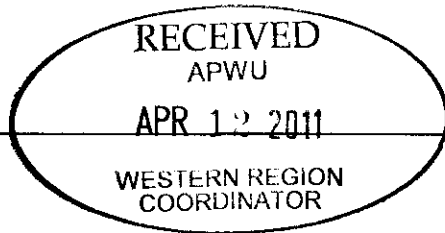


Western Area
Human Resources



April 11, 2011

Paul Price
National Business Agent
NALC Region 2 Pacific Northwest
11818 SE Mill Plain Blvd. STE 303
Vancouver, WA 98684-7017



To: Pacific Area Local(s)
 Western Area Local(s)
 So. West Area Local(s)

Withholding Info
 Staffing Issue(s)
 Status Update
 Grievance Administration
 Please review, take action and reduce issues to writing
 Comments

Omar M. Gonzalez, Coordinator

RE: Cancellation of Withholding Notice for Seattle WA (Seattle District)

Dear Mr. Price:

We provided notice to your office on July 21, 2010 of withholding for restructuring of nine PTR collection routes. The list below indicates actions that were taken; however, the attached grievance impacted the result. Please be advised that we are cancelling the letter carrier withholding.

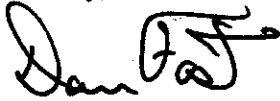
Employee Name	Method of Reduction	Effected Date	Office Reassigned	Craft Reassigned	Seniority Date	Voluntary Yes/No
Penny Meyring	Voluntary transfer	2/26/2011	Bothwell Main Office	Same	Same	Yes
John Jones	Converted to PTF	9/11/2010	Same	Same	Same	No
Roy Palmer	Converted to PTF	9/11/2010	Same	Same	Same	No
Charles Trayford	Converted to PTF	9/11/2010	Same	Same	Same	No
Jorge Santis	Converted to PTF	11/20/2010	Same	Same	Same	No
Roderick Honrade	Converted to PTF	1/1/2011	Same	Same	Same	No
Jin Kwak	Converted to PTR	2/26/2011	Same	Same	Same	No
Thomas Chung	Converted to PTR	2/26/2011	Same	Same	Same	No
Ted Chinn	Converted to PTR	2/26/2011	Same	Same	Same	No

If you have any questions please contact Dan L. Foster, Labor Relations Specialist, Western Area at 303-313-5702.

1745 STOUT ST., STE. 600
DENVER, CO 80299-4000
(303) 313-5020
FAX: 313-5021

RE: Cancellation of Withholding Notice for Seattle WA (Seattle District)

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Foster". The signature is fluid and cursive, with the first name "Dan" and last name "Foster" clearly distinguishable.

Dan L. Foster for
Simon M. Storey
Manager Human Resources
Western Area

Cc: Manager Labor Relations Western Area
Manager Delivery Programs Support Western Area
District Manager Seattle
Manager Human Resources Seattle
Manager Labor Relations Seattle
APWU Western Regional Coordinator
NPMHU Western Regional Director Denver



DECISION	Decision:	RESOLVED
NALC/USPS STEP B	USPS Number:	E06N-4E-C 10354542
DISPUTE RESOLUTION TEAM	Grievant:	Class Action
NALC: Michael J. Touchet	Branch Grievance #:	401-C-10SE
USPS: John D. Waldeck	Branch:	79
	Installation:	Seattle
	Delivery Unit:	Terminal Operations
	State:	Washington
	Incident Date:	March 8, 2010
	Date Step A Initiated:	May 21, 2010
	Step A Meeting Date:	September 29, 2010
	Date Received at Step B:	September 30, 2010
	Step B Decision Date:	October 25, 2010
	USPS Issue Code:	453019
	NALC Issue Code:	508299

ISSUE

Did Management violate Article 3, 5, or 19 of the National Agreement by failing to conduct route inspections and adjustments on the collection routes at the Seattle P&DC Terminal Operations in accordance with the provisions outlined in the M-39? If so, what is the appropriate remedy?

DECISION

The Dispute Resolution Team has **RESOLVED** this grievance by determining that Management failed to conduct a proper count and inspection in accordance with the provisions outlined in the M-39 and M-41. The Team further found that Management also violated the LMOU and previous grievance decisions when they unilaterally changed 5 collections routes days off from fixed to rotating days off. Management shall cease and desist from unilaterally changing fixed days off to rotating days off without negotiating with the local NALC Branch 79 President. See the detailed remedy listed below. The Seattle District Dispute Resolution Team shall retain jurisdiction of this dispute until such time as the remedy portion of this decision has been fully complied with, see explanation below.

EXPLANATION

It was undisputed at the Formal Step A level that:

- Grievance is timely
- Route inspections of collections routes were conducted in early March at Terminal Operations.
- The file includes twelve signed statements from collection route carriers.

