

**O'DS & A, PC**

Type of Grievance: Contract Interpretation

### Award Summary

The grievance is resolved on the basis set forth in the above Findings. The Postal Service is directed to adhere to the requirements of the MS-47 Handbook consistent with those Findings.

A handwritten signature in cursive script, appearing to read 'Shyam Das', is written above a horizontal line.

Shyam Das, Arbitrator

This grievance, filed at Step 4 on March 25, 1992, states:

In a January 23<sup>rd</sup> letter from Thomas Freeman, Director Maintenance Division, to the Postal Service the union stated that management other than local management (Postmaster/Manager of a postal facility) was determining frequencies of cleaning for a particular office. The letter requested this practice be curtailed.

On February 27<sup>th</sup> the union received a letter dated February 25<sup>th</sup>, which stated in part the "local management at the divisional level determined the frequencies required."

The issue to be decided in this grievance is whether management at the divisional level may dictate cleaning frequencies rather than local management as referenced in the MS-47 handbook. We contend that the MS-47 handbook requires the MSC Manager or BMC Manager to approve cleaning frequencies and custodial staffing documents.

The MS-47 handbook is replete with references to local management, that is the Postmaster/Manager of a facility, rather than management at the divisional, regional or national level making these decisions.

In its Step 4 response, dated September 11, 1992, the Postal Service stated, in part:

The issue in this grievance is whether management violated the National Agreement in determining the frequency of cleaning at the Tulsa MSC.

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The MSC Manager/Postmaster of the Tulsa MSC approved the cleaning frequencies for her facility in accordance with the MS-47 Handbook. However, Section 125 of the MS-47 Handbook provides that "[s]taffing levels and all custodial functions determined by application of this handbook are subject to review by higher levels of authority." Concomitant with this review is management's right to adjust, modify or change staffing levels or custodial functions. In this case, Division management reduced the cleaning frequencies for several custodial tasks that had been previously approved by the MSC Manager/Postmaster. None of the changes were below the frequency ranges listed in the MS-47 Handbook nor did they compromise a clean and healthful working environment.

Article 19 of the 1990-1994 Collective Bargaining Agreement, in effect when the grievance was filed, provides in relevant part:

Those parts of all handbooks, manuals and published regulations of the Postal Service, that directly relate to wages, hours or working conditions, as they apply to employees covered by this Agreement, shall contain nothing that conflicts with this Agreement, and shall be continued in effect except that the Employer shall have the right to make changes that are not inconsistent with this Agreement and that are fair, reasonable, and equitable....

The MS-47 Handbook is entitled "Housekeeping Postal Facilities". It is used to determine custodial staffing requirements at Postal Service facilities. As stated in Section 142 of the MS-47 Handbook<sup>1</sup>:

142 Staffing is a three step procedure in which an inventory is taken on Form 4869, *Building Inventory*, frequency of performance is developed using Form 4839, *Custodial Scheduling Worksheet* and Chapter 4 of this handbook, and staffing requirements are calculated using Form 4852, *Workload Analysis and Summary*.

Section 415 (Frequency of Performance), provides:

The frequency ranges listed in Chapter 4 of this handbook for performing the indicated custodial tasks should be applicable to most postal facilities. The frequency selected for a particular task should be within the specified range, and the specific frequency chosen [sic] is dependent upon local conditions. Local management may determine that frequencies outside the ranges (above or below) listed are required due to local conditions. If one or more of the frequencies selected are below the range(s) listed in this handbook, the custodial staffing package shall be submitted with appropriate justification to Regional Maintenance Management. Implementation of custodial tasks with frequencies below the

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<sup>1</sup> Except for specific references to the initial May 30, 1974 MS-47 Handbook, all references to the MS-47 Handbook in this decision are to the April 20, 1983 revision in effect when this grievance was filed.

specified range(s) requires prior Regional Maintenance Management approval.

