Vehicle Safety Check
- Vehicle Maintenance Bulletin V-07-98—Preventive Maintenance Inspection Program
- *USPS Fleet Management Handbook PO-701*, rev. 2008
- June 10, 2014, OIG Management Advisory Report on delivery vehicle fleet replacement
- Aug. 5, 2014, letter from Phil Knoll, USPS manager of delivery programs, on proper maintenance and vehicle fire prevention
- Feb. 10, 2015, OIG report noting management's failure to properly maintain vehicles
- April 3, 2015, letter from Phil Knoll, USPS manager of fleet management, on proper maintenance and vehicle fire prevention
- August 2016 letter from Phil Knoll, USPS manager of fleet management, on the potential causes of vehicle fires
- Sept. 30, 2016, letter from Kevin McAdams, USPS vice president of delivery operations, on vehicle inspections and maintenance

Unfortunately, vehicle fires are a reality and letter carriers need to protect their personal safety. Instances have been reported in which letter carriers have unloaded mail and parcels while the vehicle is on fire. Preserving mail is an admirable intention, but do not put your safety at risk. Your safety is always priority No. 1!

Contract Administration Unit

Brian Renfroe, Executive Vice President

Lew Drass, Vice President

Christopher Jackson, Director of City Delivery

Manuel L. Peralta Jr., Director of Safety and Health

Dan Toth, Director of Retired Members

Give OWCP claims a firm footing

When a letter carrier gets injured on the job, the Postal Service has certain obligations under the law that are incorporated into the National Agreement and into postal handbooks and manuals. If management fails to meet its obligations, such as providing the appropriate forms to an injured employee, it can have a profound and lasting effect on the carrier. This is because when the Office of Workers' Compensation Program (OWCP) adjudicates the injured carrier's claim, the burden of proof is on the carrier. In the view of OWCP, defects to the claim will be the carrier's responsibility to fix, not the Postal Service's. It is important that the Postal Service comply with the laws and regulations to ensure that the injured carrier gets off to a good start with his or her OWCP claim. That usually starts with an attentive and educated shop steward.

After a traumatic injury, the Employee and Labor Relations Manual (ELM) Section 544 places responsibilities on the immediate supervisor that include providing the carrier with Form CA-1, *Notice of Traumatic Injury*. ELM 544.111 states:

When a notice of traumatic injury or occupational disease is filed, the immediate supervisor is responsible for doing the following:

- a. Immediately ensuring that appropriate medical care is provided.
- b. Providing the employee a Form CA-1 or a Form CA-2.
- c. Completing the receipt attached to Form CA-1 or CA-2 and giving the receipt to the employee or the employee's representative.
- d. Investigating all reported job-related injuries and/or illnesses.
- e. Immediately notifying the control office or control point of an injury, disease, or illness.

Prompt completion and forwarding of Form CA-1 or CA-2 to the control office or control point on the same day it is received from the employee.

The next provision, ELM 544.112, states that management must advise the employee of the right to select a physician and the right to elect Continuation of Pay (COP). These are both important so that the injured employee will have a source of income if he or she becomes disabled from the injury and can be treated by the physician best suited to do so.

ELM 544.12 is another important provision, requiring the Postal Service to notify an employee if COP will be controverted (disputed) and if pay will be interrupted. A carrier who suffers a traumatic injury and elects COP should not find out from a blank paycheck that COP was not provided. ELM 544.12 states in part:

The control office or control point must advise the employee whether COP will be controverted and whether pay will be interrupted. The control office must provide the employee a copy of the completed CA-1 or CA-2 and all correspondence between the Postal Service and the treating physician.

Management has an obligation to timely submit claim forms to OWCP as well as other information that might have a bearing on the OWCP claim. ELM 544.212 states:

The control office or control point submits to the appropriate OWCP district office within 10 working days after it is received from the employee:

- a. Completed Form CA-1 or Form CA-2.
- b. Any other information or documents that have some bearing on the claim.

Because ELM 544.111.d and ELM 821.21 places a responsibility on management to investigate injuries and accidents, any relevant documentation generated from the investigation should also be submitted to OWCP, such as pictures of the location and witness statements, if any. This evidence and documentation helps substantiate the facts of an OWCP claim.

In the event of a traumatic injury that requires medical examination and/or treatment, the Postal Service must authorize examination/treatment by issuing Form CA-16, Authorization for Examination And/Or Treatment, in accordance with ELM 545.21. Form CA-16 provides assurance to medical providers and the injured carrier that the Postal Service will pay medical bills for up to 60 days unless terminated earlier by OWCP. This form also is important because Part B of the form is the Attending Physician's Report. This helps the injured carrier get important medical information specific to an OWCP claim that is usually missing from a standard medical report.

In most cases, OWCP will require additional medical documentation prior to accepting the claim, but the documentation generated from the first few days of an injury is vital to establishing a strong foundation for any injury claim. Injured carriers rely on medical benefits and modest wage-loss compensation when disabled, and it all starts when management provides the appropriate forms. Stewards who enforce the basic rights outlined will see more successful OWCP claims.

The provisions in ELM 540 can be enforced via Articles 19 and 21.4 of the National Agreement.

Contract Talk

by the Contract Administration Unit

Contract Administration Unit

Brian Renfroe, Executive Vice President
Lew Drass, Vice President
Christopher Jackson, Director of City Delivery
Manuel L. Peralta Jr., Director of Safety and Health
Dan Toth, Director of Retired Members

Route inspections

During the coming months, the Postal Service will conduct route counts and inspections in offices around the country. The results of these inspections may lead to route adjustments. The rules governing inspections and adjustments are found in Chapter 2 of *Handbook M-39, Management of Delivery Services* and Chapter 9 of *Handbook M-41, City Delivery Carriers Duties and Responsibilities*. The provisions contained in these USPS handbooks are enforceable through the grievance procedure via Article 19 of the National Agreement. A number of national settlements and memorandums of understanding (MOUs) are also applicable and enforceable.

This article will explain some of the basic principles of route inspections and the Postal Service's responsibilities before and during the mail count. Future articles will explain route inspection and adjustment procedures.

Basic principles

Section 242.122 of the M-39 establishes the goal of route inspections and adjustments as ensuring that all regular routes are as close to eight hours as possible:

242.122 The proper adjustment of carrier routes means an equitable and feasible division of the work among all of the carrier routes assigned to the office. All regular routes should consist of as nearly 8 hours daily work as possible.

Along the same lines, Section 911.2 of the *M-41* states:

911.2 The count of mail is used to gather and evaluate data to adjust routes fairly and equitably to insure that the workload for each route will be as near as possible to an 8-hour workday for the carrier.

“The count of mail is used to gather and evaluate data to adjust routes fairly and equitably to insure that the workload for each route will be as near as possible to an 8-hour workday for the carrier.”

Before the inspection

Prior to determining whether routes need to be inspected, management is required to conduct a unit and route review. The results of these reviews must be shared with the local union and the regular carriers serving the route, as stated in relevant part in Section 211.1 of the *M-39*:

211.1 In order to achieve and maintain an appropriate daily workload for delivery units and routes, management will make at least annual route and unit reviews consisting of an analysis of items listed in section 214, and workhours, volumes, and possible deliveries. Items listed in section 213 may also be utilized in the review. These reviews will be utilized to verify adjustments which have been taken by management, or need to be taken by management, in order to maintain efficient service. The results of the review will be shared with the local NALC President, or designee, and the regular letter carrier(s) serving the route(s) that require adjustment.

If the Postal Service determines a need to conduct a route count and inspection following these reviews, it is required to issue two separate notices.

Under Section 211.2 of the *M-39*, management must determine the week of inspection and notify the local union:

211.2 The period selected for the mail count and route inspections should be determined as far in advance as possible, and the local union should be notified of this schedule. If it is necessary to change the period, the local union should be notified of the revised schedule as far in advance as practicable.

Management is required to post a schedule listing the day each route will be inspected. The day of inspection is the day a manager will count the route's mail and accompany the carrier on the street. This notice must be posted at least five working days prior to the beginning of the inspection in accordance with Section 215.1 of the *M-39*:

215.1 A notice must be posted at the delivery unit in advance of the scheduled mail counts and route inspections, showing the beginning date of the count for each route and the day and date each route is scheduled for inspection. This notice must be posted at least 5 working days before the start of the count period. If a decision is made to inspect on days other than the scheduled date, 1 day's advance notice must be given.

Letter carriers may be required to start early on certain days in order to count mail. Section 215.2 of the *M-39* requires management to post the schedule of starting times:

215.2 Not later than the Wednesday preceding the count week, carrier schedules shall be posted for those routes requiring an earlier starting time to count the mail.

