

# MEMO To The Branch 2184 Leadership Council, August 1, 2022



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This month's Branch Leadership Council Memo will begin as usual with an administrative and scheduling update. Branch President McGregory continues to monitor trends with ongoing COVID infections and transmission, and will make decisions regarding the format and structure of forthcoming meetings based on the most current information. **The September membership and steward meetings will be conducted online via WebEx.** The regular membership meeting in September is scheduled on Wednesday, September 7 at 7:30 p.m. Steward meetings are scheduled on Tuesday, September 13 and Monday, September 19, both at 7:00 p.m. The Branch Executive Board will meet on Monday, September 26 at 7:30 p.m.

Delegates attending NALC National convention in Chicago are reminded that they must prepare a brief written or verbal report on one of the convention workshops they attended. Delegates are also reminded to turn in their convention vests afterwards when it is convenient to do so.

All regular NALC members (active and retired) will be receiving ballots for contested NALC National officer positions following nominations which will take place at the convention. Every NALC member is strongly encouraged to make their voice heard by participating in this very important election. The National officers elected will be ones negotiating the next National Agreement with the Postal Service beginning sometime around February 2023.

As is customary in National convention years, the NALC and the USPS have agreed to a moratorium of time limits for all grievances at every step of the Article 15 process. The moratorium covers the period from Saturday, July 30 through Monday, August 29 and is M-01987 in the NALC Materials Reference System (MRS). Despite the moratorium, Branch 2184 stewards and from Step A designees are requested to continue to make every effort to develop, meet, and appeal any unresolved grievances within normal contractual timeframes. The moratorium exists if needed, but it should not itself be a reason to unnecessarily delay any grievance.

On Wednesday, August 10, the Consumer Price Index (CPI) for July 2022 will be released, which is the final index number for the current cost of living adjustment (COLA) cycle. The resulting COLA increase, which is the largest in the history of NALC/USPS negotiated labor agreements, will be effective on Saturday, August 27, the first day of pay period 19. It will be reflected on checks dated September 16. The next letter carrier pay raise will be a general wage increase on 1.3% (2.3% for CCAs) effective Saturday, November 19.

Branch 2184 stewards and other contract enforcers have been contacted to request their attendance at the annual Region 6 training seminar conducted by National Business Agent David Mudd's office and taking place in Covington, Kentucky on October 8 through 10. This is the Columbus Day/Indigenous Peoples Day holiday weekend. Those attending the training seminar will be receiving further travel and lodging information from the Branch.

The NALC and USPS have actively begun implementation of the New Employee Mentoring Program, with the goal of improving the atrocious retention rate of newly hired CCAs. Designated mentors in our participating offices are encouraged to regularly report to station stewards as well as Branch 2184 President Walt McGregory and other Branch officers. As always, this pilot program represents a good faith effort and commitment on the part of the NALC. It remains to be seen how much actual good faith will be demonstrated by USPS management, especially by their numbers-obsessed and often personality-defective local supervisors and postmasters.

Implementation and training for the new Technology Integrated Alternate Route Evaluation and Adjustment Process continues. Northville member and Step A Designee Beth Bays is a Route Evaluation and Adjustment (REAT) team member for USPS Michigan District 1. Allen Park steward Mark Owen is a Carrier Optimal Routing (COR) Tech for USPS Michigan District 1. Beth as well as Branch 2184 Route Adjustment specialist and Contract Enforcement Committee member David Reise will provide further updates during steward meetings and regular membership meetings in the next several months and longer as the process is implemented. Branch 2184 members in any station(s) or zone(s) that are jointly chosen as sites for this process will also be receiving extensive additional information and training from the union.

The Department of Labor's Office of Workers Compensation Programs (OWCP) has issued a notification (FECA Circular 22-09) that should further reduce or eliminate postal management's obstruction of on-the-job injury compensation claim forms (i.e., CA-1, CA-2, CA-7) submitted by letter carriers and other Postal Service craft employees. As long as the injured employee submits the claim electronically, that is through OWCP's web portal – ECOMP, the form no longer requires an actual signature from the employee or the supervisor. This is because ECOMP now has the ability to confirm the claimant's identity through two-factor authorization. A claimant's signature through ECOMP is as valid as a "wet signature."