Chapter 1 of the MS-47 Handbook also includes the following provisions:

#### 110 GENERAL

111 It is the responsibility of the postmaster/manager of a postal facility to assure that custodial maintenance is sustained at a satisfactory level. When making staffing determinations, management must make a commitment to maintain a clean and healthful working environment. When determining what, when and how often to clean, this commitment must be the principal concern.

\* \* \*

116 Once a custodial staffing level is determined using the procedures in this handbook, that staffing level must be maintained. If conditions arise that warrant a change in staffing, the entire staffing procedure must be redone, i.e., new forms must be completed.

#### 120 SCOPE

121 The contents of this handbook are intended to be used by management to develop the custodial maintenance staffing requirements for all postal facilities where the U.S.P.S. is responsible for such services. In the normal course of events, it is anticipated that the initial input will be supplied by local management during the early stages of planning for facility activation. This will provide the basis for

an initial staffing level which, in turn, will be subject to modification based on local experience. This is an ongoing process subject to periodic review.

\* \* \*

123 Local conditions such as climate, customer/employee activity, volume, type of construction, and age of building should be considered when establishing the level of staffing required to maintain a specific facility.

124 Local management must exercise its judgment in order to develop a level of staffing that, based on current inventory, will maintain an acceptable level of cleanliness and a safe and healthful working environment for all employees. This shall be consistent with good housekeeping practices and shall not violate the current *National Agreements*.

125 Staffing levels and all custodial functions determined by application of this handbook are subject to review by higher levels of authority.

The MS-47 Handbook was first issued on May 30, 1974. That version included specific frequencies for the performance of each cleaning function. In a National Arbitration Award dated June 1, 1981, Case No. A8-NA-0375, Arbitrator Gamser rejected the Postal Service's position that the stated frequencies were merely a guide and that management could vary those frequencies, provided it maintained a satisfactory level of cleanliness. Arbitrator Gamser concluded that, under Article 19 of the CBA, the Postal Service was required to abide by the

frequencies specified in the MS-47 Handbook until or unless those provisions were amended in compliance with the requirements of that Article.

In 1982, the Postal Service proposed revision of the MS-47 Handbook. The Postal Service provided the Union with a copy of its proposed revision on October 19, 1982. As stated in its cover letter, one of the key changes in the proposed revision was:

To assure the staffing and scheduling of custodial employees accurately reflects the needs of each installation, local management shall be responsible for determining how often each custodial function will be performed. This determination will be based on local conditions. The existing frequencies of performance contained in the MS-47 are being removed.

The Union filed an Article 19 grievance over the proposed revision of the MS-47 Handbook. Meanwhile, the parties held several meetings to discuss the proposed revision. At those meetings, Union officials objected strenuously to the complete absence of frequencies, expressing their apprehension that, if setting frequencies was left completely to local management, whenever a budget cut occurred the first function to be cut back would be housekeeping. The Union also expressed its concern that if local management had unfettered discretion as to how often the facility must be cleaned, the Postal Service's Article 14 obligation to maintain a clean and healthy workplace would not be met.



In response to the Union's objections, the Postal Service drafted the provision in Section 415 on frequency of performance and proposed a frequency range for each task. The parties negotiated the frequency ranges where there was a difference of opinion. On April 20, 1983, the parties reached final agreement on a revision of the MS-47 Handbook, and the Union withdrew its Article 19 grievance.

Jim Lingberg, who attended the 1982-1983 meetings on the revision of the MS-47 Handbook as National Representative At Large for the Maintenance Division of the APWU, testified that the Union also expressed concern about upper level management dictating cleaning frequencies. He stated that the Postal Service representatives assured the Union that those decisions would be made at the local level. Union-prepared minutes of the initial meeting on October 19, 1982 include the following exchange between Tom Freeman, Assistant Director of the APWU Maintenance Division, and Daniel Kahn, Postal Service Labor Relations representative:

Freeman - What is a satisfactory level of custodial maintenance, refer to part 111.

Kahn - Postmaster determines satisfactory level.

