



Laborers' International Union
of North America, AFL-CIO

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

REGIONAL INSTRUCTIONS 399

IMPLEMENTATION MANUAL

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Part I - Introduction

"The enclosed "Mail Processing Work Assignment Guidelines," provide primary craft designations relative to the performance of specific mail processing work functions. Compliance with the principles contained therein is mandatory and applicable to the assignment of all categories of employees in the regular work force. These assignment guidelines are to be implemented at all postal installations which perform mail processing, in accordance with the implementation criteria outlined below and consistent with the terms of the 1978 National Agreement."

The "Introduction" section specifies that all USPS installations that perform mail processing functions are strictly governed by these provisions, insofar as the provisions do not conflict with the terms of the National Agreement. Consequently, coverage is provided to all installations, including stations and branches, at which Mail Handlers currently work or at which Mail Handlers' duties, as listed in the document, are performed.

Additionally, the provisions of RI 399 apply to all regular work force categories: full-time regulars; part-time regulars; part-time flexibles. Each employee in these categories must be assigned according to the provisions of the National Agreement and the guidelines of Part II: Implementation Criteria. (Note: casual employee usage is excluded from coverage under the provisions of RI 399.)

Part II - Implementation Criteria

A. Efficient and Effective Operation

"All actions taken relative to implementation of these guidelines must be consistent with an efficient and effective operation. Consistent with this obligation, no postal installation shall declare employees excess, increase the number of employees and/or increase work hours solely as a result of this instruction."

The provisions of this first part of the Implementation Criteria for RI 399 set strict limits on the action management can take in the implementation of the instructions. The general language stipulates that any action taken must be "consistent with an efficient and effective operation." Management has occasionally used this language to avoid taking any corrective action whatsoever.

This section clearly stipulates those things that management cannot do in implementing RI 399. Management is not permitted to declare employees excess in order to comply with these provisions. This ties in with the concept of attrition which will be further discussed below. In operations where clerks are presently performing duties assigned by RI 399 to the Mail Handler craft, this provision will prevent us from obtaining "a quick fix" of the problem. Needless to say, however, the protection listed here applies in reverse and will prevent management from excessing any Mail Handlers who are performing duties which RI 399 assigns to the clerk craft.

Management is further prohibited from increasing the employee complement and/or work hours solely due to RI 399. Again, this ties in with the attrition concept, in that management is not required to hire additional employees to perform work assigned to the gain-

Part II. A. (continued)

ing craft until such time as the employees improperly assigned are removed from the jobs through attrition. Thus, there is no requirement that management create work for clerk craft employees, or place them on stand-by, in order to assign Mail Handlers to duties which the clerks are performing, even though those duties are Mail Handler primary craft functions.

Note that in both circumstances described above the language clearly states the action will not be taken "solely as a result of this instruction." Therefore, if you can show that the need exists for additional Mail Handlers to perform duties assigned to the craft, management cannot use this provision to deny the necessity for such hiring. Extended periods of overtime in Mail Handler assignments will support such contentions that hiring is necessary. Documentation of the extended overtime usage, for a period of at least several months, should be included in any grievance filed on this issue. Such documentation must include the number of hours of overtime worked per pay period, the number of Mail Handlers involved, the days or hours (if recurrent) when the overtime is worked and the operations in which the overtime is used. Arguments in this direction should be made in conjunction with the provisions of Article 8, Section 8.4D.

Part II - Implementation Criteria

B. Four (4) Hours Criteria

"If there are four (4) or more hours of continuous work consisting of one or more work functions in one or more operations designated to the same primary craft, the performance of the work should be assigned to an employee of that primary craft."

The provisions contained in this part of the Implementation Criteria are the ones most misunderstood by both Union and management representatives in the field. The language of this section dealing with the requirement of "four (4) or more hours of continuous work" applies to those installations where no Mail Handlers are currently employed. Thus, to obtain the hiring of a Mail Handler at an installation where none currently works, the Union must demonstrate that four or more hours of continuous work are present. This evidence triggers the requirement that management provide a Mail Handler to perform the work in that installation. Note that if a clerk holds a bid assignment on that work, management must assign that work to a Mail Handler whenever attrition occurs. If the work is being performed by a clerk who does not hold a bid on the work involved (e.g., a PTF), management must assign that work to a Mail Handler based upon the showing of the four hours of work. These provisions apply only where no Mail Handlers are currently employed.

The four hour criteria is also used to require management to assign work to a specific employee - where four hours or more of continuous work can be identified, the Union should hold the position that this work be assigned to one specific Mail Handler. This position is useful in arguing for the hiring of a PTF Mail Handler.

