

IN ARBITRATION

AMERICAN POSTAL WORKERS UNION

and

UNITED STATES POSTAL SERVICE

and

NATIONAL POST OFFICE MAIL HANDLERS
DIVISION OF THE LABORERS' INTER-
NATIONAL UNION OF AMERICA

Case No. AD-NA-1311

BRIEF ON BEHALF OF AMERICAN

POSTAL WORKERS UNION

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I. THE NATURE OF THE CASE

The United States Postal Service and each of the three unions which entered into the 1978 National Agreement also entered into a Memorandum of Understanding concerning jurisdiction. The Memorandum recognized that there were existing disputes among the parties relating to the crafts to which various duties performed by employees represented by the Unions have been assigned.

In order to resolve such disputes a Committee on Jurisdiction was established to identify and resolve the then current and any future jurisdictional disputes. Each union was given the right to submit to the Committee a description of the scope of the duties it believes are properly assignable to the employees it represents.

Where a dispute exists over such craft jurisdiction the disputing unions only and the Postal Service will meet to discuss the disputes and to try to resolve them considering, among other relevant factors, six specifically enumerated criteria.

Modification of craft jurisdiction on the national level could be changed by the employer only upon agreement of those members of the Committee participating in the resolution of the dispute and such determinations are binding on all parties to the Memorandum.

Where a dispute is not resolved, procedures are provided whereby after discussion any union claiming jurisdiction can request that the dispute be arbitrated under the provisions of Article XV of the National Agreement. All parties may participate in the arbitration and the arbitrator's award is final and binding.

The Memorandum does not, however, apply to craft assignments of new positions, a matter that is separately covered under Article I, Sec. 5.

Despite the clear language of the Memorandum of Understanding that modification of craft jurisdiction could only be changed by the employer upon agreement of those members of the Jurisdiction Committee concerned with a particular dispute, the Mailhandlers and the Postal Service entered into a separate bilateral agreement providing that within 60 days after July 21, 1980, the employer would issue for prompt national implementation a detailed statement setting forth those work assignments which the employer contended were within the exclusive jurisdiction of the mailhandler craft, with any disputes that might arise over its issuance to be resolved under the Memorandum of Understanding.

On or about November 15, 1978, USPS proceeded to implement this agreement by publishing two documents known as "Post - Office - Primary Craft Designations" and "Implementation Criteria", (APWU Exh. 4) which purported to modify craft jurisdiction as between the clerk craft and the mailhandler craft.

APWU objected to certain of the modifications and notified USPS by letter, dated January 9, 1979, that such issuance was in violation of the Memorandum of Understanding. APWU also notified USPS that the documents created a dispute with regard to the assignment of work which was required to be considered by the Jurisdiction Committee.

Thereafter there were several meetings of the Jurisdiction Committee over the matter. While the Committee was meeting and at a time when disputes still existed, the Postal Service, on February 16, 1979 formally issued and began implementing Regional Instruction 399 "Mail Processing Work Assignment Guidelines." (APWU Exh. 8)

The Committee continued to meet and several Revisions to Regional Instruction 399 were agreed to issued and implemented.

APWU thereupon submitted to arbitration all outstanding disputed duty assignments under R.I. 399 pursuant to the Memorandum of Understanding.

Hearings commenced before Arbitrator Howard G. Gamser on October 25, 1979, and continued on fifteen days, concluding February 6, 1981.

At the commencement of the hearing the Postal Service and the Mailhandlers asserted that there was no arbitrable dispute because APWU had failed to comply with prearbitration steps required by the Memorandum of Understanding and Article XV of the National Agreement. They also alleged either that they did not know what it was APWU wanted to arbitrate or that they were confused as to what it was that APWU wanted to arbitrate.

APWU asserted that it had complied with all pre-arbitral steps and had made very clear that the questions for arbitration were (1) the legality of the promulgation of Regional Instruction

399 by the Postal Service under the Memorandum of Understanding and the rest of the National Agreement, and (2) the merits of the disputed duty assignments in the Regional Instruction in light of the specific criteria set forth in the Memorandum and other relevant criteria.

These preliminary disputes were resolved by stipulations which appear in the record at p. 155-157. The stipulations included the following points.

(1) For the purpose of this arbitration the United States Postal Service and the Mail Handlers withdraw any challenge to the arbitrability of matters placed in dispute by American Postal Workers Union.

(2) For the purposes of this arbitration APWU will not challenge the legality of the issuance of Regional Instruction 399 and the state of facts which ensued from the implementation of the instructions in R.I. 399. However, APWU retained the right to challenge in any subsequent proceeding the issuance of another memorandum making assignments of work.

(3) The parties agreed that the matters in dispute will be arbitrated on the merits in this proceeding and those matters are the ones enumerated in numbered item two, subparagraphs 1 through 13 inclusive of the letter of September 28, 1979 from Emmet Andrews, General President of APWU, to James Gildea, Assistant Postmaster General for Labor Relations (APWU Exh. 21).

(4) USPS and Mail Handlers will not object to APWU seeking a remedy having retroactive application, but the question of whether such remedy is appropriate is a question for the arbitrator in this proceeding.

The disputed items as listed in APWU Exh. 21 are as follows:

- (1) Operation 010 - the award of any portion of this operation to the mail handler craft as the primary craft with the exception of letter cancellation on facer cancellers;
- (2) Operation 020 - the assignment of any portion of this operation to the mailhandler craft as the primary craft.
- (3) Operation 050/055 - the assignment of any work in the priority mail function to mailhandlers as the primary craft.
- (4) Operation 100 - the award of the distribution of outgoing parcel post without scheme knowledge to the mail handlers.
- (5) Operation 105 - The assignment of dispatching in Item No. 5 to the mailhandler craft. Also the award of inserting labels to the mail handlers craft.
- (6) Operation 109 - the readdressing of parcels and record keeping other than an actual count of parcels rewrapped as a primary function of the mail handler craft. APWU also challenges the insertion of the note at the bottom of the Operation 109 as it claims all distributive work.
- (7) Operation 168-169 - the assignment of mail handlers to the box section in any post office.
- (8) Operation 180/189 - the assignment of labeling of sacks.
- (9) Operation 200 - the assignment of labeling of sacks and the dispatching of pouches as a primary function of the mail handler craft.
- (10) Operation 210/239 - the assignment of the manual sorting of outside parcels as a primary function of the mail handler craft even though such a distribution is nonscheme.
- (11) The award of the loading of ledges and sweeping cases as a primary function of the mail handler craft wherever such an award is made throughout the several pages of Regional Instruction No. 399.
- (12) In the Bulk Mail Centers the award of the missent/malfunction chutes as a primary function of the mail handler craft.
- (13) The assignment of non-machineable outside parcel sortation to the mail handler craft as a primary function.

This brief is submitted in support of the position of APWU with regard to those disputed assignments.

II. FACTORS AND CRITERIA TO BE CONSIDERED
IN DECIDING DISPUTED DUTY ASSIGNMENTS

The basic facts about each disputed assignment will be considered below. It is first necessary to examine the factors and criteria that should be considered in making the kinds of decisions called for in this case.

The Memorandum of Understanding, itself, provides a starting point in this examination. It mandates that in resolving disputed assignments the Jurisdiction Committee "shall consider, among other relevant factors, the following: 1. existing work assignment practices; 2. manpower costs, 3. avoidance of duplication of effort and 'make work' assignments; 4. effective utilization of manpower, including the Postal Service's need to assign employees across craft lines on a temporary basis; 5. the integral nature of all duties which comprise a normal duty assignment; 6. the contractual and legal obligations and requirements of the parties."

The phrase "other relevant factors" is not elaborated, but well established labor law principles point the way toward such factors. Thus, for example, Congress showed its concern with work assignment disputes when it enacted Sec. 10(k) as part of the amended National Labor Relations Act. That section empowered the National Labor Relations Board to hear and determine such disputes when certain conditions prevailed. The Supreme Court gave the Board direction on how to approach such disputes in NLRB v. Radio and Television Broadcast Engineers Union (CBS), 364 U.S. 573 (1961), 47 LRRM 2332.

The Board has developed these criteria: (1) the skills and work involved; (2) certification by the Board; (3) company and industry practice; (4) agreements between unions and between employers and unions; (5) awards of arbitrators

and joint boards in the same or similar cases; (6) the assignment made by the employer; and (7) the efficient operation of the employer's business. Lodge 1943, Machinists and J. A. Jones Co., 135 NLRB 1402; 49 LRRM 1684 (1961).

Later the Board apparently relied on two additional factors - one, whether work being claimed by one union amounted to a substitution of a function for one previously performed by it and, two, whether the assignment of work to one group of employees would cause of loss of employment to the competing group. Typographical Union and Philadelphia Inquirer, 142 NLRB No. 1, 52 LRRM 1504 (1963). All of these criteria can be profitably examined and applied in this case.

There have been several previous arbitrations including all the present parties in which work assignments were at issue. It is useful to review the criteria relied on by the arbitrators in those cases; they too can be applied here. On June 15, 1970, Arbitrator Samuel H. Jaffee rendered an advisory arbitration concerning the correct craft assignment of several newly created positions including Optical Character Reader Operator (SP 2-528). The award is in evidence as APWU Exh. 40. Arbitrator Jaffee noted that Executive Order 10988 then in effect specified that bargaining units could be established in the federal establishment where there was a "community of interest among the employees concerned" (p.6). This, in turn, meant the sharing by employees of skills, working conditions, common supervision, physical location and function to such a degree that it makes sense for them to deal collectively with management through a single voice.

Arbitrator N. Thompson Powers applied the same "community of interest" standard in an advisory arbitration in 1971 which determined the craft assignment of three positions includ-

ing the level 4 and level 5 sack sorting machine positions and the level 5 Mail Handler Technician. He quoted Jaffee's view that

". . . it is not enough for the . . . [petitioning union] to show there is some (claimed) overlap between their traditional work and that entailed in the new jobs. The question, rather, is which bargaining unit comes closest." (Emphasis in original)

In 1974 the Postal Service assigned three disputed positions in Oakland, San Francisco and Seattle which had been occupied for a long period of time by clerks to the Mail Handlers. APWU grieved and USPS reversed itself, awarding the positions back to the Clerks. Eventually, Arbitrator Garrett upheld the award to the Clerks in a decision (APWU Exh. 48) which will be referred to later on. One of the events precipitating that case was the issuance of three letters by James K. Sullivan, Labor Relations Consultant for USPS, elucidating the factors the Postal Service said it took into consideration in making such determinations. (APWU Exhs. 49(a)(b)(c))

"In establishing the respective bargaining units represented by the parties to this dispute and in determining the craft to which new positions will be assigned, the U. S. Postal Service has considered certain general broad guidelines which were founded (to some degree) on the duties of the positions of KP-8 Mail Handlers and KP-12 Distribution Clerk. In addition, the Postal Service has considered community of interest, common supervision, skills and other guides customarily used in making such decisions in government and the private sector.

In general terms, the broad criteria followed by the Postal Service are that clerks (process) including distribution, all kinds of mail, letters, papers, parcel post, bulk, etc., whereas mail handlers batch, face, postmark mail, load, unload and move only bulk mail, and may perform duties incidental to the processing of other mail, and may make occasional simple distribution of parcel post not requiring scheme knowledge. Sacks of mail are considered bulk mail and may be processed by mail handlers. However, if a scheme is required, it is a cleri-

cal function. In every process, regardless of the category of mail, if a scheme is required, it is a clerical craft assignment. Pouches are distinguished from sacks and are processed and dispatched by clerks. After mail has been "processed," it is normally moved by mail handlers. (Emphasis supplied)

All of the foregoing criteria can and should be applied by the Arbitrator in deciding this case.

III. USPS ISSUED R.I. 399 WITHOUT CONSIDERATION OF RELEVANT CRITERIA.

The process by which USPS produced the first draft of a document which eventually became R.I. 399 was testified to by William H. Campbell, Jr., who, in early 1977, was General Manager of the Logistics Division in the Southern Region. According to the testimony of Postal Service witness William J. Downes, this effort was undertaken when both APWU and Mail Handlers urged the Postal Service in the Jurisdiction Committee meetings under the 1975 Memorandum of Understanding to take a position on jurisdiction (1143).

Early in 1977 a task force was put together consisting of Campbell, a man named Al Hines who was acting manager at the Worldway facility in Los Angeles, Obie Kipper, a tour superintendent in Minneapolis, and Mr. Barranca, of Headquarters (1143, 1223). None of them appear to have had labor relations experience. Hines had engineering and mail processing experience, Kipper was a long-time low level post office supervisory employee (1223-4) and Barranca was a staff person in the Procedures Division which dealt mainly with developing materials documenting mail distribution activities (1519).

