

## **GUIDELINES (for Union use)**

### **Grievances re: City carriers doing rural duties**

**Issue Statement:** Did the Employer violate Contractual provisions, including but not limited to, Articles 1,3, 7, 8, and 41 of the Collective Bargaining Agreement and related interpretative agreements/decisions, when assigning city carriers to work on rural routes instead of utilizing them to perform city carrier duties? If so, what is the remedy or what shall be the remedy?

#### **FACTS TO CONSIDER: (provide evidence as necessary)**

- Who is on the ODL or WA ODL? Who is on neither?
- Were non-ODL carriers required to work overtime? How much OT is at issue? Is the amount significant, or excusable under the "rule of reason"?
- Did the non-ODL carrier(s) provide notification OT was necessary?
- How so? Verbally (to whom)? Via 3996?
- When did management become aware the OT was necessary, or when should they have reasonably been aware?
- Were WA ODL carriers forced off-assignment
- Who worked on the rural routes, and for how much time?
- Was this an emergency? (See Article 3 below)

#### **ARGUMENTS/CITATIONS:**

- Remember, the union has the burden of proving the Contract was violated.
- Article 1 recognizes NALC jurisdiction over the positions designated under Article 41.
- Step 4 decision dated 7/20/94 (M-01197): City carriers may be assigned to rural duties in emergencies (and this was no emergency).
- Article 3.F defines an emergency as "an unforeseen circumstance or a combination of circumstances which calls for immediate action in a situation which is not expected to be of a recurring nature."
- Article 8.5 of the Joint Contract Administration Manual: Management must seek to provide auxiliary assistance prior to forcing non-ODL carriers to work overtime.
- The city carriers should have been utilized to assist the non-ODL carriers (or WA ODL carriers working off-assignment) instead of performing rural duties.

#### **REMEDY:**

Compensate the non-ODL carriers (or WA ODL carriers working off-assignment), up to the amount of hours worked by city carriers on rural duties, with the equivalent of additional straight time wages for the forced overtime; and/or other appropriate remedy.