

MEMO

To the Branch 2184 Leadership Council, Aug. 10, 2021



Walt McGregory
Mark Judd
Jackie McGregory
Mel MacDonald
Cathy Tondreau
Jim Powell
Scott Watts
Joe Golonka
Gloria Warthen
Felicia Davis
Leonard Zawisa
Kris Shaw
Mark Owen
Bryon Hendricks
Jillian Hudgins
Darryl Clay
Symone Coleman
Yvonne Jackson
Karl Tamburro
Denise Viola
Shaun Fowlkes
Lillian Bogosian
Phil Ashford
Scherrie Lacey
Dave Reise
Erik Venzke
Valerie Watkins
Tamara Bosman
Diego Forshaw
Kristie Nelson
Otis Barney
Keith Benedict
Tracy Mitchell
Jeffrey Webb
Nakia Whitfield
Katrina Jones
Ananias Epps
Ramon Robinson
Paul Bordine
Mike Tredway
Danita Smith

This month's Leadership Council Memo will begin as usual with a Branch administrative update. Please be aware of the following information and make plans accordingly. First, our regular monthly membership meetings will resume on Wednesday, September 1, at 7:30 p.m. following the summer break. Although it was initially hoped that we could resume in-person meetings in September, the recent Covid-19 resurgence has rendered this as not possible. Thus, until further notice, all Branch 2184 meetings will continue to be conducted by teleconference. Convention delegates should also be aware that the September membership meeting begins the ten-meeting cycle for delegate funding eligibility for the next NALC National Convention, which will take place in Chicago on August 8 -12, 2022.

Newly elected Branch 2184 officers and stewards for the balance of the 2021-2023 term of office will be installed by NALC National Business Agent Troy Clark prior to the September 1 membership meeting. This will be a virtual installation of Branch officers and stewards that will be conducted via WebEx. Branch President Walt McGregory will be providing the information and links for those participating in the installation ceremony.

Because of the Covid-19 resurgence it will also be necessary to continue conducting our Steward meetings by teleconference until further notice. Thus, the Steward meetings scheduled for September 14 and September 20 will both be teleconference meetings. Stewards and Branch officers will continue to receive monthly steward meeting credit for attendance at either meeting.

The Postal Service has announced the penalty overtime exclusion period for 2021 will Saturday, December 4 through Friday, December 31. This four-week period encompasses pay period 26, 2021 and pay period 1, 2022.

A question arose regarding the contractual requirement to post and update Overtime Desired List hours on a weekly basis. This requirement is found in Article 8.5.C.2.c of the Contract and was first negotiated into Article 8 with the 2016-2019 Contract. Stewards should note that although a clear requirement exists that ODL hours are posted and updated on a weekly basis, the applicable contractual language does NOT specifically require that a supervisor or other representative of management must do this – only that it be done. It is perfectly okay for a union representative or letter carrier craft member designated by the union to this. So don't quibble over who does this – just ensure that it is done.

On Friday, July 23, the NALC National Union announced that the long overdue update to the Joint Contract Administration Manual (JCAM) had been completed and a new 2021 JCAM was released. Although printed copies of the new JCAM are not yet available, it is readily available on the NALC National website and the NALC App. Stewards and Branch officers are strongly urged to download the new JCAM onto your computers, tablets and other devices for quick and easy access anytime.

Additionally, printed and bound copies of the new JCAM will be obtained ASAP by the Branch for stewards and others involved in Contract enforcement. They will be distributed by Branch officers after they are obtained. **The new JCAMS will be Branch property and should NOT be given to management under ANY circumstances.**

The United States Department of Labor Office of Workers Compensation Programs (OWCP) is strongly encouraging any federal worker that contracted the COVID-19 virus or that is infected between the dates of January 27, 2020 and January 27, 2023, even if your case was or is asymptomatic, to establish coverage under the Federal Employees Compensation Act (FECA) by initiating a claim. **To be eligible, an employee merely needs to establish 1) a positive COVID-19 diagnosis anytime during this three-year period, and 2) that your work duties include any risk of exposure within 21 days prior to the diagnosis.** This simply means that you carried out duties that required contact with patients, members of the public, or co-workers, or included a risk of exposure to the novel coronavirus.

