

ADVISORY ARBITRATION

United States Post Office Department)	
)	
and)	
)	
United Federation of Postal Clerks)	Case No. 242-PO-9
)	Washington, D.C.
and)	
)	
National Association of Mail Handlers)	
Watchmen, Messengers and Group Leaders)	

Proceedings

This proceeding is an advisory arbitration under Executive Order 10988 to consider the appropriateness of the assignment of three positions in the Post Office Department to the unit represented by the National Association of Post Office Mail Handlers, Watchmen, Messengers and Group Leaders, Division of the Laborers International Union of North America, AFL-CIO (hereinafter "Mail Handlers"). The three positions in question are:

- (1) Standard Position 2-367, Sack Sorting Machine Operator (level 4);
- (2) Standard Position 2-438, Sack Sorting Machine Operator (level 5);
- and (3) Standard Position 2-498, Mail Handler Technician (level 5).

Pursuant to Section 11 of Executive Order 10988, these three positions were assigned to the Mail Handlers' unit by the Postmaster General on December 30, 1968, after consultation with the United Federation of Postal Clerks, AFL-CIO, (hereinafter "Clerks") and the Mail Handlers. A request for arbitration was made on January 8, 1969, by the Clerks, who asserted that the assignment

of these positions was improper. On December 31, 1970, the Assistant Secretary of Labor ^{1/} appointed an arbitrator to conduct a hearing and to reach an advisory decision for the Postmaster General.

At the hearing on March 25 and 26, 1971, attorneys and witnesses appeared on behalf of the Clerks, the Mail Handlers and the Post Office Department and introduced testimony and supporting exhibits. The parties also submitted post hearing briefs.

Statement of Facts

Under Federal law, fifty key positions have been established in the Post Office (Tr. 86). Each of the estimated 1200 job titles, or standard positions, in the Post Office is ranked in reference to one of these key positions (Tr. 88).

Within one function or craft, such as Mail Handler or Clerk, there may be jobs at several different levels of difficulty, responsibility or complexity. Where these differences are considered to warrant different compensation levels, the jobs will be referenced to different key positions (Tr. 87).

1/ Since January 1, 1970, the Assistant Secretary of Labor has been charged with responsibility for unit determinations under Executive Order 11491, issued in October, 1969. However, because this proceeding had been initiated under Executive Order 10988, it was deemed proper to continue it under the same authority.

Because of the limited number of key positions at each compensation level, jobs bearing no functional relationship to each other or to a particular key position may be "keyed" into that position.^{2/} When this is done, it means that the jobs are considered to be of comparable difficulty, responsibility and complexity even though dissimilar (Tr. 87-88). In such cases, the key position to which a standard position is referenced has little significance in determining the appropriate craft unit designations.

In this case, the Sack Sorting Machine Operator Level 4 was referenced to Mail Handler (key position 8) and the Sack Sorter Level 5 job and the Mail Handler Technician were referenced to Distribution Clerk, key position 12.

The duties of the Mail Handler, key position 8, include unloading, separating and delivering bulk mail to distribution areas (Tr.89-90). The main duty of the Distribution Clerk, key position 12, is the distribution of incoming and outgoing mail, piece by piece, according to schemes (Tr. 112). A "scheme" is an official Post Office list of states, post offices, firms or streets and house numbers used to sort mail for dispatch and delivery. ("Techniques of Scheme Study," P.O.D. Ex. 8, at p. 1) It is established by regional offices, with the approval of the Washington, D.C. office (Tr. 184) and consists of more than 100 items, usually around 700 (Tr. 183, 180.) Where scheme knowledge is required, as for key position 12, the

^{2/} For example, at Level 5, jobs must be referenced to one of the following: motor vehicle operator, city or special carrier, special delivery messenger, or distribution or window clerk (Tr. 132-133).

employee commits his assigned scheme to memory and is tested on his knowledge.

The position of Sack Sorting Machine Operator originated around 1960 when the machines were first introduced in the Post Office. (Tr. 22.). Prior to that time, Mail Handlers manually separated the sacks of mail and moved them to the appropriate points for reshipment or for distribution by Clerks of the items in the sacks (Tr. 21,41,63). Today, Mail Handlers still unload the trucks, but the separation and routing are accomplished mechanically by Sack Sorting Machine Operators.