Section 217 of the M-39: Dry-run count

Prior to beginning the mail count, management has an obligation to train letter carriers on the proper procedure for counting mail and completing the PS Form 1838-C, *Carrier's Count Mail-Letter Carrier Routes Worksheet*, as each letter carrier will fill out the form during the week of inspec-

Route inspections (continued)

tion. This “dry run” training must be conducted within 21 days of the beginning of the count week. Section 217 of the *M-39* outlines the procedures for this training:

217.1 A review of the count procedures will be made within 21 days prior to the start of the count and route inspection to teach the carrier how to accurately complete count forms (1838-C and 1838-A) during the period of count and inspection. An actual count of mail or recording of time used will not be kept on the day the dry run is made.

217.2 The sample dry-run count items, forms, and completion instruction must be furnished each carrier concerned in time to allow for completion and review prior to start of the period of count and inspection (see exhibits 217.2 (p. 1, 2, and 3)). Overtime or auxiliary assistance should not be used for the completion of the dry run. Therefore, a lighter volume day should be selected. Use only the appropriate data (EPM/Non-EPM) for the unit being inspected.

217.4 The carrier must be furnished a sample list of mail-count items and time-used items. The carrier must enter these items on a dry-run form. A manager must review each completed dry-run form for accuracy, error, and omissions, and they must be discussed and explained to the carrier. When necessary, the manager may require a second completion of the form to assure that the carrier is thoroughly familiar with completing the form to be used.

During the mail count

Section 221.11 of the *M-39* covers the schedule of days to be used for the count. Please note that Saturday is excluded from consideration for routes with abbreviated or no delivery on Saturday. Section 221.11 states:

221.11 The count of mail on all letter delivery routes, regular and auxiliary, must be for 6 consecutive delivery days on one-trip routes and for 5 consecutive delivery days, exclusive of Saturday, on two-trip routes or one-trip routes with abbreviated or no delivery on Saturday. It is not mandatory that mail counts begin on Saturday and continue through Friday so long as they are made on consecutive delivery days.

As stated earlier, each letter carrier will complete the PS Form 1838-C each day except for the day of inspection; however, the carrier has the right to verify management’s count. Section 221.131 of the *M-39* states in pertinent part:

221.131 The carrier should count and record the mail every day except on the day of inspection when the mail must be counted and recorded by a manager. On one or more days during the count week, each route will be inspected by a manager. When management performs the mail count the carrier serving the route, upon request, may verify the mail count.

This right to verification applies to the entire mail count

as agreed to in a national-level settlement (M-00814), which states in pertinent part:

Normally, a spot verification of the mail volume is adequate to determine the mail count is accurate. However, the parties agree that based on the intent of Section 221.131 of the *M-39* Handbook, the carrier may, upon request, verify the entire mail count.

Generally, each route will be inspected on one day during the process; however, management may conduct up to three days of inspection. If a route is inspected on more than one day, the manager will complete the form on only one of those days. The parties agreed to this in a memorandum of understanding (M-01777), which states in relevant part:

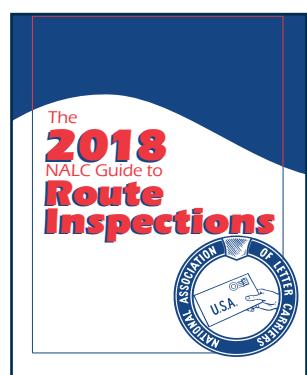
Local management will, if it determines it necessary when scheduling an inspection to inspect on more than one day, inspect on no more than three days during the week of count and inspection. If local management elects to inspect on two or three days during the week of count and inspection, local management will be responsible for completion of the 1838-C one of the days. The letter carrier will count the mail and complete the 1838-C on the other days of inspection.

The requirement to perform the count and complete the form applies to both the regular and replacement carrier as stated in Section 221.132 of the *M-39*:

221.132 Replacement carriers assigned to regular, full-, and part-time routes must count the mail and enter the data on the prescribed forms in the same way as the full-time carrier.

Available resources

Union representatives should familiarize themselves with Chapter 2 of the *M-39* and Chapter 9 of the *M-41* to gain a better understanding of the route count and inspection process. These handbooks, as well as additional resources, are available on the NALC website. They include the *2018 NALC Guide to Route Inspections* and the *NALC Route Protection Program* available at nalc.org/route-adjustments. National-level settlements and memorandums of understanding can be found in the Materials Reference System (MRS) at nalc.org/mrs. Past Contract Talk articles pertaining to these issues are available at nalc.org/contract-talk.



Contract Talk

by the Contract Administration Unit

Contract Administration Unit

Brian Renfroe, Executive Vice President
Lew Drass, Vice President
Christopher Jackson, Director of City Delivery
Manuel L. Peralta Jr., Director of Safety and Health
Dan Toth, Director of Retired Members

Route inspections, Part 2

Last month's Contract Talk discussed management's requirements under the *Handbook M-41, City Carriers Duties and Responsibilities* and *Handbook M-39, Management of Delivery Services* before and during the route count. This month's article will explain in greater detail the proper completion of the PS Form 1838-C, Carrier's Count Mail—Letter Carrier Routes Worksheet and the inspection of the route.

Line items

The letter carrier assigned to the route will complete the PS Form 1838-C each day of the count with the exception of the day of inspection. On the day of inspection, management will count the mail and record the office times. If the route is inspected on multiple days, management will complete the form on one day only. The most important part of completing the PS Form 1838-C is understanding the line items and how they are properly recorded.

Section 222.2 of the *M-39* contains descriptions of each line item, which should be explained during the dry-run training conducted prior to the inspection. Line items 1 through 13 record the mail volume based on the count. The times associated with casing and pulling mail are not recorded on the form. Line items 14 through 23 record the time spent performing other office duties. Items with multiple entries should be differentiated by a letter designation, such as 21a, 21b, etc.

"The most important part of completing the PS Form 1838-C is understanding the line items and how they are properly recorded."

For most letter carriers, line items 21-23 are the most difficult to understand and record properly. Section 922.51 of the *M-41* and Section 221.214 of the *M-39* contain the language pertaining to lines 21-23 of the PS Form 1838-C:

(h) Line 21, Recurring Office Work not Covered by Form. (Use Comment section to identify each activity.) Necessary time must be recorded for miscellaneous office activity not included on any of the lines 1 through 20. This would include miscellaneous review or other work that may require the carrier's time relating to handling of undeliverable mail. Describe activity performed and time spent. Each time entry is to be verified and initialed by a manager if it is authorized as a recurring carrier office work activity.

Line 21 entries are described as "recurring" office functions or the duties letter carriers do every day. For example,

obtaining and setting up the mobile delivery device, safety and service talks, retrieving small parcels and rolls (SPRs), and discussing daily expectations with the supervisor are all entries that are recorded on line 21. When you spend time performing a line 21 function, use the Comments section on the form to describe the function.

(i) Line 22, Waiting for Mail (Office) and All Other Activities Not Performed On a Continuing Basis. (Use Comment section to identify each activity.) Time shown on line 22 is deducted from the carrier's total office time. Carriers must be made aware of its purpose and impressed with the fact that a slowdown in office work to avoid waiting for mail will adversely affect the results of the count and/or inspection and may result in a showing of a poor office time record. The proper recording of time waiting for mail, including time waiting for redistributed mail, will pinpoint faulty schedules or the need for attention to distribution during carrier's scheduled office time. *Activities that are not part of the carrier's normal routine cannot become a part of the office time. These items are included on this line for deduction purposes.*

Line 22 entries are "non-recurring" office functions that do not occur every day. Some of these entries may be things like conversations with the route inspector or a fire drill. Line 22 entries are also documented in the Comments section of the 1838-C.

(j) Line 23, Counting Mail and Filling Out 1838-C Worksheet. Enter only the time required to count the mail and complete Form 1838-C. The time recorded on line 23 is deducted from the carrier's total office time. Carrier's schedules should be advanced only as needed during count period. On the form used on day of inspection, the notation "counted by route examiner" should be entered on line 23 through columns (e), (f), and (g). If the time recorded by carrier appears unrealistic—inflated or deflated—the matter should be discussed with the carrier and adjusted to a realistic time.

Line 23 entries are exclusive to time spent counting mail and completing the form or verifying the count completed by management on the day of inspection.

It is important that letter carriers accurately record the time associated with each line item when completing the PS Form 1838-C. These times will be used to determine the office time during the route evaluation.

Inspection Day and conduct of route examiner

Route evaluation and inspections can be stressful for city letter carriers. Letter carriers are used to working independently and may be uncomfortable having a route examiner watching them all day long. This next section describes handbook requirements governing the conduct of

Route inspections, Part 2 (continued)

route examiners during the route inspection process.