These criteria clearly provide coverage for ANY Postal Service letter carrier that was working during the 21-day period to their COVID-19 diagnosis. Branch 2184 members that have contracted the COVID-19 virus OR that have a positive diagnosis before January 27, 2023 should notify their steward or the Branch 2184 offices. Stewards, if a member comes to you with this information, obtain their contact information and immediately provide it to the Branch 2184 office. This information will then be provided to our National Business Agent's office, who will assist the member with the development of their claim.

Also, the question will be asked - why those that have had previous positive COVID-19 diagnoses and believe that they are okay now should still file a claim? This is because the coronavirus has been well-documented as responsible for the subsequent development of many potentially serious and long-term physical and neurological conditions. Filing a claim NOW will facilitate the processing of any future claim for such consequential condition or impairment.

Another issue arose regarding investigative interviews conducted by management. Although management will usually provide the steward or other designated union representative in an investigative interview situation with a copy of the questions in advance, they are not specifically required to do so. However, management IS required to inform both the employee and the union representative in advance of the specific purpose of the investigative interview. Additionally, they are required to allow the employee and union representative to have a private, pre-interview consultation.

If management fails or refuses to provide the steward or union representative with an advance copy of the investigative interview questions, be sure to take the time during the course of the interview itself to write down everything that the management representative asks or says, as well as the responses from employee. Also remember that management MUST permit the union representative to participate and to advise the employee during an investigative interview. Then, using your Contractual (Article 17/31) rights to information, always request management's copy of the completed interview. Please see M-01667 from the NALC Materials Reference System, which is correspondence from then USPS Vice-President of Labor Relations Doug Tulino to management representatives at the local level in the United States.

The Postmaster in one of our installations incorrectly advised employees pertaining to Hatch Act restrictions on social media usage, specifically that they were prohibited from any activity that has a partisan political aspect to it, even on their own time. **Although Postal employees should not ever engage in any politically-related activity while on duty or at work, and in fact should just stay off social media when at work – period,** such prohibition does not carry over to their own time, with one important and specific exception. Under no circumstances may a Postal employee engage in any activity, anytime, that involves fundraising events or solicitations of contributions to candidates for partisan political office. This prohibition includes “liking” or sharing/retweeting fundraising or solicitation posts of this nature. **However, this does NOT prohibit a postal employee from making contributions from their own personal funds to candidates for partisan political office or to political parties.**

USPS employees are NOT “further restricted” federal employees, who do have some additional restrictions on social media usage. Examples of “further restricted” federal employees are Secret Service and FBI employees, and others whose work involves more direct access to or involvement with federal government activities. USPS employees, **on their own time**, may post, like, share, or retweet messages in support or opposition to partisan political candidates or political parties, as well as like, follow, or friend the social media account of a political party or candidate for partisan political office.

Our active members should be reminded that in this 21st Century world of mail and parcel delivery in the United States, there are cameras and recording devices everywhere. As such, they should perform all delivery duties at all times in a manner that assumes they are video and/or audio while working. In other words, perform all duties professionally and safely every minute of every day, being especially careful to avoid actions and/or words that could result in serious disciplinary consequences for a letter carrier.

Did you hear it's Easier to File a FECA Claim for COVID-19 now?

The American Rescue Plan Act of 2021 that President Biden signed on March 11, 2021, makes it **much easier** for federal workers diagnosed with COVID-19 to establish coverage under the Federal Employees' Compensation Act. To establish a COVID-19 claim, you simply need to establish that you are a "covered employee," meaning that:

1. **You were diagnosed with COVID-19.** Specifically, you were diagnosed with COVID-19 while employed in the Federal service at any time during the period of January 27, 2020 to January 27, 2023; and,
2. **Your duties include any risk of exposure.** Specifically, within **21** days of your diagnosis of COVID-19, you carried out duties that—
 - a. required contact with patients, members of the public, or co-workers; or
 - b. included a risk of exposure to the novel coronavirus.



What Does the Change in the Law Mean?