According to Lingberg, there was no disagreement throughout the negotiations that "local management", which has the responsibility to keep a facility clean, would determine the frequency of cleaning, subject to Section 415, and that "local

management" meant the postmaster/manager, not upper level management. Lingberg also testified that Postal Service representatives stated that the "higher level" review (referred to in Section 125) would occur at headquarters level and would be limited to review for accuracy, completeness and to ensure that the most effective cleaning methods were being utilized.

Postal Service representative Kahn stressed that the chief concern expressed by Richard Wevodau, Director of the APWU Maintenance Division and the Union's top representative at the meetings, was that postmasters, with their minds on their budget, would reduce cleaning functions first, and that they often lacked the competence to make appropriate decisions about cleaning frequencies. The Postal Service pointed to portions of both Union-prepared and Postal Service-prepared meeting minutes, which indicate that Wevodau stated:

...by allowing postmaster to change frequency. That will create chaos. Postmaster will do the skimpiest cleaning to stay within the budget or take hours away from maintenance and give them to mail processing.

\* \* \*

Wevodau reiterated that he was violently opposed to the Postal Service allowing the Postmaster to determine frequency.

According to Kahn, both sides understood the reference to "local management" as meaning management below the regional level. If they had meant "postmasters", he added, they would

have said so. He explained that they used the term "local management" because the Postal Service's organizational structure was "pretty fluid" and a "hodgepodge". He insisted that they all knew that postmasters did not have control of the purse strings or authority to come up with funding, so it would have made no sense to give them the final say. Kahn also disagreed that the "higher level" review provided for in Section 125 was limited in scope. On the contrary, he said, the managers exercising that review authority were the persons with the budget authority and expertise that Union representatives Wevodau and Freeman were comfortable working with.

In 1983, the Postal Service's basic organizational structure was as follows:

Headquarters
Region (maintenance mgmt)
District (no maintenance mgmt)
Management Sectional Centers (MSC) (maintenance mgmt)
Sectional Center Facility (maintenance mgmt)
Associate Office (no maintenance mgmt)

The country was divided into five regions, and, according to a Postal Service witness, oversight authority with respect to maintenance management was exercised at the regional level. There was a reorganization in 1986 in which the districts were

replaced by 74 divisions, and maintenance oversight authority was transferred from the regional level to the divisions. After a further reorganization in 1992, the basic structure has been as follows:

Headquarters
Area (maintenance mgmt)
Performance Cluster [or District] (no maintenance mgmt)
Processing & Distribution (maintenance mgmt)
Associate Office (no maintenance mgmt)

The country is divided into ten areas, and maintenance oversight now is located at the area level. Maintenance policies for the Postal Service as a whole have been and are made at headquarters level.

This grievance was triggered when the Union learned that some of the cleaning frequencies in the staffing package requested by the Tulsa, Oklahoma MSC Manager/Postmaster in 1991 were reduced upon review by Oklahoma City Division management. More generally, the Union contends that as part of the Postal Service's nationwide program to reduce the number of custodial employees, initiated in 1993, area level management have established area-wide cleaning frequency standards or "norms", generally at the low end of the frequency ranges set forth in the MS-47 Handbook. The Union presented evidence that local

management has been directed to conform to these norms, and that area teams in the Western Area have been assigned to perform custodial staffing surveys using these area standards, thereby dictating cleaning frequencies to local management.

The Postal Service does not dispute that there are area norms, at least in the Western Area, but it maintains they are based on field studies in the area and are used only as a starting point. According to the Postal Service, departures from those norms can and do occur when justified by special circumstances at a particular facility. The Postal Service points out that after the Tulsa MSC Manager objected to certain cleaning frequency revisions by Oklahoma City Division management, most were changed to her satisfaction.

#### UNION POSITION

The Union contends that the Postal Service violated the 1983 MS-47 Handbook by dictating cleaning frequencies for various cleaning functions to local postmasters/managers. Under Article 19, the Postal Service is required to adhere strictly to the provisions established in the MS-47 Handbook, and may not make unilateral changes without violating the CBA.