On direct examination Mr. Campbell testified that the group was told by officials to come up with a position for the Postal Service on jurisdiction, that they were to consider the criteria contained in the Memorandum of Understanding and the "Garrett decisions" and to rely on their experience (1224-1225).

They consulted the P-1 handbook (position descriptions), the P-11 handbook giving physical qualifications, and the P-12, qualification standards, and looked at test questions for clerks and mail handlers.

In answer to an obvious leading question he dutifully agreed that they had considered the various criteria in the Memorandum (1226, lines 10-12) and in the next breath stated that what they ended up doing was not unit placement at all, but a job reclassification. That is, they broke all functions down into certain skill levels without any regard to craft whatsoever (1226-1227). They then ranked employees according to the highest skill they performed and somehow assigned each MODs operation to a primary and secondary craft in some relation to the skill level required to perform the work (1227-1229, 1231-1232).

He repeated frequently that the main criterion applied was efficiency of operation and flexibility of operation.

Again, in response to a leading question, he agreed that the document they produced was substantially similar to R.I. 399 (1233, lines 14-20).

On cross-examination quite a different picture emerged. Campbell testified that a first document was produced and rejected. The Postal Service did not produce that document, but APWU did (1345)(APWU Ex. 73) and Campbell acknowledged its authenticity. It was transmitted to Mr. Jellison, the Assistant Postmaster General handling the matter, and was rejected by him as not feasible. (1352) It is clear that this document was simply an attempt at job classification of existing clerk and mail handler positions on the basis of skill levels which are similar to, but not identical with, the wage levels already in existence. It had nothing to do with the

fundamental problem of jurisdiction. Nor did it provide for the main thing the Postal Service had decided in advance that it needed and wanted -- that is, non-scheme distribution of all kinds to be done at level 4 rather than at level 5. This was because responsibility for non-scheme distribution is not specifically assigned in any separate position description. It is necessarily included within KP-12, Distribution Clerk level 5, and has always been performed by clerks. The mail handlers claim has historically been based on the reference in KP-8 to "occasional" simple distribution of parcel post without scheme knowledge.

Thus, the task force recommended the creation of a level 4 clerk position which they proposed for the performance of all "general distribution" of a non-scheme nature, presumably including parcel post. Once again it is clear this had little to do with craft assignment in the task force's mind and everything to do with skill levels, wage levels, ranking of positions, and other matters of job classification.

Campbell confessed to a total ignorance of any knowledge of the difference between job classification and craft assignment (1355), the normal criteria used in craft assignment (1356) (although he earlier professed to know something about the criteria set forth in the Memorandum of Understanding), the ranking of standard positions to key positions, compensation theories and the like (1356-1360).

After the rejection of the first document they went back to work and produced another one. This is apparently the document that Campbell referred to in his direct testimony when he stated that the group finally decided to take the MODs operations, break them down into specific tasks and decide what skill level applied to each task (1227). The first docu-

ment that was rejected by Mr. Jellison (APWI Exh 73) did not do that; the final document which was accepted did.^{1/} (1354).

Campbell repeated throughout his testimony that the main factors stressed by higher management and considered by the task force were cost and "efficiency." In his mind "efficiency" and "flexibility" were closely connected (1360, 1962). Again the task force included a requirement that there be four hours work in a given duty assignment before it was made into a primary craft. Campbell testified that this, too, was one of the ways they sought to contain costs (1365, 1366). Campbell recognized that the objective of eliminating "featherbedding" in this manner had nothing at all to do with the proper craft assignment of job duties (1367).

It is clear that the BMC guidelines were put together with as little regard for relevant jurisdictional criteria as was the rest of R. I. 399. Mr. Jacobson testified that he turned the whole thing over to Truman Moore (who did not testify) (1498), and told him to consider "work practices, efficiency of the system [and] cost of doing business." Moore apparently handed back a document which said, with regard to non-machineable outsides, that where scheme is required, clerks do it; when scheme is not required, mail handlers do it. Since NMO's are never distributed by scheme at Bulk Mail Centers that distinction is meaningless (1510). Moreover, with regard to "work practices" the lumping of all NMO's as mail handler work totally ignored the reality that in many BMC's clerks were doing the distribution (see Smith and Petrin testimony p. infra) and that clerks had performed it extensively in post offices before the BMC's opened (1514-1516). In the end the Postal Service again relied on what it saw as "overall cost

1/ At 1349-1351 counsel for the Postal Service agreed to search the files and to produce the final document if he could find it. It was produced and given to counsel for APWU and Mail Handlers. The record does not appear to indicate that it was ever produced nor put into evidence. This was an oversight and APWU offers it at this late date in accordance with the discussion in the record at 1349-1351. It was extensively referred to on direct examination of Campbell.

effectiveness." (1507)

The Postal Service's approach -- that the only relevant factors are cost, efficiency, and flexibility -- reoccurs throughout the Postal Service's presentation. See, for example, the testimony of William Downes (1184, 1198, 1200) There is little evidence that the Postal Service considered factors such as traditional assignments, prior arbitration awards, its own previously stated standards of work assignment, community of interest, and the other criteria stated in the discussion above. It must be concluded that 399 was issued without adequate consideration of significant criteria and, therefore, the assignments disputed by APWU must be re-evaluated by the Arbitrator in terms of the appropriate criteria.

A large part of the Postal Service's presentation in this case is built upon the notion that it approached its jurisdictional problems in good faith and that those problems have been difficult. USPS points to the fact that discussions in the Jurisdictional Committee under the 1975 Agreement were long and fruitless; that they were caught in a crossfire between clerks and mail handlers; that the unions demanded USPS take a position and the Service responded; that discussions were held over the first document; that concessions were made to both unions; that the Mail Handlers made concessions; that still no agreement was reached; that there was extensive discussion about jurisdiction in the 1978 negotiations, including a jurisdiction sub-committee at which agreement still was not reached; that there was further discussion over R.I. 399 as first promulgated and further revisions were made.

All this may earn brownie points for the Postal Service, but does not alter the underlying fact that no showing appears that any serious consideration was given to factors

genuinely applicable to unit determination. For example, in the area of parcel post distribution, the basic decision to have this work done by mail handlers was made at the outset, on the basis of cost factors only and was never deviated from.

IV. SINGLE PIECE DISTRIBUTION OF ALL FORMS OF PARCEL POST WITH OR WITHOUT SCHEMES IS A CLERICAL FUNCTION.

A. Mail Distribution Assignments Made By R.I. 399

APWU's position has been simple, straightforward and consistent from the start. It is that the single piece distribution of mail of all classes, including parcel post, always has been, and is now, exclusively a clerk duty. The clerks' claim to such distribution has been reaffirmed by Congress, by arbitrators, and by the Postal Service itself. Despite some obvious inconsistencies and aberrations in application of the principle from time to time, there has never been any ambiguity about the basic principle. Regional Instruction 399 marked the first formal break with that principle.

APWU contends that if the evidence developed in the hearing is placed up against any of the criteria relevant to the decision of jurisdictional disputes, the conclusion must be that all single piece distribution, including all parcel sorting, is properly clerk work. The cumulation of evidence as to historical background, expert testimony, workers' testimony about actual practices, prior adjudications, contract provisions and the like presents an overwhelming case for the clerks' basic contention.

The most telling evidence as to clerk craft jurisdiction is found in 399 itself. With the exception of the few contested parcel post distribution operations challenged by APWU in this proceeding, R.I. 399 assigns all distribution

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R. I. 399 makes the following assignment of distribution duties:

(1) 029 - Riffle Mail -- This is mail pre-sequenced by the customer by ZIP, state or otherwise, in batches and hence is distributed without scheme. It is assigned to clerks.

(2) With regard to manual distribution of outgoing mail, the following assignments are made to the clerk craft: 030, Combined Outgoing Incoming Letter Primary; 040 Outgoing Letter Secondary; 043 State Distribution of Letters; 044 Sectional Center Distribution Letters; 045 Non-preferential Distribution, letters; 050/055 Priority Mail Distribution; 060 Outgoing Flat Primary; 070 Outgoing Flat Secondary; 073 State Distribution Flats; 074 Sectional Center Flat Distribution; and 075 Outgoing Flat Secondary Non-Preferential; and 110-129 outgoing SPR (IPP) Distribution, Pouch Sack and Loose Pouch. There are clerk assignments whether the mail is distributed with or without a scheme, whether by Zip, geographic, direct or otherwise and regardless of the class of mail handled in the particular category. Thus, included in the foregoing listing is preferential mail (first class and some second class) priority mail (first-class mail over 12 ounces) and non-preferential mail (certain second class and third class mail). (See Wolff testimony 249-250 and APWU Exh. 55 at Sec. 416.3 et seq; 416.26, 415.5.) And in operation 100-Outgoing Parcel Distribution the manual distribution of parcels requiring scheme knowledge

2/ APWU also contends that the culling function in 010/020 can become distribution under certain circumstances. This is discussed below, p

(IPP), second and third class, all are assigned to the clerk craft. It is only the single piece sorting of non-machineable outsides, which is assigned to mail handlers.

B. Clerks Traditionally Performed All Parcel Distribution

Mr. Wolff, because of his thirty-five years service as a Post Office Department employee starting as a clerk in 1936 and ending as a high level operations official, together with ten years experience on the union side as a consultant (200-204), was able to give an insightful presentation of postal operations over the years.

He first made the point that there never was a time when a large majority of the mail was actually worked by scheme. Even though clerks were required to learn a scheme and that requirement was the skill that formed the foundation for the level 5 wage, the fact was that in actuality they worked much of the mail by geographical, alphabetical and direct separations, especially on outgoing mail. (204-211, 406) (230-232).

The mail handler category was then known as laborer. (U. Exh. 26). With regard to parcels, in the large cities, such as Ft. Worth where Wolff was employed, which were also large railway terminals, the actual distribution was done en route by a separate group of postal employees known as the Postal Transport Service (PTS) (211-214). There were very few laborers employed and their function was largely confined to moving mail between the post office facility and the adjacent railway terminal and handling docks.

Where the city was not on a major railway terminal local originating outgoing parcel post was worked in the post office by clerks. (438-440).

The demise of the passenger railroad system led to the eventual end of the railway transportation of mail and the

increased use of trucks for that purpose. This created a need for more loading and unloading of trucks and the use of mail handlers for that purpose increased (215-216).

At about the same time in the 1950's the Post Office Department introduced the Zone system in large cities. Eventually this evolved into the five digit zip code; the nation was divided up into Sectional Center Facilities -- large centrally located cities each handling mail for a group of smaller associate offices -so that there are many more SCF's than there were states. This greater subdivision, Mr. Wolff pointed out, has simply enlarged the number of geographical separations, replacing the former basic 48 state separation system. In other words, non-scheme geographical and alphabetical separation has been replaced by a numerical separation system based on Zip (216-218). (230-232).

This development, in turn, made possible the widespread use of machinery for moving mail. One of these is the Mark II Facer-Canceller which quickly faces and cancels letter mail and which is operated by mail handlers, level 5 (240). Another type of machine was the Parcel Sorting Machine, which was installed in Post Offices prior to the advent of the Bulk Mail Centers. It distributes individual parcels and is operated by clerks who had always distributed parcels. It uses a 5 digit zip code both with and without schemes (242, APWU Exh. 54(c)).

Another machine is the Sack Sorting Machine which was awarded to mail handlers by the award of Arbitrator Powers on the basis that the moving of sacks by machine was simply a substitution of a machine to perform the physical movement of sacks, as distinguished from single pieces, within a post office, a traditional mail handler function (APWU Exh. 54 g) (242-244, 445).

Still another machine was the Letter Sorting Machine

which was developed to distribute letter mail by single pieces and which, therefore, was assigned to clerks who always did that work. (APWU Exh. 54(a)(b)) This machine not only sorts letters faster than a clerk can, but, in effect, "extends the clerk's reach" by making possible up to 277 separations instead of the 77 on a standard case. This results in fewer piece handlings and thus the need for clerks is reduced (233-235).

Finally, Mr. Wolff described the Bulk Mail Network as an additional form of mechanization concentrating all parcel post for distribution in 21 centers to gain the benefit of using advanced parcel sorting equipment and other machinery moving large quantities of mail (241) (441-444).

With regard to the role of schemes Mr. Wolff explained in some detail the provisions of the Postal Operations Manual (APWU Exh. 55). (244-et seq.). He described how he had been selected by Postal Management in 1962 to head up a management and productivity improvement team (POMSIP) which performed staffing and scheduling studies in large post offices nationwide. In doing these studies and actually making changes in mail processing Wolff stated that one of the criteria used was that all distribution of single piece of mail of all classes was performed exclusively by clerks, except for the occasional simple distribution of parcel post without schemes by Mail Handlers as permitted by KP-8 (261-262).