Essentially, the Sack Sorting Machine Operator separates sacks of nonpreferential mail and directs them along an electro-mechanical conveyor to outgoing points of distribution (Tr. 90-91). The separation is accomplished by reading the label on each sack and pushing the appropriate button on a keyboard control unit which causes the sacks to be transported to the correct destination (Tr. 26). Level 4 operators may make up to thirty separations based on zip codes, directs, alphabetical and geographical groupings (Tr. 28-29). Level 5 operators perform separations which are a "little more complicated" or which require a "little more knowledge" than those at level 4 (Tr. 75-76, 91), or which involve more rigorous working conditions (Tr. 31,140-146). The machines to which level 4 and level 5 sack sorting operators are generally assigned are monorails (Tr. 27) having ten keyboard buttons and capable of making 15 or 16 separations (Tr. 23-26,45-46, P.O. Ex. 2). However, sack sorters at both job levels may also be assigned to more complex

machines and keyboards (Tr. 83, 141-143).^{3/}

As of the time of the hearing, there were about 25 mono-rail systems and 10 or 15 more complex sorting systems in operation in the postal system (Tr. 72073).

Sack Sorting Machine Operators at Levels 4 and 5 are not required to possess scheme knowledge and reference boards containing as many as 75 or 80 items are available for them to consult in making the necessary separations (Tr. 189).

They are required to make up to 10 separations a minute with 98 percent accuracy. (Joint Exhibits 13a, 13b). In contrast, the job of Sack Sorting Machine Operator, level 6, does require scheme knowledge and has been assigned to the clerk craft (Tr. 73).

The Mail Handler Technician, Level 5, performs sack sorting functions with regard to preferential mail (Tr. 218, 220; P.O. Br. 6). He places the sacks manually upon trucks or "nuttings" without the aid of an electro mechanical sorting machine (Tr. 219-220).

3/ Complexity in sack sorting is perhaps more a function of the number of items included in each separation than the number of separations to be made. (Tr. 199-200). Mail Handlers have traditionally made up to 20 to 25 separations of bulk mail (Tr. 206) and a Sack Sorter Level 4 may be assigned to a key board with 25 to 30 keys (Tr. 83). However, where each separation covers a number of items, the sack sorter operation has been considered to call for a level 5 operator for as few as 18 or 20 separations (Tr. 141-143). The Greensboro, N.C. sack sorting scheme which is manned by a Clerk at Level 6 calls for only 25 to 30 separations but it covers 600 to 700 items (Tr. 199).

This much of his function was described as basic mail handler work (Tr. 160). However, the Technician also keeps a record of late arrivals and dispatches, must be aware of dispatch schedules and is responsible for some on-the-job training of mail handlers. (Tr. 94,255; P.O. Br. 6; Jt. Ex.136). Prior to the creation of the Mail Handler Technician job, the task of proper dispatching of preferential mail was solely the responsibility of Distribution and Dispatch Expeditors who are in the Clerks' unit. (Tr. 256). Now the Expeditors continue to perform these functions in conjunction with the Mail Handler Technicians and check to see that the dispatching is done correctly (Tr. 256-257).

Contentions of the Parties

The Clerks claim that all three jobs should have been assigned to their unit because each of the jobs are substantially involved in the distribution or separation of mail as distinguished from its physical movement. According to the Clerks, such separation or distribution calls for the skills of Clerks, not Mail Handlers. They also point out what they consider to be a number of similar jobs which are already assigned to the Clerks unit.

The Department, supported by the Mail Handlers, contends that the jobs in question are a logical extension of traditional Mail Handler functions and do not involve work which in quantity or quality requires the skill or knowledge of Clerks.

Opinion

Section 6(a) of Executive Order 10988 provides the standard to be applied in deciding if the jobs in question should have been assigned to the Mail Handlers unit or to the Clerks unit. It states that bargaining units

"may be established on any . . . craft, functional or other basis, that will ensure a clear and identifiable community of interest among the employees concerned."