M-39, Sections 231 and 232 speak to the conduct of the route examiner.

231.5 The route examiner must inform the carrier that he/she intends to make a fair and reasonable evaluation of the workload on the route and that in order to do so the carrier must perform duties and travel the route in precisely the same manner as he/she does throughout the year. The examiner should impress the carrier with the fact that management is just as anxious and desirous of obtaining an accurate count of mail and inspection of the route as the carrier is, so that a fair and equitable evaluation of the workload on the route may be made.

232.1 The route examiner must:

- a. Not set the pace for the carrier, but should maintain a position to observe all delivery points and conditions.
- b. Not suggest or forbid any rest or comfort stops but should make proper notations of them.
- c. Not discuss with the carrier on the day of inspection the mail volume or the evaluation of the route. These matters must be discussed with the carrier at a later date when all data has been reviewed and analyzed.
- d. Make notations on the day of inspection on the appropriate form or separate sheet of paper of all items that need attention, as well as comments on the day of inspection. Also list any comments or suggestions for improving the service on the route, as well as suggestions or comments made by the carrier during the course of the inspection for improvement in delivery and collection service.
- e. Make comments and suggestions clearly, and in sufficient detail for discussion with the carrier and for decision-making purposes. The manager who will actually discuss the results with the carrier must have enough facts and figures to reach a final decision on any necessary adjustments to the route.

The national parties have agreed that there is no standard for performing street delivery; therefore, route examiners should not attempt to set the street pace for letter carriers. This is prohibited by M-39 Section 232.1.a and is reinforced by the Memorandum of Understanding (MOU) M-00304.

M-00304 states in pertinent part:

In keeping with the principle of a fair day's work for a fair day's pay, it is understood that there is no set pace at which a carrier must walk and no street standard for walking.

Letter carriers should perform their street duties exactly as they do every day. Route examiners should simply observe and take notes of carriers performing their street duties.

M-41, Section 915 states:

In order that a fair and reasonable evaluation may be made

by management, carriers must perform their duties and travel their routes in precisely the same manner on inspection day as they do throughout the year.

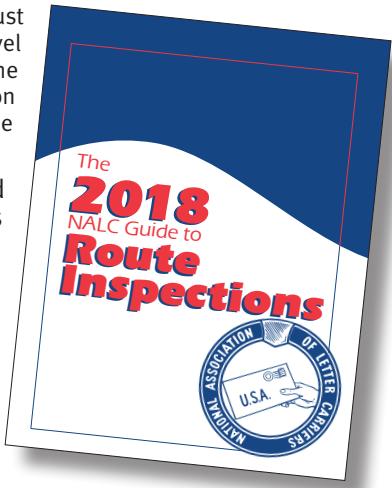
Route examiners should not prohibit letter carriers from taking comfort stops. Reasonable comfort stops are considered a typical part of a letter carrier's day and as such should not be deducted from the recorded street time. USPS and NALC have agreed to this principle in M-00242, which reads:

Management should not deduct reasonable comforts/rest stops from the total street time during route inspections if deduction of the time is contrary to past local practice. If excessive time for comforts/rest stops is deducted, the matter should be discussed with the carrier.

Letter carriers experiencing route examiner conduct inconsistent with the handbook provisions described should consult with a shop steward or union representative so the situation can be investigated.

“Letter carriers experiencing route examiner conduct inconsistent with the handbook provisions described should consult with a shop steward or union representative.”

As discussed last month, union representatives should familiarize themselves with Chapter 2 of the M-39 and Chapter 9 of the M-41 to gain a better understanding of the route count and inspection process. These handbooks as well as additional resources are available on the NALC website. They include the *2018 NALC Guide to Route Inspections* and the *NALC Route Protection Program* available at nalc.org/workplace-issues/city-delivery/route-adjustments. National-level settlements and memorandums of understanding can be found in the Materials Reference System (MRS) at nalc.org/mrs. Past Contract Talk articles pertaining to these issues are available at nalc.org/workplace-issues/resources/halc-publications.



Contract Administration Unit

Brian Renfroe, Executive Vice President
Lew Drass, Vice President
Christopher Jackson, Director of City Delivery
Manuel L. Peralta Jr., Director of Safety and Health
Dan Toth, Director of Retired Members

Route inspections, Part 3

Last month's *Contract Talk* explained the PS Form 1838-C, *Carrier's Count Mail—Letter Carrier Routes Worksheet* and described some of the line items associated with city carrier office work in addition to casing and pulling mail. This article will explain management's responsibilities when evaluating routes based on the data obtained during the count and inspection.

Route evaluation

As stated in the April 2019 *Contract Talk*, the goal of any route count and inspection is to adjust the routes to as close to eight hours as possible. With this in mind, management must evaluate the office and street times for each route and determine whether the route is either overburdened and requires relief or less than eight hours and requires an addition. After the completion of the count and inspection, prior to any adjustments being made, management should consult with the regular carrier on the route and explain the evaluated office and street times.

The PS Form 1840, *Carrier Delivery Route—Summary of Count and Inspection* provides a synopsis of the data management will use to evaluate the route and make any needed adjustments. This is a two-page form consisting of the PS Form 1840 and PS Form 1840 (reverse). The first page includes the data from the count and inspection used for evaluating the route while the second page is used to show the office and street times selected for the evaluation, as well as any adjustments made to the route.

241.1 Form 1840, *Carrier Delivery Route—Summary of Count and Inspection*, provides for consolidating and completing the evaluation of data recorded on Forms 1838 of the count and inspection period. It provides also for comments by the examiner inspecting the route and by the postmaster or designated manager making the adjustments. Where additional space is needed, attachments may be used. (The form also provides a record of adjustments made, and the adjusted route. See Part 243.)

The information on PS Form 1840 is derived from several sources, including other forms used during the count and inspection process.

The PS Form 1838, *Carrier's Count of Mail—Letter Carrier Routes (Mngt. Summary)* contains the information recorded on the PS Form 1838-C by the carrier servicing the route or the inspector who completed the form on the inspection day(s). Copies of PS Forms 1838 and 1840 must be provided to the carrier prior to the evaluation consultation. This requirement is found in Section 923.1 of *Handbook M-41*, which states:

923.1 A completed copy of the front of Form 1840, *Carrier Delivery Route—Summary of Count and Inspection*, reflect-

ing totals and averages from Forms 1838, day of inspection data, examiner's comments, and analysis of office work functions and time recordings, will be furnished carrier at least 1 day in advance of consultation. Completed copies of Form 1838 will be given the carrier at least 5 calendar days prior to consultation.

The PS Form 1840 also shows the total street time used by both regular and replacement carriers each day of the inspection as well as the average street time for the week. Only the time used by the regular carrier should be used to determine the average. As stated in Section 241.33 of *Handbook M-39*:

241.33 Bracket [] the time entries in columns A, B, C, D, and E for the days on which the route was served by a replacement carrier or carrier technician T-6 because these figures are to be excluded when entering the figures on the total line for columns A, B, C, D, and E.

Exceptions to this provision are in the case of a full-time route without a regular carrier or an auxiliary route. In these cases, the carrier who serviced the route during the week of inspection would be used to determine the average street time.

Once the data has been transferred to the PS Form 1840, management must evaluate the data and determine the office and street times for each route. Union representatives should ensure that the data is accurately transferred to this form as any discrepancies could have a negative impact on the route evaluation and any subsequent adjustments.

Office time

When determining office time, management must select either the average office time used by the carrier during the week of inspection or the standard office time allowance. This requirement is found in Section 242.311 of *Handbook M-39*, which states:

242.311 Under normal conditions, the office time allowance for each letter route shall be fixed at the lesser of the carrier's average time used to perform office work during the count period, or the average standard allowable office time.

Standard office time is determined by dividing the number of cased letters by 18, the number of cased flats by eight, and the total number of cased letters and flats by 70. These three figures are then converted to minutes and added to the standard office allowances for the line items on the PS Form 1838-C (excluding time spent performing line 22 and 23 functions) to establish a time.

A detailed explanation of line items and standard time allowances is found in Exhibit 222.214a(4) of *Handbook M-39*.

Section 242.312 addresses whether an adjustment may

Route inspections, Part 3 (continued)

be made to office time to account for variations in mail volume during the mail count:

242.312 No mail volume adjustments will be made to carrier office work (casing and strapping out functions) or street work evaluations unless the mail volume for the week of count and inspection is at least 13% higher or lower than the average mail volume for the period between the most recent regular and the current inspection (excluding the months of June, July, August, and December).