Later in his testimony he elaborated on the concept of single piece distribution as against the movement of mail in sacks or other containers. He categorically stated that in his 45 years in postal work there never was a period when single piece distribution was performed by other than clerks, although he allowed that there have been many aberrations (to be discussed below) (471-473). And, he stated, that rule was followed with

regard to all classes of mail.

With regard to the sortation of parcels specifically, Mr. Wolff gave further background material. When the Postal Transport Service was discontinued in the late 1950's, parcel sortation which had been exclusively a clerk function, continued to be done by clerks, but in some large post offices mail handlers did some occasional simple distribution of parcels. This was limited to large offices. Mr. Wolff then described how, when he headed up the POMSIP team, serious bottlenecks in the distribution of parcel post were discovered. In order to break these in some offices a separate hopper and belt were set up at right angles to the main belt where clerks manually separated individual parcels into containers. The clerks were instructed to toss into the hopper parcels addressed to up to 20 major cities in their state. Mail handlers then made the simple separation of these parcels into an appropriate container for direct dispatch to each city. They only performed this work during a few peak hours in the day (441, 565-578).

C. THE BACKGROUND OF "OCCASIONAL" SIMPLE DISTRIBUTION OF PARCEL POST BY MAIL HANDLERS.

At this point it is useful to break off the analysis of APWU's testimony and trace the genesis of the provision in KP-8 (APWU Exh. 53(b) which states,

"(F.) In addition may perform any of the following duties . . . (ii) makes occasional simple distribution of parcel post mail requiring no scheme knowledge. . ."

When the 84th Congress undertook for the first time to classify positions in the postal service it had before it a bill which set up fifty bench mark or key positions. In the House of Representatives, this bill was H.R. 2987, dated January 25, 1955. APWU Exh. 31 contains the portion which includes the position description for KP-8, Mail Handler and KP-13, Distribution

Clerk. The basic mail handler function is said to be, "Loads, unloads and moves bulk mail, and performs other duties incidental to the movement and processing of mail." For the clerk this basic function is, "Separates mail in a post office, terminal, airmail field or other postal facility in accordance with established schemes, including incoming or outgoing mail, or both." Then in each key position are listed the duties an incumbent might be called upon to perform. In KP-8 it is apparent that duties 1, 2, 3, 4 and 5 are the main duties and that those subsumed under the catchall "In addition may perform any of the following duties" are subsidiary and expected to be less frequently performed.

In KP-8 as it then stood one of those subsidiary duties is "(b) makes simple distribution of parcel post mail requiring no scheme knowledge."

Both positions at that point have as the final duty "As the needs of the service require, may perform other related duties of the same or lower level as assigned; occasionally may perform duties of a higher level." (emphasis added). The quoted phrase provoked considerable resentment among union leaders who saw it as a ploy by the Department to force workers to do lower level work on a regular basis, but to give them higher level work without actually paying them for it using the word "occasionally" as a dodge. This was extensively discussed at the hearings before the House Post Office and Civil Service Commission at which Mr. Lyons, Assistant Postmaster General for Personnel was pressed to state what the Department meant by "occasionally." In APWU 32, p. 179, he says, "...I define occasionally as meaning infrequently..."

Later, p.184, the Letter Carriers' President, Mr. Doherty, complains that this language might allow the Department to call upon mail handlers to do higher level clerk or

carrier work. Lyons answered that the Department already requested that the sentence be removed from all the key position descriptions.

The bill worked its way through the legislative process. KP-8 was altered by dropping the duty listed as 6(c) relating to driving trucks between stations and to garages. KP-13 became KP-12, but was otherwise unchanged.

A House Committee Report was prepared to accompany the bill. A portion is in evidence as APWU-34. The Committee Report recommended an amendment to KP-8 whereby the word "occasionally" was inserted before "simple distribution of parcel post requiring no scheme knowledge," (APWU-34). thus making it explicit that this normally higher level was not to be done regularly by mail handlers. On the floor it was made clear that simple distribution of parcels by mail handlers was an incidental and not "primary" function of mail handlers (APWU - 33). The amendment passed.

The law became P.L.84-68 (1955). At that juncture it appears obvious that the intention of the Department, the Congress and the unions (but probably not the Mail Handlers Union), was that mail handlers were primarily concerned with the basic functions of loading, unloading and moving bulk mail and other duties incidental to the moving of the mail incidental to the processing of mail. It was clear that one of those incidental duties might be the distribution of parcel post, but only when no scheme was involved and even then only on an occasional basis. And, as noted above, the reason it was made an "occasional" duty was because parcel distribution was regarded primarily as a clerk function and, if performed by a mail handler, it was higher level work.

Who then was going to distribute parcel post when it had to be done on anything other than an "occasional" basis?

Obviously, the clerks. They were the "Distribution Clerks" assigned specifically by Congress to distribution work. Their basic function, of course, was cast in terms of scheme distribution. But that reference is intended to designate the most skilled work they perform - the duty that primarily sustained the [then] Level 4 pay grade. We know from the testimony of APWU witnesses that all parcel distribution was being done almost entirely by clerks. Such distribution is a necessarily included duty under KP-12.

On the other hand it is clear that there were those in the Post Office Department who wanted to have simple non-scheme parcel distribution performed by mail handlers. They were, after all, paid one level less than clerks and it would be quite natural for a manager to seek lower wage costs. It was not long before this problem began to surface.

APWU has introduced APWU - 36, a 1956 Report to the Post Office Advisory Committee to the House Post Office and Civil Service Commission. This was a group of postal union officials. The report reviews classification actions taken by the Department in the year since passage of P.L.-68. The Committee complained (P. 7-8) that lower level employees were being used to perform higher level work. Specifically, it was charged that mail handlers were being permitted to distribute parcel post on a regular rather than occasional basis, contrary to the intention of Congress.

The Committee quoted a district operations manager in St. Louis who had interpreted the Act so as to read out of KP-8 the work "occasional." The report charges that this reflects a feeling in the Department that since P.L.-68 contained no position description concerning unskilled distribution assignments, such positions, if they existed, should be at [then]

level 3, the mail handler level.

In 1968, after the POMSIP team had established such operations as the "Heavy 20" belt, the Post Office Department issued a Regional Instruction regarding staffing of Post Offices (MH Exh. 20) which was introduced, presumably, to show that Mail Handlers, in part, were assigned to parcel sortation (p.10). In actuality it equally suggests the opposite. Thus, the mail handler assignment was carefully circumscribed to prohibit them from distributing mail. They were permitted to handle parcel post in a carefully restricted manner which never rose to the level of "distribution". Thus, with regard to "incoming" parcels they could sort outsides but only to a firm, they could move parcels in bulk from the workroom floor to the back platform under limited conditions but they could not even separate parcels to delivery routes or stations by street address, even if reference boards were available. As to outgoing parcels they could make simple separations only to a city or state as was done on the Heavy 20; but could not make any separation in which certain cities or states were held out. This is in line with Mr. Wolff's testimony as to the nature of platform operations (262-264).

It is conditions such as these that amount to the "aberrations" that Mr. Wolff testified to. On the basis of the same kind of evidence Impartial Chairman Garrett concluded (APWU Exh. 48, p. 51):

On this record, therefore, the Impartial Chairman has no doubt that the particular duties which now may be assigned to incumbents of given positions in a particular Post Office simply may reflect long established practice in that location. Given this state of affairs it would be an invitation to chaos for the Postal Service, or the Impartial Chairman to undertake to transfer existing work assignments from jurisdiction of one craft to another throughout the Postal Service, in reliance upon the general language appearing in Key and Standard Position Descriptions. If Position Descriptions ever were to have been utilized for such a purpose (at least since

1970), it could have been only by agreement of the Postal Service with all affected Unions representing the separate national crafts. (Emphasis added)

D. The Postal Service's Own Operations Manual Requires That All Parcel Sortation Be Performed By Clerks.

As previously noted, Mr. Wolff testified that the end of the railroads increased the use of trucks and consequently dock operations at post offices. Prior to the opening of the BMC's dock work typically included receipt of mail from large mailers, acceptance of collection mail, large volumes of newspapers and third class mail (264). With regard to outbound mail trucks are loaded to various destinations, including the dispatch of preferential and priority mail (264).

The Mail Handler functions on platforms increased as railway mail decreased. The "cutting" formerly done by railroad employees was transferred to post office platforms (267). Mail handlers typically loaded and unloaded trucks, handling heavy volumes of second and third class mail in conjunction with the "acceptance" unit which was manned by clerks (267). On cross-examination Wolff explained that the "cutting" he referred to was, in the days of railroads, the diverting of mail in bulk to one train or another. It was simple separation (646-648).

He elaborated still further on redirect. On the docks there are level 5 Mail Handler technicians whose duties overlap those of clerks in separating mail on platforms. They guide the work of mail handlers. The complexity of the separations determines the required knowledge (675).

In BMC's it is standard to have clerk expeditors (level 6) on platforms and in many post offices they are also on platforms making decisions regarding dispatch of mail. Mail handlers do the movement of sacks and other containers under such direction, except where the dispatch is totally

routine mail handlers may prepare the dispatch alone. When there are outsides to be separated for dispatch, clerks or mail handlers might do the separating (675-678).

Since the coming of BMC's, the outgoing movement of parcels from post offices has been simplified. Typically, such parcels are "jackpotted," shipped mixed, to the BMC with a few simple "holdouts" for the local area offices associated with the Sectional Center, or a neighboring large city (677-678).

Mr. Wolff also analyzed the composition of various classes of mail, including parcels, and pointed out many of the inconsistencies which make the parcel assignments under R.I. 399 totally irrational.

Mr. Wolff pointed out that in operation 110-129, Outgoing SPR Distribution, Pouch, Sack and Loose Pouch, the revisions to R.I. 399, dated April 10, 1979 (APWU Exh. 9, item 4) at Postal Service request replaced the abbreviation SPR (Small Parcels And Rolls) with IPP (Irregular Parcel Post). The distribution of this kind of mail is awarded to clerks in item 7 under operation 110-129.

Mr. Wolff testified that SPR's and IPP's were the same (431), the term SPR having been used for years. The kind of items that fit in this category are defined in the Postal Service's "Postal Operations Manual" (APWU Exh. 55), at Sec. 442.21. Mr. Wolff testified that in his experience this category included small parcels, newspaper rolls (frequently weekly newspapers), some magazines, etc. similar to the items mentioned in Sec. 442.21. Small parcels are predominantly mailed third class, as are rolls and are assigned to be manually distributed by clerks under R.I. 399, whether or not scheme is employed (432-434).

BMC expert from the Jersey City BMC (1486-1488).

APWU maintains that such inconsistencies violate any rational principles and criteria of jurisdiction that one might apply. They totally ignore any of the six criteria in the Memorandum of Understanding. They bear no relation to community of interest as a standard. They simply sweep aside such factors as skills and work involved which the Postal Service claims was considered. As a result the final assignments are a mish-mash, completely at variance with the Postal Service's own standards as set forth, for example, in the Sullivan letters, and the Postal Operations Manual.

E. The Testimony Was Overwhelming That Parcel Post Sortation Has In Fact Been Performed Largely By Clerks.

Testimony by APWU witnesses as well as USPS and Mail Handler witnesses, while not unanimous, established overwhelmingly that the distribution of parcel post, with or without schemes has been primarily a clerk function over the years.

James Smith, a postal worker since 1966 and APWU's director at the Atlanta BMC, testified to his first-hand knowledge of parcel post handling in Atlanta. He started at the Parcel Post Annex there (764). Outgoing parcels were worked in two major operations -- Georgia and other states. Both sacks and individual parcels arrived at the Annex. Sacks had to be dumped onto a conveyor belt. The mail was then distributed in a primary operation. The mail on the Georgia belt was sorted by clerks alphabetically to cities in Georgia, the mail being tossed into the appropriate hamper for non-scheme distribution to those cities (766-767). After the primary "cut" there was a secondary breakdown, also on an alphabetical basis. Mail destined for the largest 20 cities was culled out on the primary sortation by clerks and sent to an "offbeat belt" where

it was separated to containers for each of the 20 cities by clerks (767-768). This is the Heavy 20 belt originated by Mr. Wolff and his POMSIP team on which, Wolff testified, mail handlers were occasionally used during peak periods.

On the "mixed states" operation there was also a primary belt where mail was first separated by states and then further separated by states in a secondary cut. All this was done by clerks (768). Mailhandlers were used for unloading at the railway point, at the keyman point on the back docks, and dumping. The only time scheme came into play was when the distribution involved DIS cities, i.e. larger cities to which mail destined for small nearby towns was sent for eventual transshipment to the small towns (769,770).

