



M-00747

UNITED STATES POSTAL SERVICE
Labor Relations Department
475 L'Entant Plaza, SW
Washington, DC 20260-4100

Mr. Lawrence Hutchins
Vice President
National Association of Letter
Carriers, AFL-CIO
100 Indiana Avenue, N.W.
Washington, D.C. 20001-2197

APR 15 1987

Re: Class Action
Metairie, LA 70009
H4N-3N-C 38394

Dear Mr. Hutchins:

On April 7, 1987, we met with your representative, David Noble, to discuss the above-captioned grievance at the fourth step of our contractual grievance procedure.

The issue in this grievance is whether an employee detailed to a supervisor position (204B) may sign up on the Overtime Desired List (OTDL).

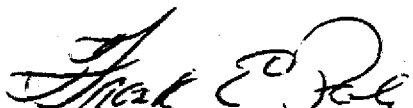
During our discussion, it was mutually agreed that the following would represent a full settlement of this case:


A 204B letter carrier who anticipates returning to the bargaining-unit and desires to work overtime within the applicable quarter, must initially sign the OTDL, in accordance with Article 8, Section 5.A, of the 1984 National Agreement. However, a letter carrier in 204B status is not eligible to perform bargaining-unit work. PS Form 1723 is the controlling document to determine whether the letter carrier is in a 204B status.

Please sign and return the enclosed copy of this decision as your acknowledgment of agreement to settle this case.

Time limits were extended by mutual consent.

Sincerely,


Frank E. Poli
Grievance and Arbitration
Division


Lawrence Hutchins
Vice President
National Association of Letter
Carriers, AFL-CIO



APPEAL TO STEP 4

DATE: **November 28, 1986**

M-00747

TO: SENIOR ASSISTANT POSTMASTER GENERAL
EMPLOYEE AND LABOR RELATIONS
UNITED STATES POSTAL SERVICE
WASHINGTON, D.C. 20260

FROM: NATIONAL BUSINESS AGENT
Ben Johnson
2 International Plaza Drive
Suite 305
Nashville, TN 37217

CARRIER	REGIONAL NO.	GRIEVANT (OR CLASS)	POST OFFICE
J	S4N-3N-C 38394	Class Action	Metairie, LA

DEAR SIR: SINCE NALC USPS BELIEVE(S) THIS CASE INVOLVES AN INTERPRETIVE ISSUE UNDER THE NATIONAL AGREEMENT (OR SOME SUPPLEMENT THERETO OF GENERAL APPLICATION), I AM APPEALING THE ABOVE-CAPTIONED CASE TO STEP 4 OF THE GRIEVANCE PROCEDURE, PURSUANT TO ARTICLE XV, SECTION 2, OF THE NATIONAL AGREEMENT.

DATE STEP 3 DENIAL RECEIVED: **November 18, 1986**

STEP 3 DECISION RENDERED BY: **James Greason**

VIOLATION INCLUDING BUT NOT LIMITED TO: **Article 1, Section 6**
Article 8, Section 5

CORRECTIVE ACTION REQUESTED: **Total of 27.71 hours of overtime be distributed among those carriers on overtime desired list at Zip 70002 for April 1 - June 30, 1986, plus 11 hours additional. (One for each day carrier was allowed to make overtime instead of those legally on the list.) Stop practice of allowing carriers not on the overtime desired list to make overtime before those on the list.**

DESIGNATED NALC REPRESENTATIVE AT STEP 4: **Joseph H. Johnson Jr**
Director of City Delivery

SINCERELY YOURS,

Ben Johnson
NATIONAL BUSINESS AGENT

CC: REGIONAL DIRECTOR FOR ELR
NATIONAL OFFICER, NALC
BRANCH PRESIDENT, NALC

NATIONAL OFFICE COPY





UNITED STATES POSTAL SERVICE
Southern Regional Office
Memphis TN 38166-0200

M-00747

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NOV 18 1986

N. A. L. C.

November 19, 1986

Mr. Ben Johnson
National Business Agent
National Association of Letter
Carriers, AFL-CIO

Southern Region Grievance
Appeal No. S4N-3N-C 38394
Dated: 09/29/86
Local No. 86HT2-17

Subject: Step 3 Grievance Decision: Class Action
Provision Allegedly Violated: Metairie LA
08-05-01

Dear Mr. Johnson:

This is to confirm the disposition of the subject Step 3 grievance appeal which was recently discussed with your representative, Mr. Collier James.

Based on information presented and contained in the grievance file, the grievance is denied. The file does not contain information as to when the overtime list was signed or when the employee was on the 204B detail. Absent such pertinent information, it is our decision to deny the appeal.

The time limit for processing at Step 3 was extended by mutual consent.