Management does not have the right to reduce the office time below the standard time based on allegations of time-wasting practices during the mail count. National Arbitrator Benjamin Aaron addressed this issue in case NC-C-11675, where he found “even though the Postal Service can demonstrate that the grievant was regulating his performance, it cannot reduce the office time below the average standard allowable time.” He determined that the language in Section 242.211 allows management to address irregular performance during the count and inspection:

242.211 If the actual office is *under standard* on some days and *over standard* on other days during the count week, the carrier must be interviewed to determine the reason for the irregular performance. The causes of slow and irregular performance and the corrective action taken should be indicated under *Comments* on Form 1840.

Street time

When determining the street time, management must select either the average street time during the week of inspection or the eight-week average street time from the PS Form 1840-B, *Carrier Time Card Analysis*. This requirement is found in Section 242.321 of *Handbook M-39*, which states:

242.321 For evaluation and adjustment purposes, the base for determining the street time shall be either:

a. The average street time for the 7 weeks random time-card analysis and the week following the week of count and inspection; or

b. The average street time used during the week of count and inspection.

242.322 The manager will note by explanatory *Comment* on the reverse of Form 1840 or attachments thereto why the base street time allowance for the route was established at the time selected. The manager’s selection of the street time allowance cannot be based on the sole criterion that the particular time selected was the lower.

This section makes it clear that management must justify the selected street time and not base its decision solely on the fact that the selected time was the lower of the two.

The data from the seven-week random analysis is determined based on the language in Section 242.323 of *Handbook M-39*, which states in part:

242.323 Selection of the 7 weeks for the random timecard analysis shall be based on the following:

a. Within 4 weeks prior to the week of count and inspection, the local union representative will make a random drawing of numbered lots from 1–4 to be used in determining the 7 random weeks to be selected for all routes at the delivery unit.

A complete explanation of the random draw process is provided in Section 242.323 of *Handbook M-39*. Once the weeks have been selected, the data is transferred to PS Form 1840-B. A sample of this form, which contains four pages including the instructions, is found in exhibit 213d of *Handbook M-39*.

“Management does not have the right to reduce the office time below the standard time based on allegations of time-wasting practices during the mail count.”

Available resources

Union representatives should familiarize themselves with Chapter 2 of the *M-39* and Chapter 9 of the *M-41* to gain a better understanding of the route count and inspection process. These handbooks and other resources are available on nalc.org. They include the *2018 NALC Guide to Route Inspections* and the *NALC Route Protection Program* available at nalc.org/workplace-issues/city-delivery/route-adjustments. NALC members may obtain a copy of the *NALC Route Inspection Pocket Handbook* through their NBA office or the NALC Supply Department. National settlements and memorandums of understanding (MOUs) can be found in the Materials Reference System (MRS) at nalc.org/mrs. Past Contract Talk articles pertaining to these issues are available at nalc.org/workplace-issues/resources/nalc-publications.

Contract Talk

by the Contract Administration Unit

Contract Administration Unit

Brian Renfroe, Executive Vice President
Lew Drass, Vice President
Christopher Jackson, Director of City Delivery
Manuel L. Peralta Jr., Director of Safety and Health
Dan Toth, Director of Retired Members

Route inspection, Part 4

In the past three editions of *The Postal Record*, Contract Talk has discussed the route count, inspection and evaluation process found in Chapter 2 of *Handbook M-39, Management of Delivery Services*. This article will discuss the route adjustment process.

Once the route evaluation is complete and management determines that adjustments are necessary, management must prepare the reverse side of PS Form 1840, Carrier Delivery Route—Summary of Count and Inspection. Once completed, this form will show the following information:

- Office and street times chosen for the adjustment
- Addresses added or removed from the route as well as the office and street times associated with these deliveries
- Adjusted office and street times
- Whether the route has an office break
- Evaluated street time and the source
- Street time used for the adjustment and the reason for the selection of this time
- Method used to transfer office time

Office time

The amount of office time needed for the deliveries is determined by applying Section 243.316 of *Handbook M-39*, which states in part:

243.316 Office Time Column

b. The character of the route more or less governs the method of computing the office time for the territory being transferred between routes. Following are some methods which may be used:

(1) If the deliveries on the route are similar in character, the following simple formula for determining the amount of office time for the deliveries transferred may be used: Divide the average office time of the inspection period appearing on Form 1840 for the route from which territory is being transferred by the total number of possible deliveries. For example: a route has 400 possible deliveries and the average office time for inspection period was 120 minutes: 120 divided by 400 equals .3 minutes per delivery. The total number of deliveries being considered for transfer should be multiplied by minutes or fraction of minutes per delivery.

(2) Another method to determine the office time percentage factor is to divide the average office time for the count week by the average total time. For example: 165 minutes office time divided by 486 minutes total time equals 34 percent. Therefore, the allowance of 34 percent of the total time value of any territory to be added or taken away from a route must be allowed for office time to prepare the mail for delivery.

(3) Another method when utilizing the hand-held computer is to count the mail by ZIP+4 sector/segment so the number of mailpieces delivered in a segment can be calculated to determine the office time allowance for each segment to be transferred between routes. To calculate the office time allowance when transferring particular route segments, any other following three methods may be used.

(a) Apply the current casing standards of 18 (letter size), 8 (other size), and 70 (strap out) to the actual segment(s) mail count from the day of inspection. For example: A segment receives 220 pieces on day of inspection; 180 letters divided by 18 = 10 minutes; 40 other size pieces divided by 8 = 5 minutes; 220 divided by 70 = 4 minutes. The office time allowance for that segment would be 19 minutes.

(b) Follow (a) above but factor in the percentage of standard office time used during the week of inspection from the carrier who serviced that segment(s) in the most recent inspection. For example: The carrier who serviced the segment utilized .80 of standard office time allowed during week of inspection ($19 \times .80 = 16$ minutes). The office time allowance for that segment would be 16 minutes.

(c) Follow (a) above but factor in the percentage of standard office time used during the week of inspection from the carrier whose route is gaining the segment(s) being transferred. For example: The carrier whose route will pick up the segment utilized .85 of standard office time allowed during the week of inspection ($19 \times .85 = 17$ minutes). The office time allowance for that segment would be 17 minutes.

Note: The effort here is to arrive at the most accurate time allowance for the transferred segment(s), avoiding the need for corrective adjustments.

Street time

As previously written, the goal of any route count and inspection is to adjust routes to as near to eight hours as possible. If a route evaluation shows a total daily time in excess of eight hours on most days of the week, management must provide permanent relief by transferring workload to another route. Permanent relief may be provided in several ways. Section 243.21.b of *Handbook M-39* identifies methods for providing permanent relief:

243.21 Routes of More than 8 Hours

b. Permanent relief may be provided by reducing carrier office or street time. Consider items such as additional segmentations, use of routers, hand-offs, relocating vehicle parking, withdrawal of mail by clerks or mailhandlers, pro-

Route inspection, Part 4 (continued)

viding a cart system for accountable items, etc. When routes require a current adjustment and Delivery Point Sequencing will commence within 6 months, management will adjust using non-territorial, non-scheme change adjustments. Where actual transfer of territory is necessary, see 243.23. If a hand-off is the method selected for providing relief on the street, the time value associated with the delivery of the hand-off must be deducted from the route getting relief and transferred to the gaining route.

On routes evaluated at less than eight hours, permanent additions are made to make the assignment as near to eight hours as possible in accordance with Section 243.22 of *Handbook M-39*:

243.22 Route Less than 8 Hours

On routes where the evaluated time is less than 8 hours, make permanent additions by transferring territory through a realignment of the territory in the delivery unit. This realignment could reduce or eliminate an existing auxiliary route, reduce a regular route to auxiliary status, or eliminate it entirely.

If routes are adjusted by transferring territory, the reverse of PS Form 1840 will indicate the proposed changes. Section 243.31 of *Handbook M-39* explains how to record territory transfer on the reverse of PS Form 1840:

243.31 Completing Reverse of Form 1840

Record office and street adjustments, on the reverse of Form 1840 or on a separate sheet of paper, as follows:

243.311 Transferring Territory from One Route to Another. A tentative selection of the block or blocks that can be most efficiently transferred should be made, using a map of the territory. The time used to deliver the mail on each block will be found on the reverse of Form 3999 covering the current inspection of the routes.

243.312 Relief and Addition Columns. Enter an (R) if deliveries are relief and an (A) if deliveries are addition.

243.313 Street, Blockface Numbers, and Sector/Segment Columns. Enter the street name, beginning and ending blockface numbers, and the ZIP+4 sector/segment number for the blockface. Refer to the ZIP+4 printout to obtain the correct sector/segment number to ensure that no segment is split (see 243.231c).

243.314 Transferred To or From Route Number Column. Enter the route number to or from which the block and street is to be transferred.

