

Local Grievance # _____

Issue Statements (Block 15 on PS Form 8190):

1. Did management violate Section 221.13 of the M-39 Handbook and Section 922 of the M-41 Handbook via Article 19 of the National Agreement by not allowing Letter Carrier(s) **[name(s)]** to complete the PS Form 1838-C on **[date(s)]** for Route(s) **[route #(s)]** at the **[Station/Post Office]**, and if so, what should the remedy be?
2. Did management violate Article 1, Section 6 of the National Agreement when Supervisor(s) **[name(s)]** completed PS Form 1838-C on **[date(s)]** for Route(s) **[route #(s)]** at the **[Station/Post Office]**, and if so, what should the remedy be?

Union Facts and Contentions (Block 17 on PS Form 8190):

Facts:

1. Management scheduled a route count and inspection for Route(s) **[route #(s)]** at the **[Station/Post Office]** to begin on **[date]**.
2. Sections 221.131 and 221.132 of the M-39 Handbook state:
 - 221.13 **General Rules for Making Count**
 - 221.131 The carrier should count and record the mail every day except on the day of inspection when the mail must be counted and recorded by a manager. On one or more days during the count week, each route will be inspected by a manager. When management performs the mail count the carrier serving the route, upon request, may verify the mail count. Where hand-held computers are used on the day(s) of inspection, the route examiner will complete entries on Form 1838-C in the usual manner, except for line item elapsed time totals and mailpiece count totals by category. The calculations remain the same as previously performed manually. The carrier will continue to make timeclock entries on Form 1838-C for beginning, leaving, returning, and ending times. Total mail counts and times will be provided to the carrier on a computer generated facsimile of Form 1838, *Carrier's Count of Mail — Letter Carrier Routes (Mngt. Summary)*.
 - 221.132 Replacement carriers assigned to regular, full-, and part-time routes must count the mail and enter the data on the prescribed forms in the same way as the full-time carrier.
3. Section 922 of the M-41 provides the following instructions for Letter Carriers when completing PS Form 1838-C (see pages 93-104 of the M-41 for the complete instructions):

922 **Form 1838-C Worksheet — Preparation**

922.1 **Use of Form**

- 922.11 The count of mail is recorded on Form 1838-C (see exhibit 922.11 (p. 1, 2, 3, and 4)).
- 922.12 Use a separate form to record each day's count. Make and record the count on the worksheet in duplicate (using carbon paper) — except on the day of inspection when the count is made and recorded, in duplicate, by the route examiner or manager making the route inspection. In cases where it is not practicable for you to report early enough to make the count, it may be made by the manager or other competent employee.
- 922.13 The worksheet is used to record preliminary data for totaling and later transfer to Form 1838 by management. Lines on the worksheet correspond with lines on Form 1838. Space is provided for entering starting and ending time of all actual time items which are included or excluded from net and/or standard office time allowances. In addition, notations and comments pertaining to the mail count or route conditions should be made on the worksheet which will be helpful in later preparing the summary and making proper and realistic route adjustments. Report unusual conditions under Carrier's Comments. If this space is inadequate, enter additional comments on blank side of Form 1838-C.

4. Article 1 Section 6 of the National Agreement states:

Section 6. Performance of Bargaining Unit Work

A. Supervisors are prohibited from performing bargaining unit work at post offices with 100 or more bargaining unit employees, except:

1. in an emergency;
2. for the purpose of training or instruction of employees;
3. to assure the proper operation of equipment;
4. to protect the safety of employees; or
5. to protect the property of the USPS.

B. In offices with less than 100 bargaining unit employees, supervisors are prohibited from performing bargaining unit work except as enumerated in Section 6.A.1 through 5 above or when the duties are included in the supervisor's position description.

5. Section 217.1 of the M-39 states:

217 **Dry-Run Count**

217.1 A review of the count procedures will be made within 21 days prior to the start of the count and route inspection to teach the carrier how to accurately complete count forms (1838-C and 1838-A) during the period of count and inspection. An actual count of mail or recording of time used will not be kept on the day the dry run is made.