The Union insists that the parties negotiated and agreed that local postmasters/managers would have the final authority to establish cleaning frequencies. Sections 124 and 415 of the Handbook make it absolutely clear that "local management" is responsible for, and has the authority to develop

a custodial staffing package, including the selection of the frequency for performance of cleaning functions. It is also clear from the plain meaning of the term "local management", as well as from the context provided by other provisions of the MS-47 Handbook, such as Sections 111 and 123, and the negotiating history, that the parties were referring to local postmasters/managers. Those are the officials familiar with local conditions at their facility. There is no evidence, the Union asserts, that the parties had any other definition in mind.

The Union points out that Section 415 specifies that "Regional Maintenance Management approval" is required if local management selects cleaning frequencies below the ranges set forth in the MS-47 Handbook. Section 125, in contrast, refers to higher level "review" of staffing levels, but does not provide for approval or adjustment of frequencies determined by local management, provided they are not below the ranges in the MS-47 Handbook. As Union witness Lingberg testified, without contradiction, the Postal Service stated during the 1982-1983 meetings on the new MS-47 Handbook that the only purpose of this review -- which was to occur at headquarters level -- was to check for accuracy, completeness and utilization of the most effective cleaning methods.

The Union maintains that dictation by higher level management of certain frequencies within the ranges set out in the MS-47 Handbook effectively eradicates the range of frequencies itself, and reestablishes the practice of imposing a list of cleaning frequencies that must be used by local

postmasters/managers as had been set out in the 1974 MS-47 Handbook. Local postmasters/managers have been completely deprived of the power to determine frequencies for cleaning functions in their facilities. Instead, they have been required to follow area management standards, regardless of whether they consider those frequencies to be adequate to their particular local needs. The Union insists that this action by the Postal Service clearly violates provisions in the MS-47 Handbook, including Sections 111, 123 and 124.

The Union contends that these unilateral modifications to the MS-47 Handbook imposed by the Postal Service have an adverse impact on: the number of bargaining unit employees performing custodial functions; the job security of incumbents of cleaning positions; the amount of effort required by those employees remaining to perform the work; and the ability of local managers to resolve Article 14 grievances.

#### POSTAL SERVICE POSITION

The Postal Service contends that the 1983 MS-47 Handbook clearly provides that initial cleaning frequency determinations are to be made by members of local maintenance management, and not by postmasters. The Postal Service stresses that Sections 231 and 243(j) specify that maintenance management familiar with custodial work must complete Form 4839 (Custodial Scheduling Worksheet) and that portion of Form 4852 (Workload Analysis and Summary) which relates to cleaning frequencies. Thus, while the postmaster/manager has the overall

responsibility under Section 111 to assure that custodial maintenance is sustained at a satisfactory level, the actual determination of cleaning frequencies is to be made by local maintenance management.

The Postal Service asserts that the term "local management" was used, rather than a more specific designation, because the organizational structure was fluid and varied somewhat. What is clear from the negotiating history is that the parties -- in particular the Union -- did not want postmasters to have the authority to determine cleaning frequencies. Postmasters simply do not have the capability to make such determinations.

The Postal Service further contends that the MS-47 Handbook contains several broad grants of review authority over initial cleaning frequency determinations, including Sections 121 and 125. Section 113 further provides: "It is incumbent upon all levels of management to assure the use of the most cost effective methods, including mechanized equipment, for the performance of all custodial functions."

The Postal Service stresses that this review procedure is not only provided for in the MS-47 Handbook, but also in the Administrative Support Manual (ASM). In 1992, when this grievance was filed, ASM Section 531.711 provided:

*Authorizations.* Either Headquarters or the Field Division authorizes custodial and building maintenance positions and staffing



allowances, using current staffing criteria in appropriate maintenance handbooks.

Reflecting the current organizational structure, Section 531.711 now refers to "the area officer" in place of "the Field Division".

