



UNITED STATES POSTAL SERVICE
475 L'Enfant Plaza, SW
Washington, DC 20260

Mr. Thomas Freeman, Jr.
Assistant Director
Maintenance Craft Division
American Postal Workers
Union, AFL-CIO
817 14th Street, N.W.
Washington, D.C. 20005-3399

ARTICLE	<u>10</u>
SECTION	_____
SUBJECT	_____
	<u>FORM 3971</u>
	<u>ON CLOCK</u>

Re: Class Action
Orlando, FL 32802,
H/C-3W-C 48121

Dear Mr. Freeman:

On August 16, 1985, we met to discuss the above-captioned grievance at the fourth step of our contractual grievance procedure.

The issue in this grievance involves management requiring employees to complete PS Forms 3971 at the Postal Source Data Site prior to obtaining their time badges following unexpected absences from duty.

After reviewing this matter, we mutually agreed that no national interpretive issue is fairly presented in this case. This is a local dispute suitable for regional determination by application of Part 513.332 of the ELM as well as Part 333.3 of the F-21 Handbook to the fact circumstances.

The parties at this level agree that the completion of a Form 3971 "upon/after return to duty" means while the employee is on-the-clock.

Accordingly, we agreed to remand this case to the parties at Step 3 for application of the above understanding to the fact circumstances.

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DATE: June 26, 1984

EF: LR100:FJacquette:ab:4110

CT: Attendance Control

Regional General Managers
Labor Relations Division

Following the issuance of Management Instruction, EL-510-83-9, Attendance Control, a number of discussions were held with representatives of the APWU. Those discussions centered on procedures instituted by that management instruction and the revised PS Form 3971, Request For, Or Notification of, Absence. Essentially, the parties agreed to the following terms:

1. Changes to PS Form 3971 published in Postal Bulletin 21453 (4-12-84) were made for administrative purposes only and, as such, do not constitute a change in hours, wages or working conditions; and
2. A grievance challenging a supervisor's determination that an absence is unscheduled may be filed at the time the PS Form 3971 is completed or when that absence is included in a disciplinary action. In cases where a grievance is filed after a disciplinary action has been issued, the Postal Service will not raise a question of timeliness in regard to the disputed absence(s).

We believe that this understanding with the APWU should reduce the likelihood of employees filing "precautionary" grievances in every instance where a supervisor determines that an absence is unscheduled. In most instances, such decisions will not culminate in disciplinary action. However, if an employee elects to file a grievance at the time the PS Form 3971 is completed; and, that grievance is not sustained, we will not allow that issue to be challenged a second time if the absence is included in a future disciplinary action.

If you have any questions regarding this matter, contact Frank Jacquette at 245-4731.

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James C. Gildea
James C. Gildea
Assistant