1. **You are only required to establish that your duties included a risk of exposure to COVID-19.** You do not have to prove you were engaged in high-risk employment; that you were actually exposed to the virus; or that you were exposed to someone who had the virus while performing your duties.
2. **If you establish that you are a "covered employee," any diagnosed COVID-19 will be deemed to have been proximately caused by your Federal employment.** You no longer have to establish a causal link between your employment and your COVID-19 diagnosis.



What to Do:

You can quickly and easily file a **CA-1** Claim for COVID-19 through the Employees' Compensation Operations and Management Portal (ECOMP). You can access ECOMP at ecomp.dol.gov. If you have never used ECOMP, you can [view this instructional video](#) to learn how to register for an ECOMP account, [and this video](#) to learn how to file a COVID-19 claim. If you don't have access to a computer, contact your supervisor.

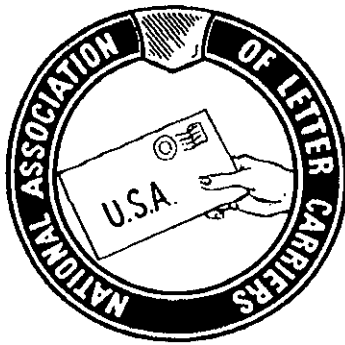


Why File Now? What if I Think I Am OK?

If you were previously diagnosed with COVID-19 or even if you believe you just have a mild case of COVID-19, you should consider filing a COVID-19 FECA claim **now** even if you have fully recovered and/or had an asymptomatic infection.

- In the event you develop a consequential injury, impairment or illness later as a result of your COVID-19 diagnosis, timely filing your claim **now** will facilitate the processing of any future claim for any such consequential condition or impairment.
- If you wait until you experience a consequential injury or illness to file your COVID-19 claim, your claim may be subject to time limitation and you will have to establish **both** the initial COVID-19 claim and the consequential condition claim before benefits can begin.






Branch 2184
NATIONAL ASSOCIATION OF LETTER CARRIERS
AFL-CIO
6969 Monroe
Taylor, MI 48180
Phone: (313) 295-1640
Fax: (313) 295-4134
NALC2184@sbcglobal.net

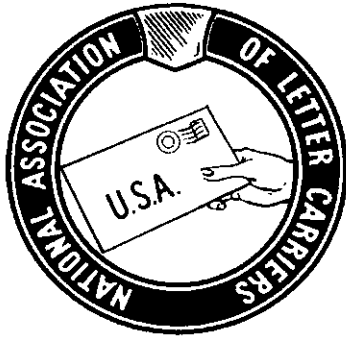
Branch 2184 Election Results

***Denotes Elected**

Recording Secretary:	Melvin MacDonald	211*
	Danita Smith	116
Health Benefits Representative:	Jim Powell	147*
	Darryl Clay	140
	Jerry Cerpa	43
Dearborn Main Office Steward:	Symone Coleman	27*
	Darryl Clay	25*
	Jerry Cerpa	4
Grosse Ile Steward:	Gloria Warthen	4
	Chris Biegalski, Jr.	4
Trenton Steward:	William Douglas	22*
	Jake Szor	16*
	Tracy Mitchell	8
Westland/Wayne Steward:	Nakia Whitfield	17*
	Felicia Davis	17*
	Ananias Epps	15*
	Jaclyn Jacoby	11

Note: The Grosse Ile Steward election will have a run-off due to the tie vote.


David Reise, Branch 2184 Election Committee Chairperson



Branch 2184

NATIONAL ASSOCIATION OF LETTER CARRIERS

AFL-CIO

6969 Monroe

Taylor, MI 48180

Phone: (313) 295-1640

Fax: (313) 295-4134

NALC2184@sbcglobal.net

ATTENTION ALL BRANCH 2184 MEMBERS:

There will be a virtual Retirement Seminar conducted by NALC Region 6 National Business Agent Troy Clark's office on Sunday afternoon, September 19, 2021, beginning at 1:00 p.m.

Any Branch 2184 member that is considering retirement during the next several years is strongly encouraged to attend this valuable seminar. All you need is Internet access and a few hours of your time.

If you wish to participate, please notify your Steward or the Branch 2184 office (313-295-1640), and Branch 2184 President Walt McGregory will register you on the NALC "Members Only" Web Portal.

Don't miss out on this great opportunity to receive essential information regarding the USPS Retirement process!