Smith left in 1970 and returned in 1973 to find the foregoing system replaced by a multi-slide arrangement for the Georgia Distribution. On the multislide a conveyor lifts parcels to the top of a cone-like smooth metal slide which has eight or more segments down which an employee can slide parcels. Each of the segments represents some sort of pre-arranged breakdown. At the bottom of each segment other employees pick up the parcels and perform a secondary breakdown by putting them in one of a number of massed hampers or sack racks labelled with appropriate destinations. Although clerks doing this work were required to learn schemes the distribution on the multislide was by Zip (771-772) and all clerks having bid positions.

Parcels that could not be worked in the slides because of size, shape, nature, etc. - "outsides" - were culled out at the conveyor and moved by hand to the point where the sacks that had been filled by distributors on the multislide had been massed for dispatch. This, too, was done by clerks (883-776).

In 1975 the Atlanta BMC opened and Smith was assigned

there. Most parcels were sorted on the parcel sorting machines by clerks. Nonmachineable outside parcels were distributed on a "Spider", which is similar in principle to a multislide in that it has one person in the center making a primary distribution by pushing parcels along any one of several roller tables, each extending out from the center like spider legs and other employees removing the parcels from the legs and making a secondary distribution to BMC containers destined for the Atlanta area and the various other BMC's (777-781,796-797; APWU Exh. 60). Because some BMC's serve only parts of a given state with the balance of that state served by another BMC, the distribution becomes somewhat complicated (780-781).

This operation was performed as part of an overall "support" operation including SPR distribution, sack shakeout, parcel automatic container unloader (PACU), and sack automatic container unloader (SACU). Both clerks and mail handlers had bids with clerks doing the distribution portion and mail handlers the dumping and unloading. The keyman on the spider was always a clerk, the secondary distribution usually clerks with mail handlers occasionally doing it using reference boards (783-784).

This pattern was changed with the issuance of R.I. 399 and most of the clerks were hastily removed, not by attrition as R.I. 399 commands but peremorily (785).

On cross-examination it was brought out that there had also been a multislide at the Atlanta Truck Terminal, which was an offshoot operation from the Annex previously described. City parcels were culled out at the Annex and brought to the multislide at the truck terminal to be distributed again by clerks (810-811).

John Petrin, an employee at the Springfield, Mass. BMC and President of the APWU Local there, testified. He worked

at the BMC since it opened in November, 1975 (819). He described parcel sortation on a Parcel Sorting Machine (820) He also described manual distribution of parcels by Zip at BMC by clerks (821-822). The clerk distributes not only non-machineable parcels but other items not belonging on the machine (822-824). There is also a secondary distribution of non-machineables performed on the basis of Zip distribution to high volume cities within the service area of the Springfield BMC. This, too, is performed by clerks (824-825).

The separation of non-machineable outsides was described (826-831). NMO's arrive at the inbound docks, are placed in a BMC container by a mail handler and the tow line built into the floor takes the container directly to the appropriate NMO area using a coded card to direct it to its destination (see card, APWU Exh. 70). Other NMO's arrive from the machine culling operation described above and from other BMC's and from large them directly to the BMC (827-828). The East NMO area distributes NMO's for the Springfield service area; the West NMO area handles those destined for the other BMC's.

In the East NMO area the parcels for distribution arrive in containers and are distributed by being manually removed and placed in the appropriate container from among a series drawn up in a circle around the container being emptied. This operation is performed by Zip (APWU Exh. 61) (828-830). The filled containers are moved to the correct door for dispatch by the bar coded card and the towline (830-831) Then the BMC opened, all this work was done by clerks. Eventually some level 4 casuals were put in, the clerks grieved claiming clerks should do the work, on overtime, if necessary, and the casuals were then paid level 5 pay to do the work. If mail handler PTF's were used,

they, too, received higher level clerk pay (831-832).

Mr. Petrin also described the West NMO area which has a more complicated breakdown to the other 20 BMC's. Reference boards are used extensively (833-837). Again, clerks were used when the BMC opened. Infrequently mail handlers did it, but at higher level pay. After R.I. 399 was issued mail handlers bid into the jobs as clerks vacated them (APWU Exh. 63).

Finally, APWU produced as a witness Joseph Anthony who spent many years as a mail handler going back to 1958. Mr. Anthony worked as a mail handler in Pittsburgh at the Pitt-Penn Truck Terminal from 1958 to 1963, as a member of the Postal Transportation Service which had previously been described by Mr. Wolff. Those days mail processing was performed at the Main Post Office, and the Pitt Penn Truck Terminal (872). The majority of parcel post was handled on the railroads. Trains actually entered the Main Post Office facility (871). The PTS employees worked all mail originating in the Pittsburgh area east to Johnstown and Altoona, west to eastern Ohio, all of West Virginia, and up to the New York border (871-872). They received incoming mail for a vast service area, including Illinois, Indiana, Ohio, West Virginia and Pennsylvania (872). In addition transit mail was received from the west destined for Maryland, part of New York, New Jersey and Delaware. In short, it was a huge operation (872).

Sacks of parcels arriving by railroad were unloaded by railroad personnel and dumped on a "dance floor"; mail handlers sent the sacks up to the second floor where they were separated by a clerk who read the address and called out the destination. The sacks were put on a hand truck and moved by mail handlers to a belt where the sack was stripped of its label,

opened and dumped onto a belt by mail handlers. Clerks then worked the individual parcels from the belt into hampers. Then mail handlers moved the hampers to racks where clerks worked the mail again into sacks for dispatch (873).

Anthony stressed that individual pieces of mail were always handled by clerks and that the distribution was to racks set up by geographic areas, not schemes (873-874).

Anthony noted that in the years around 1959 and 1960 the railroads were getting out of the mail business (875, 876); the Postal Service then began opening truck terminals and putting more mail on trucks. More mail handlers were hired to load and unload these trucks. Now the sacks were unloaded from trucks and sent to the "dance floor" where the mail was dispatched to the Pitt Penn Truck Terminal where it was either loaded on trucks or worked, as the case might be (876).

The basic distribution of parcel mail continued to be done at the main post office by clerks until the Pittsburgh BMC opened (877, 884). The working of mail at the truck terminal that Anthony referred to was parcel post destined for star routes (long distance hauling). Mail for these routes was "jackpotted" to the truck terminal where it was distributed to the star routes by clerks. Again it was a geographical distribution, into individual hampers (877-878).

By 1970 or 1971 a multislides replaced the hand distribution at the Pitt Penn Terminal, said Anthony (878). This slide employed clerks exclusively in the distribution function both in the crows nest and around the bottom of the slides (879). In July 1972 the Pitt Penn Terminal was closed and the Vista Terminal opened. Here again there were three multislides. One was for preferential mail in pouches and completely manned by clerks. Then there was a slide for Pennsylvania parcel post, also totally manned by clerks. Finally, there was a non-pref-

erential mail multislides in which parcels in sacks was handled. It was manner by clerks in the crows next and mail handlers around the bottom . (881-882)

The Pennsylvania slide just mentioned handled individual parcels (882). As stated it was manner by clerks and parcels were distributed to sacks. If outside parcels appeared they were segregated at the slide, put into hampers and later distributed by clerks (883).

When the Pittsburgh BMC opened in 1974 all parcel post distribution was sent there except that originating in Pittsburgh and destined for the Pittsburgh SCF area (886). That city mail is worked at the city annex in Pittsburgh on a multislides by clerks by scheme knowledge to city carrier routes.

APWU Exhibit 65, the local agreements of the various crafts in Pittsburgh, reflects in the APWU portion, p. 14-15, that the clerks have the assignments in the sections previously mentioned while the mailhandler portion reflects that they do not have assignments there (890-892).

To complete the picture, Mr. Anthony testified that when the BMC first opened non-machineable outside parcels were worked on a system consisting of two parallel belts, one for the Pittsburgh area and one for the other 20 BMC's. The clerks made an initial separation to one belt or the other. Then other clerks at each belt further broke the outsides down by removing the item from the belt and putting it in the appropriate BMC container. The separation used on these belts are in evidence (APWU Exh. 67(a) and (b); 895-899). The containers are then moved by towline to the dispatch point (909-910). Samples of the training aids and bar codes used are in evidence as APWU Exhs. 69(a) and (b) and 70; 910-913).

The breakdown, like that explained by Mr. Petrin,

regarding the Springfield BMC has a certain complexity brought about by the fact that some states are served, in part, by more than one BMC (902-907). The map introduced-by APWU (APWU Exh. 68) illustrates this division (903).

The APWU's local agreement at the BMC, p. 100, reflects the fact that clerks and not mail handlers held these assignments in the NMO section. After R.I. 399 was issued, vacancies in this section were bid to mail handlers (909). Similarly, at the Vista Terminal management not only replaced clerks with mail handlers at the non-preferential mail slide, but^e at the preferential slide as well (892-894).

On cross-examination there was extensive discussion of the nature of single piece distribution; what it consisted of and whether the handling of NMO's in the BMC qualified as distribution (934-942, 942-945). Under questioning by the Arbitrator, Anthony summed up his understanding of single piece distribution by saying any exercise of judgment in the distribution of a single piece of mail makes it single piece distribution that is traditionally clerk work (960-961).

F. Postal Service And Mail Handler Witnesses

Mr. Campbell, the Postal Service's expert who had been on the task force which first prepared a jurisdictional document (see supra p. 9), also testified as to parcel sortation in Atlanta. He confirmed Smith's testimony that clerks worked outgoing primary and that parcels for the 20 largest cities were put on a belt for direct separation (1240). There was dispute, however, as to how much of the Heavy 20 was worked by mail handlers. Campbell disputed Wolff's contention that mail handlers were on it only a few hours a day (1242) saying it lasted from midway into Tour III [i.e. early evening] until one or two hours into Tour I [i.e. midnight] in the outgoing section and

from late Tour III well into Tour I on the Georgia Primary belt.

On cross-examination Campbell went into great detail on parcel sortation in Atlanta over the years and again affirmed Smith's testimony it was always done by clerks (1324-1326.) With regard to the operation of the Heavy 20 belt he first said it was operated by mail handlers (1326-1329) then conceded that the Heavy 20 really only operated for a restricted time during the day, perhaps "four, five, six hours, maybe seven on a heavy day." (1331-1332). He conceded that the decision to use mail handlers on this operation at all was a decision of local Atlanta management and not of the POMSIP team which came out of postal headquarters (1328).^{4/}

Mr. Lynn, another Postal Service manager, testified that in his brief tenure in Tacoma, Washington in the late 1960's the primary sortation of outgoing parcels in Operation 100 was done by clerks. On the secondary distribution mail handlers were used to some degree in the states area, but, again, the basic positions were clerk positions with a "mixed bag" during peak hours (1394).

He claimed the same was true in Seattle, with more mail handlers having bid positions because there was more dumping of parcels for clerks to distribute (1394-1395). On cross-examination he readily admitted that as a mail handler in Tacoma he mostly unloaded sacks and only on brief occasions - perhaps two hours in a night - he would distribute parcels (1422-1424).

4/ In an effort to discredit Wolff's expertise, counsel for the Postal Service presented Campbell with a series of Wolff's opinions, all of which Campbell disputed (1295-1314). In the final analysis these disputes were artificially created by counsel either ignoring Wolff's qualifying remarks, converting differences in emphasis into disputes and the like. Campbell's analysis of some of the important long term changes in mail processing did not differ greatly from Wolff's (see e.g. 1273-1279).

And as a clerk he frequently did non-scheme distribution, including parcel sortation (1424-1427).

With regard to Seattle Lynn, on cross-examination, was much more positive that parcel distribution was, in fact, performed almost entirely by clerks (1432-1434). And he conceded that the military parcels that were distributed in Seattle on two multislides were worked by clerks having bid positions (1434-1435). It was the assignment of those positions to the clerks by the Postal Service that formed the basis of one of the disputes before Arbitrator Garrett (APWU Exh. 48, p. 30).

Another Postal Service witness was Jack Hanvey, Manager of Mail Processing at the New York Bulk and Foreign Mail Center in Jersey City. It was brought out on cross-examination that Mr. Hanvey started as a clerk at the Hoboken Terminal in 1961. It was a truck terminal located in the Lackawanna Railroad Terminal. Such a terminal handled sacks in transit, and some preferential mail in pouches (1471-1472).

Also, some local originating parcels in sacks arrived, were dumped by mail handlers and were distributed by clerks to west states, south states, New England states, and to New Jersey, New York and Pennsylvania. If the clerk was working his own state - New Jersey - he required a scheme, but other states were worked without scheme by a simple state breakdown as Wolff had described (1475).