The FECA program has also determined that it is no longer necessary for agencies (including the USPS) to retain paper copies with wet signatures of any electronic forms it submits. ECOMP will do this instead. This FECA directive is yet another excellent step by OWCP to remove obstruction by employing agencies such as the Postal Service and their representatives from the injured employee claims submission process as much as possible. This directive came as a result of the Biden Administration's Executive Order 14058, "Transforming Federal Customer Experience and Service Delivery to Restore Trust in Government" issued on December 13, 2021. The wider intent of the Biden Administration directive is to restore trust in government agencies after this had been intentionally trashed during the previous administration. Kudos go to the Biden Administration, the Secretary of Labor, and the Department of Labor for these pro-worker steps.

The Postal Service has announced the penalty overtime exclusion period for 2023. It will begin on Saturday, December 3, the first day of pay period 25, week 1, and will end on Friday, December 30, the last day of pay period 26, week 2. As always, stewards should be extra vigilant during this period to ensure that Article 8 procedures for assigning overtime work **continue to be enforced in their entirety**. Although there is no penalty overtime pay during this four-week period and work hour limitations for those on the Overtime Desired List (ONLY) are expanded, Article 8 of the Contract is otherwise unchanged – despite wishful thinking and false claims to the contrary that sometimes emanate from USPS management.

# ***BRANCH 2184***

## ***MEETING NOTICE***

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**Wednesday, September 7, at 7:30 p.m.**

This meeting will be conducted via WebEx. To participate, contact Branch Executive Vice President Jackie McGregory at (313) 412-0028, or [ravier7498@gmail.com](mailto:ravier7498@gmail.com). Provide your name, the office you work at or retired from, and the email address you want to use for the WebEx link to log in. The link will be sent at least two days prior to the meeting. The Branch website ([NALC2184.org](http://NALC2184.org)) also has a telephone number and access code if you want to participate telephonically.

### **MEETING AGENDA:**

- **Branch Officer Reports**
- **National Convention Reports**
- **Committee and Activities Reports**
- **Letter Carrier Contractual Information**
- **Legislative Updates**

## **Function Analysis Street Time**

An explanation of each specific work function that is listed in the USPS computer system as function analysis street time follows:

- **Relay Time** – This is time spent preparing mail for delivery for the next loop on a park and loop or foot route. Relay time could include loading mail into the satchel, gathering DPS/FSS, or loading parcels for the next loop. Time spent replenishing mail on a curbside (mounted) route is not relay time.
- **Travel To** – Travel To time begins when the vehicle departs from the office and ends when the first delivery is reached.
- **Travel From** - Travel From time begins after the letter carrier has completed delivering the route and begins to travel back to the office. It ends when the vehicle has been parked and the Vehicle Unload function begins.
- **Vehicle Load** – Vehicle Load time begins when the letter carrier moves to street time and ends when the vehicle is loaded and he/she departs from the office to head out for the route.
- **Vehicle Unload** – Vehicle Unload time begins when the vehicle is parked after returning to the office. This function continues while the vehicle is being unloaded and ends when the letter carrier pushes the empty equipment into the Post Office and swipes his/her badge at the clock to move back to office time.

## **Other Street Time**

An explanation of each work function that is listed in the USPS computer system as other street time follows:

- **Travel Within** – Travel Within is time recorded when driving from one park point to another while not delivering mail on a park and loop route. Time spent traveling from one geographic area (neighborhood) to another without delivering mail on a mounted/curbside/riding route is also recorded as Travel Within. Time spent traveling from one mounted/curbside/riding, cluster box, or dismount delivery to another along a route is not Travel Within, it is delivery time.
- **Accountable Delivery** – Time spent delivering accountable mail on the street such as registered mail, certified mail, express mail, signature confirmation, CODs, etc., and filling out PS Form 3849 (when appropriate) is recorded under this function.
- **Parcel Delivery** – Time spent delivering parcels and filling out PS Form 3849 (when appropriate) is recorded under this function.
- **Street Break Time** – This is the time spent taking break(s) on the street. Some units will have one break on the street and some will have two. Street breaks are separate and apart from lunch breaks or comfort stops. Normally, breaks are 10 minutes each. However, there are offices that have negotiated longer break times.
- **Collection Time** – Time spent on collection duties that are a normal part of the route should be recorded under this function. Time spent on collections that are not part of the route should be recorded as “Temporary Detail”.
- **Deadhead Time** – Time begins when a letter carrier finishes the last delivery point on a sector segment and retraces past completed

deliveries in order to return to the vehicle or next delivery point. It is not time spent driving from park point to park point (see Travel Within).