LABOR RELATIONS



Mr. Fredric V. Rolando
President
National Association of Letter
Carriers, AFL-CIO
100 Indiana Avenue, NW
Washington, DC 20001-2144

Re: Q06N-4Q-C 09038594
NALC 8305
Class Action
Washington DC 202260-4100

Dear Mr. Rolando:

Recently our representatives met at the Interpretive Step of the grievance-arbitration procedure to discuss the above-referenced case. Time limits were extended by mutual consent.

The issue is whether a vacant duty assignment for a full-time route may be reverted without current route inspection data. After reviewing this matter, the parties agree to the following:

The parties recognize the employer's right to revert vacant duty assignments pursuant to Article 41.1.A.1 of the National Agreement. However, under current regulations, determining whether an established city delivery route is full time (as defined by Handbooks M-39, section 242.122 and M-41, section 911.2) will be made using one of the following procedures:

- A six day mail count and inspection in accordance with the provisions of Handbook M-39
- A route adjustment pursuant to Section 141 of Handbook M-39 (provided the data used is reasonably current and from the regular carrier assigned to the route)
- Evaluation through a national jointly agreed upon route evaluation process
- Evaluation through an authorized locally developed joint route evaluation process

The parties further agree that cases held pending resolution of this case will be addressed by the appropriate parties where the cases are being held. The parties will give consideration to the above agreement and any action taken by the joint route adjustment teams subsequent to the reversion.

This agreement in no way alters the current maximization provisions contained in Article 7.3 of the National Agreement.

Please sign and return the enclosed copy of this decision as acknowledgment of your agreement to resolve this case.

Sincerely,

Alan S. Moore
Manager, Labor Relations
Policy and Programs
Labor Relations
U.S. Postal Service

Fredric V. Rolando
President
National Association of Letter
Carriers, AFL-CIO

Date: 10-4-12

Contract Administration Unit

Brian Renfro, 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 x .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 x .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.

NALC REQUEST FOR INFORMATION

NAME OF STEWARD

TOUR OF DUTY

WORK LOCATION

GRIEVANT'S NAME

TOUR OF DUTY

GRIEVANCE FILE NO.

SUPERVISOR RECEIVING REQUEST

GRIEVANT'S SIGNATURE

INFORMATION
REQUESTED:

INFORMATION PROVIDED
YES NO

1. Copy of 3999x, All inspector notes, first 3999
and Final 3999 with Audit Trail and all 3999 data
capture summary screen.
2. ETC From (carrier) involved.

DATE INFO. REQUESTED

STEWARD'S SIGNATURE

SUPERVISOR'S SIGNATURE

DATE INFO. RECEIVED

IF INFORMATION IS NOT MADE AVAILABLE, GIVE EXPLANATION (SUPERVISOR):

ROUTE 83015 Day Thursday DATE 4/23/2015

PAGES

OFFICE Trenton ROUTE 83015 DATE 4/23/2015

Street Comment Sheet con't

It is the professional opinion of this examiner that this carriers
90 pace during delivery of the entire inspection
was a calculated and deliberate attempt to expand the field time of this route

There where multiple intances where relays could have been
doubled, due to the light volume of mail.

This carrier did not take any obvious shortcuts, such as adjacent driveways
to get to nieghboring house, or using driveways to
cross the street and the end of a street

Reviewed 3999 with Justin and brought up relays being
combined, not taking shortcuts, dilibenate pace. I said
he would be fattened up with Mike Seblum to ensure
he is combining his relays with mail carriers.
Justin offered no comments.

OFFICE Trenton ROUTE 83016 DATE 6/15/2015

Street Comment Sheet

The Route Examiner must record comments on each line on the day of inspection.

Loading Double handling of parcels and lining up SPRs

Travel to route TRVL TO ACCEPTABLE

Address of first delivery 3371 Edison

Address of last delivery before lunch 1790 Fort ST2689 West RD

Travel to lunch McDonalds

Travel from lunch West RD to Birchwood

Address of first delivery after lunch 3102 Birchwood

Address of last delivery 3180 Anna

Travel from route Anna To Harrison to West RD to Third ST to PO.