Part II. B. (continued)

Additionally, while the work described to this point must be continuous, that work does not all have to be performed by the same clerk. For example, Clerk Jones is used in one operation from 0500 through 0700; Clerk Smith is used in another operation from 0700 through 0900. Even though two separate clerks have been used in two separate operations, the hours of work clearly have been continuous and the arguments outlined above clearly apply.

Finally, please note that the hours the clerks are used must be continuous, rather than concurrent, for this provision to be triggered: the usage of one clerk from 0500 to 0700 and of another clerk from 0700 to 0900 provides a solid argument for the establishment of a new Mail Handler assignment, either immediately or, if the clerks have bid assignments on the work, as attrition occurs. However, the use of two clerks on the work, with each of them performing the duties from 0500 to 0700, constitutes concurrent usage and does not meet the requirements for assignment of a Mail Handler to such an installation.

With the exception of those installations where no Mail Handlers are currently employed, the Union and management at the National level agree that continual use of clerks in Mail Handler assignments for periods of less than four hours is a clear violation of RI 399. "Continual use" can be defined in more than one way. The assignment of a clerk to Mail Handler duties for any period on a daily basis constitutes continual use. Also, repetitive assignment of a clerk to Mail Handler duties on the same day every week constitutes continual use. The same specific clerk does not have to be used every night or the same day every week - the use of any member(s) of the clerk craft under these conditions constitutes a violation.

Part II. B. (continued)

Some discussion is necessary regarding the filing of grievances on these issues. In the situations described above, it will be necessary for you to provide complete documentation. A statement that Clerk Jones was used for a certain period and Clerk Smith was used for a certain period will not be enough. While your grievance should make such a statement, your contention must be supported by attaching copies of assignment sheets or other documentation indicating the name of clerk used, the operation involved and the length of time involved. Such proof, contained in management's official documents, clearly gives more weight to the Union's argument. While different postal installations use different formats to keep a record of who is assigned to each operation, PSDS offices using Forms 76 and 81 as an example, most installations have a type of document which clearly indicates the information described above. You should determine the type of documentation used in your installation, familiarize yourself with it, and make a habit of including this document whenever you file a grievance on this particular issue.

More specifically, the following information is needed for all grievances citing violations of this provision of the implementation criteria:

1. A full description of the type of work involved and an indication of where the duties fall under RI 399;
2. The names of the clerks who were performing the duties in question;
3. The time periods, with specific starting and ending times, during which the duties were improperly performed by clerks;
4. Copies of management's assignment sheets as documentation of your contentions. Again, Postal Sources Data Systems

Part II. B. (continued)

(PSDS) offices generally record such assignment information on forms 76 and 81. Other offices use different types of recording forms to track the use of employees on operations, but these are also available to you under Article 31 of the National Agreement. If no official assignment documents are available, and you are required to rely on visual observation, you must obtain signed witness statements attesting to those observations. See the sample below.

"EXHIBIT A"

#399 VISUAL OBSERVATION/STUDY CARD

Name of Employee _____
Date _____
Time Started in Unit _____
Time Ended in Unit _____
Total Time in Unit _____
Unit Operation Number _____
Work Function _____

Work Function Item Number _____
Primary Craft _____

"EXAMPLE"

#399 VISUAL OBSERVATION/STUDY CARD

Name of Employee C. M. West
Date September 5, 1979
Time Started in Unit 13:00
Time Ended in Unit 17:15
Total Time in Unit 4hrs 15mins
Unit Operation Number 010
Unit Work Function hand cancel, cancel with Model
G or other device

Work Function Item Number 8
Primary Craft Mail Handler

Part II. B. (continued)

5. Copies of bid assignments for the clerks named in the grievance, if applicable. (This requirement will be fully explained in "D. Changes in Duty Assignments.")

Each of the five requirements listed above, in addition to all those normally required in the completion of a grievance, must be fulfilled for a successful result.

Part II - Implementation Criteria

C. Distribution Activities

"Where the functions of obtaining empty equipment, obtaining unprocessed mail, loading ledges and sweeping are an integral part of the distribution function and cannot be efficiently separated, the entire operation will be assigned to the primary craft performing the distribution activity."

Provisions contained in this portion of the Implementation Criteria deal with those functions that are referred as "integral duties," "ancillary duties," and/or "allied duties" in terms of their relation to the distribution function. (For purposes of this discussion, the term "allied duties" shall apply.) The language stipulates that such functions will be assigned to the primary craft performing the distribution when they are part of the distribution function and "cannot be efficiently separated." This is another area which is commonly misunderstood.

