



EMPLOYEE AND LABOR RELATIONS GROUP
Washington, DC 20260

NOV 24 1978

Mr. Thomas D. Riley
Assistant Secretary-Treasurer
National Association of Letter Carriers, AFL-CIO
100 Indiana Avenue, NW
Washington, DC 20001

Re: Mail Handlers - Local
Topeka, KS
NC-C-12937/5KC-793

Dear Mr. Riley:

On November 14, 1978, we met with you to discuss the above-captioned grievance at the fourth step of our contractual grievance procedure.

The matters presented by you as well as the applicable contractual provisions have been reviewed and given careful consideration.

Based on the evidence presented in this grievance, this grievance is denied because it is procedurally defective due to the fact that this grievance was untimely appealed to Step 4. The Step 3 denial was received by the union on March 18, 1978 and was not appealed to Step 4 until May 11, 1978.

Notwithstanding the procedural deficiencies of this grievance, Article VIII, Section 5.C.2. states: "In order to ensure equitable opportunities for overtime, overtime hours worked and opportunities offered will be posted and updated quarterly." Therefore, it is our conclusion that there is no contractual obligation for management to post the Overtime Desired List daily.

Sincerely,

Daniel A. Kahn
Labor Relations Department

ARBITRATION NOT REQUESTED