This primary state distribution was into hampers (1475-1476). The hampers were pushed by clerks to secondary racks and again sorted into sacks. Occasionally, if mail handlers were slow they might help in doing this (1476). Hanvey did this from 1961 to 1964 when a new truck terminal known as the North Jersey Truck Terminal opened (1476).

At the North Jersey Terminal the functions were

quite similar to the Hoboken Terminal with mail handlers loading and unloading trucks and trains (1476), and dumping and clerks performing a primary distribution to states in hampers or into direct city sacks. The hampers were pushed to the secondaries where the clerks distributed into sacks (1478).

All of the foregoing was developed on cross-examination. On direct examination Hanvey had been asked about his work at these two locations, but only about the handling of outsides, which, of course, are a small portion of the total number of parcels. As to them, he said that at Hoboken, 1961-1964, the outsides never were sent to the distribution floor upstairs. They remained in the transfer unit and were handled by mail handlers (1459). At the North Jersey Terminal, 1964-1971, outsides were treated the same as sacks; that is they were not sent to the distribution area, but were separated directly off a conveyor. They were marked with a code (the craft doing the marking was not identified but was probably clerks (1460)), and removed from the belt at the proper place by a mail handler and put into the proper nutting truck and moved to the outbound dock (1459-1461).

Hanvey also testified on direct that he was assigned to the Meadows Facility in Kearney, N. J. from 1971-1973, where the distribution of non-machineable outsides was handled to the greatest degree possible on a belt and a key coder activated by a mail handler (1457-1458). What he was not asked, and what he admitted on cross-examination was that the Meadows also had a large mechanized parcel sorting operating totally staffed by clerks both on the parcel sorting machine and manual secondaries (1480-1482).

Finally, Hanvey testified that at the New York BMC non-machineable outsides are given a one digit primary separa-

tion by mail handlers and a secondary distribution into containers to the appropriate BMC, also by mail handlers (1455-1456).

He ultimately conceded that the knowledge required to distribute machineable parcels and non-machineable parcels (without scheme) is the same (1486-1488).

One would expect that mail handler testimony would be slanted to show heavy mail handler participation in parcel post distribution and it was. Even here, however, advocacy could not cover up the fact that in virtually every case clerks were an important, if not predominant factor, in parcel distribution.

Vito Magrino testified on direct that from the time he started working in Morgan Station in New York City in 1947 mail handlers separated parcels destined for foreign shipment (1690). Clerks were used to prepare labels and other documentation (1692).

When he became a group leader he worked in the "hot spot" in the mezzanine, 4th floor (1692), the mail handlers shook out and separated "west parcels" destined for South America and Central America (1693).

He also testified that from 1967, when there was a serious fire in Morgan, until 1970 when he became a full-time union official, mail handlers separated outside parcels (1697). The outsides were placed on skids by zip code.

But on cross-examination Magrino conceded that there were some clerks who did parcel sortation from time to time (1699).

Another Mail Handler witness, Frederick Rogacki of the Buffalo, N.Y. area, testified. He worked for the old PTS as a mail handler 1959-1963; then as a post office mail handler

at the New York Central Terminal, then from 1964 on at the William Street building after it opened.

He gave no testimony on direct as to how parcels were sorted prior to the time the mechanized facility on William Street opened but on cross-examination he was asked to describe parcel sortation under the earlier PTS and he described a system in which 3-4 clerks threw off parcels to hampers and then clerks further worked them to sacks (1738-1739).

He first testified that mail handlers distributed parcel mail for the Buffalo SCF area by alphabetical associate office breakdown (1712-1713); on occasion, also, mail handlers were used for New York State parcel distribution, as well. On cross-examination it developed that all of this mail had first been keyed by clerks on a Parcel Sorting Machine (1744) and the mail handlers were performing a secondary separation (1745). Occasionally the direct SCF mail would be worked directly by Mail Handlers rather than on the PSM (1747-A). This was a small portion of the total parcel mail (1747-A-1748).

As far as outsides were concerned, during the 1960's, when trucks were unloaded outsides would be loaded into hampers and brought to an area where they were broken down by Zip, by mail handlers to dollies, skids, or markings on the floor. Sometimes clerks also did it (1714)(1743).

In 1970 the Postal Service installed an outside parcel sorting machine on which there was a keying operation done by clerks (1716). Some outsides could not be worked on the machines and continued to be worked manually by mail handlers (1749). Eventually, the keying job on the machine was given to mail handlers in about 1974 (1717), at a time when it was converted from scheme to zip operation (1718).

There was also a customs parcel operation done by mail handlers on parcels coming from Canada. On cross-examin-

ation Rogacki said this amounted to no more than 10% of the parcels handled and even then most of it not destined for the New York State area was simply rewrapped and put back in the mail stream to be worked on the parcel sort machine (1753). Clerks shared the customs distribution with the mail handlers (1753).

Rogacki gave testimony as to what he saw at other cities in the Buffalo area, but it was clear he had little actual information as he readily admitted on cross-examination and no extensive questioning took place.

Finally, the Mail Handlers produced James Bratcher who gave first-hand testimony as to parcel operations in his home town of Portland, Oregon, and additional testimony as to a number of cities he had visited on a whirlwind tour, spending no more than a few hours on the floor in each place. APWU produced Tom Wolfe who rebutted Bratcher's testimony as to Portland, and two other witnesses from the cities brushed over by Bratcher who actually worked there and gave information in greater depth. (2004-2057; 2057-2091.)

The testimony of James Bratcher was, perhaps, most revealing of the inadequate and dubious testimony provided by the Mail Handlers. This is because APWU was able to follow up on it and present a rebuttal witness who knew the operations and who could relate the true facts.

Bratcher first testified extensively as to how operations had been performed in Portland. He had worked as a mail handler there from 1962-1971, before he left to become a full-time union official at the national level.

He testified that on the first floor there were three main sections, the truck dock, the platform, and the "first floor" which was inside the building. The truck dock operations, in turn, were broken down into four categories - the

sawtooth islands, the "Oregon bus hash", the outsides, and loading and unloading operations.

He first stated that basically the truck dock operation was 99% a mail handler operation. As the trains and highway post offices went out of commission one clerk expeditor was added on each tour (1861-62). Three clerks worked the sack sorting machine (1862). Loading and unloading of trucks was done by mail handlers who made the necessary breakdown.

Tom Wolfe, APWU's witness who had worked at Portland from 1960 to the present, testified that the dock Bratcher mentioned was the North Dock. It then appeared that clerks did far more than Bratcher allowed. The sack sorter came in about 1965 (2054). Typically, when the chutes filled up on the sawtooth islands running from the sack sorter, the clerks helped clear the chutes to meet dispatches (2095, 2102-2103). In addition, there were clerk office employees and after 1969 or 1970 transfer clerks who had supervised movement of mail to the train terminal when they were moved to the North Dock. It was the expeditor who directed the mail handlers in making the breakdown Bratcher referred to for loading and unloading (2096-2098).

With regard to the outside parcel operation Bratcher stated that mail handlers alone separated such parcels by zip on the dock for loading. Wolfe made it clear that while mail handlers did the physical handling of the outsides, it was done under the supervision and direction of the clerk expeditor because of the need for scheme knowledge at that time. When he was not available a regular clerk with knowledge of the scheme was detailed to the job (2100).^{5/}

5/ Bratcher had testified that there were a number of sawtooth islands at which separations to approximately 20 SCF's were made (1863). It should be made clear, as Wolfe did (2095, 2101), that these sawtooths were at the bottom of runouts from the sack sorting machine and that it was sacks that were worked on them. This, of course, is normal mail handler work.

The final dock operation was a "bus hash" or dispatch of mail to star routes in the Oregon area. Apparently, as described by Wolfe it was routine mail handler work (2105).

As to regular parcel post Bratcher related how sacks arriving at the dock were separated by mail handlers, directed to the dumping area by conveyor, separated from other sacks containing third class mail, and eventually dumped on the floor. The parcels were put on a conveyor where they were taken to a parcel sorting machine for distribution (1865-1867)^{6/}. After being keyed on the machine the parcels went down the appropriate runout to roller tables where they received a secondary distribution. He said, "Mail Handlers worked the outgoing parcel post all the time." (1867, 1. 6-7; 1. 15-19).

Wolfe gave a more truthful presentation. He stated in the early 1960's before the parcel sorter arrived, the first floor parcel operation had been performed manually by clerks, after mail handlers had dumped the sacks onto a conveyor (2105-2106). Clerks made a primary sortation by alphabeticals into hampers; a "tub mouse," who was a mail handler, then moved the hampers to another area for a secondary distribution by clerks (2106). In 1964 or 1965 the Parcel Sorting Machine arrived. Clerks were trained to face and key by scheme at level 6. Wolfe became a keyer (2107). Wolfe then described the typical Parcel Sorting Machine operation (2109). When the parcels reached the appropriate runoff that had been keyed by the clerks they slid down a chute to the roller tables referred to by Bratcher (2109-2110).

It was here that the testimony of Bratcher and Wolfe differed sharply. Wolfe stated that clerks performed the secondary distribution off the roller tables (2110). Indeed,

6/ Either because Bratcher misspoke himself or through faulty transcription the transcript said, p. 1867, lines 1-2, that parcels went to a "sack sorter." It is clear from the context and Wolfe's testimony (2109) that the reference is to a parcel sorter.

there was a subsidiary belt and when a parcel arrived for a city for which no direct sack had been set up they tossed the parcel onto the belt, by scheme. In addition, all Idaho mail was keyed to one runoff at the bottom of which a clerk with scheme knowledge made the secondary distribution. That system lasted from the time the machine arrived until early in the 1970's (2110).

At that time, under pressure brought by the Mail Handlers, approximately 33 mail handler positions were created at least three of which were to the first floor parcel operation (211) Originally, these new mail handlers were used for distribution only on an occasional basis when they were not dumping, etc. Gradually, with the influx of mail handlers, they were given more distribution to do. APWU grieved this in about 1974. These grievances were never resolved (2112-2113).^{7/}

Returning to outside parcels, Bratcher testified that after he left Portland the Postal Service brought in a device similar to a multislid which was called the "gross machine" which he observed on a trip to Portland. He testified that it is used on occasion to distribute city outside parcel post which is done by clerks using scheme knowledge and also to distribute transit outside parcel post which is operated "strictly by mail handlers" (186-1877).

Again Bratcher's testimony is sharply at variance with Wolfe's. Wolfe identified the device as being of the "spider" variety. When it first arrived around 1973-1974 the "turret" or "crow's nest" was manned by a clerk, usually one of the parcel keyers who was brought in because of scheme knowledge. The

7/ A similar development occurred with regard to the distribution of third class SPR's (2108, 2113-2118).

secondary distribution at the legs was also performed by clerks (2124-2127).

This went on for about six months. The clerks were to operate the turret and the Service was supposed to decide who would work the legs. Eventually the whole operation was given to Mail Handlers and APWU grieved.^{8/}

V. CONCLUSIONS REGARDING PARCEL POST DISTRIBUTION AND THE REMEDY.

The foregoing, overlong analysis leads to one inevitable conclusion -- that application of the relevant criteria requires that all single piece parcel distribution is properly assignable to the clerks.

One of those criteria set out in the Memorandum of Understanding is "existing work assignment practices." We have traced in detail the present and past practices. Over the years parcel post distribution, including outsides, has traditionally been performed by clerks with mail handlers performing it, as authorized by KP-8 "occasionally" and then only when it is simple. There are certainly some examples of aberrations at the local level where it has been performed by mail handlers more than occasionally and, indeed, on a continuous basis. This is particularly true of manual secondaries and some outside parcel sortation.

During the period of the early 1970's, under pressures brought about by Article XLIII of the Mail Handler's craft

8/ This change on the spider and the substitution of mail handlers for clerks in the parcel post secondary previously described were part of the implementation of the MH-5 Agreement reached by the Mail Handlers with the Postal Service which the Mail Handlers tried to effectuate as against clerk positions (2133-2135). Arbitrator Garrett held that APWU could not be bound by such an agreement and directed maintenance of the status quo. It is clear that, as in Portland, some improper assignments from clerk to mail handler had been made and many of these were never rectified.

agreement under the 1971 Agreement (loosely referred to as MH-5), the Postal Service transferred some simple parcel distribution on multislides and secondaries to mail handlers, but reversed itself in the West Coast cases decided by Arbitrator Garrett.

Again, the Postal Service has been inconsistent in making assignments of the distribution of outside parcels in the BMC's. In some of them clerks were assigned, in some of them mail handlers, and in some of them both crafts.

APWU contends that when it is recalled that the vast majority of parcels is still presently being distributed by clerks on parcel sorting machines, and otherwise, there is no doubt that the prevailing past and present practice has been that clerks predominantly performed this work.