When transferring delivery territory, management determines the amount of time needed for each sector segment, or range of addresses. This data comes from the PS Form 3999, Inspection of Letter Carrier Route, completed during the week of inspection.

When a route is inspected on more than one day, the parties agreed in the Memorandum of Understanding (MOU) Re: Multiple Days of Inspection (M-01543) to the following:

When local management elects to inspect on two or three days, the PS Form 3999 closest to the selected street time on the PS Form 1840 will be used to transfer territory.

As explained in last month's Contract Talk, the front side of PS Form 1840 shows the average street time used by the regular carrier during the week of inspection and the eight-week average from the PS Form 1840-B, Carrier Time Card Analysis. The reverse of the form shows the street time that management selected when evaluating the route. Union representatives should ensure management selected the appropriate PS Form 3999 if there were multiple days of inspection.

Upon completing the reverse of the PS Form 1840, management should conduct an adjustment consultation with the regular carrier servicing each route. Letter carriers should take advantage of this consultation to provide feedback on the proposed adjustment. Section 242.3 of *Handbook M-39* requires management to document any time disallowances and provide the PS Form 1840 to carriers at least one day in advance of this consultation:

242.347 All time disallowances and related comments will be noted on Form 1840 or attachments thereto, and furnished the letter carrier at least 1 day prior to consultation.

If management fails to provide PS Form 1840 or conduct a consultation as required, letter carriers should contact a union representative.

Available resources

Union representatives should review Chapter 2 of the *M-39* and Chapter 9 of the *M-41* to become familiar with the route inspection and adjustment process. These handbooks and other resources related to route inspections and adjustments are available on the NALC website at nalc.org/workplace-issues/city-delivery/route-adjustments.

NALC members can obtain a copy of the *NALC Route Inspection Pocket Handbook* through their NBA office or the NALC Supply Department. Past Contract Talk articles pertaining to these issues are available at nalc.org/workplace-issues/resources/nalc-publications.

Contract Administration Unit

Brian Renfroe, Executive Vice President

Lew Drass, Vice President

Christopher Jackson, Director of City Delivery

Manuel L. Peralta Jr., Director of Safety and Health

Dan Toth, Director of Retired Members

Route inspection, Part 5

Contract Talk articles in the past four editions of *The Postal Record* have discussed the route count, inspection and evaluation process found in Chapter 2 of *Handbook M-39, Management of Delivery Services*.

This article will go back to the beginning of this series and discuss the difference between the number of days routes with abbreviated or no delivery on Saturday are counted, as opposed to routes with full delivery on Saturday during the week of mail count and inspection.

Let's start with the applicable language that is contained in both the *M-39* and *M-41 Handbooks*:

Section 221.11 of the *M-39 Handbook* states, in relevant part:

221.11 Schedule

The count of mail on all letter delivery routes, regular and auxiliary, must be for 6 consecutive delivery days on one-trip routes and for 5 consecutive delivery days, exclusive of Saturday, on two-trip routes or one-trip routes with abbreviated or no delivery on Saturday. It is not mandatory that mail counts begin on Saturday and continue through Friday so long as they are made on consecutive delivery days.

Section 921.2 of the *M-41 Handbook* states, in relevant part:

921.2 Schedule

The count of mail period on all letter delivery routes, both regular and auxiliary, shall be

- (a) for 6 consecutive delivery days on one-trip routes and
- (b) for 5 consecutive delivery days, exclusive of Saturday, on multi-trip routes or one-trip routes with abbreviated or no delivery on Saturday.

921.22 - It is not mandatory that mail counts begin on Monday and continue through Saturday but they must be made on consecutive delivery days.

As you can see, Saturday is supposed to be excluded from the count week on routes with abbreviated or no delivery on Saturday. The language in Section 221.11 of the *M-39* and Section 921.2 of the *M-41* is crystal clear. Therefore, routes with abbreviated or no delivery on Saturday are only inspected for five consecutive delivery days (Monday through Friday).

Management may try to convince you that if Saturday is excluded from routes with abbreviated or no delivery on Saturday, then Monday also must be excluded. This is simply not true. That is just something they made up and try to sell to many letter carriers and stewards. Do not fall for this trick!

Management also may try to convince you that Saturday is excluded from the week of route count and inspection for

routes with abbreviated or no delivery on Saturday, but is not excluded from the eight-week Carrier Time Card Analysis (1840-B). This also is not true. Do not fall for that trick either!

The reason for this rule is totally logical. For instance, if you have a route that has two hours of closed businesses on Saturday that you do not deliver, that would make your street time 120 minutes short for the week. If Saturday was included in your street-time credit, this would make your average street time 20 minutes shorter than what the route really takes to deliver when you spread the 120 minutes of time over six days. Therefore, even if your route was adjusted to 8:00 hours on paper, it would really be 8:20.

In a fairly recent regular panel arbitration decision (C-33600), the arbitrator specifically addressed this issue as follows:

With regard to the issue of whether delivery was abbreviated for particular routes on Saturdays, Section 221.11 states that:

The count of mail on all letter delivery routes, regular and auxiliary, must be for 6 consecutive delivery days on one-trip routes and for 5 consecutive delivery days, exclusive of Saturday, on two-trip routes or one-trip routes with abbreviated or no delivery on Saturday. It is not mandatory that mail counts begin on Saturday and continue through Friday so long as they are made on consecutive delivery dates.

Thus, if abbreviated delivery or no delivery on Saturdays,

“Routes with abbreviated or no delivery on Saturday are only inspected for five consecutive delivery days (Monday through Friday).”

then the mail count must be for five days exclusive of Saturday. In this regard, the Postal Service witness, who was an Operations Program Specialist, admitted that delivery was abbreviated on Saturdays for eight of the 13 routes at the West Station. She countered, by relying upon Section 241.33 of the *M-39 Handbook* (a new trick) which provides that:

Bracket [] the time entries in columns A, B, C, D, and E for the days on which the route was served by a replacement carrier or carrier technician T-6 because these figures are to be excluded when entering the figures on the total line for columns A, B, C, D, and E.

(continued on next page)

Contract Administration Unit

Brian Renfroe, Executive Vice President
Lew Drass, Vice President
Christopher Jackson, Director of City Delivery
Manuel L. Peralta Jr., Director of Safety and Health
Dan Toth, Director of Retired Members

Route inspection, Part 5 (continued)

In my view, however, this assertion does not follow logically because if a T-6 carried a route on Saturday, it is to be excluded in any event, and T-6's would carry routes on a Saturday every six weeks. Also, if a route is carried by a replacement carrier on a Saturday, it is to be excluded as well. In any event, the Saturday street time would still be abbreviated regardless of who carried the route, according to Section 221.11, because if there is no delivery or if delivery is abbreviated on a Saturday it is not to be included pursuant to Section 221.11 of the M-39 Handbook. That section is clear that for one-trip routes with an abbreviated or no delivery on Saturday, the count of mail must be for five consecutive delivery days, exclusive of Saturday. Section 241.33 of the M-39 Handbook does not obviate the requirement to comply with Section 221.11 of the M-39 Handbook.

This case had several other violations, but for the violation of this rule in particular, the arbitrator ordered USPS to cease and desist from future violations and awarded:

For the eight routes identified with abbreviated Saturday delivery, the Postal Service is directed to reinspect and adjust those routes without consideration of the Saturday delivery times in accordance with Section 221.11 of the M-39 Handbook. This shall be accomplished within 90 days of the date of this Award.

NALC will never understand why management does not just follow their own rules and quit trying to cheat letter carriers out of a fairly adjusted route. These route inspection teams come into an office for a week, do everything they can to build overburdened routes, and then head to the next town—leaving both the letter carriers and local managers to deal with the mess they created. We are totally convinced that the Operations arm of USPS will never get the concept that a square peg does not fit into a round hole.

“NALC offers many resources to assist letter carriers and shop stewards with obtaining fairly adjusted routes.”

Available resources

NALC offers many resources to assist letter carriers and shop stewards with obtaining fairly adjusted routes. Two free publications/resources that every branch in the country should arm themselves with are:

The NALC Route Inspection Pocket Handbook—This booklet fits in your shirt pocket and is specifically designed to assist letter carriers during the week of route inspection. Every letter carrier who goes through the route inspec-

tion process should be provided a copy of this booklet in advance of the week of mail count and inspection. Did I mention that these booklets are provided at no cost? There is no good reason why every branch in the country does not already have a supply of *NALC Route Inspection Pocket Handbooks* on hand for when route inspections occur in an office under your branch's jurisdiction. If your branch does not already have a supply, *NALC Route Inspection Pocket Handbooks* are available at no charge through the NALC Supply Department.

