

# AMERICAN POSTAL WORKERS UNION, AFL-CIO

APPEAL  
TO  
ARBITRATION

63

( 23 )

REGION)

GRIEVANT PERSON OR UNION FROM LINE 8 (LAST NAME FIRST)		APWU-USPS NATIONAL GRIEVANCE
APWU LOCAL		# H1C-5K-C 28116 (TLT)
WORK LOCATION CITY & ZIP CODE FROM LINE 10		USPS REGIONAL GRIEVANCE
Las Vegas, NV 89114		# W1C-5K-C-28116
CONTRACT ISSUE	CRAFT	APWU REGIONAL GRIEVANCE
Art. 1.6 - Supv. Perf BU Work	Clerk	#
To National Vice-President/Representative	DATE	APWU LOCAL GRIEVANCE
	October 3, 1991	# BH-A1-01-84

Herbert Rosenberg  
 National Business Agent  
 18321 Ventura Blvd., Suite 700  
 Tarzana, CA 91356

Enclosed you will find a copy of the decision rendered by the U. S. Postal Service.

This is your notice that this case is Appealed to Arbitration.

To Local

Billy Harrell, President  
 Las Vegas Area Local, NV  
 P.O. Box 93535  
 Las Vegas, NV 89134

Sincerely and fraternally,

*Thomas A. Neill*

Thomas A. Neill  
Director of Industrial Relations

FOR POSTAL SERVICE

Date (same as above)

Senior Assistant Postmaster General  
 Employee & Labor Relations Group  
 U. S. Postal Service  
 Washington, D. C. 20260

10/3/91

Dear Sir:

Please be advised that pursuant to Article XV, Sections 2 and 4 of the National Working Agreement, I have authorized and hereby appeal the above-captioned case for arbitration.

Sincerely,

*Moe Biller*  
 Morris Biller  
 President

TLT:sec  
 opeiu #2  
 afl-cio

NATIONAL ARBITRATION



UNITED STATES POSTAL SERVICE  
ROOM 9014  
475 L'ENFANT PLAZA SW  
WASHINGTON DC 20260-4100  
TEL (202) 268-3816  
FAX (202) 268-3074

OFFICE OF THE  
ASSISTANT POSTMASTER GENERAL  
LABOR RELATIONS DEPARTMENT

Mr. Thomas Thompson  
Assistant Director  
Clerk Craft Division  
American Postal Workers  
Union, AFL-CIO  
1300 L Street, N.W.  
Washington, DC 20005-4128

Re: H1C-5K-C 28116  
LOCAL  
LAS VEGAS NV 89114

Dear Mr. Thompson:

On September 19, 1991, we met to discuss the referenced grievance at the fourth step of our contractual grievance procedure.

The issues in this grievance are: (1) whether the performance of "lobby sweeps" by management is a violation of the National Agreement and (2) whether delivery unit supervisors violate Article 1.6 of the National Agreement by discarding No Obvious Value Mail (NOVM) as they conduct a quality control review of such mail.

The two issues identified in this grievance have been certified for National Arbitration in grievances H1C-3P-C 13832 et al. and H1C-3P-C 46036 respectively.

Inasmuch as the union would not agree to hold this grievance pending the decisions in these two cases, this grievance is denied. The position of the Postal Service with respect to these two issues is set forth below.

Issue 1:

The union has recently conceded in separate Step 4 grievance decisions that management may perform lobby sweeps. It is now attempting to change its position. The union's current position is that "lobby sweeps" do not include management obtaining accountable mail and parcels for customers. This



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position, which was raised for the first time in the grievance process at our Step 4 meeting, is apparently based on the union's interpretation of the recent Snow Award AC-N-6922. The union's current position is that any work that is associated with "moving the mail" (or involved in "advancing the mail forward") is bargaining unit work and may not be performed by supervisors or other non-bargaining managerial employees.

It is the position of the Service that the notion of what constitutes a lobby sweep includes such functions as getting parcels and accountable mail for postal customers but is not limited to these two activities. In the broadest sense we are all involved in the movement of the mail, so the union's position does not truly differentiate bargaining unit work from that accomplished by any other postal employee. We do not agree that it is supported in any way by the Snow Award. The Union's current position is also contrary to our previous mutual understandings at the national level and past practice regarding lobby sweeps.

During peak periods of customer activity, management performs lobby sweeps to ensure good service and customer satisfaction. The grievance files reflect that the actual tasks performed by the managers involve minimal amounts of work and have been performed by management for years. There was no evidence presented by the union to show that lobby sweeps are exclusively bargaining unit work. Further, even if this was bargaining unit work, it can be done by Postal Service supervisors under certain circumstances. In sum, the union has presented no evidence which shows that management has violated the National Agreement.

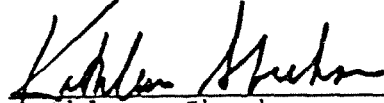
#### Issue 2:

At the Step 4 meeting the union contended that any work that involves moving or advancing the mail is bargaining unit work. The Union did not disagree with management's right to review NOVM as described in Postal Bulletin article, "No Obvious Value Mail Procedures", PB 23177 November 11, 1982. However, the union did contend that after the supervisor reviews the mail, it must be given to the clerks for their review and disposal. The union claimed that management could not dispose of NOVM mail as that is bargaining unit work.

It is the Postal Service's position that the disposal of NOVM by the supervisor during the course of a quality control review is not bargaining unit work. It makes no economic sense to bifurcate the action of a quality control review into a quality control of NOVM and a disposal of NOVM when both can be accomplished in one motion. Language in the Snow award AC-N-6922 supports management's view of this matter. The union failed to show that the work at issue is exclusively bargaining unit work.

Time limits were extended by mutual consent.

Sincerely,

  
\_\_\_\_\_  
Kathleen Sheehan  
Grievance & Arbitration  
Division

Date 10/3/91