Unloading No irregularities

Did the carrier finger mail? yes

Take obvious shortcuts? Some

General Comments regarding park points, relays, deadheads, dismounts, etc.

Carrier took full relays in his satchel.

Very miticulous with relays costing excess time for relays.

Mail not available when carrier is at mailbox. Having to wait to sort mail on porch.

Rest Breaks. 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, December 22, 1988, C-08555).

41.3.L

L. In the interest of safety and health and other appropriate considerations, representatives designated by the NALC will be given an opportunity to examine, comment and to submit recommendations on new vehicle specifications during their development and before the specifications are transmitted to potential contractors, before manufacturing and upon completion of vehicles.

M. The NALC will be informed concerning changes in existing regulations relating to the duties and functions of city letter carriers. Further, it is agreed that when changes of a substantive nature are made they will only be made in accordance with the contractual obligations already binding upon the parties under Article 34, "Work and/or Time Standards."

N. Letter Carriers may cross lawns while making deliveries if customers do not object and there are no particular hazards to the carrier.

Lawn Crossing. Although in his Cincinnati Lawn Crossing decision (NC-NAT-13212, August 20, 1979, C-03228), National Arbitrator Sylvester Garrett did not set down clear standards for determining when customers have objected to "carriers" crossing their lawns and when hazards exist which would make crossing lawns unsafe. Garrett did set down the following general guidelines:

1. A carrier may be instructed broadly to take all "obvious shortcuts" and to cross all lawns where there is no reason to believe the customer may object. However, the determination of what constitutes an obvious shortcut or whether a hazard exists is made in the first instance by the carrier. The carrier's judgment can be exercised only in the light of the specific conditions at the location involved.
2. A supervisor may conclude, after personal observation and discussion with the carrier, that a particular lawn should be crossed and order the carrier to cross the lawn. The carrier may not ignore such an order with impunity. His remedy is to file a grievance. However, discipline should not be imposed upon a carrier who had exercised his discretion and not crossed lawns, merely because a supervisor later decides that some of the lawns could have been crossed.
3. The only proper instruction before and during route inspection is that the carrier deliver the route "in exactly the same manner as he does throughout the year." During the route inspection the Examiner "observes but does not supervise." Therefore, "A car-

rier cannot...be directed on the day of a route inspection to take any shortcuts which the carrier does not use throughout the year.”

41.3.O

O. The following provision without modification shall be made a part of a local agreement when requested by the local branch of the NALC during the period of local implementation; provided, however, that the local branch may on a one-time basis during the life of this Agreement elect to delete the provision from its local agreement:

“When a letter carrier route or full-time duty assignment, other than the letter carrier route(s) or full-time duty assignment(s) of the junior employee(s), is abolished at a delivery unit as a result of, but not limited to, route adjustments, highway, housing projects, all routes and full-time duty assignments at that unit held by letter carriers who are junior to the carrier(s) whose route(s) or full-time duty assignment(s) was abolished shall be posted for bid in accordance with the posting procedures in this Article.”

That provision may, at the local NALC Branch’s request during local implementation, be made applicable (including the right to delete it) to selected delivery units within an installation. For purposes of applying that provision, a delivery unit shall be a postal station, branch or ZIP code area. Any letter carrier in a higher level craft position who loses his/her duty assignment due solely to the implementation of that provision shall be entitled to the protected salary rate provisions (Article 9, Section 6) of this Agreement.

Branch Option on Article 41, Section 3.O. It is a branch’s option to insert (or not insert) the Article 41.3.O language in its Local Memorandum of Understanding during local implementation. Management may not refuse the branch’s request to insert the language during local implementation. The branch also may change its mind and, once during the term of the National Agreement, elect to delete the provision from the LMOU.

The protected salary rate provisions are currently found in Article 9.6.

National Arbitrator Briggs held in J94N-4J-C 98009292, October 31, 2003 (C-24768), that a route change of greater than 50 percent does not constitute an abolishment under Article 41.3.O of the National Agreement. This rule does not negate the provisions of Article 30.C or the Article 30 Memorandum, which address existing LMOU provisions (See JCAM pages 30-4 through 30-6).