The Civil Service Commission has defined the "community of interest" agencies should seek in their bargaining units in the following words:

"Any unit should include individuals who share certain things, such as skills, working conditions, common supervision, physical location, or function, to such a degree that it makes sense for them to deal collectively with management through a single voice. Conversely, no unit can be appropriate if its members are so divided by different interests from their work, skills, location or function that it is unreasonable to assume that they can speak with a single voice." (P.O. Ex. 12).

As stated by Arbitrator Samuel H. Jaffee in his advisory opinion in Case No. 268-PO-13

". . . it is not enough for the . . . [petitioning Union] to show that there is some (claimed) overlap between their traditional work and that entailed in the new jobs. The question, rather, is which bargaining unit comes closest."

In analyzing the respective claims of the Mail Handlers and the Clerks in that case Arbitrator Jaffee noted that

" . . . the job description of Mail Handler (Level 4) shows that his basic function is the loading, unloading, and moving of bulk mail, and incidental duties within the facility. It is essentially a physical task . . . On the other hand, an examination of the job description of the various types of Clerks who would or could be involved, shows that their basic work is essentially mental, rather than physical."

My own review of the record in this case confirms that analysis. Indeed, I believe that analysis is the surest guide to the traditional division of responsibility between the crafts for the separation of mail. Those relatively simple separations which are a necessary part of the further movement of mail in bulk have generally been the responsibility of the Mail Handlers. However, the more complex separation of individual pieces of mail and of most parcel post has always been assigned to Clerks.

As indicated, the separations made by Clerks have traditionally been more complex than those made by Mail Handlers. However, there is no clear evidence that simple separations not involving physical effort have been previously recognized as work for Mail Handlers rather than Clerks.^{4/} Furthermore, while the ability to separate mail according to a scheme is an attribute required only of Clerks, not all Clerks are required to have this ability, e.g. the Parcel Post Distributor (Machine) (C. Ex. 4).

^{4/} Although the assignment of the Mail Processing Machine Operator may provide one such example (C. Ex. 10).

Accordingly, while the Post Office has assigned the job of Sack Sorting Machine Operator, Level 6, to the Clerks because scheme knowledge is required, it does not necessarily follow that the sack sorting jobs at levels 4 and 5 which do not require scheme knowledge should be assigned to the Mail Handlers.

This is especially true because of the difficulty encountered at the hearing in determining what constitutes a scheme and how schemes are established. One representative of the Department analogized a scheme to pornography in the sense that it could be recognized by an expert even if it could not be described (Tr. 160)..

It was apparent from the testimony that some schemes have only slightly more than 100 items (Tr. 179,183) and that Level 5 (or 4) Sack Sorters are now making separations involving up to 80 items with little or no use of reference boards (Tr. 31, 189). While Levels 4 and 5 Sack Sorters are not required to memorize the separation plan they follow and while that plan is not considered an established scheme, the distinction is a fine one. Indeed, the plan for sack sorting on the monorail machine was described as a "scheme" in the Post Office film on sack sorting shown at the hearing (Tr. 37).

This is not to say that scheme knowledge should be ignored in deciding on the appropriate unit for the sack sorter jobs at levels 4 and 5. However, it is my conclusion that other factors must be considered in deciding the unit placement question.

Looked at only in terms of the traditional division of separation-distribution functions and assigning no special weight to scheme knowledge, mechanical sack sorting -- at least at level 5 -- seems as close to the work of Clerks as to that of Mail Handlers.

Attention must also be given to the physical demands of sack sorter work as well as to its mental elements. This seems especially significant for the Sack Sorter Level 4 who may be used from time to time on traditional Mail Handler work (Joint Ex. 13(a)). While representatives of the Clerks testified that their members also perform such manual work in post offices which do not employ Mail Handlers, that work clearly is more closely identified with Mail Handlers than with Clerks.

Mention was made at the hearing that Sack Sorters at Level 5 as well as 4 may have to sort the mail manually when their machine breaks down (Tr. 32,211). However, that may also be true of Sack Sorters at Level 6 who are Clerks. In any event, the Job Description of the Level 5 position by omitting any reference to non-machine manual work seems clearly not to consider such work as part of the normal duties of that position.

