

## Local Grievance # \_\_\_\_\_

### Issue Statement (Block 15 of PS Form 8190):

Did management violate Article 12, Sections 4 and 5 of the National Agreement by failing to offer Letter Carrier(s) **[names of Letter Carriers excessed]** retreat rights back to the **[Installation name]** Installation following a review of the Comparative Work Hour Report, and if so, what should the remedy be?

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

#### Facts:

1. The following Full-Time Letter Carrier(s) were excessed from the **[Installation name]** Installation on **[date]**: **[names of Letter Carriers excessed]** This is documented by correspondence from the Postal Service in the case file.
2. Article 12.4.C of the National Agreement states:

C. When employees are excessed out of their installation, the National Business Agent of the Union may request at the Area level a comparative work hour report of the losing installation 60 days after the excessing of such employees.

If a review of the report does not substantiate that business conditions warranted the action taken, such employees shall have their retreat rights activated. If the retreat right is denied, the employees have the right to the grievance-arbitration procedure.

3. The following language appears on page 12-9 of the April 2009 Joint Contract Administration Manual (JCAM):

**Comparative Work Hour Report.** Prior to a change made in the 2001 National Agreement, Comparative Work Hour Reports were requested at the national level. Now they are requested by the National Business Agent through the Area Manager, Labor Relations. The National Business Agent may request the comparative work hour report of the losing installation sixty days after excessing.

The comparative work hour report will include the following for the thirty days prior to and thirty days after the excessing: Total number of employees, total straight-time work hours, total overtime work hours, total limited duty work hours and total light duty work hours in each of the following categories:

- Full-time regular and full-time flexible letter carriers
- Part-time regular letter carriers
- Part-time flexible letter carriers
- Letter carrier Transitional Employees
- Letter carrier casual employees

A comparative work hour report is used to analyze whether excessing outside the installation was warranted by business conditions. If a Step B Team requires a Comparative Work Hour Report to decide a grievance concerning excessing outside an installation, the grievance will be remanded to the Formal Step A level to be held until the report is received. The report will become part of the official record of the grievance. If the Formal Step A parties are unable to resolve the grievance after the report is received, the grievance may be re-appealed to Step B.

**Retreat Rights.** If, upon analysis, the Comparative Work Hour Report indicates that excessing was not necessary, excessed city letter carriers shall have their retreat rights activated. Failure to activate retreat rights under such circumstances may be subject to a separate timely grievance.

4. The Comparative Work Hour Report shows [#] working days in the 30 days prior to excessing, and [#] working days in the 30 days after excessing.
5. The Comparative Work Hour Report shows that the total workhours for the 30 days before excessing were [#].
6. The Comparative Work Hour Report shows that the total workhours for the 30 days after excessing were [#].
7. The Comparative Work Hour Report shows that the total overtime workhours for the 30 days before excessing were [#] and that the total overtime workhours for the 30 days after excessing were [#].
8. The TACS Employee Everything Reports show that PTF and TE Letter Carrier(s) [names] worked 8 within 9 / 8 within 10 hours every day during the 30 days after

excessing. The data from these reports has been consolidated into the attached chart.

9. The total number of hours of annual leave and sick leave used during the 30 days prior to the excessing was [#] and the total number of hours of annual leave and sick leave used during the 30 days after the excessing was [#]. This is documented in the flash reports found in the case file.
10. The [name] Station/Post Office/Installation LMOU calls for [% or # of Letter Carriers allowed off on AL] Letter Carriers to be allowed off on annual leave at any one time.

#### **Contentions:**

1. The Comparative Work Hour Report indicates that excessing was not necessary and the excessed Full-Time Letter Carrier(s) [names of Letter Carriers excessed] must have his/her/their retreat rights activated immediately.
2. The TACS Employee Everything Reports clearly show that there has been and still is more than enough work being performed by PTFs, TEs, and/or Full-Time Letter Carriers on overtime each day after excessing to support [#] full-time positions for the excessed Letter Carriers to retreat back to the [Station/Installation] Installation.
3. The hours worked after excessing are not due to an increase in leave in the office. The total number of leave hours used during the 30 days before excessing and the 30 days after excessing are very similar. The dramatic increase in PTF hours, TE hours, and Full-Time Letter Carrier overtime hours after excessing is not due to leave usage. These hours are a direct result of the unnecessary excessing of Letter Carrier(s) [names of Letter Carriers excessed].
4. The [name] Station/Post Office/Installation LMOU calls for [% or # of Letter Carriers allowed off on AL] Letter Carriers to be allowed on annual leave at any one time. This means there will always be Letter Carriers on leave throughout the year. This is a constant in the office, not a temporary situation that caused PTF, TE, and overtime hours to increase after excessing.

5. Letter Carrier(s) **[names of Letter Carriers excessed]** have suffered harm because?????? **[excess travel to work, change in hours, etc. – Explain why]**

**Remedy (Block 19 of PS Form 8190):**

1. Letter Carrier(s) **[names of Letter Carriers excessed]** be immediately offered retreat rights back to the Letter Carrier craft in the **[Station/Installation]**.
2. Letter Carrier(s) **[names of Letter Carriers excessed]** be made whole. **[you will have to determine what constitutes a make whole remedy in your case – reimbursement for mileage, out of schedule pay, a lump sum payment per day – these are a few suggestions]**





# National Association of Letter Carriers

## Request for Information

Date \_\_\_\_\_

\_\_\_\_\_  
Supervisor Customer Services

\_\_\_\_\_  
Station/Installation

Dear \_\_\_\_\_,

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

1. Copies of TACS Employee Everything Reports for all Letter Carriers in the \_\_\_\_\_ Installation for the time period of \_\_\_\_\_ to \_\_\_\_\_.
2. Copies of Flash Last Four Weeks Report for the \_\_\_\_\_ Installation for the time period \_\_\_\_\_ to \_\_\_\_\_.

I am also requesting time to interview the following individuals:

1. Letter Carrier(s) \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_.

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/Post Office

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: \_\_\_\_\_