National Arbitrator Snow held that when routes are posted under the provisions of Article 41.3.O it must be done “in accordance with the posting procedures in this Article” (B90N-4B-C 92021294, March 22, 1996, C-15248). This reference is to Article 41.1.B.2 which provides that postings shall be installation-wide unless the local agreement or established past practice provides otherwise. Thus, if a branch has installation-wide bidding for vacant or newly created duty assignments,

242.33 Office Time Allied Work Rules

242.331 All CFS and throwback mail will be transported to its designated location by the carrier.

242.332 No carrier shall be disciplined for failure to meet standards, except in cases of unsatisfactory effort which must be based on documented, unacceptable conduct that led to the carrier's failure to meet office standards.

242.34 Street Time Allied Work Rules

242.341 The carriers at the delivery unit will receive two 10-minute break periods. The local union may annually opt to have either (a) both breaks on the street or (b) one of the 10-minute breaks in the office and one break on the street. If two 10-minute breaks are taken on the street, they will be separate from each other. Breaks must be separate from the lunch period. The carrier shall record on Form 1564-A, *Delivery Instructions*, the approximate location of the break(s). Reasonable comfort stops will not be deducted from the carrier's actual time.

242.342 Fingering of mail between delivery points will be done only in accordance with Article 41, Section 3.I of the *National Agreement*.

242.343 The crossing of lawns will be done only in accordance with Article 41, Section 3.N of the *National Agreement*.

242.344 If during the route inspection, the supervisor notes that the letter carrier fails properly to finger mail or to take proper short cuts, and that those failures were sufficient enough to warrant a time adjustment for the route, a reinspection will be made after the letter carrier has been instructed regarding the proper procedures to be used. Every effort will be made to conduct such reinspection prior to the implementation of the adjustments in the delivery unit.

242.345 Any time adjustment to a carrier's base street time due to identified improper practices or operational changes (such as, but not limited to, the elimination of relay or park points, or travel pattern changes), must be documented by appropriate *Comments* on the reverse of Form 1840 or attachments thereto. Such adjustments must be discussed with the carrier at the time of consultation concerning the route evaluation. If the carrier, at the time of the consultation, notes the absence of such documentation in writing on the Form 1840 or attachment thereto, and initials and dates the Form 1840 or attachments thereto, and management does not supply such documentation within 1 week, with a copy to the carrier, the time adjustment shall be disallowed.

242.346 Any claim that conditions during the 8 week timecard analysis period or the week of count and inspection were not normal so as to justify not including such day or days in the base street time computation, must be documented. Such adjustments are to be discussed with the carrier at the time of consultation concerning the route evaluation. If the carrier, at the time of consultation, notes the absence of documentation in writing on the Form 1840 or attachments thereto, initials and dates the Form 1840 or attachments

EL 814
GUIDE TO
SAFTY

- Look, listen, and live at all railroad crossings.
- Obey all highway rail-crossing warnings.

4. Parking

Whenever the driver leaves the vehicle, the vehicle must be parked. To park the vehicle:

- Apply the foot brake and place automatic transmissions in the park position. Place manual transmissions in gear. For PVS vehicles 7 ton and above, place the transmission in neutral.
- Turn the vehicle's front wheels toward the curb if you are on a flat surface or the vehicle is facing downhill. If the vehicle is parked facing uphill, turn the front wheels away from the curb.
- Set the hand-parking/emergency brake. For PVS vehicles 7 ton and above, the parking air brakes must be applied.
- Turn off the engine and remove the key.
- Lock any sliding door(s) between the truck body and cab.
- Lock the doors if you will be out of direct sight of the vehicle.

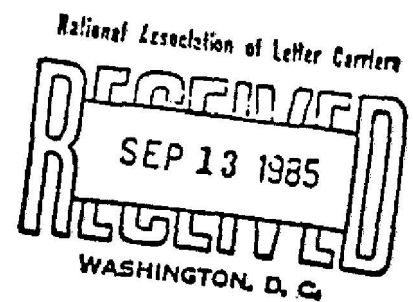
5. Passengers

- Ride in Postal Service-owned, GSA-owned, rental, or contract vehicles (including employees' privately owned vehicles when used in Postal Service operations) only if you are authorized to do so. All passengers must use safety belts.
- If conventional passenger seats are not provided, use an approved auxiliary seat that faces forward and is equipped with a backrest and safety belts. Never stand in a vehicle that is in motion.



