

Laborers' International Union  
of North America, AFL-CIO

January 13, 1988

National  
Post Office  
Mail Handlers,  
Watchmen,  
Messengers  
&  
Group Leaders  
Division

TO: REGIONAL DIRECTORS/REPRESENTATIVES  
LOCAL GENERAL PRESIDENTS  
LOCAL UNION OFFICERS

RE: ATTRITION

Dear Sisters and Brothers:

At the Joint Contract Training Seminar held in Philadelphia, a question was raised regarding the proper application of Regional Instruction 399, Part IID, as it relates to the implementation date of February 16, 1979. The question addressed the actions that management should take when the Union identifies and challenges an assignment improperly posted for the inappropriate craft after that date. Specifically, the question raised the issue of whether the assignment should be vacated immediately and reposted in the appropriate craft or whether attrition should be allowed to occur before any change in the assignment is made.

After the Seminar sessions were completed, discussions were held at Headquarters between Director of Contract Administration Joseph N. Amma Jr. and USPS Director William J. Downes regarding this issue. They focused as well on Grievance H4M-2U-C 7990, which was filed in Lynchburg, Virginia when management posted a position in the Hand Cancelling Operation for the clerk craft after February 16, 1979. The Division held the position that when job assignments were inappropriately posted after February 16, 1979 and challenge was made, the appropriate remedy was the immediate correction of the error rather than reliance on attrition to remove the inappropriate craft from the assignment.

The results of these discussions are clearly evidenced in the two documents attached hereto. The decision letter in H4M-2U-C 7990 requires management in Lynchburg, Virginia to transfer and post for bid in the Mail Handler craft the Hand Cancelling Operation position. This will correct USPS' improper actions in posting this particular duty assignment for the clerk craft after February 16, 1979.

Additionally, a letter was generated from USPS Headquarters to the General Manager for Labor Relations in the Eastern Region in response to the question raised at the

International Staff

International Trustee  
Louis D. Elesie

Director of  
Contract Administration  
Joseph N. Amma, Jr.

National Headquarters:  
One Thomas Circle, N.W.  
Suite 525,  
Washington, D.C. 20005  
(202) 833-9095

January 13, 1988

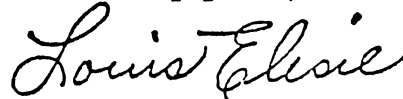
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contract seminar. That letter also reflects the position agreed to by the parties in the discussions at Headquarters. In pertinent part, the letter establishes the following principles:

1. An inappropriate craft employee who obtains an assignment "by a bid or otherwise, after February 16, 1979, is not entitled to that duty assignment based upon the attrition principle." Thus, the incorrect posting must be corrected without waiting for the inappropriate craft employee to leave the assignment by attrition. The actions taken in case 7990 are an example of this principle;
2. As a general rule, the parties have further agreed that leave replacement hours for any assignment encumbered by the inappropriate craft should come from the craft designated as "primary" in RI 399. For example, a clerk holds a non-scheme distribution position in Operation 100, obtained before February 16, 1979. While that clerk craft employee would continue to work the specific bid assignment until he/she attrits, replacement of that clerk during periods of leave should be from the Mail Handler craft.

It is my hope that the agreements reached between the parties as reflected in these documents will assist you in pursuing issues under RI 399. Please make appropriate use of the letter on "Interpretation of Regional Instruction 399," as it has been copied to all Regional Managers of Labor Relations. If you have any questions in this regard, please contact this office at your convenience.

Fraternally yours,



Louis D. Elesie  
International Trustee

LDE/JNA/amk:c:7904

cc: J.N. Amma Jr., Director, Contract Admin.

NCAC



UNITED STATES POSTAL SERVICE  
Labor Relations Department  
475 L'Enfant Plaza, SW  
Washington, DC 20260-4100

December 15, 1987

Mr. Louis D. Elesie  
International Trustee  
National Post Office Mail Handlers,  
Watchmen, Messengers and Group  
Leaders, AFL-CIO  
Suite 525  
1 Thomas Circle, N.W.  
Washington, DC 20005-5802

Re: Evans, et al.  
Lynchburg, VA 24506  
H4M-2U-C 7990

Dear Mr. Elesie:

Recently, Charles Dudek met with Joseph Amma in prearbitration discussion of the above referenced case.

The issue in this case is whether clerks are improperly holding bid assignments in the Hand Cancelling Operation positions posted after February 16, 1979.

During our discussion, we agreed to settle this case. As agreed, the position in the 010, Hand Cancelling Operation posted for bid after February 16, 1979, will be transferred to and posted in the Mail Handler Craft. This settlement applies to this job and this installation only.

Accordingly, this case is hereby remanded to Step 3 for implementation of this settlement.

Please sign and return the enclosed copy of this letter as your acknowledgment of agreement to settle this case and to remove it from the pending national arbitration listing.

Sincerely,

Stephen W. Furgeson  
Acting General Manager  
Grievance & Arbitration  
Division

Louis D. Elesie  
International Trustee  
National Post Office Mail  
Handlers, Watchmen, Messengers  
and Group Leaders, AFL-CIO

Enclosure

# UNITED STATES POSTAL SERVICE

Washington, DC 20260

DATE: October 22, 1987  
OUR REF: LR420:FXJacquette:kh:20260-4127  
SUBJECT: Interpretation of Regional Instruction 399

TO: Mr. William A. Donnelly  
General Manager  
Labor Relations Division  
Eastern Region  
Post Office Box 8601  
U.S. Postal Service  
Philadelphia, PA 19197-0220

This is in response to your September 23 memorandum concerning the interpretation of Regional Instruction 399.

The attrition principles of RI 399 only apply to employees who held duty assignments prior to February 16, 1979. If management erroneously filled an assignment after that date, then management must take appropriate action to ensure that the assignment is filled by an employee from the correct craft.

The fact that local management has not taken any action to correct these assignments until recently, does not change the February 16, 1979 effective date nor does it extend the eligibility for attrition principles beyond that date. An employee from the wrong craft placed in a duty assignment by bid or otherwise, after February 16, 1979, is not entitled to that duty assignment based upon the attrition principal. For example, if on June 27, 1985 the employer posted (10) duty assignments in operation 075 item 4 " Manual distribution of flat mail" to the mail handler craft (assume mail handlers were doing this work prior to February 16, 1979) and filled these assignments with mail handlers and the clerk craft grieved the assignments, we could not use the attrition principle to deny clerk craft employees those assignments. We made a mistake in posting these assignments to the mailhandler craft and should remedy the mistake.

This same principle applies if clerk craft employees are erroneously placed in duty assignments appropriate for the Mail Handler craft.

With regard to the question of leave replacement hours, it is our position generally, that employees from the craft designated as the primary craft should be used.

Mr. Donnelly

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If you have any questions regarding the foregoing, please contact me at your convenience.

A handwritten signature in cursive script, appearing to read "William J. Downes". The signature is written in dark ink and is positioned above the typed name.

William J. Downes, Director  
Office of Contract Administration  
Labor Relations Department

cc: Regional Managers, Labor Relations