If the factor of skills and work involved are added to the equation, the case for the clerks is still stronger. Single piece distribution of all classes of mail has been and still is the province of clerks. Parcel sorting on machines, most of it without schemes, is exclusively a clerk function, even under R.I. 399. It makes no sense whatsoever, in terms of unity of function, skills involved and community of interest of those performing the work, to break off a small portion of the distribution function which so clearly relates to the rest of the parcel sorting function. The ridiculous results of doing that are described above in the examples given on p. 27-29.

In this respect the opinions of Arbitrators Jaffee and Powers offer useful teaching. Jaffee awarded the newly issued Optical Character Reader Operator to the Clerks rather than Mail Handlers. He looked at the history of the work of clerks and mail handlers for guidance along with such factors as skills, working conditions, common supervision, physical location and function. He concluded, "it is not enough for

the Mail Handlers to show that there is some (claimed) overlap between their traditional work and that entailed in the new jobs. The question rather is which bargaining unit's work comes closest." (Emphasis in original)

Thus, he looked at the basic functions and determined that mail handlers did loading, unloading and moving of bulk mail and incidental duties. It is essentially a physical task. On the other hand, the work of clerks is essentially mental. He held that, on balance, the question was which bargaining unit's work comes closest. On this basis he held that even though the Mail Handlers had made out a "bare" case, the Clerks had made out a better one. (APWU Exh. 40)

Arbitrator Powers closely followed the analysis made by Jaffee in awarding both level 4 and level 5 sack sorting positions to the Mail Handlers. He looked at the main functions of each as set out in their key positions (APWU Exh. 43, p. 3) and found that mail handlers primarily loaded, separated and moved mail within the installation. He found that the sack sorting machines, particularly the simpler level 4, is a method of moving bulk mail within the installation.

He stated (p.8) those relatively simple separations which are a necessary part of the further movement of mail in bulk have generally been the responsibility of the mail handlers, while the distribution of individual pieces of mail and most parcel post has always been assigned to clerks.

He found that the absence of schemes did not, per se, determine the issue since clerks perform much non-scheme distribution, particularly on the Parcel Sorting Machine (p.8).

In the end he found the level 4 position to be no more than a replacement of physical effort previously performed by mail handlers. He found that in terms of the traditional

division of simple separation of mail in bulk vs distribution, the level 5 position seemed as close to the work of clerks as to mail handlers, but he was ultimately persuaded to award it too to the mail handlers because in terms of community of interest he could find no reason to separate the two positions. In terms of effective union representation and a reasonable line of progression, it was also appropriate to award both positions to the Mail Handlers (p.12).

Ironically the Postal Service's brief in that case supporting the assignment to the Mail Handlers, (APWU Exh. 42, p.4), takes a position directly opposite to the one taken here. There it stressed the difference between the sortation of mail in bulk as performed on the sack sorter and what the Postal Service said was traditional Clerk work. "The Clerks appeared to ignore the distinction between bulk mail and individual pieces of mail, thus making the limitation on parcel post distribution [by mail handlers] carry over to sack sorting. The two have always been considered separate and distinct."

That language applies here. Perhaps even more so. The work here, unlike the Jaffee and Powers cases, does not involve new technology and new positions under Article I, Sec. 5. It involves work that has been done in essentially the same manner over the years, changing, if at all, only gradually. Employees performing manual sortation of parcels have an obvious community of interest with their clerk colleagues at the other end of a parcel sorting machine who key it. Outside parcel sorters, likewise, have a community of interest with both of the others. Indeed, in some BMC's such as Largo, Maryland, outsides themselves are worked on a machine that is keyed like a parcel sorter.

In the end it is all single piece distribution --

clerk work -- and considerations of effective union representation, unity of supervision, possibilities for promotion, and similar criteria point to community of interest within the clerk craft.

There is no doubt that the Postal Service retains the right to manage the enterprise under Article III which makes it exclusively a management function to determine the "methods, means and personnel" by which Postal operations are to be conducted. In this case management has elevated what it considers to be cost effectiveness, efficiency and the like to the level of a fetish, although it has never been shown with any quantitative analysis that manual distribution of parcels by mail handlers either at post offices or at the NMO areas of BMC's really is cheaper or more efficient. It is certain that the mere fact that mail handlers work for less than clerks does not assure either overall cost effectiveness or greater efficiency. See Garrett award, APWU Exh. 48, p. 49. The Clerks maintain that the flexibility afforded by having level 5 clerks available to perform all these functions will, in the long run, enable them to be more readily assigned, when required, to these operations from other clerk operations. This, in turn, translates into lower overall labor costs.

Moreover, the management rights Article is limited by the proviso that any action taken is "subject to the provisions" of the National Agreement. That, of course, includes the Memorandum of Agreement which, in turn, requires jurisdictional determinations to be made on the basis of all relevant criteria. As extensively discussed, such other factors clearly weigh in favor of the Clerks.

Another factor that must be considered is the actual impact of the Postal Service's assignments on the crafts. The

Postal Service's proposed assignments will effect the transfer of thousands of positions. It has already done that, with many more to come. That is obvious, but APWU's Exhibits 74-79 illustrate in a small way this reality.

APWU asserted at the start that the promulgation of R.I. 399 had been done illegally. Although that allegation was settled, it was agreed that APWU is free to demand that the Arbitrator retroactively roll back the improper assignments made since R.I. 399 was promulgated. If APWU is correct in its unit contentions concerning parcel post assignments, then the wholesale transfer of positions must not only be stopped but the unions should be returned as nearly as possible to the status quo ante. USPS was put on notice right at the start that it acted at its peril. It persisted, with the active assistance of the Mail Handlers. A complete remedy would not only award all the parcel operations to APWU but would require USPS to repost to clerks all bids made to mail handlers since R.I. 399 was issued. This would not necessarily have to be done all at once. On the other hand, the situation demands that it not be done by attrition either. That would punish both the clerks who are eligible and waiting for those positions and their union which is being decimated by R.I. 399.

VI. OPERATIONS 010 AND 020 SHOULD BE
ASSIGNED TO CLERKS AND MAIL HAND-
LERS JOINTLY.

It is not necessary to expand at great length about the remaining disputed assignments. The most significant in terms of number of employees involved are 010 Originating Mail Preparation, except letter cancellation on facer-cancellers, and 020 Originating Meter Mail Preparation. APWU's position is that these operations have traditionally and customarily been

jointly performed by clerks and mail handlers and it should remain that way.

In fact, there did not seem to be any serious dispute that in most large facilities there is a group of mail handlers who are assigned to leave off whatever work they may be doing in the early afternoon hours and to begin the opening dumping and culling operations associated with 010 and the related tasks in 020. When the mail collection gets heavier in the late afternoon clerks are brought in to help. They may either have their hours set so that they report to work directly to 010/020 at a given hour, or they may report to their distribution assignments and be told to go first to 010/020 to work.

At times mail handlers have bid positions directly at 010/020 although they may not work there all day and at times clerks have such bid positions and they, too, may not work there all day.

Although the general run of functions in 010/020, other than those assigned to clerks by 010 and 020, are clearly at a skill level normally performed by level 4 employees, it is also apparent that the most complex function which is item 4 of 010 - culling - closely approaches single piece distribution in level of difficulty. In some places, such as Worldway in Los Angeles, and other places named by Mr. Wolff, actual distribution normally performed by clerks in operation 115, item 7, is performed in 010. It was for that reason that Wolff insisted upon the inclusion in R.I. 399 of the asterisks and footnote on page 1 that when distribution is performed on 010 it will be assigned in accordance with the appropriate distribution operation.

Since all this seems so evident from the testimony

given, it is difficult to comprehend why both the Postal Service and Mail Handlers fought so strenuously against Wolff's modest surveys of 010/020 hours in sixteen post offices. (APWU Exhb. 56 and 72). The first survey merely showed that when R.I. 399 was first issued the percentage of 010/020 hours being performed by clerks varied from a low of 5% to a high of 81%. And if the high four and low four are dropped, the remaining eight offices, which comprise one-half those surveyed, are grouped in a range between 30% and 61% clerk hours. This is entirely in keeping with the testimony and not at all startling. The second survey, taken after R.I. 399 had been in effect for 6 months, sought to determine whether clerk hours had been lost to mail handler hours. While it showed that in all cases clerk hours on 010-020 had dropped, mail handler hours had risen in only six cities. Inexplicably, mail handler hours had also dropped in twelve cities and the survey cannot really be said to have proved the hypothesis.

Again, it would make little sense to disturb arrangements long in effect. It is not disputed that APWU's concern in this area was aroused when it became clear that many bid clerical jobs would be lost in 010/020. Houston, Texas, was a glaring example. Once again, the operation itself was not changed. It continues to be performed in exactly the same way. It is an invitation to chaos to disrupt long established jurisdictional lines without some rational justification.

VII. OTHER ASSIGNMENTS DISPUTED BY APWU

A. The Following Can Be Considered As A Group 050/055 Priority Mail Distribution 168-169 Box Section Primary And Secondary Loading Ledges And Sweeping Cases Where-ever Made In R.I. 399

These are items 3, 7, and 11 in the listing of

agreed upon disputed assignments. In each case APWU's object-

ion is based upon the assignment of Mail Handlers as primary craft performing allied labor. In each case such primary assignment is accompanied by an asterisk referring to a footnote on p. 3 of R.I. 399, which says:

"*In offices where the tasks of obtaining empty equipment, obtaining unprocessed mail, loading ledges, sweeping and containerizing is an integral part of the distribution function, the entire operation in a function of the primary craft performing the distribution."

APWU is not satisfied that this note fully protects clerks' traditional right to perform distribution. APWU contends that in 050/055 priority mail in post offices, this operation is so small that allied labor is by definition an integral part of the distribution function (496-500). The same argument is made with regard to box mail 168/169.

With respect to ledge loading and sweeping APWU has shown by testimony and by the survey performed by Mr. Wolff's team (APWU Exh. 59(a) and (b)) that normally, those operations too, are an integral part of the distribution operation and must be awarded to clerks. Put a different way, APWU is convinced that leaving the decision as to whether an allied function is or is not "integral" in the hands of management is an invitation to destroy clerk craft jurisdiction over integral tasks. Mr. Downes conceded that no decision had been made as to who in management might make the decision as to when an allied task was integral with distribution; he had never made that inquiry (1200-1202). It could be a line foreman who has no knowledge of the subtleties of these situations.

Mr. Wolff's testimony on ledge loading and sweeping will be found at the following places in the transcript: 404-430; 482-494; 654-657; 664-665; 682-683.

Other APWU witnesses also testified to this proposition: Mr. Vogel, 710-716; 734-736. Mr. Taylor, 740-749; 754-758.

B. Operations 105, 180/189, and 200

In Operations 105 Mechanized Parcel Sorter, 180/189, Incoming SPR Distribution, and 200 Income Parcel Distribution, APWU has challenged the awarding of "labelling sacks" to the Mail Handler craft as the primary craft. This challenge rests upon APWU's showing that labelling is not only an integral part of the distribution function awarded to clerks, but that clerks are held responsible for the proper labelling of sacks. If sacks are mislabelled they will inevitably be misdirected with serious problems of missent mail.

APWU testimony on this point will be found in Mr. Wolff's testimony at 455-462; 611; 688. Other testimony is found in testimony of Mr. Vogel 716-720; Mr. Strunk, 2070-2072.

VIII. APWU DID NOT WAIVE ITS RIGHT TO
ARBITRATE THE ISSUES ON THE MERITS

The Mail Handlers argue that APWU has waived the right to contest the assignments made by R.I. 399 and are, therefore, bound by the document as written. They say this is so because APWU failed to participate in certain negotiations in 1978 which resulted in a bilateral agreement between Mail Handlers and USPS. (APWU Exh. 1)

This idea was introduced into the proceedings for the first time during the opening statement of counsel for the Mail Handlers on January 7, 1981 (1582).

The argument runs that jurisdiction was an issue at the main table in the 1978 negotiations; each of the three unions had put forward a jurisdictional proposal; there had been a sub-committee on jurisdiction established by the main table participants in which the Postal Service, APWU and the Mail Handlers participated, but no agreement had been reached there; and the sub-committee reported that fact to the main table. On

the last day of the contract wage negotiations were heated; the principals removed negotiations to the Federal Mediation and Conciliation Service and at 1:00 AM on July 21, the Postmaster General arrived to continue negotiations; eventually a wage package was agreed upon at which point Lonnie Johnson announced that he was willing to agree if the jurisdiction issue could be settled. According to Johnson, both the President of the National Association of Letter Carriers and the General President of APWU left the negotiations at that point saying they were satisfied they had an agreement, but Johnson said he did not and the jurisdiction package is still on the table.

