

GUIDELINES (for Union use)

Grievances re: Failure to Conduct a Special Inspection

Issue Statement: Did the Employer violate Contractual provisions, including but not limited to, Articles 3, 15 and 19 of the Collective Bargaining Agreement; Chapter 2 and Section 271 of the M-39; and the M.O.U. re. Special Count and Inspection - City Delivery Routes, by failing to inspect the grievant's assignment as requested?

FACTS TO CONSIDER: (provide evidence as necessary)

- When was the inspection requested?
- Did the FTR assigned to the route request the inspection?
- Did the assignment meet the criteria of M-39 § 271.g? A copy of the workhour and workload analysis; actual workhours - individual route (or the current computer equivalent) for the assignment at issue will help prove the 6 week criteria was met. Remember, it is the assignment that must meet the criteria, which may include days the grievant did not do the assignment.
- Did management give a reason for denying the inspection, and is there evidence justifying their position?
- Is there a history of this type of violation, proving management was aware of their contractual requirements?

ARGUMENTS/CITATIONS:

- Remember, the union has the burden of proving the Contract was violated.
- Review the relevant JCAM language.
- The 7/21/87 M.O.U. Re: Special Count and Inspection - City Delivery Routes (National Agreement, p. 179) states "Therefore, where the regular carrier has requested a special mail count and inspection, and the criteria set forth in Part 271g of the Methods Handbook, M-39, have been met, such inspection must be completed within four weeks of the request, and shall not be delayed." (Emphasis added)
- M-39 §242.122 states: "All regular routes should consist of as nearly 8 hours daily work as possible." A failure to conduct a special inspection when required denies the grievant the requisite 8 hour assignment.

REMEDY: (Remember, on page 41-15 of the JCAM the parties have acknowledged that compensatory remedies are appropriate in some cases.)

Conduct the special inspection immediately; compensate the grievant with \$25 per day for each day of delay; make the grievant whole; and/or other appropriate remedy.

M39 271 When Required

Special route inspections may be required when one or more of the following conditions or circumstances is presents

- a. Consistent use of overtime or auxiliary assistance. (When the X-Route process is utilized, routes may be "built up" to no more than 8 hours and 20 minutes during the interim period, see Memorandum of Understanding dated September 17, 1992.)
- b. Excessive undertime.

- c. New construction or demolition which has resulted in an appreciable change in the route.
- d. A simple adjustment to a route cannot be made.
- e. A carrier requests a special inspection and it is warranted.
- f. Carrier consistently leaves and/or returns late.
- g. If over any 6 consecutive week period (where work performance is otherwise satisfactory) a route shows over 30 minutes of overtime or auxiliary assistance on each of 3 days or more in each week during this period, the regular carrier assigned to such route shall, upon request, receive a special mail count and inspection to be completed within 4 weeks of the request. The month of December must be excluded from consideration when determining a 6 consecutive week period.
However, if a period of overtime and/or auxiliary assistance begins in November and continues into January, then January is considered as a consecutive period even though December is omitted. A new 6 consecutive week period is not begun.
- h. Mail shall not be curtailed for the sole purpose of avoiding the need for special mail counts and inspections.

272 Manner in Which Conducted

When special inspections are made because of conditions mentioned in 271, they must be conducted in the same manner as the formal count and inspection.