- Seven collection routes were abolished as a result of the route inspections.
- 9 PTR carriers were made unassigned PTR carriers as a result of the route adjustments.
- 9 PTR carriers that were made unassigned PTR carriers as a result of the route adjustments were subject to excessing under the provisions of Article 12.
- Management posted the remaining 14 collection routes as 5 hour routes.
- 14 collection routes were posted on July 3rd, 2010.
- USPS and NALC agreed to moratorium on the \$10 per calendar day for delay beyond 52 days.
- Moratorium's effective dates are June 4, 2010 to June 30, 2010.
- Adjustments were implemented on July 17, 2010.

Background

This dispute arose from route adjustments conducted at the Terminal Operations unit of the Seattle Post Office, located at the Seattle P&DC in March of 2010. Companion grievances concerning the 52 day requirement for adjustments (E06N-4E-C 10354833, local NALC 403-C-10SE), for failure to properly notify the Union of impending inspections (E06N-4E-C 10354782, local NALC 404-C-10SE), for failure to properly post notification (E06N-4E-C 10354757 local NALC 400-C-10SE), and for failure to provide information (E06N-4E-C 10354819 local NALC 702-C-10 SE) were all decided by the Team. In all cases it was found that Management failed to abide by the provisions of the M-39.

Other alleged issues also swirled around the instant case. The excessing provisions of Article 12 may have been violated. Management route examiners may not have observed many of the tasks performed by the craft employees yet time was disallowed for these unobserved tasks. Although a significant amount of time was disallowed there were no notations or justification included in the file which might have explained why any of the time was on fact disallowed. No consultations were conducted with the carriers prior to the adjustments being implemented. Routes with scheduled Monday through Friday fixed schedules were changed to rotating days off without input from the local NALC despite specific language in the LMOU and a specific arbitration decision (E01N-4E-C 02077524 local NALC 595-C-07SE). Subsequently these routes were abolished and reposted with different route numbers. It is also possible that Management failed to complete the PS Form 3968 or the PS Form 3998 as required by the applicable provisions of the M-39. The PTR hours were reduced from between 6 and 7 hours to 5 hours each. PS Forms 50 were cut to reflect this reduction in hours with no regard for the fact that many of these PTR carriers were working more than five hours on weekdays and had 8 hour assignments on Saturdays. Since the adjustment Management concedes having performed craft work in order to meet the operational needs of the unit.

The Team was left to ponder the best course of action that meets each of the party's needs and concerns and yet ensures contractual compliance. Many of the issues outlined above were previously discussed by the parties in a series of

of the mail count, and no major scheme changes should be made between the period November 15 and January 1. 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."

Once Management has the wheels of this inspection in motion, section 214 of the M-39 states:

"All operations at the delivery units should be reviewed and any unsatisfactory conditions should be corrected before the count is commenced. The review should include at least:

c. Collection Routes

- (1) Whether collector is maintaining identity of customer-separated mail.*
- (2) Problems at platform; i.e., congestion, lack of equipment, etc.*
- (3) Vehicles — procedures used to obtain, return, and to report malfunctions. (See Handbook M-41, parts 831, 841, and 842.)*
- (4) Issuance of special instructions to collector.*
- (5) Collectors' duties. (See Handbook M-41.)*

The posting of notification to the collection carriers must also be made properly. Section 215.1:

"A notice must be posted at the delivery unit in advance of the scheduled mail counts and route inspections, showing the beginning date of the count for each route and the day and date each route is scheduled for inspection. This notice must be posted at least 5 working days before the start of the count period. If a decision is made to inspect on days other than the scheduled date, 1 day's advance notice must be given."

A "Dry Run" is not necessary; however, Management must conduct a standup talk to inform the employees of what will be transpiring and outline what is expected of them.

During the count all disallowed time must be carefully documented. In the instant case Management set a standard office time of 15 minutes in the morning and 20 minutes in the PM regardless of what functions the employees were performing. The Team is not saying that everything a carrier does is acceptable and should be allowed; however, not documenting what is disallowed and why negates the data collection process. Section 234.311 outlines the very reasons for a collection route inspection

"The purpose of the combined count and inspection is to determine adequacy of service, mail volume, and changes in number of boxes or box locations, revision of pickup schedules, and whether route adjustments are needed. Personal observation affords the route examiner an opportunity to obtain information that will enable the examiner to evaluate conditions of the route and detect wasteful practices and unauthorized procedures."

The route examiners must be active in their route inspections. Section 234.32 of the M-39 states:

- Observe the collector's work, including but not limited to:*
- a. Procedure used to obtain and return vehicle. (See Subchapter 560 and Part 633 of Handbook M-41.)*
 - b. Obtaining collection schedules by the collector.*
 - c. Practice followed in obtaining and returning all accountable items such as keys, barcode or similar scanning devices, etc.*
 - d. Practice followed in obtaining the required collection equipment.*
 - e. Practice followed in utilizing barcode or similar scanning device with components affixed at collection points.*
 - f. Practice followed in keeping mail separated as required.*
 - g. Practice followed in utilizing barcode or similar scanning devices with appropriate components regarding collection box appearance and physical condition, anchors, mail volume, etc.*
 - h. Depositing of collection mail in proper places.*
 - i. Appearance and dress of collector.*
 - j. Possession of valid state driver's license.*
 - k. Safe and courteous operation of Postal Service vehicle.*
 - l. Recording trip information on Form 3968, Daily Mail Collection Record.*

This information is not unimportant. It is vital to a fair and valid collection route adjustment. Section 234.33 directs Management to utilize the PS Form 3999-B when conducting collection route inspections. It states:

"Use Form 3999-B (see exhibit 234.33 (p. 1 and 2)) in the inspection of collection routes to record data pertaining to the collector's work performance and to obtain any other information that will enable the examiner to evaluate the condition of the route."