The fine tuning of RI 399 comes into play in this area of the Implementation Criteria. While the efforts required of the Union to substantiate its contentions are more complex in this area, considerable gains can be realized by pursuing the allied duties. These duties are defined by an asterisk (*) in the designations in RI 399 for Post Offices; they also apply in the portion that relates to Bulk Mail Centers and are identified in the introduction to that section.

The operative words for our purpose in this section are "cannot be efficiently separated." By use of the terms "efficiently separated," RI 399 specifies that the separation of the allied duties must be achieved without significant additional cost to management. We must be diligent in assuring that management makes the effort to separate the allied duties. If management contends that they can-

Part II. C. (continued)

not be efficiently separated, we should request that an explanation of management's inability to separate them is provided; a simple statement that the separation of the duties is not possible will not be sufficient.

In our investigation and presentation of a grievance on this issue it is necessary for the Union to develop an argument as to how the duties can, in fact, be efficiently separated. You will need, therefore, to provide witness statements and/or management's assignment sheets to show that clerks are performing allied duties on a continuous basis. For example, if fifteen clerks are working in the Combined Primary operation and one or a combination of them is continuously sweeping the cases, an argument can be made that a Mail Handler can efficiently do that function and allow the clerk(s) to be used in the distribution functions. If, on the other hand, a clerk is used to sweep for ten minutes every hour, and if no other sweeping is done in the interim and no other allied duties are available, our position becomes much more difficult to sustain. Note also that management's assignment sheets will probably not reflect the fact that clerks are rotating the sweeping function for a limited amount of time per person. You most likely will have to rely on visual observation for proof.

Please note that you can combine a series of allied functions in making your arguments, if you can show that the combination of duties is being performed continuously. Thus, using our Combined Primary (Operation 030) example above, if one clerk is sweeping from 1530 to 1545 (Function 6), another is obtaining mail from staging areas from 1545 to 1600 (Function 2), and a third is transporting containers from 1600 to 1630 (Function 8), the Union can identify one hour of continuous work in the allied duties. Be

Part II. C. (continued)

careful to fully describe the duties being performed, the times during which they are being performed and the names of the clerks performing them.

This brings to the fore another important issue, which management often attempts to misinterpret to its advantage. The four hour criteria as explained in Part II B earlier in this Manual applies in the consideration of the allied duties just as it does for consideration of the primary duties: i.e., the continuous or repetitive use of a clerk on one or more of the allied duties is a violation; the requirement for four continuous hours of work applies in installations where Mail handlers are not currently employed.

Finally, please note that the footnote on page 120 of the National Agreement, which defines the asterisk, omits part of the language which is contained in Implementation Criteria II C. The part omitted is that which deals with the efficient separation concept. A reading of the footnote on page 120 would indicate that allied duties are always to be performed by the clerk assigned to the distribution function. That is certainly not the case. You should relate in your arguments on this issue to Part II C of the Implementation Criteria, rather than to the language on page 120.

Part II - Implementation Criteria

D. Changes in Duty Assignments

"No employee's current duty assignment will be modified by removing functions designated to another primary craft until and unless such duty assignment becomes vacant through attrition. In addition, management may continue to revert or abolish positions no longer needed."

This section of the Implementation Criteria deals with the concept of attrition and limits management's rights to change an employee's current duty assignment to comply with RI 399. The language in this section was devised to assure that an orderly transition would occur under RI 399. It was also devised to provide protection to employees who have been working assignments in which some or all of the functions have been assigned to a different primary craft.

The language clearly states that the employee's current duties cannot be altered by "removing functions designated to another primary craft" except through attrition. This protection applies both to the clerk performing Mail Handler primary craft functions and to the Mail Handler performing clerk primary craft functions. Attrition can only take place when an employee permanently vacates an assignment under the following conditions:

- a. Successful bid or application to another assignment;
- b. Transfer to another craft or non-bargaining unit;
- c. Reassignment to another craft or installation;
- d. Removal;
- e. Retirement; or
- f. Death

It is only when these conditions are met that management can revert the previous assignment and repost the duties in the primary craft

Management has in some instances misused the last sentence in II D

Part II. D, (continued)

which stipulates that management can "continue to revert or abolish positions no longer needed." Management has abolished the position held by a Mail Handler and reposted it the following month for the clerk craft. This is clearly not attrition and any such action on management's part must be immediately challenged in the grievance procedure. Copies of the bid assignment abolished and then reposted, as well as a description of duties performed in both instances, should be included in the grievance.

