

GUIDELINES (for Union use)
Grievances re: Failure to adjust within 52 days of close of mail counts/inspections

Issue Statement: Did the Employer violate Contractual provisions, including but not limited to, Articles 3, 15 and 19 of the Collective Bargaining Agreement; M39-211.3, by failing to adjust the grievant's assignment within 52 days? If so, what is the remedy or what shall be the remedy?

FACTS TO CONSIDER: (provide evidence as necessary)

- When was the last day of mail counts?
- When did the 52 day period end?
- Did the assignment(s) require adjustment to as near 8 hours as possible?
- Did local management obtain an extension to the 52 day time limit? (If so, was it proper, i.e. in compliance with the process detailed in M-01072? If improper, was a separate grievance filed?)
- Is there a history of this type of violation, proving management should have been aware of their contractual requirements?

ARGUMENTS/CITATIONS:

- Remember, the union has the burden of proving the Contract was violated.
- M-39 § 211.3 states: "In selecting the count period, remember that all route adjustments must be placed in effect within 52 calendar days of the completion of the mail count..." (Emphasis added)
- M-39 §242.122 states: "All regular routes should consist of as nearly 8 hours daily work as possible." A failure to adjust assignments when required denies the carriers the requisite 8 hour assignment.
- Management commonly argues against compensatory remedy if grievants are on the ODL, or if daily assistance¹ is provided. Essentially, management's position is: if the Article 8 overtime provisions are adhered to, there is no requirement to adjust routes, effectively eliminating the M-39 § 211.3 and 242.122. That is untenable.

REMEDY:

Adjust the assignment(s) immediately; compensate the carrier(s) with \$25 per day for each day of delay; make the carrier(s) whole; and/or other appropriate remedy.

211.3 In selecting the count period, remember that all route adjustments must be placed in effect within 52 calendar days of the completion of the mail count, and no major scheme changes should be made between the period November 15 and January 1.

¹Per M-00792, permanent relief will not be provided by auxiliary assistance or overtime.

Exceptions must be approved by the district manager in accordance with the Memorandum of Understanding dated July 21, 1987, related to Special Count and Inspection — City Delivery Routes. The local union will be notified promptly of any exception(s) granted. An important item to consider when granting an exception is the different types of relief laid out in section 243.21b.