Once the route counts have been satisfactorily completed, Management must analyze the data and prepare an adjustment. It is vital that, as in the MAIRAP-type process, Management consult with the employees to gain any pertinent route information that may have been missed during the inspection process.

Once the adjustments are decided upon, Management is reminded of its requirement to implement the adjustments within 52 days of the inspections. If the adjustments result in the elimination of collection carriers then Article 12,

Excessing, becomes relevant. Article 12.5.B.4 addresses notification, on page 12-15:

"The NALC is entitled to advance notice whenever a letter carrier is excessed or whenever an employee from another craft is excessed into the letter carrier craft. Whenever possible, as much as six months advance notice must be made to the National Business Agent except in those cases which concern the reassignment to the same craft within an installation of employees excess to the needs of a section of that installation (See Article 12.5 C 4, below). In these cases notification must be made to the local union."

In addition, all TE carriers must be separated. Page 12-18 of the JCAM states:

"Transitional Employees. Management is required to separate all Transitional Employees prior to excessing any letter carriers except where "management can demonstrate that the work cannot be performed on a fulltime basis in compliance with the requirements of the National Agreement."

Finally, the Team wishes to deal with the issue of the five routes which were formerly Monday through Friday bid positions. It was previously decided in arbitration case #E01N-4E-C 07236170 that Management violated Article 8.5 of the Local MOU when changing collection routes from fixed to rotating days off. In addition the arbitrator ruled that Management may make such a change "...by mutual agreement between Management and Branch 79 only." The Team is in agreement that routes 580, 582, 573, 578, and 577 be returned immediately to a fixed schedule with Saturday and Sundays off. If Management desires to alter these schedules they must do so only by mutual agreement with Branch 79.

REMEDY

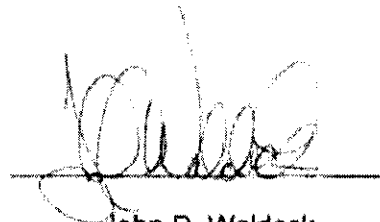
- The Seattle District Dispute Resolution Team shall retain jurisdiction of this decision until such time as this decision has been fully complied with. Upon completion of a new joint inspection of all routes affected by the instant grievance the local NALC Branch 79 President and the Seattle Postmaster shall meet, review and discuss this matter to insure that this decision has been fully complied with. Upon agreement that this decision has been fully complied with they shall notify the Step B Team in writing advising the Team of this fact, the Team shall then close the file.
- In the event that there is a dispute during the compliance of this decision, the local parties shall jointly contact the Step B Team for resolution. The DRT's decision shall be final and binding. Neither party shall unilaterally have the right to refuse to call the Team. The local parties shall be selected by the Seattle Postmaster and the Branch 79 President, respectively.

- The Union's role in the re-inspection shall be to observe the inspection, review the documentation for accuracy, and address any inaccuracies with Management and the employees being inspected.
- Management shall be required to notify the Branch 79 President of the proposed time frame of the inspection period consistent with the provisions of the M-39. For the purposes of this decision the Team strongly recommends that Management notify the Union in writing by Certified Mail.
- Management shall be required to post the schedule of inspection at the delivery unit consistent with the provisions of the M-39.
- Management shall only utilize the prescribed methods identified in the M-39 and or M-41 to conduct this and all future inspections, unless modified by the National Parties. Management shall not rely on MapQuest or any other type of similar resource to determine the travel time between deliveries or collections points; Management shall only rely on properly observed and documented methods as prescribed by the relevant handbooks and manuals.
- Management shall immediately restore the fixed days off to the following routes, 580, 582, 573, 578, and 577. Management shall cease and desist from unilaterally changing fixed days off to rotating days off. Management shall comply with the provision of the Seattle/Branch 79 LMOU as it applies to fixed and rotating days off. Further violations shall result in an enhanced permissive monetary remedy being awarded to the affected employee.
- Lastly it was uncovered that the affected employee's PS Form 50s were improperly changed. Management shall unconditionally & immediately rescind all changes made to the employee's PS Form 50s. Management shall not make any changes to any of the Terminal Operations employee's PS Forms 50 until such time as the instant dispute is completely resolved.



Michael J. Touchet
NALC Step B Representative

10-25-10
Date



John D. Waldeck
USPS Step B Representative

10-25-10
Date

cc: USPS Step A Representative, Burt Straight

NALC Step A Representative, Mark Myers
USPS Western Area
National Business Agent, NALC
District Manager
Postmaster, Puyallup
Manager, Human Resources
Seattle District Labor Relations
Data Input
Dispute Resolution Team File