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WHAT HAPPENED TO THAT JOB?

Presented by Clerk Craft NBA:



Lynn Pallas-Barber

Reversion vs. Abolishment

- Abolishment- A management decision to reduce the number of occupied duty assignments in an established section an/or installation.

-Article 37, Section 1.F

Reversion vs. Abolishment

- Reversion- A management decision to reduce the number of duty assignments in an installation when such duty assignment(s) is/are vacant.

-Article 37, Section 1.G

Reversion

- When a vacant duty assignment is under consideration reversion:
 1. The local Union President must be given an opportunity for input prior to the decision;
 2. The decision to revert or not to revert the duty assignment must be made not later than 28 days after it becomes vacant;
 3. If the vacant duty assignment is reverted, a notice must be posted advising of the action taken and the reasons for doing so.

-Article 37, Section 3.A.2 and Article 37 Q & A #66

LMOU for MAL Offices

- #12 Seniority, Reassignments and Posting
(Item #22 of Article 30)

When it is necessary to change, abolish and/or revert a duty assignment, the installation head/designee shall notify the APWU Regional Coordinator/designee, in writing of this determination.

When does the 28 day period begin?

The 28 days begins when the duty assignment becomes vacant. A duty assignment is vacant on the effective date that a bid holder moves to a new duty assignment, quits, retires, etc.

-Article 37.3.A.2, Q&A #67

Reversion

- Where management exceeds the 28 day time period for reverting a duty assignment the duty assignment must normally be posted for bid.

-Article 37, Section 3.A.2 and Article 37 Q & A #68

Reversion



- Prior input by the local President before the decision to revert means just that.
- Except in a MAL office the Regional Coordinator has the opportunity for input

Abolishment

- There are no procedural requirements which must be done for abolishments, unlike those for reversions (so be prepared to start digging for facts to prove the case).



Abolishment



- Arbitration awards make it fairly clear that management does not have an unfettered right to mismanage where those decisions negatively impact the lives of our members.

Abolishment

- Arbitrators have found that management's attempt for more flexibility is not enough to overcome a FTR's right to not be displaced from a duty assignment.



Abolishment



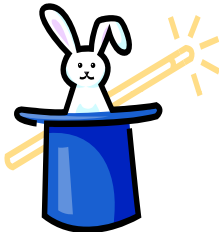
- The burden will be upon you to prove that the eight-hour block of work still exists (and who is performing the work).
- That can now vary with the NTFT bid duty assignments – 30 to 48 hours.

Prove it!

- We can't just guess if the work is now being done we need to prove it with documentation.



Documentation



- We will need to show either one person assumed the vacated duty assignment (usually a PTF, PSE or a light/limited duty employee).
- This would show the abolishment or reversion is in name only and not an actual need.

Documentation

- We may actually need to make an Article 7.3.B "maximization" argument as well so be prepared to document the PTF use to show the eight hour block exists.
- Level 20 and below offices



Documentation

- Need to prepare work schedule graphs showing all hours worked in clerk craft by PTFs (includes HUB or “loaner”), cross craft, PSE, and EAS employees.
- These graphs should go back at least 13 pay periods.

Winning that maximization

- Here are three ways in which maximization grievances can be won:
 1. One PTF worked an eight hour shift consistently during the audit period
 2. Two employees hours can be combined to create one eight hour assignment.
 3. Combine the hours of many employees to create one eight hour assignment.

Note: NTFT assignments can be less than 8 hours.

Remedy for Maximization

1. Create, post and fill appropriate FTR and/or NTFT assignments.
2. Convert appropriate senior PTFs to FTR and/or NTFT assignments
3. Compensate affected PTFs for denied conversion, including all lost hours, out of schedule, etc.
4. Cease and desist from further violations of Article 7.3.B of the CBA.

Abolishment & Article 12

- Since an abolishment is a reduction of duty assignments there are now more employees than duty assignments and a reassignment should occur.
- Because of this Article 12 is usually involved in an abolishment situation (regardless if it is sectional or installation).

Lets confuse things even more

- Reposting occurs because of a management decision to change a portion of a duty assignment.
- A reposting does not reduce the number of employees or the number of duty assignments so do not confuse it with either abolishment or reversion.

Reposting

- Changes that cause reposting:
 1. Off days -must be reposted
 2. Change to NTFT from traditional FTR bid assignment -must be reposted
 3. Position Description -must be reposted
 4. Duties of assignment -subject to LMOU
 5. Scheme knowledge -subject to LMOU
 6. PAA -subject to LMOU
 7. Starting Time -subject to LMOU(1 hour or less, no repost, changes within life of contract contained in CBA, Incumbent option to accept would be in LMOU)

Reposting

- When duty assignments are reposted:
 1. Level 6, 7 & 8 assignments are limited to employees within the same and higher levels and status.
 2. Level 5 duty assignments are limited to those in that salary level and status.
 3. Subsequent postings which result from a reposted duty assignment are limited to employees within the above salary levels until a residual vacancy is identified.

-Article 37, Section 3.A.4.d

Reposting

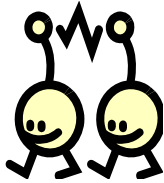
- Residual vacancies which result from repostings are filled by:
 1. Assigning unencumbered employees in the same salary level. FTR employees can only be assigned to NTFT duty assignments of 40-44 hours a week, with 2 N/S days and no schedule less than 6 hours or more than 10.
 2. Post to FTR employees in all levels who are eligible to bid.
 3. If no bidders, assign unencumbered lower level employees. Same as above for NTFTs.

-Article 37, Section 3.A.4.d

Reposting

- Multi-craft positions are not reposted due to changes in hours, off days or duties
- Multi-craft positions are positions from which a duty assignment is posted for bid to employees from more than one craft and is awarded based on seniority.
(example VOMA)

Reposting



- If there are two or more identical (hours, off days and duties) assignments within a section, the duty assignment of the junior incumbent of such assignment is reposted.

Some Arbitration Cites

- H06C-4H-C 10110743 – Arb. Joseph Cannavo – 4/25/11
- F94C-4F-C 97109598 – Arb. Morris E. Davis – 2/14/05
- J94C-4J-C 99113712 – Arb. Lamont Stallworth – 1/28/03
- J90C-1J-C 94056266 – Arb. Barry E. Simon – 2/5/02
- G98C-4G-C 00232538 – Arb. Glenda M. August – 10/12/01
- H98C-1H-C 99297583/584 – Arb. Robert B. Hoffman – 11/17/00
- I94C-1I-C97113976 /97070KC – Arb. Robert McAllister – 1130/98

Happy Trails