Moreover, the Postal Service points out, the staffing approval chain was clearly laid out in a 1991 Maintenance Management Order, MMO-21-91, which was issued to the field as a pre-arbitration settlement with the APWU. MMO-21-91 is a Maintenance Staffing Guide for All Mechanized Offices -- which includes the Tulsa facility where this grievance originated. It provides that custodial staffing is to be determined, using the MS-47 Handbook, by maintenance management at the Processing & Distribution Center (P&DC) level, and that staffing then is to be incorporated into the overall maintenance staffing package. After approval by the postmaster/manager at the plant-level, Section 1 of MMO-21-91 provides:

The completed staffing package should be forwarded through appropriate channels to the Field Division General Manager/Postmaster for final review and approval.

The Postal Service does not dispute that at times higher level reviews do result in a change of frequencies. It notes, however, that the postmaster/manager is afforded the opportunity to question any changes, and further adjustments then may be made -- as occurred in Tulsa in 1991. The Postal Service stresses that it would be unable to manage effectively

if, as the Union claims, a postmaster's frequency selections could not be reviewed, except to check for accuracy, completion and correctness of method. Indeed, if the Union's position were correct, that would result in an anomalous situation where, if a postmaster decided to use the minimum frequencies and this was inadequate to keep the facility clean, the Union could challenge the Postal Service's compliance with Article 14, but higher level management could not otherwise correct the situation.

The Postal Service also insists that it does not "dictate" cleaning frequencies in violation of the MS-47 Handbook.<sup>2</sup> The Postal Service maintains that the Western Area norms cited by the Union were designed to "normalize the frequencies", so as to best fit the needs of the Postal Service. The norms were developed by maintenance managers with extensive experience in custodial cleaning and staffing, as well as knowledge of the local conditions in the Western Area. The norms are not mandates, the Postal Service insists, but starting points used by area teams to prepare staffing packages after consultation with facility management officials. A review of almost 20,000 entries from various randomly selected Western Area facilities, conducted in response to the Union's

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<sup>2</sup> At the hearing, the Postal Service had raised an objection to the Union expanding the scope of the present grievance to include this issue, citing two subsequent grievances in which the Union raised this as an interpretive issue. In its post-hearing brief, the Postal Service made reference to the two other grievances, but did not continue to press its earlier procedural objection. Both parties presented substantial evidence on this issue, primarily in the context of the Western Area.

allegations, shows that 20-22% of the performance frequencies differed from the area norms.

### FINDINGS

Determining the frequency with which various cleaning and maintenance functions must be performed is central to application of the MS-47 Handbook. It is the key determination that requires exercise of management judgment. When the parties agreed to the 1983 MS-47 Handbook, they assigned this determination to be made by local management, within specified ranges, and subject to review by higher levels of authority. This is clear from a reading of Sections 111, 123, 124, 415 and 125.

I am not persuaded that the term "local management" used in Sections 124 and 415 is synonymous with "postmaster/manager of a postal facility" used in Section 111. The parties, in agreeing to the provisions of the MS-47 Handbook, recognized that, while the postmaster/manager has overall responsibility for assuring "custodial maintenance is sustained at a satisfactory level" [Section 111], frequency evaluations require the expertise of "maintenance management familiar with scheduling custodial duties/custodial work" [Sections 231 and 243(j)]. "Local management" in this context reasonably encompasses both the postmaster/manager and local maintenance management. Postmasters/managers may sign off on the staffing packages sent to higher levels of authority for review, but necessarily they must rely not just on the technical knowledge

of local maintenance managers, but also on their judgment and experience in setting cleaning frequencies to attain the desired level of cleanliness in facilities they are familiar with.

When the parties discussed and agreed to the 1983 MS-47 Handbook at issue, local maintenance management was located at Management Sectional Centers (MSCs) and Sectional Center Facilities (SCFs). The next higher level of maintenance management was at the regional level. The entire country was divided into only five regions, and there is no logical or other convincing basis to conclude maintenance management at that level was "local". This is consistent with testimony of Postal Service Labor Relations representative Kahn that both parties at the time understood the term "local management" to mean "management below the regional level".