The 2018 NALC Guide to Route Inspections—This book is specifically designed to assist shop stewards before, during and after the week of route inspection. This resource also contains a section that thoroughly explains how to read, and the purpose of, all the route inspection forms USPS uses to evaluate and adjust routes. Once you understand how to read these forms and what to look for, the task of investigating route inspection grievances becomes much easier. It is highly recommended that every shop steward obtain a copy of this book and study it when USPS announces that an office you are responsible for will be inspected. Again, there is no good reason why every branch in the country does not have a supply of the *2018 NALC Guide to Route Inspections* on hand for shop stewards in your branch. If your branch does not already have a supply, the *2018 NALC Guide to Route Inspections* books are available at no charge through your NBA office and/or the NALC Supply Department.

In either case, get them while they are hot.

There are more resources related to route inspections and adjustments available on the NALC website at nalc.org/routeadjustments. Past Contract Talk articles pertaining to these issues are also available on the NALC website at nalc.org/workplace-issues/resources/nalc-publications.

Contract Talk

by the Contract Administration Unit

Contract Administration Unit

Brian Renfroe, Executive Vice President
Lew Drass, Vice President
Christopher Jackson, Director of City Delivery
Manuel L. Peralta Jr., Director of Safety and Health
Dan Toth, Director of Retired Members

In the office

This month's Contract Talk will highlight some of the handbook provisions related to city carrier office duties. Letter carriers are required to perform certain tasks in the morning, before leaving for the route, and in the afternoon, upon returning to the office. During the route inspection and adjustment process, these tasks are given office time credit on the PS Form 1838-C, Carrier's Count Mail — Letter Carrier Routes Worksheet, and are included in the office time evaluation for each route. For more information on route count and inspection, read the April, May, June and July 2019 editions of Contract Talk. This article will explain some of the handbook provisions relating to office activities letter carriers should perform while clocked on office time.

Vehicle inspections—Letter carriers should ensure they inspect their delivery vehicle according to USPS Notice 76, Expanded Vehicle Safety Check every day before operating the vehicle. Vehicle inspections should be performed as soon as possible after clocking in to allow letter carriers to promptly report vehicle deficiencies to management. These requirements are found in Sections 832 and 842.1 of *Handbook M-41, City Carriers Duties and Responsibilities*.

832 Inspecting Vehicle

832.1 Inspect vehicle as described on Notice 76, Expanded Vehicle Safety Check (see exhibit 832.1) for deficiencies, body damage, or inoperable items. See section 842 for reporting defects.

842.1 Reporting Defects

Driver must (a) report all mechanical defects or failures and major body damage on Form 4565, Vehicle Repair Tag (see exhibit 842.1) as soon as noted, and (b) immediately turn in the completed form to a dispatcher or manager. Minor body damage can sometimes await repair until the next regular inspection and need not be reported more than once.

Section 922.51.f of *Handbook M-41* indicates how the time for vehicle inspections is credited on the PS Form 1838-C during the route inspection process. The minimum time allowance for performing vehicle inspections is three minutes; however, a proper vehicle inspection may take longer.

922.51 Actual Time Entries

f. Line 19, Vehicle Inspection. (1) Only those routes assigned a postal vehicle or a commercial contract vehicle will record this time. Generally, vehicle inspection is made promptly after recording your reporting time.

If you inspect the vehicle during the morning office timeclock rings, record the time on line 19. (2) However, if you pick up the vehicle at the garage and inspect it at that point, the time required is part of the garage time and is not recorded on line 19. (3) Vehicle inspection time is not allowed for a carrier who has a drive-out agreement or uses his/her own vehicle under contract.

Time Allowances for Carrier Office Work

19 Vehicle inspection see 922.51f. Base minimum allowance is 3 minutes.

As indicated in section 922.51, this inspection should be per-

formed as part of morning office duties and should receive office time credit accordingly. Notice 76 specifies letter carriers should perform Items 16 and 17 on the list with assistance from another person if possible. Vehicle inspections are an important part of maintaining letter carrier safety and should not be overlooked.

Hold mail—Letter carriers have certain responsibilities when it comes to processing hold mail. Mail may be held for many reasons, including customers temporarily away or a 10-day hold in anticipation of processing a change of address. The procedures for processing hold mail vary based on the type of mail and the reasons for the hold. These procedures are explained in depth in Chapter 2 of *Handbook M-41*. Whatever the reason mail is being held, letter carriers should process this mail on office time.

Handbook provisions instruct management to have letter carriers retain hold mail at the carrier case. This language is found in section 117 of *Handbook M-39, Management of Delivery Services*:

117.1 Workroom Floor Layout

k. Hold Mail. Instruct the carrier to place hold mail in a central location **only** when space is not available at the carrier's case.

Accountable items/special services mail—Accountable items are keys, postage due, customs duty and special services mail. Letter carriers receive these items in the morning from the accountable clerk. These items are handled in accordance with Section 261 of *Handbook M-41*.

2 Office Time — Preparation

261 Accountability Procedures

261.1 Acquiring Accountable Items

261.11 Accountable items are keys, postage due, customs duty, and special services mail.

261.12 Generally, carriers are required to call at the finance cage for accountable items. They may be called in groups by call of route numbers or by passing a paddle (see glossary for paddle system). At some offices, the items are delivered to the carrier at his/her case.

During route inspections, carriers receive office time credit for processing accountable/special services mail. Section 922.51 of *Handbook M-41* discusses time credit for these items:

922.51 Actual Time Entries

a. Line 14, Registered, Certified, COD, Customs, Express Mail, and Postage-Due; Keys; Form 3868; Signing For, Returning Funds and Receipts. Record the combined time (1) to travel from the carrier case to the place within the work unit where registered, certified, postage-due, COD, and customs mail is obtained — unless these articles are brought to you; (2) to sign for these items and make returns of receipts or funds; and (3) to return to the carrier case or (where local conditions warrant) to return to the vehicle from this location. If the locations where these various kinds of mail are processed are widely separated, total the time required at each location and record on line 14. Also include in the total on this line the time for obtaining and returning keys. If accountable mail is delivered at the carrier case, record the time used to accept and sign for the articles. If accountable mail is identified while

In the office (continued)

performing street duties, whether it is delivered or returned, the carrier will receive the actual time for clearance of the piece.

This handbook language makes it clear that the processing of these items should be credited to office time. Letter carriers should ensure that they are on office time when handling accountable items, whether in the morning before leaving for the route or in the afternoon upon returning.

Rest breaks—City letter carriers are entitled to two paid 10-minute rest breaks during each eight-hour workday. One of these rest breaks may be taken in the office on office time if your local branch has chosen this option.

The negotiated two 10-minute break periods are the required minimum. Longer breaks may be established by past practice or by the local memorandum of understanding (LMOU). Letter carriers are required to take the negotiated breaks. The *Joint Contract Administration Manual (JCAM)* on page 41-28 explains this requirement as follows:

National Arbitrator Britton ruled that the Postal Service must ensure that all employees stop working during an office break. Contractual breaks must be observed and cannot be waived by employees (H4N-3D-C 9419, Dec. 22, 1988, C-08555).

If your branch has chosen an office break, letter carriers must take this break on office time. During the route inspection process, letter carriers receive credit for this office break on the PS Form 1838-C, and it is included in the office time evaluation for each route. This requirement is found in Section 922.51 of *Handbook M-41*, which states:

922.51 Actual Time Entries

e. Line 18, Break (Local Option). Enter the scheduled office break period, if applicable.

Note: At the option of the local union, the carriers at the delivery unit will receive one 10-minute break period in the office (rather than two such 10-minute breaks on the street). Such break will be scheduled by the employer.

Letter carriers should never skip their negotiated rest breaks whether they are taken in the office or on the street.

Office time—return—Oftentimes, afternoon office duties can be unclear for city letter carriers. This section explains the order in which letter carriers should perform afternoon office functions. Management in some offices will insist that letter carriers complete their afternoon office duties in a designated amount of office time or in some cases on street time. *Handbook M-41* directs letter carriers to clock to office time first and then perform these additional office duties. This requirement is contained in Chapter 4 of *Handbook M-41*, reprinted in relevant part here.

4 Office Time — Return

41 Use of Timecards

412 PSDS Offices

Follow instructions in 211.2 — except (1) set dials to indicate "R.S." for Return Street and (2) set dials to indicate "E.T." for End Tour.

Section 211.2 indicated here refers to the procedures for clocking-in using the EBR available in most postal facilities. This time clock transaction is the first handbook procedure to be completed by letter carriers upon returning to the office. Section 127.a of *Handbook M-39* reinforces this requirement:

127 Office Work When Carriers Return From Route

The carrier unit managers must observe and direct carrier activity when carriers return from the route. Observe such things as:

- a. See that carriers promptly clock in on return to office.
- c. See that clerks are available to check in accountable items as efficiently and promptly as possible.