- **Personal Needs** – Letter carriers are afforded the opportunity to take comfort stops to tend to personal needs and the time used is recorded under this function (including any travel time associated with comfort stops).
- **Customer Contact** – Letter carriers talk to customers on a daily basis. This function should be used to record time spent in conversation with customers about postal issues and/or routine items such as giving directions.
- **Gas Vehicle** – Any time spent away from the normal line of travel to gas the vehicle is recorded under this function (including any associated travel time).

NALC representatives should be sure to look at the “3999 Data Summary” and the “3999 Function Analysis” screens when reviewing Form(s) 3999 for each route. The “3999 Data Summary” screen gives a summary of the time breakdown of the work functions mentioned above. It also shows a number of details relating to the number and percent of possible deliveries made on the day the Form 3999 was conducted. The “3999 Function Analysis” screen shows how much time was recorded under each of the work functions described above. Detailed explanations of how to read these screens will be covered in a few pages.

NALC representatives should also review the “3999 Audit Trail” report for each route. This report will show you many of the manual changes a manager has made to the Form 3999. A detailed explanation of how to read the “3999 Audit Trail” report can be seen in the next two pages.

# Delivery Point Sequencing issue and adjudication



**Lew  
Drass**

**T**his article concerns an annoying Delivery Point Sequencing (DPS) problem that some of you deal with on a daily basis, and for no good reason. We will describe the issue, give you some historical background and offer some guidance for correcting this problem through the grievance procedure.

## The problem

**Do you have mail included in your DPS trays each day that is sorted to the main address (100 Main St.), but not properly sorted to the secondary addresses (Suite A, B, C, etc.), and is kicked to the front of the main address because it is an out-of-delivery order for the secondary address?**

This mail has the same primary address, but also has a secondary address that requires sorting before delivery in locations such as strip malls, medical buildings with multiple delivery points, or apartment complexes with cluster boxes in different locations. In some cases, this mail gets kicked to just before the first secondary address (100 Main St., Suite A) in the DPS, while in other cases, the whole main address (100 Main St.) is like a shuffled deck of cards and all of it needs to be sorted before attempting delivery.

Those of you who experience this problem either collate this mail in or at the vehicle before delivery, or go back where the DPS mail is staged, fish it out and sort it in the office each morning. You should not have to make this choice. This mail is supposed to be brought to your case with the rest of your residual letter mail and sorted (cased up) in the office. If/when it is not, it is not only an annoying and inefficient problem, it is also a contract violation.

## Historical background

**The principle that any letter mail included in your DPS must be in delivery sequence order has deep roots in our bargaining history.** DPS principles, work methods, implementation guidelines, etc., were all jointly developed and implemented by USPS and NALC.

This started with a series of memoranda of understanding (MOUs) that were signed on Sept. 17, 1992, and that appear on pages 239-249 in the 2019-2023 National Agreement. The national parties followed these MOUs by releasing a joint training guide called *Building Our Future by Working Together* on Nov. 19, 1992 (M-01306). National trainers were then employed to deliver this training

to the local level all over the country. Any questions that arose from this process were forwarded to the national parties for a joint response. The national parties published a series of MOUs (M-01151, M-01152 and M-01153) that contained 80 Q&A's concerning any aspect of DPS letter mail that anyone had a question about. There were just two questions concerning the bedrock principle that mail in the DPS does not require additional sorting on the street before delivery.

M-01153 covered questions 55-80. Q&A 64 and 69 state:

Q-64 - At what point does DPS mail trigger "residual mail"?

A - Residual mail is any mail that is not in DPS order once a delivery unit starts receiving DPS mail.

Q-69 - If DPS mail is received in a delivery unit on more than one dispatch, does that meet the requirement of putting mail in DPS order for two or more consecutive weeks considering the need to collate the bundles?

A - DPS mail is one bundle of mail in delivery point sequence. Mail that must be collated before delivery is not considered DPS mail. The number of dispatches is irrelevant.

These Q&A's support the facts that DPS is, and always has been, one bundle of mail that requires no additional sorting on the street before attempting delivery, and any letter mail that requires additional sorting on the street does not belong in the DPS trays.

## Arbitration experience

**This issue has been arbitrated regionally on four occasions over the past few years.** NALC has been successful in each case. The USPS position on the issue has changed with time.

In both of the first two cases, arbitrated by Arbitrator Nixon – Marietta, GA (C-33659) and Arbitrator Miles – Decatur, AL (C-34279), management acknowledged that it had violated the National Agreement when it included secondary address mail that is not in delivery order (residual mail) in the DPS trays. Each arbitrator ordered USPS to cease and desist the practice of including secondary address mail not in delivery order in the trays of DPS mail.