The MS-47 Handbook provides for local management to determine the cleaning frequencies necessary to maintain a clean, safe and healthful working environment, taking into consideration relevant local conditions. Local management was not given unlimited discretion, however. At the Union's insistence, frequency ranges for all the various tasks were established as part of the MS-47 Handbook. Except to the limited extent set forth in Section 415, local management was required to select frequencies within those established ranges. Under Section 415, local management could only implement frequencies below those ranges on the basis of unusual local conditions and subject to prior approval by regional maintenance management. In addition, the MS-47 Handbook provides that all

staffing levels determined by local management "are subject to review by higher levels of authority" [Section 125].

The term "higher levels of authority" in Section 125 is broad enough to encompass all levels of management above whatever level constitutes local management at a particular facility. While that includes national headquarters, I am not persuaded -- either by the text of the MS-47 Handbook or the extrinsic evidence -- that it does not also encompass other intervening levels, including regions and, in later reorganizations, divisions and areas. Indeed, that is supported by the specific requirement in Section 415 that then regional management approve use of frequencies below the established ranges.

Less clear is what is meant by "subject to review" in Section 125. The Union asserts that such review is limited to ensuring that the staffing packages are accurate and complete, and that they are based on utilization of the most effective cleaning methods and equipment. Union witness Lingberg testified that this was the Postal Service's position in the discussions preceding adoption of the 1983 MS-47 Handbook, but Postal Service witness Kahn disagreed that the parties intended or understood the "review" authority to be so narrow. The meeting minutes in the record -- which are not complete -- do not reflect any discussion on this issue. In a large, nationwide hierarchical organization like the Postal Service, the limited scope of review asserted by the Union seems anomalous, and there is no language specifying such a limited

scope of review in the MS-47 Handbook.<sup>3</sup> Moreover, while the Union now evidently sees local management as the greater champion of more frequent cleaning, that hardly was the case when the parties were discussing revisions to the MS-47 Handbook in 1982-1983.

At the same time, it is evident that -- at least within the designated frequency ranges -- the draftsmen of the MS-47 Handbook considered local management, with its knowledge of local conditions and responsibility for maintaining a clean and healthy working environment, generally to be the appropriate level to determine the required cleaning frequencies.

Two Postal Service witnesses, Carl Sumner and Ray Cox, had experience reviewing staffing packages prepared under the 1983 MS-47 Handbook, first at the regional level and then at the division level, in the period prior to this grievance. Their testimony indicates that on occasion they adjusted or changed frequencies, sometimes because of information they had which had not been considered when the package was put together or because the frequencies prepared by local management were at the high or low end of the ranges specified in the MS-47 Handbook without apparent justification. These witnesses stated that they would meet with the postmaster/manager to explain why they were making

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<sup>3</sup> It is true that Section 415 refers to "approval", whereas Section 125 refers to "review". Section 415, however, requires "prior ... approval" before frequencies below the specified ranges may be implemented, whereas staffing packages within the specified ranges apparently can be implemented, "subject to review".

adjustments. If the postmaster/manager disagreed with the change, they would "negotiate". Moreover, during the years in which maintenance management oversight authority was exercised at the division level, reviewing officials at the 74 division offices frequently had direct knowledge of the facilities whose packages they were reviewing, so that the distinction between higher level management and "local management" was blurred.

That sort of review, which did not involve use of rigid templates and which took local conditions into account, seems consistent with the MS-47 Handbook as well as corresponding portions of the ASM and MMO-21-91 cited by the Postal Service. It is a more reasonable application of the relevant provisions than the Union's position that the judgment of postmasters/managers as to cleaning frequencies within the specified ranges never can be overridden on review.

Within this analytic framework, there is insufficient evidence to conclude that the changes ultimately made to the 1991 staffing package prepared by the Tulsa MSC management and reviewed by Oklahoma City Division maintenance management violated the MSC-47 Handbook. While the record is quite limited, the process provided for in the MSC-47 Handbook seems to have been followed, and due consideration seems to have been afforded to Tulsa management's judgments as to the needed frequencies. While the initial staffing package submitted by Tulsa was not accepted in its entirety, final changes were made only after further consultation with Tulsa management and additional accommodation to its views. There is no evidence

that Division-level management, which appears to have had direct knowledge of conditions at Tulsa, was applying a prescribed set of standards, rather than making an appropriately individualized review taking into account relevant local factors.