Some discussion is needed regarding clerks holding bid assignments that include Mail Handler work. When a clerk holds a bid assignment that includes Mail Handler duties, that clerk is protected on those duties until such time as attrition occurs. When the clerk attrites from that duty assignment, under the conditions listed above, the Mail Handler work the clerk was performing must be separated and assigned to a member of the Mail Handler craft. Therefore, it is imperative that you keep careful track of bid postings for the clerk craft as clerk bid assignments containing Mail Handlers duties become vacant. If management reposts the assignments without separating the Mail Handlers work, a grievance must be filed.

It is also important that you become familiar with the bid assignments of clerks who are performing work on Mail Handler assignments. If those clerks have bid assignments including the subject duties, they can be removed only through attrition. Several examples are relevant:

1. If you are in an office where the entire installation is considered a section for bidding purposes and clerks hold such bids, and past practice has included the use of clerks on Mail Handler assignments within that bid,

Part II. D. (continued)

clerks do not have bid assignments on Mail Handler work, either by tour, by section or by specific assignment. In these situations, the attrition provisions do not restrict the Union's ability to seek immediate corrective action. Management is required by RI 399 to assign the work in question to Mail Handlers without consideration of attrition. For example, if a clerk holding a bid assignment in Operation 001 is working in Operation 010, the Union should request that the clerk, who has no protection in the 010 work, be removed and that the work be assigned to a Mail Handler. The earlier instructions requiring a copy of the clerk bid being attached to the grievance come into play here - the bid becomes proof of the Union's contention that the clerk has no right to assignment to those duties. In these types of situations, grievances should be filed to require immediate compliance.

A few words about grievances on this issue are appropriate here. The suggestions for grievance documentation outlined in Part II B apply. Be cautious to assure that your corrective action on the grievances addresses the proper issues:

- a. Do not request the hiring of Mail Handlers, as this is a management rights issue and could cause the grievance to be denied.
- b. Request that the work in question be properly assigned to members of the Mail Handler craft in accordance with Article 7 of the National Agreement and RI 399.
- c. Request that members of the Mail Handler craft be compensated for work improperly performed by clerks. To do so, you must include Article 8 of the National Agreement as one of the cited violations. This provides access to a payment penalty for improper assignment of duties, as referenced in both the Bloch and Mittenthal arbitration

Part II. D. (continued)

decisions. You must include Article 8 in order to obtain payment. Remember that financial penalties will cause management to take the necessary staffing action more quickly than when no financial penalty is requested.

This section will conclude with a discussion of several issues that have been raised by representatives in the field:

1. The attrition provisions apply to job assignments that were in effect prior to February 16, 1979, the date on which RI 399 was issued. If management creates a clerk assignment which includes Mail Handler duties under RI 399 after that date, immediate correction, without regard to attrition, is the proper management action. Management cannot rely on attrition in these circumstances.
2. If a clerk holds a bid assignment including Mail Handler duties, obtained prior to February 16, 1979, and that clerk is on extended leave - vacation, illness, injury on duty, detail, etc. - management does not have the right to replace that clerk with another clerk, unless that clerk has the same type of bid as the clerk on extended leave. Otherwise, replacement must come from the Mail Handler craft.
3. If a clerk, as in #2 immediately above, is off duty for his/her non-scheduled days, management has the right to replace the clerk with another clerk.
4. If a Mail Handler holds a job that includes a full eight hours of clerk work, as for example on the 185 distribution belt, and that job assignment is removed to another installation, that Mail Handler has the right to go with the work. However, this applies only to bids with the full eight hours of work. If the Mail Handler spends

Part II. D. (continued)

part of his/her time performing Mail Handler duties,
the above does not apply.

Part II - Implementation Criteria

E. Assignment of New and/or Additional Work

"Assignment of new or additional work, not previously existing in the installation, shall be made in accordance with the primary craft designations contained in this instruction."

This provision requires management to assign all new and/or additional work which has not previously been available within an installation to the primary craft designated under RI 399. Assignment of this work is not limited by the restrictions we have already discussed in II A and II D above.

Consequently, the major issue arising in dispute on this item deals with the proper craft designation as outlined in the instructions. It is necessary that you familiarize yourselves with the primary craft designations for Post Offices which appear between pages 118 and 134 of the National Agreement and for Bulk Mail Centers which appear between pages 134 and 136. Disputes in this area will be decided in accordance with the primary craft designations on those pages.

If management posts a bid assignment for the clerk craft that includes duties assigned to the Mail Handler craft, the Union must immediately challenge such posting in the grievance procedure. A copy of the posting must be included with the grievance, along with a full discussion of the duties listed in the posting that are in dispute and their designation under RI 399. In addition to the filing of a grievance, the Union should contact its Regional Office with notification of the posting.

