

**EMPLOYEE AND LABOR RELATIONS GROUP**

Washington, DC 20280

October 2, 1974

Mr. Tony R. Huerta
Assistant Secretary-Treasurer
National Association of Letter
Carriers, AFL-CIO
100 Indiana Avenue, N. W.
Washington, D. C. 20001

Re: Leonard Poss
Aurora, IL
NB-C-2335/3-CHI-533


Dear Mr. Huerta:

On September 25, 1974, 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.

The evidence in this file indicates that Mr. Foote was used as an acting supervisor from July 20, 1973 to January 20, 1974, when he reverted to a carrier position. On May 14, he resumed duty as a supervisor and the latest available information is that he is still working in the capacity. Although the language of Article XLI, Section 1, A, 2, provides that duty assignments left vacant for periods in excess of six months must be posted, it is our determination that the total pattern of conduct revealed in this case violates the intent of the National Agreement. The grievance is sustained and the duty assignment must be posted for bid. Should Mr. Foote return to the carrier craft while the job is being posted, he is eligible to bid on the assignment in accordance with his seniority.

Sincerely,


David H. Charters, Director
Office of Grievance Procedures
Labor Relations Department