As indicated, handbook provisions state carriers should clock back into the office immediately after unloading their vehicle and before disposition of collected mail.

42 Disposition of Collected Mail

Place the mail collected on designated table or in receptacles.

Sorting of outgoing collection mail and all other end-of-day activities should be conducted on office time.

Letter carriers should also return accountable items to the clearing clerk for proper clearance while on office time as indicated in section 43 of *Handbook M-41* and Section 127.c of *Handbook M-39* cited above.

43 Clearance for Accountable Items

431 Keys

432 Registered and Certified

434 CODs

435 Customs Duty Mail

436 Postage Due

Processing of undelivered mail also should be performed on office time, whether this mail is processed in the morning or in the afternoon upon return from the route. Section 44 of *Handbook M-41* explains this requirement:

44 Undelivered Mail

441 Processing Undelivered Mail

Follow procedures listed in part 24 to process forwardable and undeliverable mail (1) that you didn't process before leaving the office and/or (2) that you picked up on route. After processing, place this mail in throwback case, as explained in part 24.

These are just a sample of the activities letter carriers should do on office time. Letter carriers should ensure that they are making proper clock rings to reflect these tasks. In-depth explanations of office functions and their route inspection time credits are found in the *NALC Route Protection Program*, available on the NALC website at nalc.org/routeadjustments. Members also may request a copy of *The NALC Route Inspection Pocket Handbook* from their national business agent or through the NALC Supply Department.

Accommodations for deaf and hard of hearing members

NALC is committed to assisting our deaf and hard of hearing members. With this in mind, NALC and USPS negotiated a memorandum of understanding (MOU) pertaining to reasonable accommodation for deaf and hard of hearing letter carriers. The MOU is incorporated into the contract and can be found on pages 140-143 of the 2016-2019 National Agreement. This MOU establishes specific requirements regarding the Postal Service's obligation to provide reasonable accommodation for deaf and hard of hearing employees and applicants under the Rehabilitation Act of 1973. The Rehab Act (as it is commonly known) prohibits discrimination against qualified employees and job applicants with disabilities, and requires the Postal Service to find ways to accommodate a qualified individual with a disability where appropriate.

As part of the accommodation process, USPS must provide resources to assist qualified letter carriers who are deaf or hard of hearing. Management may fulfill these contractual requirements related to reasonable accommodation in a variety of ways on a case-by-case basis. The MOU discusses these methods and provides specific accommodation requirements in certain situations. The MOU also provides a mechanism for NALC and USPS to meet and jointly discuss issues related to accommodation for deaf or hard of hearing employees.

A portion of the MOU is reprinted here:

Management's Responsibility

Management has an obligation to reasonably accommodate Deaf and Hard of Hearing employees and applicants who request assistance in communicating with or understanding others in work related situations, such as:

- a. During investigatory interviews which may lead to discipline, discussions with a supervisor on job performance or conduct, or presentation of a grievance.
- b. During some aspects of training including formal classroom instruction.
- c. During portions of EAP programs and EEO counselings.
- d. In critical elements of the selection process such as during testing and interviews.
- e. During employee orientations, safety talks, CFC and savings bond drive kickoff meetings.
- f. During the filing or meetings concerning an employee's OWCP claim. Reasonable accommodation must be approached on a highly individualized, case by case basis. The individual's input must be considered prior to making a decision regarding accommodation.

Postal Service guidelines concerning reasonable accommodation are contained in *USPS Handbook EL-307, Reasonable Accommodation, An Interactive Process*. *Handbook EL-307* describes a qualified individual with a disability as someone

who has a physical or mental impairment that substantially limits a major life activity, meets the prerequisites (skills, experience, education and other requirements) for the job the individual holds or desires and can perform the essential functions of the position with or without reasonable accommodation. A major life activity is an activity of fundamental significance and includes functions such as hearing, seeing, walking, speaking, caring for self, performing manual tasks and breathing. Reasonable accommodation is provided when an impairment substantially limits a major life activity, rendering an individual unable to perform the major life activity, or significantly restricts his or her performance when compared to an average person's performance of the same activity.

If you believe you are a qualified individual with a disability who requires accommodation in your job, or in a job you seek, make your request orally or in writing to your supervisor or manager. Explain the nature of your limitations and the accommodation you need. (This request can also be made by someone on your behalf.) When an accommodation request is received by USPS, whether orally or in writing, it must be processed promptly, using the guidance contained in *Handbook EL-307*.

The goal of reasonable accommodation is to enable qualified individuals with disabilities to perform the essential functions of the job and to enjoy equal employment opportunities. Article 2 of the National Agreement gives letter carriers the contractual right to file a grievance concerning alleged violations of the Rehabilitation Act.

Article 2 states in part:

In addition, consistent with the other provisions of this Agreement, there shall be no unlawful discrimination against handicapped employees, as prohibited by the Rehabilitation Act.

If you feel your request for reasonable accommodation has been unreasonably denied by the Postal Service, speak with your shop steward or branch officer.

For more information on reasonable accommodation or the MOU Re: Deaf and Hard of Hearing visit nalc.org and download the *Letter Carrier Resource Guide*. The online guide contains the entire MOU as well as other valuable information and resources related to the reasonable accommodation process.

Letter carriers should contact their local union representative or national business agent (NBA) with questions regarding reasonable accommodation. Contact information for the NBA who covers your region can be found on the NALC website at nalc.org/union-administration/nalc-regions, or on page 2 of this magazine.

Contract Administration Unit

Brian Renfroe, Executive Vice President
Lew Drass, Vice President
Christopher Jackson, Director of City Delivery
Manuel L. Peralta Jr., Director of Safety and Health
Dan Toth, Director of Retired Members

Contract Administration Unit

Brian Renfroe, Executive Vice President
Lew Drass, Vice President
Christopher Jackson, Director of City Delivery
Manuel L. Peralta Jr., Director of Safety and Health
Dan Toth, Director of Retired Members

Forced retirement and separation

Employees who have been absent for one year of continuous service without pay because of illness may be separated for disability. When an employee is being separated for disability, management must follow the applicable handbooks and manuals. The *Employee and Labor Relations Manual* (ELM) Section 365.34 lays out the provisions of separation-disability. At the end of one year of leave without pay (LWOP), separation-disability is not mandatory, and extensions should be granted if it's likely the employee will be able to return to work.

ELM 365.342.c

c. If an employee on the rolls of the Office of Workers' Compensation Programs (OWCP) is unable to return to work at the end of the initial 1-year period of LWOP, the LWOP may be extended for successive additional periods of up to 6 months each. Extensions are granted only if it appears likely that the employee will be able to return to work within the period of the extension. If it does not appear likely that the employee will be able to return to work during the period, the employee, upon approval of the area manager of Human Resources (Area), is separated subject to reemployment rights.

In all situations under ELM 365.342, approval from the area manager of Human Resources (area) is required.

ELM 365.342.d

d. Before any employee on the rolls of the OWCP can be separated, the requesting postal official must submit a comprehensive report through channels to the manager of Human Resources (Area), with appropriate recommendations. The employee must be retained on the rolls of the Postal Service pending a decision.

If the manager of Human Resources approves the request to proceed with a disability separation, the employee is not separated until given an opportunity to retire, if eligible.

ELM 365.342.e

e. If the manager of Human Resources (Area) approves the request, and if the employee has enough service for entitlement to retirement, the employee is not separated until given an opportunity to retire. For involuntary separation, the notice and appeal procedures outlined in 650 or the applicable collective bargaining agreement, whichever is appropriate, is followed.

Civil Service Retirement System (CSRS) employees must have completed at least five years of creditable federal civilian service to be eligible for disability retirement. Federal Employees Retirement System (FERS) employees must have completed at least 18 months of federal civilian service to be eligible for disability retirement.

If the employee is eligible for disability retirement but

chooses not to apply, he or she is not separated until a complete medical report has been received (by the manager of Human Resources) and the employee has received retirement counseling.

ELM 365.342.f

f. An employee who is eligible for disability retirement but chooses not to apply is not separated for disability until a complete medical report has been received and the employee has received retirement counseling.

There are situations in which management may initiate disability retirement on behalf of the employee. These regulations are found in ELM 568 for CSRS employees, and ELM 588 for FERS employees.

ELM 588.21 Basis for Filing

An employing office may file an application for disability retirement for an employee who has at least 18 months of creditable civilian service when all the following conditions are met:

- a. The employing office has issued a decision to remove the employee;
- b. The employing office concludes, after its review of medical documentation, that the cause for unacceptable performance, attendance, or conduct is disease or injury;
- c. The employee is institutionalized or, based on a review of medical and other information, the employing office concludes that the employee is incapable of making a decision to file an application for disability retirement;
- d. The employee has no personal representative or guardian;
- e. The employee has no immediate family member who is willing to file an application on her or her behalf.

