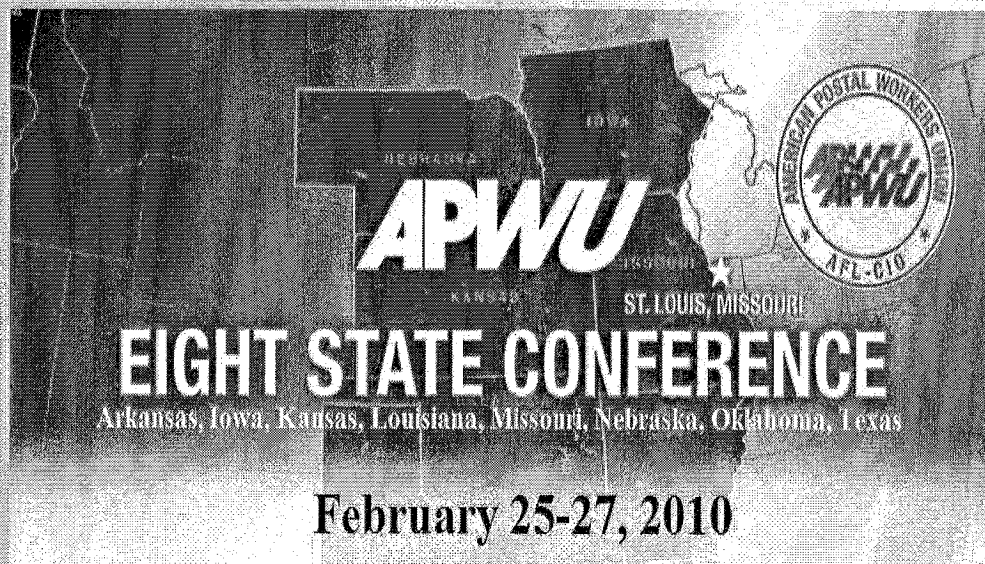


Article 1.6.B

Presented by
Robert D. Kessler & Dennis Taff
National Business Agents
Clerk Craft, St. Louis Region



Supervisor Performing Bargaining Unit Work (Article 1.6.B)

Impact of Das Award

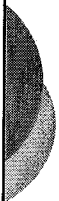
CD content

- In offices with less than 100 bargaining unit employees, supervisors are prohibited from performing bargaining unit work except as enumerated in Article 1.6.A.1-5 or where the duties are included in the supervisor's position description.

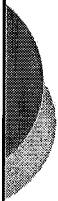
Position Description Excerpts

- EAS 11-18 **Postmasters** "may personally handle window transactions and perform distribution tasks as the work load requires."
- **Supervisors** in such offices "may personally perform certain non-supervisory tasks in order to meet established service standard consistent with Article 1.6..."

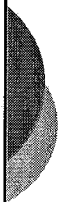
- Amount of allowable work performed by postmasters and supervisors pursuant to their job description is controlled by the historical practice at each particular installation.
- Postmasters and supervisors can perform B.U. work on a regular, routine, and daily basis only **IF** they have done so historically
- Historical practice sets the baseline.



- Clerk hours can be reduced if there is no corresponding increase in the amount of bargaining unit work done by a supervisor or postmaster.
- Postmasters may only perform B.U. work if it falls within the scope of "window transactions" and "distribution tasks."



- They cannot reduce their budgeted clerk hours by cutting PTF hours and then working in their place. asantele
- Postmasters and supervisors cannot increase the amount of B.U. work performed in order to decrease (cut) PTF hours.
- Postmasters and supervisors cannot increase the amount of B.U. work by absorbing work instead of replacing retired or excessed clerks.
- Postmasters and supervisors cannot shift the type of work being performed in order to decrease (cut) PTF hours.



Post-Das Awards Supporting Our Position

- **E00C-4E-C 06208814 – Prairie City, IA**
Arbitrator Vonhof
 - ◆ In this case the Postmaster **took over 2.5 hours of morning distribution and 3 hours of morning window work** both of which were **Inconsistent with historical practice.**
- **E00C-4EC 03165881 – Payette, ID**
Arbitrator Krebs
 - ◆ In this case the Postmaster took over **window lunch relief** which was **Inconsistent with historical practice.**

Post-Das Awards Supporting Our Position

- o **E00C-4E-C 07003249 – Brewster, WA**
Arbitrator Suardl
 - In this case the Postmaster **took over window work** because she preferred to work the window which was **inconsistent with historical practice.**
- o **K00C-4K-C 05008325 – Salem, SC**
Arbitrator Tranen
 - In this case the Postmaster increased the amount of bargaining unit work historically performed by **taking over 7.5 hours of window duties** - which was **inconsistent with historical practice** - instead of replacing a retired clerk.