M-00994

UNITED STATES POSTAL SERVICE
475 L'Enfant Plaza, SW
Washington, DC 20260-0001



Mr. Joseph H. Johnson, Jr.
Director, City Delivery
National Association of Letter
Carriers, AFL-CIO
100 Indiana Avenue, N.W.
Washington, D.C. 20001-2197

SEP 13 1985

Re: Class Action
Williamsburg, VA 23186
H1N-2U-C 19335

Dear Mr. Johnson:

On August 12, 1985, we met with you to discuss the above-captioned grievance at the fourth step of our contractual grievance procedure.

The issue raised in this grievance involved instructions not to place vehicles in neutral while making curbside deliveries from right-hand drive vehicles.

It is our position that advising carriers not to put the gear selector in the neutral position at each delivery point on a mounted route was improper. U. S. Postal Service policy in this regard provides that employees performing curbside delivery, from right hand drive vehicles, shall follow the procedures of (1) on level streets or roads, placing the vehicle in neutral (N), placing the foot firmly on the brake peddle while collecting mail or placing mail in the mail box; (2) on hills, placing the vehicle in park (P), placing the foot firmly on the brake peddle while collecting mail or placing mail in the mail box. We find that the grievance in this regard does have merit.

By copy of this letter, the Postmaster is instructed to comply with Postal Service policy concerning the operation of motor vehicles while delivering mail.

Sincerely,

Thomas J. Lang
Labor Relations Department

8 Vehicle Operations

81 Vehicle Regulations and Safety Practices

811 Vehicle Regulations

811.1 Responsibility of Carrier

- 811.11 Be sure you are qualified to drive the vehicle assigned to you; maintain a valid state driver's license.
- 811.12 Advise your immediate manager of suspension or revocation of your state license.

811.2 Authorized Riders

- 811.21 Postal employees with proper identification may ride in motor vehicle when necessary to perform their official duties. Unauthorized riders in postal vehicles are prohibited.
- 811.22 Employees may not ride in postal vehicles when off duty, nor when on duty unless riding is essential to the duty being performed.
- 811.23 All employees, including route examiners and officials, are forbidden to ride on powered industrial mobile equipment as passengers.
- 811.24 Route examiners may use a separate motor vehicle for which they have been qualified and authorized when making light delivery vehicle route inspections.

812 Safety Practices

- 812.1 Practice safety in the office and on the route.
- 812.2 Observe all traffic regulations prescribed by law. Rules applying to the public also apply to operators of postal vehicles.
- 812.3 Seatbelts must be worn at all times the vehicle is in motion. Exception for Long Life Vehicles: In instances when the shoulder belt prevents the driver from reaching to provide delivery or collection from curbside mailboxes, only the shoulder belt may be unfastened. The lap belt must remain fastened at all times the vehicle is in motion.
- 812.31 When traveling to and from the route, when moving between park and relay points, and when entering or crossing intersecting roadways, all external vehicle doors must be closed. When operating a vehicle with sliding driver's cab doors on delivery routes and traveling in intervals of 500 feet (1/10 mile) or less at speeds not exceeding 15 MPH between delivery stops, the right-hand sliding cab door may be left open.

- 812.32 For vehicles with separate driver and cargo compartments, only working mail should be kept in the driver's compartment while performing delivery and collection duties. Interior cargo doors (if any) may be kept in the "open" position to accommodate authorized passengers being transported in auxiliary seating, operator use of cargo area windows (if any), or to aid airflow. Consider the nature of mail or equipment being transported and use good judgment in deciding when an open internal door is suitable and will not interfere with the safety of vehicle operations. Internal cargo doors must be closed and locked when the vehicle is parked (see [822e](#)).
- 812.4 Do not finger mail while driving or hold mail in your hands while the vehicle is in motion. You must use mirror to check for pedestrians ahead, in back, and on both sides before placing the vehicle in motion.
- 812.5 Arrange letter mail, flat mail, and small parcels in the work tray provided on the ledge behind the windshield so as not to obstruct vision or use of the vehicle controls. Trays must not be piled on top of other trays on the ledge behind the windshield.
- 812.6 Any authorized sticker placed on the windshield or on other glass of the vehicle must not hinder your vision.
- 812.7 Only authorized passengers are permitted to ride in postal-owned, GSA-owned, rental, or contract vehicles (including employees' privately owned vehicles when used in postal operations). All passengers must use seatbelts. Where conventional passenger seats have not been provided in the vehicle, an approved auxiliary seat, facing forward, and equipped with a backrest and seatbelts must be used. Sitting in other than an approved seat or standing in a postal vehicle while such vehicle is in motion is prohibited.