Finally, these provisions apply also to the augmentation of a work assignment with additional employees. The non-machineable outsides

Part II. E. (continued)

(NMO) operation in the Bulk Mail Centers provides an example. If the NMO operation is currently staffed with clerks, as attrition has not taken place, and additional employees are needed, on a temporary or permanent basis, those employees must be Mail Handler craft employees. This applies even if all current employees in the assignment are clerks.

Part III - Implementation Procedures

The Implementation Procedures as outlined in Subsections A-D are particularly relevant to the initial review of work assignments that was necessitated by the issuance of RI 399 on February 16, 1979. These provisions outline the responsibility of Sectional Centers managers for the initial reporting period. Please review them for historical purposes.

Part E, Reporting Requirements, deals with management's ongoing responsibility to assure compliance or to take action toward obtaining compliance with the RI 399 provisions. This section requires that the reviews be conducted semi-annually, with the first review completed no later than September 1, 1979. To comply with the review requirements, each Management Sectional Center (MSC) must report to a designated Regional Coordinator on the progress the MSC has made toward full compliance.

For the purposes of our involvement in this procedure, the following sequential steps are to occur on a semi-annual basis as above:

1. The MSC surveys each installation within its jurisdiction and reports to the USPS Regional Coordinator;
2. If the USPS Regional Coordinator agrees with the reports, he/she submits them to the appropriate Mail Handlers Union Regional Director;
3. The Mail Handlers Union Regional Director submits the reports to the appropriate Local General President for installations within his/her jurisdiction;
4. If the Local General President agrees that the reports are accurate, they are returned to the Mail Handlers Union Regional Director, who indicates the Union's concurrence so that implementation can begin;
5. If the Local General President does not agree that the

Part III (continued)

reports are accurate, he/she orders a Union survey to be made and reports the results of the survey to the Mail Handlers Union Regional Director. The Mail Handlers Union Regional Director provides the information to the USPS Regional Coordinator:

- a. If the USPS Regional Coordinator agrees, a joint survey of the installation in dispute is conducted;
- b. If the USPS Regional Coordinator does not agree, the dispute is submitted to the USPS National Coordinator for a decision.

In order for this review procedure to be effective, it is necessary that all parties comply with their respective responsibilities and adhere to the time frames discussed above.



Addendum

UNITED STATES POSTAL SERVICE
475 L'Enfant Plaza, SW
Washington, DC 20388

February 28, 1984

RECEIVED
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N.P.O.M.H. UNION

Mr. Lonnie L. Johnson
National Director
National Post Office Mail Handlers,
Watchmen, Messengers and Group
Leaders, APL-CIO
1225 19th Street, N.W.
Washington, D.C. 20036-2411

Dear Mr. Johnson:

This is in reference to the Mail Processing Work
Assignment Guidelines (R.I. 399) issued February 16, 1979.

The following revisions are to be incorporated into this
document:

1. In Operations 110-129 the words "opening and traying"
will be added to the operation description. This
description change accurately reflects the work
currently being performed.
2. Item 3 in Operations 110-129 will be revised as
follows:

*Dumping sacks, pouches, or containers. Cull/
segregate mail by type/characteristics and make
basic local/out-of-town splits to trays, hampers,
gurneys, conveyors, nutting trucks, or other
containers.

This change reflects that, in operations where culling
is not an integral part of the distribution function,
the primary craft for assignment of this work is mail
handler.

3. Operations 140-149 will be added to reflect
Multi-Position Flat Sorting Machine distribution. The
primary craft for the machine distribution of all
classes of flats will be identified as clerk.

Mr. Lonnie L. Johnson

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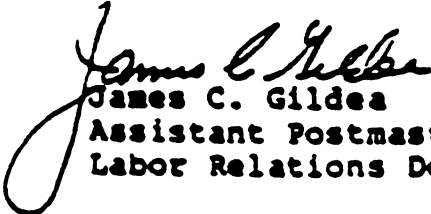
4. Item 3 in Operations 180-189 will be revised as follows:

*Dumping sacks, pouches, or containers. Cull/ segregate mail by type/characteristics and make basic local/out-of-town splits to trays, hampers, gurneys, conveyors, nutting trucks, or other containers.

This represents the same type of change as identified above in Operations 110-129.

If you have any questions regarding the foregoing material, please contact John Mularski of my staff at 245-4729.

Sincerely,



James C. Gildea

James C. Gildea
Assistant Postmaster General
Labor Relations Department