The Office of Personnel Management (OPM), the government agency that promulgates the CSRS and FERS retirement systems, provides additional restrictions. OPM mandates that the employing agency must file a disability application when all the conditions are met in Section 60A.3.1-2. This criteria is similar to the criteria found in ELM 588.21 and ELM 568.11.

If the agency files a disability retirement application on an employee's behalf, the application must be filed prior to separating the employee from service. Additionally, the agency should place a statement in the OPF (official personnel file) that describes the agency's attempt to perfect an application and its reasons for believing that such an application was appropriate. These regulations are also found in Section 60A.3.1-2 of the *CSRS FERS Handbook*.

Contract Administration Unit

Brian Renfroe, Executive Vice President

Lew Drass, Vice President

Christopher Jackson, Director of City Delivery

Manuel L. Peralta Jr., Director of Safety and Health

Dan Toth, Director of Retired Members

Out-of-schedule premium pay

Under the provisions of Article 8 of the National Agreement, full-time regular and full-time flexible city carriers have a normal work week of five service days consisting of eight hours per day. In some situations, management determines that temporary changes to regular carrier work schedules are necessary to meet USPS delivery and service goals. In recent years, with the additional parcel volume and changing mail mix, temporary changes to carrier schedules have seemingly become more common. When temporary schedule changes occur based on the needs of the service and not for the convenience of the employee, full-time regular carriers are entitled to additional compensation designated as out-of-schedule premium pay. This month's Contract Talk will explain the rules for out-of-schedule premium pay and provide examples of times when a carrier will receive the additional compensation.

Article 19 of the National Agreement provides that those postal handbook and manual provisions directly relating to wages, hours or working conditions are enforceable as though they were part of the National Agreement. This includes Section 434.6 of the *Employee and Labor Relations Manual (ELM)*, which governs payment of out-of-schedule premium. When *ELM* requirements are met, this premium pay is paid at the postal overtime rate for time worked outside of, and instead of, the full-time employee's regularly scheduled workday or workweek.

ELM Section 434.61 Policy

434.611 General

Out-of-schedule premium is paid to eligible full-time bargaining unit employees for time worked outside of and instead of their regularly scheduled workday or workweek when employees work on a temporary schedule at the request of management.

Out-of-schedule premium pay provisions are applicable only when management has given advance notice of the change of schedule by Wednesday of the preceding service week.

434.612 Timely Notice

Payment of out-of-schedule premium is dependent on timely notice being given by management of the temporary schedule change, as follows:

a. If notice of a temporary change is given to an employee by Wednesday of the preceding service week, even if this change is revised later, the employee's time can be limited to the hours of the revised schedule, and out-of-schedule premium is paid for those hours worked outside of and instead of his or her regular schedule.

b. If notice of a temporary schedule change is not given to the employee by Wednesday of the preceding service week, the employee is entitled to work his or her regular schedule. Therefore, any hours worked in addition to the employee's regular schedule are not worked "instead of" his or her regular schedule. The additional hours worked are not considered as out-of-schedule premium hours. Instead, they are paid as overtime hours worked in excess of 8 hours per service day or 40 hours per service week.

ELM Section 434.612 explains the consequences if management fails to provide timely notice of a change of schedule. This section requires that management notify the eligible employee no later than Wednesday of the preceding week, to limit out-of-schedule pay to only the hours outside of the regular schedule. If management fails to provide timely notice, the employee is entitled to work their regular scheduled hours and will receive overtime for any hours outside of their regular schedule.

434.613 Application

Out-of-schedule premium hours cannot exceed the unworked portion of the employee's regular schedule. If employees work their full regular schedule, then any additional hours worked are not "instead of" their regular schedule and are not considered as out-of-schedule premium hours. Any hours worked that result in paid hours in excess of 8 hours per service day or 40 hours per service week are to be recorded as overtime (see 434.1).

Out-of-schedule premium pay is applied only to the hours worked outside of the regular schedule and only when overtime is not applicable (see example below).

434.614 Examples

Example: An employee is notified by Wednesday of the preceding service week to work a temporary schedule the following service week from 6:00 a.m. to 2:30 P.M., instead of his or her regular schedule from 8:00 a.m. to 4:30 P.M. The employee is paid 2 hours out-of-schedule premium for the hours worked from 6:00 A.M. to 8:00 A.M. and 6 hours' straight time for the hours worked from 8:00 A.M. to 2:30 P.M. If in this situation the employee continues to work into or beyond the balance of his or her regular schedule (2:30 P.M. to 4:30 P.M.), then he or she is to be paid for hours worked in accordance with Exhibit 434.614.

In this example, the letter carrier has a regular schedule of 8 a.m. to 4:30 p.m. USPS has instructed the carrier to come in two hours earlier than normal, changing his or her regular schedule to 6 a.m. to 2:30 p.m.

(continued on next page)

Premium pay (continued)

The two hours from 6 a.m. to 8 a.m. are outside of this carrier's regular schedule; therefore, out-of-schedule premium pay applies to these hours. The remaining six hours in the eight-hour day fall within the carrier's regular schedule and are paid at the straight time rate.

Below, you will find another example from *ELM* Section 434.614.

Example: An employee's regular schedule is Monday through Friday and he or she is given a temporary schedule of Sunday through Thursday. The hours worked on Sunday are out-of-schedule premium hours provided they are worked instead of the employee's regularly scheduled hours on Friday. If, however, the employee also works his or her regular schedule on Friday, then there can be no out-of-schedule premium hours; the hours worked on Sunday would be paid as regular overtime hours worked in excess of 40 in the service week.

In the second example, USPS changes the carrier's regular weekly schedule from Monday through Friday to a revised schedule of Sunday through Thursday. Any hours the carrier works on Sunday are considered outside of his or her regular schedule, and the carrier should receive out-of-schedule premium pay for these hours. However, if the carrier works Friday, all hours worked on Sunday would be considered overtime because the total weekly work hours encompass the regular weekly schedule.

Letter carriers should remember that out-of-schedule premium pay is distinctly different than overtime pay. Out-of-schedule pay is paid at the same rate as overtime; however, out-of-schedule pay is not calculated toward overtime totals for the week. In addition, out-of-schedule hours are not considered as hours worked or opportunities for overtime equitability under Article 8.5.c. As stated earlier, out-of-schedule premium only applies to the hours outside of the regular schedule when the hours do not exceed eight hours in a service day or 40 hours during a service week. Once a letter carrier is in an overtime status, out-of-schedule premium does not apply.

There are some limitations to management's requirement to pay out-of-schedule premium, even in cases where a letter carrier does not work his or her normal workday or workweek. Letter carriers who fill temporarily vacant carrier technician positions under the provisions of Article 25.4 assume the hours and schedule of the vacancy. These temporary carrier technician assignments are not entitled to out-of-schedule premium pay. This understanding is found in pre-arbitration settlement H8N-3P-C 32705, from Jan. 27, 1982, (M-00431), which states:

Details of anticipated duration of one week (five working days within seven calendar days) or longer to temporarily vacant Carrier Technician (T-6) positions shall be filled per Article 25, 1981 National Agreement. When such temporary details involve a schedule change for the detailed employee, that employee will assume the hours of the vacancy without obligation to the employer for out-of-schedule overtime.

Likewise, letter carriers opting on temporary assignments are not eligible for out-of-schedule premium pay. This situation is explained in pre-arbitration settlement H1N-1J-C 6766, from April 15, 1985, (M-00767), which reads in part:

Where temporary bargaining-unit vacancies are posted, employees requesting these details assume the hours and days off without the Postal Service incurring any out-of-schedule liability. The bargaining-unit vacancies will not be restricted to employees with the same schedule as the vacant position.

Additionally, letter carriers who request a temporary change of schedule for their personal convenience are not entitled to this compensation. Letter carriers should not, however, be forced to request a schedule change to accommodate the needs of the Postal Service. Also, employees attending a recognized training session or working outside of their normal schedule to make up for being late when reporting for duty are not entitled to out-of-schedule premium pay. Payment of out-of-schedule premium is not required in the case of a letter carrier working a modified schedule to provide light duty in accordance with Article 13 or limited duty under the provisions of the Federal Employees Compensation Act.

More information on out-of-schedule premium pay can be found on pages 8-4 through 8-6 of the NALC-USPS *Joint Contract Administration Manual (JCAM)*. To review the *JCAM*, National Agreement and *ELM* provisions relating to out-of-schedule premium pay, visit nalc.org/workplace-issues/resources.