This is in marked contrast, however, to what occurred after the 1992 Postal Service organizational restructuring and the promulgation of the November 30, 1993 national memorandum on the "Reduction of Custodial Employees".

In 1992, the Postal Service underwent a major reorganization. Processing & Distribution Centers replaced the MSCs and the SCFs. Local maintenance management was placed at the P&DC level. The 74 divisions were eliminated and the country was divided into ten areas. Higher level maintenance management now is at the area and headquarters level. Obviously, area management is more remote from local facilities than was division management. In that respect, the areas are much more similar to the five regions that existed when the 1983 MS-47 Handbook was issued.

On November 30, 1993, Peter A. Jacobson at Postal Service headquarters sent a memorandum to Postmaster General Runyan on Reduction of Custodial Employees, which states in part:

As we have discussed in the past, it is our intention to effect a reduction of custodial employees by 3,200 in both Processing and Distribution and Customer Service and Sales



facilities. This is based on a 20 percent target of an AP 10, FY '92 staffing level of 15,997. We intend to achieve this reduction without any losses in the cleanliness and safety of our facilities.

Since these are craft positions, the reductions must be achieved while following certain staffing criteria established with the maintenance division of the American Postal Workers Union (APWU). The existing staffing methodology for custodial positions requires the application of specific time standards and variable cleaning frequencies contained in Maintenance Handbook MS-47, Housekeeping Postal Facilities....

We are currently developing revisions to MS-47 in the areas of task identification, frequency determination and time standards, and intend to deliver them to the APWU by December in compliance with Article 19 of the National Agreement. While revisions must be made to our existing standards in order to achieve our targeted reductions, we feel that we can achieve at least half of them with more stringent application of our existing standards.

Last year's retirements along with a decrease in maintenance supervisors resulted in a reduction in the number of staff skilled in custodial staffing surveys. To address this loss in expertise, we developed a training course in staffing techniques and trained 20 supervisors at the Technical Training Center in late August. These will be supplemented by additional staff early next calendar year and will serve as our area staffing survey teams....

All Processing and Distribution Centers and Facilities (350) will be surveyed by May 15,

1994. All large Customer Service and Sales Facilities (150) will be surveyed by July 31, 1994. Additional reductions will be attained through staffing surveys of smaller offices that employ one custodian and part time custodians....

On December 29, 1993 Western Area management issued a memorandum to the field,<sup>4</sup> stating in part:

The Area Offices have been tasked to assist the field in optimizing resource utilization within the building services function and provide consistency to the LDC 38 staffing process.

To accomplish this we have formed two teams that will be performing building services staffing reviews at all P&DCs and maintenance capable customer service offices. Our teams will also perform staffing reviews at select stations and branches. These reviews will be completed by July 31, 1994, and the findings of these reviews will become the LDC 38 complement cap for the respective facilities.

\* \* \*

We have attached a review schedule and a list of documentation and resources required to accomplish the LDC 38 review of your facilities. We further request that the maintenance management employee who has primary responsibility for establishing LDC 38 staffing at your facility, assist our review team. This will provide us with the

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<sup>4</sup> It is unclear whether similar action was taken in other areas. The evidence in this case focused on the Western Area.

local information needed to accomplish an accurate staffing package and allow our team to train the employee responsible for this task.

Thereafter, Western Area teams were assigned to redo staffing packages at P&DCs and maintenance capable associate offices -- or to direct local personnel to do so -- using area norms. These area norms -- formally referred to as "Western Area Optimization LDC 38 Normalization Standards -- consist of specific frequencies for each cleaning task. The norms are within the MS-47 Handbook ranges, but, as the Union stresses, usually at the lower end. A May 24, 1994 memorandum from the Field Maintenance Manager at the Albuquerque, New Mexico P&DC to the Postmaster in Edgewood, New Mexico, a small facility where custodial work evidently is subcontracted, is illuminating. It states in part:

During the week of January 10<sup>th</sup>, members of the Western Area MS-47 Staffing Team visited and provided us with new directives to follow when determining the workhours allowed any facility for job cleaners.