In the third case, decided by Arbitrator August – Deland, FL (C-34983), management did not acknowledge a contract violation. Instead, it took the position that the mail in question was not residual mail that needed to be sorted in the office, but DPS sort errors which did not have to be removed from the DPS trays. Arbitrator August rejected this argument and ruled:

Management violated the National Agreement, specifically the M-01306, and M-01153, when they failed to remove residual mail from the DPS, which the parties have agreed re-

quire casing in office. The Service will “cease and desist” including “residual mail” in the DPS trays at the Deland, FL., Post Office Installation. Management shall work with (AMS) and In-Plant Support to correct the residual mail issues in the DPS.

In the fourth case, decided by Arbitrator Bahakel – Warner Robins, GA (C-35023), management pulled out all the stops and strained the slightest appearance of credibility. It began by arguing that this issue is not arbitrable for several reasons:

1. The mail in question is not residual mail, but actually the result of DPS sort errors, and therefore, Step 4 decision M-01356 resolved the issue in this case.
2. The *Building Our Future by Working Together* joint training guide (M-01306) set out a process for disputes concerning DPS mail to be resolved through a joint body at the national level. This means that the parties have agreed that DPS questions will not be ruled on by regional arbitrators.
3. Part of the NALC position letter for the 2011 interest arbitration and the resulting Das award somehow made it to where this case could not be heard by a regional arbitrator.

The arbitrator rejected each of these arguments. When that hocus pocus did not work, management declared this case to be interpretive and sent it to Headquarters for review by the national parties. We jointly agreed that the case did not involve any interpretive issues and remanded it back to regional arbitration.

Management then argued that the mail in question could not be considered residual mail because it had been sorted through the DPS machine to the correct main address (100 Main St.) and should be dealt with through the local 3M process.

NALC argued that management violated M-01306, M-01153 and M-01246 via Article 15 of the National Agreement and Section 121.1 of the *M-41 Handbook* via Article 19 of the National Agreement by including residual mail in the DPS trays, and this mail must be removed from the DPS and cased by the carriers prior to leaving the office.

The arbitrator ruled:

The testimony presented at the hearing established that carriers are being required to sort the mail in question while on the street so that it can be properly delivered. The intent of the DPS process is to sort mail for the carriers and have it in delivery order for the street without any further processing. The mail in question here is not in complete delivery order. It has been presorted to the main address, but for various reasons not sorted any further. After considering all of the above, it is my determination that the mail in question here

is residual mail as defined by the parties in the M-01153 and should be cased by the carriers in the office and not sorted on the street.

...I find that the mail that is in question here is residual mail if it meets each of the following parameters: 1) Is in DPS order only to the main address 2) Is not properly sorted to the secondary address 3) Has been included in the carrier's DPS mail, but kicked to the front of the main address because it is out of delivery order for the secondary address.

...The grievance is sustained. Management is found to have violated the National Level settlements M-01306 and M-01153 and Section 121.1 of the M-41 handbook when it included secondary address mail that was not in delivery sequence order in carriers DPS mail. The Postal Service shall cease and desist from including secondary address mail not in delivery sequence order in the DPS trays...

## Guidance

**If you are a letter carrier who is affected by this problem,** you can request to see your shop steward and ask him or her to file a grievance, but you will have to write down which addresses in the DPS trays on your route require you to sort mail before attempting delivery.

If you are a shop steward in an office that has this problem and are interested in getting it corrected, we have created some help for you. There is a grievance starter that covers this issue available through your national business agent's office. This grievance starter comes with an interview sheet that takes less than five minutes to fill out. Here is the recipe:

1. Obtain the interview sheets and grievance starter through your national business agent's office.
2. Ask the regular letter carrier for each route to fill out an interview sheet. Use the carrier technician or someone on a hold-down for vacant routes. The interview sheets are the key to success with this issue in the grievance procedure. Please do not file a case without them.
3. Use the grievance starter and make any adjustments as needed based on your local circumstances.

Hopefully, management will just acknowledge that placing secondary address mail in the DPS trays that requires further sorting before attempting delivery is a contract violation and take this mail out of DPS like they did in the first few cases referenced above. If not, and you follow the simple recipe above, you will be ready to go the distance on this issue.

**In closing, I'd like to take this opportunity to recognize and thank Assistant to the President Greg Dixon for his efforts.** He has been leading the charge on this issue for NALC.