

THE ISSUE: MAXIMIZATION OF PART-TIME FLEXIBLES TO FULL TIME

THE DEFINITION

Management must maximize the number of full-time regular duty assignments and minimize the number of part-time flexible assignments.

THE ARGUMENT

Article 7, Section 3.B requires that the Employer "maximize the number of full-time employees and minimize the number of part-time employees who have no fixed schedule in all postal installations." (However, it should be noted that this language does not create any new rights in those offices which have 200 or more man years of employment [80-20 offices].) Where we can demonstrate that part-time flexibles are working assignments that could be full-time positions, the burden properly shifts to management to demonstrate why a full-time regular duty assignment would not be possible. There is no requirement that we must consider only the hours of a single part-time flexible in order to show the existence of a potential full-time regular duty assignment. Most arbitrators will permit the Union to combine PTF hours because to do otherwise would be to permit the Employer to manipulate part-time flexible schedules in order to circumvent their general obligation to maximize full-time regulars.

"The Employer shall maximize the number of full-time employees and minimize the number of part-time employees who have no fixed schedule in all postal installations."
Article 7.3.B

In larger offices (those with 200 or more employees) the Employer's obligation is to maintain an 80% full-time workforce. In addition, wherever a single part-time flexible works eight (8) hours within ten (10) on the same five (5) days in the same assignment each week over a six (6) month period, this demonstrates the need for converting the assignment to a full-time position. [Article 7.3.C] Furthermore, when a part-time flexible has performed duties within his craft and occupational group (not necessarily the same assignment) within an installation at least 40 hours per week (8 within 9 or 8 within 10 as applicable), 5 days a week over a period of six months (again, not necessarily the same 5 days) a part-time flexible must be converted to full-time status. [Maximization Memorandum of Understanding]

THE INTERVIEW

- Isn't it true that a full-time regular duty assignment with these hours and off-days could be made to work in this office?
- Who do you have to get authorization from in order to create additional full-time regular duty assignments?
- Have you attempted to get additional full-time regular duty assignments? What happened?
- Why wouldn't a full-time regular duty assignment work?
- What changes would be necessary in order to make a full-time regular duty assignment possible?

Often times, the Postmaster in a small office may be our best ally in a case of this type. They know how important another full-time regular duty assignment is to their part-time flexibles and they want to create the best situation for their employees. Even though they know it would be possible to create another FTR duty assignment their superiors are the ones blocking it. As a result, if handled properly, they will often provide us with valuable assistance.

THE DOCUMENTATION

- Clock rings / time cards for all PTF's, casuals, loaners, TE's, cross-craft, etc.
- Graphs - showing at least 6 months, PTF hours and identifying FTR assignments [Remember - if grievance is not resolved at lower steps you will need to continue requesting time cards or clock rings and graphing them until the case is arbitrated. Plan to be in this one for the long haul.]
- PTF seniority list
- Listing of current FTR duty assignments in section or office, including position descriptions, off days and hours
- PS Forms 3971 (leave counts towards maximization as long as it was not taken solely for that purpose)
- Witness statements or interviews

- Supervisor interviews or statements
- Weekly work schedules

THE AGREEMENT

- National Agreement, Article 7.3
- National Agreement, Maximization MOU

Issue: Maximizing Full-Time Duty Assignments In All Offices

Article 7.3.B

Documentation

Explanation

All grievance paperwork	All paperwork developed and utilized in grievance procedure
Complement listing - current and past	Shows trend on full-time versus part-time jobs
Flash report or its equivalent, daily and weekly	Demonstrates available bargaining unit hours on a daily and weekly basis. Be sure to consider overtime hours
Factual statement on office hours daily and weekly	Allows you to prove feasibility of more full-time jobs
Time records (ETC reports) for PTFs, casuals, loaners, and T.E.s	Establishes base from which to carve out full-time jobs
Management notice on recent attrition, reversions, or abolishment	Shows more full-time jobs realistic based on past history
Work hours for this year versus last year (flash).	Allows you to determine if any major differences. If so, find out why.
Union developed chart(s) showing potential full-time duty assignments by hour and day	Must compile data from records and put on chart which shows 8 hours within 10, same 5 days per week
Paperwork or notice on existing or future automation	Offsets possible arguments by management on the need to reduce full-time jobs based on automation
Audit reports, e.g., P.I. and Function Four	Local management may have been told to create more flexibility by eliminating full-time jobs
Witness statements if management is improperly sending mail out of office to be worked	Example would be sending mail to small P.O.s to have non-bargaining unit work it
Prior grievance paperwork (if applicable)	Shows repeated violations and management bargaining in bad faith. Also consider Article 1.6 violations, improper crossing of craft grievances, and attrition disputes
Applicable case law. Remember difference between precedent and persuasive value	All paperwork developed and utilized in grievance procedure. Strengthens case through Step 4s, national arbitrations or pre-arbs, regional arbitrations or pre-arbs. Cites must be on point

7.3.B Case

Needs

- ✓ Imperative we argue 7.3.B rather than 7.3.C or Memo of Understanding on full-time flexies. This strategy allows us to use all PTF hours to carve out more full-time jobs.
- ✓ Locals should be trained to utilize charts (graphs) to demonstrate need for conversion. If not done at earlier steps of grievance procedure, should do prior to the arbitration. These charts must be developed from time records. The utilization of the Rasmussen "max pack" is an excellent tool to ensure preparations and approach are properly done; see attachment #1.
- ✓ We should always check to see whether or not supervisors, managers, postmasters, are doing bargaining unit work. If so, these hours could be included as further justification for more full-time jobs; see attachment #2.
- ✓ We should always check to see whether or not loaners, casuals, or TEs are working in the office. If so, these hours could be included as further justification for more full-time jobs.
- ✓ Need to check out recent full-time attrition. Recent reversions or abolishments could well substantiate the feasibility of more full-time jobs. Further, obtaining copies of recent office audits or District instructions may prove local management was told to reduce full-time jobs and increase flexibility. To this end the hiring of new employees should be checked out; see attachment #2.
- ✓ Check out whether or not management has been using other than clerks to do our work, carriers, re-habs, loaners, etc. If so, these hours should be factored in.
- ✓ Pulling together case law which is on point is always beneficial and many times makes the difference. Proper utilization through our SEARCH program and sharing earlier work makes this easier; see attachments #3 & 4.
- ✓ Enclosed is a union brief (attachment #5) which explains in great detail the history and proper application of Article 7.3.B. The case law cited is properly explained and tied to the cases at hand. Feel free to use any parts which may be of help.