The MS-47, "Housekeeping Postal Facilities," assigns frequency ranges for cleaning tasks. Previously, when we computed hours for a facility we took into consideration such things as how local conditions might affect a facility and assigned the frequencies accordingly, staying in compliance with the MS-47.

As of January 13<sup>th</sup>, we no longer have that option. We have been provided with the frequencies we must use. Dennis Massard,

Manager Maintenance Support in Denver, heads the Western Area Staffing Team. Mr. Massard has emphasized these directives are to be nationwide and we are not being singled out for hour reductions.

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As Station Manager, you may know of circumstances where the listed frequencies will not be sufficient. In that case, you will be required to furnish us written justification for a deviation to the listed frequencies. The approval of deviations to the 4852 must come from this office before the package is submitted to the Procurement Service Center. Their job is to complete the contract and should not be involved with determination of hours.

There is no evidence that revisions of existing staffing packages in the Western Area carried out under this program in 1994 were prompted by any changes in local conditions, rather than by higher level policy determinations to apply area-wide norms as part of a national effort to reduce custodial staff. A Maintenance Operations Support Clerk in the Phoenix P&DC, who does the staffing surveys for the Phoenix district and associate post offices, testified that her manager gave her a copy of the Western Area norms in 1994 and told her to redo the staffing packages she had done before to conform to those standards, which lowered a lot of frequencies. Her manager claimed these norms were just used as starting points, but did not otherwise dispute her testimony.

These Western Area procedures represent a marked departure from the process established in and previously followed in application of the MS-47 Handbook. The MS-47 Handbook grants local management the authority to create staffing packages for their facilities, within established ranges, depending on local needs and conditions as perceived at the local level. Those packages are subject to review at higher levels. On occasion, they were changed when inaccurate, based on erroneous considerations or inefficient cleaning methods, or where the reviewing authority, after consultation with local management, concluded under the particular circumstances that they were not justified, even allowing for appropriate exercise of local management judgment.

In contrast, at least in the Western Area, area management -- which, under the MS-47 Handbook, should review locally prepared staffing packages -- in 1994 established fixed, uniform area-wide frequency norms for each cleaning task, and either directly used them to create new staffing packages for local facilities or required that they be used by local management.

The Postal Service's claim that these area norms are merely starting points seems a mischaracterization. While deviations are not totally excluded, local management is required to provide a justification for any requested deviation. More importantly, the record as a whole suggests that such requests are not likely to be welcomed, and that local

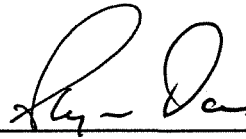
management will be reluctant to make them in the face of pressure to conform to the area norms.

Even accepting the Postal Service's claim that the area norms were developed by experienced maintenance managers familiar with the many different conditions in the area, and that some degree of variation from those norms exists -- for one reason or another -- in as many as 20-22% of the thousands of frequencies in the Western Area, this procedure for determining staffing levels clearly is not sanctioned by the 1983 MS-47 Handbook.

This is not to say that higher level management is precluded from such activities as developing training programs or materials designed to assist local management in preparing staffing packages or from issuing directives that local management seek the most efficient staffing consistent with its commitment to maintain a clean and healthful working environment. Higher levels of management may not, however, displace local management in developing staffing packages within the ranges set out in the MS-47 Handbook or dictate specific frequencies to be plugged into those packages. Moreover, so long as that Handbook remains in effect, higher levels of management must exercise their review authority consistent with the MS-47 Handbook's emphasis on the exercise of local judgment and responsibility.

AWARD

The grievance is resolved on the basis set forth in the above Findings. The Postal Service is directed to adhere to the requirements of the MS-47 Handbook consistent with those Findings.

A handwritten signature in cursive script, appearing to read 'Shyam Das', is written above a horizontal line.

Shyam Das, Arbitrator