82 Postal Security

- 821 Always keep the rear door and/or tailgate of the vehicle locked, except when loading or unloading the vehicle.
- 822 Whenever the driver leaves the vehicle, the vehicle must be parked. To park the vehicle:
- a. Apply the foot brake and place automatic transmissions in the park position. Place manual transmissions in gear.
 - b. Turn the vehicle's front wheels toward the curb if you are on a flat surface or when the vehicle is facing downhill. If the vehicle is parked facing uphill, turn the front wheels away from the curb.
 - c. Set the hand-parking/emergency brake.
 - d. Turn off the engine and remove the key.
 - e. Lock any sliding door(s) between the truck body and cab.
 - f. Lock the doors if you will be out of direct sight of the vehicle.
- 823 Inspect the inside of the vehicle for mail matter after completing street duties.

83 Vehicle Assignment Procedures

831 Obtaining Vehicle

Use locally prescribed procedures for obtaining assigned vehicle and keys. The manager in charge or the dispatcher will indicate the vehicle to be used when he/she assigns the route to be served; and may assign a different vehicle whenever the need arises.

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 [842](#) for reporting defects.
- 832.2 Check for mail or equipment which may have been left by previous driver.
- 832.3 Make sure truck is equipped with necessary collection equipment, hoop sack, if available, and satchels, trays, and sacks as needed.

M-01769

Mr. Fredric V. Rolando
President
National Association of Letter
Carriers, AFL-CIO
100 Indiana Avenue, NW
Washington, DC 20001-2144

Re: Q06N-4Q-C-11022051
Class Action
Washington DC 20260-4101

Dear Mr. Rolando:

Recently, our representatives met in prearbitration discussion of the above-referenced grievance.

The issue in this grievance is whether the office efficiency tool used to project office and street time in the Greater Indiana District violates the National Agreement.

After reviewing this matter, we mutually agree to settle the grievance as follows:

The subject office efficiency tool is a management tool for estimating a carrier's daily workload. The office efficiency tool used in the Greater Indiana District or any similar time projection system/tool(s) will not be used as the sole determinant for establishing office or street time projections. Accordingly, the resulting projections will not constitute the sole basis for corrective action. This agreement does not change the principle that, pursuant to Section 242.332 of Handbook M-39, "No carrier shall be disciplined for failure to meet standards, except in cases of unsatisfactory effort which must be based on documented, unacceptable conduct that led to the carrier's failure to meet office standards." Furthermore, as stated in the agreement for case H1N-1N-D 31781, "there is no set pace at which a carrier must walk and no street standard for walking."

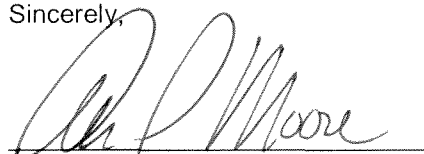
Projections are not the sole determinant of a carrier's leaving or return time, or daily workload. The use of any management created system or tool that calculates a workload projection does not change the letter carrier's reporting requirements outlined in section 131.4 of Handbook M-41, the supervisor's scheduling responsibilities outlined in section 122 of Handbook M-39, or the letter carrier's and supervisor's responsibilities contained in Section 28 of Handbook M-41.

This settlement is made without prejudice to the parties' rights under the National Agreement.

Please sign and return the enclosed copy of this decision as acknowledgement of our agreement to resolve this case, removing it from the national arbitration docket.

Time limits were extended by mutual consent.

Sincerely,



Alan S. Moore
Manager
Labor Relations Policy
and Programs



Fredric V. Rolando
President
National Association of Letter
Carriers, AFL-CIO

Date: 9-16-11