At that point, he said, Mail Handlers continued negotiating with the Postal Service until a memorandum was reached relative to jurisdiction (APWU Exh 1). Then they agreed to the entire package. The Mail Handlers seem to say (1) that separate Memorandum is binding upon APWU, and (2) somehow, as a result of the provisions of that document the provisions of R.I. 399 as written are also binding on APWU.

The short answer to the Mail Handler contention is that early on the parties to this arbitration stipulated that the case would be heard on the merits and, in fact, went to considerable trouble to specify precisely what the disputed issues were. The Mail Handlers respond that that stipulation was only meant to resolve claims by APWU that the issuance of R.I. 399 was illegal and claims by the Postal Service and Mail Handlers that APWU's case was not arbitrable because APWU failed to comply with required pre-arbitral provisions. However, at no time, when the discussions leading to the eventual stipulation were going on did the Mail Handlers indicate that they had another argument pointing in the direction of a

waiver. They now come forth with the idea that even though they agreed to arbitrate on the merits they had mental reservations that such agreement really did not apply to their waiver argument. APWU properly believed that the stipulation was total and complete and that it covered all issues that might be an impediment to arbitration on the merits and for that reason made sure that the question of a retroactive remedy was dealt with. It is not permissible for the Mail Handlers to come forth for the first time after over a year of hearings and try to mouse-trap APWU with a new argument. Had the notion been raised earlier APWU would not have proceeded with the hearing as it did without considering and disposing of it in some manner.

APWU contends, also, that the private deal is not binding on it. ^{But} /if it is assumed, arguendo, that the Mail Handler's memorandum with the Postal Service is binding on APWU, there is nothing in it that would preclude APWU from disputing on the merits any of the assignments made in R.I. 399. On the contrary. The document provides that within sixty days of July 21, 1978, the Postal Service will issue for prompt implementation a detailed statement of work assignments within the Mail Handlers Craft. It then goes on to make two provisions with regard to disputes that might arise. First, disputes as to issuance of such statement are made subject to the "dispute resolution provisions contained in the Memorandum of Understanding on Jurisdiction agreed to by the unions party to the National Agreement."

Second, disputes between the "parties hereto" with respect to the implementation of the statement are made subject to the provisions of Article XV of the National Agreement.

Thus, if the present arbitration is looked upon as a dispute over issuance of R.I. 399, which APWU understands

that it is, then all the parties are properly here under the Memorandum of Understanding on Jurisdiction, which is what APWU thought was the basis for this arbitration all along. The Memorandum on Jurisdiction after all was agreed to by all three unions and gives all unions rights to dispute jurisdictional assignments.

If the disputes being arbitrated here are looked upon as disputes over implementation of R.I. 399, which APWU does not believe they are, then APWU, as a party bound by the Mail Handlers agreement (even if against its will) is again required to arbitrate, but under the grievance provisions of Article XV Those provisions are not geared to resolution of the types of disputes presented here.

Thus, it is hard to see how APWU has waived any right to contest R.I. 399. The Mail Handlers apparently would like to argue that even though they participated right along with APWU and USPS in all the deliberations of the Jurisdiction Committee established under the 1978 agreement during the period from about August 1978 until June 1979 without mentioning waiver, it was all a game because they already knew APWU was really barred from contesting whatever document USPS might issue. It is all too preposterous.

Finally, the truth is that APWU, as a matter of law, is not bound by the Mail Handler-USPS memorandum. Since 1971, when collective bargaining was instituted under the Postal Reorganization Act, the unions have bargained on a coordinated basis and not on a joint basis. That is, they coordinated their proposals, agreed on demands to be presented at the main table, and agreed that there would be no agreement on particular items until they all agreed. At the same time each union maintained its ultimate freedom of action; each was free to

depart at any time-from the coordinated bargaining and enter into its own agreement. The Rural Carriers did withdraw in 1978 and Mail Handlers have just withdrawn in 1981. This is also the thrust of Lonnie Johnson's testimony.

Therefore, the National Agreement, although embodied in one document, always has been, in reality, three or four separate collective agreements having some common provisions and other provisions that were not common; mostly, but not entirely, in the craft supplements.

This kind of bargaining is to be distinguished from joint bargaining in which a group of organizations on either the management or union side band together in a joint association to conduct bargaining as one entity. In that system agents are appointed to do the bargaining and the principals are bound by the authorized acts of their agents. Principals are not free to withdraw from joint bargaining at any time they wish, but may do so only in accordance with applicable NLRA law on the subject.

Regardless of which way the bargaining is viewed, the USPS-Mail Handler Memorandum cannot be binding on APWU. If it is coordinated bargaining, it is clear that the three unions had agreed upon no jurisdictional resolution other than the Memorandum of Understanding. That Memorandum is included in the National Agreement as agreed to by all three unions and is binding upon each. Even if Mr. Andrews did walk out at a time when Mr. Johnson indicated he would continue bargaining over jurisdiction, neither APWU nor NALC could be bound by Johnson's separate deal since each union, in the final analysis, bargains for its own bilateral agreement, although on a coordinated basis.

If the bargaining is viewed as joint, then, again, the Mail Handlers' private deal is not binding on APWU. In joint bargaining the principals are bound by the acts of their

duly authorized agents at the table. APWU had never expressly authorized Mr. Johnson to act as its agent, nor can it be said in the circumstances that he had implied authority to do so, particularly in regard to such a sensitive issue as jurisdiction where his interests and those of APWU were so deeply in conflict over the years and throughout the negotiations.

Finally, reference must be made to Article I of APWU's agreement with USPS which precludes the arbitrator from binding APWU to any such agreement as the Mail Handlers made with USPS. The analysis of Arbitrator Garrett in his award, APWU Ex. 48, at pp. 45-48, regarding the Mail Handlers old Article XLIII, is equally applicable here.

CONCLUSION

For the foregoing reasons the Arbitrator is urged to make an award of all the disputed duty assignments to the clerk craft as the primary craft. In addition, the Arbitrator should direct that USPS report to clerks all bids given to Mail Handlers as a result of the issuance of R.I. 399.

Respectfully submitted,

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**R.I. 399 Mail Processing Work Assignment Guidelines
Semiannual Report Form**

Please fill in every blank by Mail Processing Center.

- | | |
|-------------------------------------------------------------------------------|------------------------------------------|
| 1) Mail Processing Center: <u>CASCOH, TA 51401-9978</u> | Today's date: <u>3-20-89</u> |
| 2) No. fulltime and PTF clerks: <u>15</u> | Change from previous 6 months: <u>NA</u> |
| 3) No. fulltime and PTF mailhandlers: <u>NA</u> | Change from previous 6 months: <u>NA</u> |
| 4) No. fulltime clerk vacancies: <u>1A</u> | Change from previous 6 months: <u>NA</u> |
| 5) No. fulltime mailhandler vacancies: <u>NA</u> | Change from previous 6 months: <u>NA</u> |
| 6) How many full-time clerks are in mailhandler assignments? | |
| 2 to 4 hour assignments: <u>NA</u> | Change from previous 6 months: <u>NA</u> |
| 4 to 8 hour assignments: <u>NA</u> | Change from previous 6 months: <u>NA</u> |
| 8 hour assignments: <u>NA</u> | Change from previous 6 months: <u>NA</u> |
| 7) How many full-time mailhandlers are in clerk assignments? | |
| 2 to 4 hour assignments: <u>NA</u> | Change from previous 6 months: <u>NA</u> |
| 4 to 8 hour assignments: <u>NA</u> | Change from previous 6 months: <u>NA</u> |
| 8 hour assignments: <u>NA</u> | Change from previous 6 months: <u>NA</u> |
| 8) How many part-time flexible clerks are in mailhandler assignments? | |
| 2 to 4 hour assignments: <u>NA</u> | Change from previous 6 months: <u>NA</u> |
| 4 to 8 hour assignments: <u>NA</u> | Change from previous 6 months: <u>NA</u> |
| 8 hour assignments: <u>NA</u> | Change from previous 6 months: <u>NA</u> |
| 9) How many part-time flexible mailhandlers are in clerk assignments? | |
| 2 to 4 hour assignments: <u>NA</u> | Change from previous 6 months: <u>NA</u> |
| 4 to 8 hour assignments: <u>NA</u> | Change from previous 6 months: <u>NA</u> |
| 8 hour assignments: <u>NA</u> | Change from previous 6 months: <u>NA</u> |
| 10) How many new mailhandler positions have been posted in the past 6 months? | <u>NA</u> |

What are the duties and in what operations? *Attach additional paper, if necessary.*

Operation

Duties

- | | |
|-------------------------------------------------------------------------|-----------|
| 11) How many new clerk positions have been posted in the past 6 months? | <u>NA</u> |
|-------------------------------------------------------------------------|-----------|

What are the duties and in what operations? *Attach additional paper, if necessary.*

Operation

Duties

- 12) What is the number of grievances on R.I. 399 related matters at each step of the grievance procedure?

What are the general issues involved? *Attach additional paper, if necessary.*

Number at Step 1

Issues

Number at Step 2

NA

Issues

Number at Step 3

Issues

13) How many casuals have been employed, in what operations, and with what duties?

Number Operation

Duties

N/A

14) What actions are planned for full implementation of R.I. 399? When is full implementation anticipated?

N/A

Signed,



MSC Manager,

Ed. I. Clun

Management Sectional Center.

4/84 CR0420

Semiannual Report Form

Please fill in every blank by Mail Processing Center.

1) Mail Processing Center: <u>SHELDON, IOWA 51201</u>	Today's date: <u>3-20-89</u>
2) No. fulltime and PTF clerks: <u>9</u>	Change from previous 6 months: <u>0</u>
3) No. fulltime and PTF mailhandlers: <u>0</u>	Change from previous 6 months: <u>0</u>
4) No. fulltime clerk vacancies: <u>0</u>	Change from previous 6 months: <u>0</u>
5) No. fulltime mailhandler vacancies: <u>0</u>	Change from previous 6 months: <u>0</u>
6) How many full-time clerks are in mailhandler assignments?	
2 to 4 hour assignments: <u>4</u>	Change from previous 6 months: <u>0</u>
4 to 8 hour assignments: <u>0</u>	Change from previous 6 months: <u>0</u>
8 hour assignments: <u>0</u>	Change from previous 6 months: <u>0</u>
7) How many full-time mailhandlers are in clerk assignments?	
2 to 4 hour assignments: <u>0</u>	Change from previous 6 months: <u>0</u>
4 to 8 hour assignments: <u>0</u>	Change from previous 6 months: <u>0</u>
8 hour assignments: <u>0</u>	Change from previous 6 months: <u>0</u>
8) How many part-time flexible clerks are in mailhandler assignments?	
2 to 4 hour assignments: <u>2</u>	Change from previous 6 months: <u>0</u>
4 to 8 hour assignments: <u>0</u>	Change from previous 6 months: <u>0</u>
8 hour assignments: <u>0</u>	Change from previous 6 months: <u>0</u>
9) How many part-time flexible mailhandlers are in clerk assignments?	
2 to 4 hour assignments: <u>0</u>	Change from previous 6 months: <u>0</u>
4 to 8 hour assignments: <u>0</u>	Change from previous 6 months: <u>0</u>
8 hour assignments: <u>0</u>	Change from previous 6 months: <u>0</u>
10) How many new mailhandler positions have been posted in the past 6 months? <u>0</u>	
What are the duties and in what operations? <i>Attach additional paper, if necessary.</i>	
<u>Operation</u>	<u>Duties</u>
11) How many new clerk positions have been posted in the past 6 months? <u>0</u>	
What are the duties and in what operations? <i>Attach additional paper, if necessary.</i>	
<u>Operation</u>	<u>Duties</u>
12) What is the number of grievances on R.I. 399 related matters at each step of the grievance procedure?	
What are the general issues involved? <i>Attach additional paper, if necessary.</i>	
<u>Number at Step 1</u> <u>0</u>	<u>Issues</u>
<u>Number at Step 2</u>	<u>Issues</u>
<u>Number at Step 3</u>	<u>Issues</u>

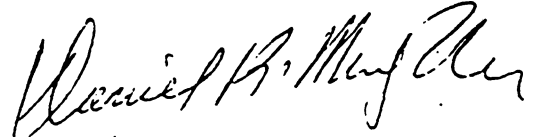
13) How many casuals have been employed, in what operations, and with what duties?

<u>Number</u>	<u>Operation</u>
2	CLERK

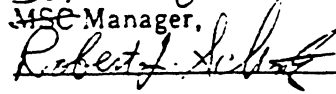
Duties
MAIL HANDLER
DISTRIBUTION

14) What actions are planned for full implementation of R.I. 399? When is full implementation anticipated?