In our judgement, the grievance does not involve any interpretive issue(s) pertaining to the National Agreement or any supplement thereto which may be of general application. Unless the union believes otherwise, the case may be appealed directly to regional arbitration in accordance with the provisions of Article 15 of the National Agreement.


James Greason, Jr.
Labor Relations

cc: Postmaster, Metairie LA 70009-9998
Sectional Center Manager, New Orleans LA



DATE: 9/25/86

GRIEVANCE APPEAL TO 3

TO: REGIONAL DIRECTOR, EMPLOYEE AND LABOR RELATIONS
UNITED STATES POSTAL SERVICE
SOUTHERN REGION
MEMPHIS, TN 38166

FROM: BRANCH PRESIDENT'S DESIGNEE
H. L. TOBLER, III M-00747
1922 COLORADO AVE
KENNER, LA 70062

BRANCH GR.#	GRIEVANT'S NAME	GRIEVANT'S S.S.#	JOB CLASSIFICATION	STATION
86HT27	BRANCH 6119 (UNION)			70002

PURSUANT TO ARTICLE XV, SECTION 2 OF THE NATIONAL AGREEMENT, WE HEREBY APPEAL TO STEP-3 THE DECISION AT STEP 2 OF THE POSTMASTER OR DESIGNEE ERNEST A OWENS, ACTING MGC OF THE METAIRIE, LA INSTALLATION, RENDERED ON 9/11/86 AND RECEIVED ON 9/15/86

ATTACHMENTS CHECK: STANDARD GRIEVANCE FORM STEP 2 DECISION UNION CORRECTIONS OR ADDITIO TO STEP 2 DECISION (IF FILED)

THE FOLLOWING INFORMATION WILL HOPEFULLY ASSIST THE PARTIES IN QUICKLY RESOLVING THIS PROBLEM. TO DISCUSS THIS GRIEVANCE FURTHER, KINDLY CONTACT OUR NATIONAL BUSINESS AGENT BEN JOHNSON AT (ADDRESS) #2 INTERNATIONAL PLAZA W, SUITE 305 NASHVILLE, TN 37217 OR BY PHONE 615-366-1951

VIOLATION: INCLUDING BUT NOT LIMITED TO NATIONAL (ART. & SECT.) 1.6, 8.5 LOCAL (ART. & SECT.) 7
OTHER GROUNDS:

REASONS FOR APPEAL: D. PICHOFF WAS ACTING AS 2046 SUPERVISOR FROM 3/5-5/16/86 AND WAS NOT ELIGIBLE TO SIGN OVERTIME DESIRED LIST ACCORDING TO ARTICLE 8.5. HE WORKED OVERTIME TOTALING 27.71 HOURS ON DATES: 6/4, 6/5, 6/9, 6/17, 6/23, 6/24, 6/25, 6/26, 6/27, 6/28, 6/30. HE WAS DETAILED TO FINANCE FROM 6/16-6/20/86 WITH NO O-13 GIVEN TO UNION. MANAGEMENT OFFERED AT STEP 2 TO DISALLOW FUTURE PRACTICE OF SIGNING OF OVERTIME LIST BY GRIEVANT WHILE 2046, IF GRIEVANCE WAS WITHDRAWN. OFFER REFUSE.

CORRECTIVE ACTION REQUESTED: TOTAL OF 27.71 HOURS OF OVERTIME TO BE DISTRIBUTED AMONG THOSE CARRIERS ON OVERTIME DESIRED LIST AT ZIP 70002 FOR APRIL 1 - JUNE 30, 1986 PLUS ELEVEN HOUR ADDITIONAL (ONE FOR EACH DAY) CARRIER WAS ALLOWED TO MAKE OVERTIME INSTEAD OF THOSE LEGALLY ON LIST. DECIST PRACTICE OF ALLOWING CARRIERS NOT ON OVERTIME LIST TO MAKE OVERTIME BEFORE THOSE ON LIST

RECEIVED
SEP 29 1986

CC: NATIONAL BUSINESS AGENT, NALC
POSTMASTER

H. L. TOBLER, III
BRANCH PRESIDENT/DESIGNEE
N.A.L.C.
H. L. Tobler III
SIGNATURE

UNITED STATES POST OFFICE

1 copy

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M-00747

DATE: September 11, 1986

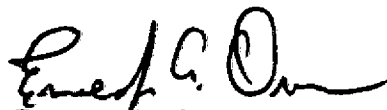
OUR REF: EAO:dyc

SUBJECT: Step 2 Grievance Decision; Union's No. 86HT2-17; Management's No. NALC 69-86;
Grievant: Class Action (NALC)

TO: H. L. Tobler, Steward
National Assn. of Letter Carriers
U. S. Post Office
Metairie, LA 70002-9998

On September 11, 1986, you met with me to discuss the subject grievance. Article 8, Section 5A states, "Two weeks prior to the start of each calendar quarter, full-time regular employees desiring to work overtime during that quarter shall place their names on an "Overtime Desired" list." Your contention that the individual involved was in a higher level position two (2) weeks prior to the start of the quarter does not persuade management any provisions of Article 8 were violated.