Post-Das Awards Supporting Our Position

- o **E06C-1E-C 07339722 – Tombstone, AZ**
Arbitrator Gregory
 - In this case the Postmaster reverted the position of a retiring window clerk increasing the amount of bargaining unit work performed by **taking over window duties** which was a **deviation from historical practice.**
- o **C90C-4C-C 95064494 – Coopersburg, PA**
Arbitrator Vaughn
 - In this case the Postmaster **took over entering new address records, deleting old address records, changes in address, etc. into the DPS Data Base File** which was **inconsistent with historical practice.**

Post-Das Awards Supporting Our Position

- o **G98C-4G-C 0066911 – Green Forest, AR**
Arbitrator August
 - In this case the Postmaster **scheduled herself to report early to distribute mail while non-scheduling at least one PTF Tuesday through Friday.**
- o **B00C-4B-C 07272505 – Theresa, NY**
Arbitrator Fritsch
 - In this case the Postmaster **exceeded the only PTF clerk, hired a PMR and shifted the clerk work to the Postmaster and PMR.**

Post-Dis Awards Supporting Our Position

- o **K00C-4K-C 07071986 – Fair Bluff, NC**
Arbitrator Stronglin
 - In this case the Postmaster eliminated all PTF clerk hours based on a Function 4 Review by increasing her bargaining unit hours and those of the Rural Carrier.
- o **A00C-4A-C 07028944 – Callicoon, NY**
Arbitrator Parker
 - In this case the Postmaster increased his performance of bargaining unit work after one PTF transferred and another resigned, increasing the amount of bargaining unit work historically performed in response to a reduction in complement – even temporarily – was found to be a violation.

Duties Postmasters Should Not Perform

- o Servicing vending machines
- o Assigning and clearing carrier accountable mail
- o Second notices and related tasks
- o Retrieving & disposing of UBBM
- o Loading and unloading trucks

Duties continued

- o Mail Collections
- o Bulk mail acceptance
- o Dispatch duties
- o Spreading mail to carriers
- o Custodian work (if no custodians in the office)

Summary

- They can do what they've always done
- What they've always done establishes what their job description allows
- They cannot increase that amount by reducing hours for PTF's
- They cannot non-schedule or excess PTF's and work in their place
- They cannot reduce PTF hours due to "budget cuts"

- They CAN reduce PTF hours if operational change justifies it; e.g., decline in mail volume, reduction in window hour operations.

Grievance Documentation

- Interview current and former supervisors and employees
- Notices of reversions, abolishments and excessing
- Clock rings or work hour reports for employees and supervisors
- Article 1.6.B survey form 6/16/2016

Grievance Documentation

- Complement reports, both past and present
- Function 4 reports and WOS
- Flash Report and/or PS Form 3930
- Automation impacts, AMP, etc.
- Mail Volume Reports

Remedy

- Cease and desist
- The bargaining unit work being performed by supervisors in violation of the agreement be returned to the craft
- The craft be paid for all hours worked by supervisors in violation of the agreement at the applicable rate
- Cite as a "continuing violation" if ongoing

Remedy

- A disturbing trend regarding remedy is developing in which Arbitrators are taking into consideration management arguments that there should only be a cease and desist with no (or reduced) monetary remedy in cases where the PTF(s) are sent to other offices to obtain work. ELM 432 permits PTFs to be scheduled up to 12 hours.

Remedy

o JCIM, Article 1.6, page 2:

- Where bargaining unit work which would have been assigned to employees is performed by a supervisor and such work hours are not *de minimus*, the bargaining unit employee(s) whom would have been assigned the work, shall be paid for the time involved at the applicable rate.

- (This is the agreed to remedy. Make sure you ask for it!)

Current Status of this Issue

- o The APWU has filed a number of 1.6.B issues at the National level. A hearing has been scheduled for May 3-5, 2010 before Arbitrator Das.
- o We should continue to place grievances on this issue in the system based on the facts in any particular office where Postmasters increase the amount of bargaining unit work which correlates to a reduction or elimination of clerk hours.
- o These cases will be held pending the decision in National case Q06C-4Q-C 10005587.

Any questions?