Signed,



ScP
MSC Manager,



Management Sectional Center

4/84 CR0420

R. I. 399 Mail Processing Work Assignment Guidelines Semiannual Report Form

Please fill in every blank by Mail Processing Center.

- | | |
|-----------------------------------------------------------------------|------------------------------------------|
| 1) Mail Processing Center: <u>FT DODGE</u> | Today's date: <u>3/22/89</u> |
| 2) No. fulltime and PTF clerks: <u>75</u> | Change from previous 6 months: <u>-1</u> |
| 3) No. fulltime and PTF mailhandlers: <u>1</u> | Change from previous 6 months: <u>-1</u> |
| 4) No. fulltime clerk vacancies: <u>1</u> | Change from previous 6 months: <u>+1</u> |
| 5) No. fulltime mailhandler vacancies: <u>1</u> | Change from previous 6 months: <u>+1</u> |
| 6) How many full-time clerks are in mailhandler assignments? | |
| 2 to 4 hour assignments: <u>3</u> | Change from previous 6 months: <u>+0</u> |
| 4 to 8 hour assignments: <u>1</u> | Change from previous 6 months: <u>0</u> |
| 8 hour assignments: _____ | Change from previous 6 months: _____ |
| 7) How many full-time mailhandlers are in clerk assignments? | |
| 2 to 4 hour assignments: <u>0</u> | Change from previous 6 months: _____ |
| 4 to 8 hour assignments: _____ | Change from previous 6 months: _____ |
| 8 hour assignments: _____ | Change from previous 6 months: _____ |
| 8) How many part-time flexible clerks are in mailhandler assignments? | |
| 2 to 4 hour assignments: <u>4</u> | Change from previous 6 months: <u>+1</u> |
| 4 to 8 hour assignments: _____ | Change from previous 6 months: _____ |
| 8 hour assignments: _____ | Change from previous 6 months: _____ |
| 9) How many part-time flexible mailhandlers are in clerk assignments? | |
| 2 to 4 hour assignments: <u>0</u> | Change from previous 6 months: _____ |
| 4 to 8 hour assignments: _____ | Change from previous 6 months: _____ |
| 8 hour assignments: _____ | Change from previous 6 months: _____ |

10) How many new mailhandler positions have been posted in the past 6 months? 0

What are the duties and in what operations? *Attach additional paper, if necessary.*

Operation

Duties

11) How many new clerk positions have been posted in the past 6 months? 0

What are the duties and in what operations? *Attach additional paper, if necessary.*

Operation

Duties

12) What is the number of grievances on R.I. 399 related matters at each step of the grievance procedure?

What are the general issues involved? *Attach additional paper, if necessary.*

Number at Step 1

Issues

Number at Step 2

Issues

1

ORD BELT (180-189) ALL DUTIES ARE INTEGRAL PART OF DISTRIBUTION

Number at Step 3

Issues

1

PLATFORM OPERATIONS (210/239) APPLICABLE MAINTAINS THAT SEPARATION TO HCRS IS A FINAL SORT & IS CLERK WORK

13) How many casuals have been employed, in what operations, and with what duties?

Number Operation

2

180781 9 210/239

Duties

UNLOADING TRUCKS, SEPARATING MAIL FOR
FURTHER PROCESSING AND HCRs, DUMPING, CULLING
AND DISTRIBUTING BUNDLES AND PIECES OF BSM.

14) What actions are planned for full implementation of R.I.399? When is full implementation anticipated?

NO CHANGES ARE PLANNED PENDING OUTCOME OF APPLICABLE AGREEMENTS.

Signed,



MSC Manager,

Management Sectional Center.

4/84 CR0420

Semiannual Report Form

Please fill in every blank by Mail Processing Center.

- 1) Mail Processing Center: Mason City, IN 50401 Today's date: 3-21-87
- 2) No. fulltime and PTF clerks: 52 Change from previous 6 months: + 1
- 3) No. fulltime and PTF mailhandlers: 0 Change from previous 6 months: NONE
- 4) No. fulltime clerk vacancies: 0 Change from previous 6 months: "
- 5) No. fulltime mailhandler vacancies: 0 Change from previous 6 months: "
- 6) How many full-time clerks are in mailhandler assignments?
- 2 to 4 hour assignments: 0 Change from previous 6 months: NONE
- 4 to 8 hour assignments: 0 Change from previous 6 months: NONE
- 8 hour assignments: 0 Change from previous 6 months: "
- 7) How many full-time mailhandlers are in clerk assignments?
- 2 to 4 hour assignments: 0 Change from previous 6 months: "
- 4 to 8 hour assignments: 0 Change from previous 6 months: "
- 8 hour assignments: 0 Change from previous 6 months: "
- 8) How many part-time flexible clerks are in mailhandler assignments?
- 2 to 4 hour assignments: 0 Change from previous 6 months: "
- 4 to 8 hour assignments: 0 Change from previous 6 months: "
- 8 hour assignments: 0 Change from previous 6 months: "
- 9) How many part-time flexible mailhandlers are in clerk assignments?
- 2 to 4 hour assignments: 0 Change from previous 6 months: "
- 4 to 8 hour assignments: 0 Change from previous 6 months: "
- 8 hour assignments: 0 Change from previous 6 months: "
- 10) How many new mailhandler positions have been posted in the past 6 months? NONE

What are the duties and in what operations? *Attach additional paper, if necessary.*

Operation Duties

- 11) How many new clerk positions have been posted in the past 6 months? NONE

What are the duties and in what operations? *Attach additional paper, if necessary.*

Operation Duties

- 12) What is the number of grievances on R.I. 399 related matters at each step of the grievance procedure?

What are the general issues involved? *Attach additional paper, if necessary.*

Number at Step 1 Issues

0

Number at Step 2 Issues

0

Number at Step 3 Issues

0

3) How many casuals have been employed, in what operations, and with what duties?

Number Operation

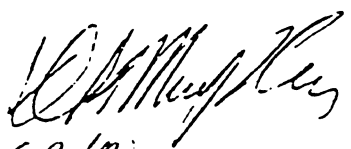
2 Cullm. facing
Collections

Duties

Running cancellis
Mach. & Making Collection
Working SCE Flt to letter
3rd class S.E.M.

4) What actions are planned for full implementation of R.I.399? When is full implementation anticipated?

Signed,



MSC Manager.

~~J. P. Murphy~~ S.O.B. Management Sectional Center.
Main City - Sa 52401-9998

84 CR0420

**R. I. 399 Mail Processing Work Assignment Guidelines
Semiannual Report Form**

Please fill in every blank by Mail Processing Center.

1) Mail Processing Center: <u>SPENCER, IA 51301-9976</u>	Today's date: <u>3-20-89</u>
2) No. fulltime and PTF clerks: <u>21</u>	Change from previous 6 months: <u>+1</u>
3) No. fulltime and PTF mailhandlers: <u>0</u>	Change from previous 6 months: <u>0</u>
4) No. fulltime clerk vacancies: <u>1</u>	Change from previous 6 months: <u>-1</u>
5) No. fulltime mailhandler vacancies: <u>0</u>	Change from previous 6 months: <u>0</u>
6) How many full-time clerks are in mailhandler assignments?	
2 to 4 hour assignments: <u>0</u>	Change from previous 6 months: <u>0</u>
4 to 8 hour assignments: <u>0</u>	Change from previous 6 months: <u>0</u>
8 hour assignments: <u>0</u>	Change from previous 6 months: <u>0</u>
7) How many full-time mailhandlers are in clerk assignments?	
2 to 4 hour assignments: <u>0</u>	Change from previous 6 months: <u>0</u>
4 to 8 hour assignments: <u>0</u>	Change from previous 6 months: <u>0</u>
8 hour assignments: <u>0</u>	Change from previous 6 months: <u>0</u>
8) How many part-time flexible clerks are in mailhandler assignments?	
2 to 4 hour assignments: <u>0</u>	Change from previous 6 months: <u>0</u>
4 to 8 hour assignments: <u>0</u>	Change from previous 6 months: <u>0</u>
8 hour assignments: <u>0</u>	Change from previous 6 months: <u>0</u>
9) How many part-time flexible mailhandlers are in clerk assignments?	
2 to 4 hour assignments: <u>0</u>	Change from previous 6 months: <u>0</u>
4 to 8 hour assignments: <u>0</u>	Change from previous 6 months: <u>0</u>
8 hour assignments: <u>0</u>	Change from previous 6 months: <u>0</u>
10) How many new mailhandler positions have been posted in the past 6 months? <u>0</u>	
What are the duties and in what operations? <i>Attach additional paper, if necessary.</i>	
<u>Operation</u>	<u>Duties</u>
11) How many new clerk positions have been posted in the past 6 months? <u>0</u>	
What are the duties and in what operations? <i>Attach additional paper, if necessary.</i>	
<u>Operation</u>	<u>Duties</u>
12) What is the number of grievances on R.I. 399 related matters at each step of the grievance procedure?	
What are the general issues involved? <i>Attach additional paper, if necessary.</i>	
<u>Number at Step 1</u>	<u>Issues</u>
<u>0</u>	<u>0</u>
<u>Number at Step 2</u>	<u>Issues</u>
<u>0</u>	<u>0</u>
<u>Number at Step 3</u>	<u>Issues</u>
<u>0</u>	<u>0</u>

13) How many casualls have been employed, in what operations, and with what duties?

Number Operation

Duties

0

14) What actions are planned for full implementation of R.I.399? When is full implementation anticipated?

NONE

Signed,



MSC Manager,

_____ Management Sectional Center.

4/84 CR0420

R. I. 399 Mail Processing Work Assignment Guidelines Semiannual Report Form

Please fill in every blank by Mail Processing Center.

1) Mail Processing Center: <u>STIOUX CITY, IA 51101</u>	Today's date: <u>3/22/89</u>
2) No. fulltime and PTF clerks: <u>116</u>	Change from previous 6 months: <u>+2</u>
3) No. fulltime and PTF mailhandlers: <u>17</u>	Change from previous 6 months: <u>+2</u>
4) No. fulltime clerk vacancies: <u>2</u>	Change from previous 6 months: <u>-8</u>
5) No. fulltime mailhandler vacancies: <u>0</u>	Change from previous 6 months: <u>0</u>
6) How many full-time clerks are in mailhandler assignments?	
2 to 4 hour assignments: <u>0</u>	Change from previous 6 months: <u>0</u>
4 to 8 hour assignments: <u>0</u>	Change from previous 6 months: <u>0</u>
8 hour assignments: <u>0</u>	Change from previous 6 months: <u>0</u>
7) How many full-time mailhandlers are in clerk assignments?	
2 to 4 hour assignments: <u>0</u>	Change from previous 6 months: <u>0</u>
4 to 8 hour assignments: <u>0</u>	Change from previous 6 months: <u>0</u>
8 hour assignments: <u>0</u>	Change from previous 6 months: <u>0</u>
8) How many part-time flexible clerks are in mailhandler assignments?	
2 to 4 hour assignments: <u>0</u>	Change from previous 6 months: <u>0</u>
4 to 8 hour assignments: <u>0</u>	Change from previous 6 months: <u>0</u>
8 hour assignments: <u>0</u>	Change from previous 6 months: <u>0</u>
9) How many part-time flexible mailhandlers are in clerk assignments?	
2 to 4 hour assignments: <u>0</u>	Change from previous 6 months: <u>0</u>
4 to 8 hour assignments: <u>0</u>	Change from previous 6 months: <u>0</u>
8 hour assignments: <u>0</u>	Change from previous 6 months: <u>0</u>
10) How many new mailhandler positions have been posted in the past 6 months? <u>1</u>	
What are the duties and in what operations? <i>Attach additional paper, if necessary.</i>	
<u>Operation</u>	<u>Duties</u>
010	Repair damaged letters, cull and cancel mail, hang sacks, work empty equipment, etc.
11) How many new clerk positions have been posted in the past 6 months? <u>0</u>	
What are the duties and in what operations? <i>Attach additional paper, if necessary.</i>	
<u>Operation</u>	<u>Duties</u>
12) What is the number of grievances on R.I. 399 related matters at each step of the grievance procedure?	
What are the general issues involved? <i>Attach additional paper, if necessary.</i>	
<u>Number at Step 1</u>	<u>Issues</u>
6	Clerks allegedly doing mailhandler work
<u>Number at Step 2</u>	<u>Issues</u>
139	Same as above.
<u>Number at Step 3</u>	<u>Issues</u>
2	Same as above.

13) How many casuals have been employed, in what operations, and with what duties?

Number Operation

Duties

1

all

Cover annual, Sick leave, etc.

14) What actions are planned for full implementation of R.I.399? When is full implementation anticipated?

We maintain that we are in compliance.

Signed,



MSC Manager,

Sioux City, IA Management Sectional Center.

4/84 CR0420