Looked at in terms of the physical requirements of the two sack sorter positions in question, I would conclude that while the Level 4 job is closer to the Mail Handlers craft than to the Clerks, the reverse may be true on the job at Level 5.

The Department has pointed out that in making the assignment it gave significant if not controlling weight to the fact that the Sack Sorter jobs were replacing traditional Mail Handler positions. (Tr. 158-159,165). That seems entirely reasonable and just -- as long as the new jobs have a sufficiently close community of interest with the remaining jobs in the unit to warrant such action. The Department itself recognized that the replacement principle could not be applied without deviation to the sack sorting positions when it assigned the Level 6 position to the Clerk craft.

As quoted above the requisite community of interest must be assessed not only in terms of skills and functions but also in terms of common working conditions, supervision and physical location. Since Level 4 Sack Sorters may be used as ordinary mail handlers, they share continuing interests with those in the Mail Handler unit. While that may be less true for those Sack Sorters at Level 5, it seems arbitrary and perhaps unwise to draw the dividing line between Mail Handlers and Clerks between the Level 4 and 5 Sack Sorter jobs.

Despite repeated attempts, I was unable to ascertain any clear line of demarcation between those two jobs. (Tr. 75-76,83, 140-144). They clearly seem to have more in common with each other than they do with any other jobs. Accordingly, I have concluded that they should be in the same unit.

For the reasons stated above, I believe the Level 4 Sack Sorter position clearly belongs in the Mail Handler unit and having decided that, it seems most appropriate to assign the Level 5 Sack Sorter position to that unit also. The Level 5 position requires less physical effort and somewhat more complex mental exertion than has been usually associated with Mail Handler positions. However, the work is obviously within the capability of Mail Handlers, requires little training time (Tr. 79-80), and is less demanding than even those Clerks jobs not requiring scheme knowledge^{5/}.

I have also carefully considered whether the inclusion of these two machine operator jobs in the Mail Handler unit will provide effective representation for the interest of their incumbents in the future. I have concluded that it will. A conflict or at least divergence of interests could develop between mechanical sack sorters and manual mail handlers over mechanization of additional Mail Handler responsibilities but I believe that such a situation as well as the common interests of Sack Sorters and Mail Handlers can best be composed if they are part of the same unit. Sack Sorting at Levels 4 and 5 is not only a logical extension of traditional mail handling but affords a reasonable and needed progression for mail handlers in the view of anticipated mechanization which is underway and which can be anticipated.

^{5/} Note the faster pace required of Parcel Post Machine Distributors (C. Ex. 4).

The discussion thus far has not focused on the third position involved in this proceeding -- the Mail Handler Technician. That position was described at the hearing as a "sophisticated mail handler" performing not only the physical separation of preferential mail (Tr. 159-160) but also the training of other mail handlers and some incidental expediting and recording functions otherwise performed by Clerks (Tr.159). Such a merging of functions of different crafts can create difficult unit placement problems. When the merger threatens to dilute craft skills or to reduce the jobs available to a particular craft, it could tip the balance in favor of assigning the job to that craft.

In this case, however, the testimony on the impact of the new job on Clerk positions was limited to one location and was inconclusive even as to that location (Tr. 260). Moreover, there was no evidence that the dispatching and reporting work assigned to Mail Handler Technicians constitutes a substantial part of their duties.

There is also no basis for concluding that Mail Handler Technicians have a closer community of interest with the Distribution and Dispatch Expeditors (who are Clerks) than with other Mail Handlers whom they train and work with.

Accordingly, I believe it was appropriate for the Department to assign the Mail Handler Technician position to the Mail Handlers -- consistent with the basic functions of that job.

ADVISORY OPINION

The Post Office Department correctly assigned the positions of SP-2-367, Sack Sorting Machine Operator, Level 4, SP-2-438, Sack Sorting Machine Operator, Level 5, and SP-2-498, Mail Handler Technician, to the Mail Handlers' unit.


Thompson Powrrs

Washington, D.C.

November 8, 1971