Your grievance is denied. Should you desire to appeal this decision, please furnish this office with a copy of that appeal.



Ernest A. Owens
Acting Manager, Customer Services
Metairie, LA 70009-9998

M-00747

STANDARD GRIEVANCE FORM

DATE 8/26/86		BRANCH GRIEV. NO. 86HTD-17		PHONE—OFFICE 504 831-7757									
U.S.P.S. STEP 2 DESIGNEE (NAME & TITLE) C. C. DARENSBOURK, MCS		INSTALLATION METAIRIE, LA		PHONE—OTHER 504 469-4593									
FROM BRANCH NO. 6119	BUSINESS ADDRESS P.O. BOX 8131; METAIRIE, LA 70011												
STEP 2 AUTHORIZED UNION REP. C. C. DARENSBOURK, MCS		H. L. TOBLER, III		PHONE—OFFICE 504 835-5382									
STEP 1 MEETING HELD ON (DATE/TIME) 8/5/86		BETWEEN: U.S.P.S. REPRESENTATIVE R. JOHNSON		AND: GRIEVANT H. L. TOBLER III									
GRIEVANT'S NAME (OR CLASS) BRANCH 6119, NALC (UNION)					PHONE								
HOME ADDRESS		CITY	STATE	ZIP									
JOB CLASSIFICATION		CRAFT SENIORITY DATE	LEPS SENIORITY DATE	DUTY HOURS									
STATION OR BRANCH		SOCIAL SECURITY NO.		VETERAN YES <input type="checkbox"/> NO <input type="checkbox"/>									
OFF DAYS: <input type="checkbox"/> ROTATING	FIXED—CHECK AS APPLICABLE	SA	SU	M	T	W	TH	F	LEVEL	STEP	REG.	PTR	PTR
STEP 1 DECISION RENDERED ON (DATE/TIME) 8/19/86		BY (NAME & TITLE) R. JOHNSON, SDC			SUPERVISOR'S INITIALS (UPON REQUEST)								

PURSUANT TO ARTICLE XV OF THE NATIONAL AGREEMENT, WE HEREBY APPEAL TO STEP 2, THE FOLLOWING GRIEVANCE VIOLATION: INCLUDING BUT NOT LIMITED TO NATIONAL (ART & SECT) 1.6; 8.5 LOCAL (ART & SECT) 7

OTHER GROUNDS:

FACTS: WHAT HAPPENED D. PICHOFF WORKED OVERTIME DURING 2ND QUARTER, 1986 ALSO WORKED OUT OF CRAFT 6/16-6/20/86 MAKING O.T. AS CARRIER ON 6/17/86. MADE OVERTIME TOTALING 27.71 HOURS ON DATES: 6/14; 6/15; 6/19; 6/17; 6/23; 6/24; 6/25; 6/26; 6/27; 6/28; 6/30. NO FORM 0-13 GIVEN UNION FOR PERIOD 6/16-6/20/86, WAS 2046 FINANCE SUP. FROM 3/15-5/16/86 NOT ELIGIBLE TO BE ON O.T. LIST. ADDITIONAL SHEET ATTACHED

UNION CONTENTIONS: REASONS FOR GRIEVANCE CARRIER WORKED OUT OF CRAFT FROM 6/16, 6/18-6/20 MADE O.T. AS CARRIER ON 6/17/86 SHOULD NOT HAVE, CARRIER WAS NOT IN CRAFT AS SPECIFIED IN 8.5 TWO WEEKS PRIOR TO START OF QUARTER WAS NOT ELIGIBLE TO BE ON OVERTIME DESIRED LIST.

CORRECTIVE ACTION REQUESTED: TOTAL OF 27.71 HOURS OF OVERTIME TO BE DISTRIBUTED AMONG THOSE ON OVERTIME DESIRED LIST AT 2.0 P 70002 FOR APRIL 1 - JUNE 30, 1986 PLUS ELEVEN HOURS ADDITIONAL ONE FOR EACH DAY CARRIER WAS ALLOWED TO MAKE OVERTIME INSTEAD OF THOSE LEGALLY ON LIST

BRANCH PRESIDENT/DESIGNEE H. L. TOBLER III SIGNATURE H. L. Tobler III