6. The following Letter Carriers were not allowed to complete the PS Form 1838-C on the specified routes on days that were not designated as inspection days:

<u>Letter Carrier</u>	<u>Route</u>	<u>Date</u>
<u>[name]</u>	<u>[route #]</u>	<u>[date]</u>
<u>[name]</u>	<u>[route #]</u>	<u>[date]</u>
<u>[name]</u>	<u>[route #]</u>	<u>[date]</u>

7. The following supervisor(s) completed the 1838-C on the specified routes on days that were not designated as inspection days:

<u>Supervisor</u>	<u>Route</u>	<u>Date</u>
<u>[name]</u>	<u>[route #]</u>	<u>[date]</u>
<u>[name]</u>	<u>[route #]</u>	<u>[date]</u>
<u>[name]</u>	<u>[route #]</u>	<u>[date]</u>

Contentions:

1. Management at the **[Station/Post Office]** violated Section 221.13 of the M-39 Handbook and Section 922 of the M-41 Handbook via Article 19 of the National Agreement by not allowing Letter Carrier(s) **[name(s)]** to complete the PS Form 1838-C on **[date(s)]** for Route(s) **[route #(s)]**.
2. Management violated Article 1 Section 6 of the National Agreement when Supervisor(s) **[name(s)]** performed bargaining unit work by completing the PS Form 1838-C on **[date]** for Route(s) **[route #(s)]**.

3. The schedule of the count and inspection clearly shows the day of inspection was on a different date than the day(s) the Letter Carrier(s) were not allowed to complete the entire 1838-C.
4. Letter Carriers were harmed because they were not allowed to record the office work they performed on days of the count they were not being inspected. The purpose of the Dry-Run Count is to ensure Letter Carriers are properly trained to complete the PS Form 1838-C.
5. Letter Carriers were harmed because they were denied pay for the time spent completing the 1838-C in whole or in part and that work is clearly bargaining unit work.

Remedy (Block 19 on PS Form 8190):

1. That management be instructed not to implement route adjustments based on the data collected during the week of inspection at the **[Station/Post Office]**.
2. That management cease and desist from future violations of Section 221.3 of the M-39 Handbook and Section 922 of the M-41 Handbook via Article 19 of the National Agreement in the **[Station/Post Office]**.
3. That management cease and desist from future violations of Article 1 Section 6 of the National Agreement in the **[Station/Post Office]**.
4. That any PS Form 1838-C's that were improperly completed by management may not be used for any purpose.
5. That each Letter Carrier in the **[Station/Post Office]** be paid a lump sum of \$100.00 to serve as an incentive for future compliance, and/or any other remedy the Step B team or an arbitrator deems appropriate.



National Association of Letter Carriers

Request for Information

To: _____
Supervisor Customer Services

Date _____

Station

Dear _____,

Pursuant to Article 17 and 31 of the National Agreement, I am requesting the following information:

1. Copies of any and all correspondence from management to the local NALC branch regarding the route count and inspection which began on **[date]**.
2. Copies of any and all correspondence, emails and notifications between local management and the route inspection team/route inspectors.
3. Copies of all PS Forms 1838-C completed during the week of route count and inspection **[dates]** at the **[Station/Post Office]**.

I am also requesting time to interview the following individuals:

1. All letter carriers whose regular assignments were scheduled for inspection

Your cooperation in this matter will be greatly appreciated. If you have any questions concerning this request, or if I may be of assistance to you in some other way, please feel free to contact me.

Sincerely,

Shop Steward
NALC

Request received by: _____

Date: _____



National Association of Letter Carriers

Request for Steward Time

To: _____
Supervisor Customer Services

Date: _____

Station

Dear _____,

Pursuant to Article 17 of the National Agreement, I am requesting the following steward time to:

Investigate a Grievance Write & Prepare a Grievance Interview Witnesses

I anticipate needing approximately _____ (hours) of steward time, which needs to be scheduled no later than _____. In the event more steward time is needed, I will inform you as soon as possible.

Individuals the Union needs to interview:

_____	_____
_____	_____
_____	_____
_____	_____

Your cooperation in this matter will be greatly appreciated. If you have any questions concerning this request, or if I may be of assistance to you in some other way, please feel free to contact me.

Sincerely,

Shop Steward
NALC

Request received by: _____

Date: _____