



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

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

DEC 5 1988

Re: R. Brown
Ardmore, OK 73401
H7N-3T-C 13947

Dear Mr. Hutchins:

On November 11, 1988, a meeting was held with the NALC Director of City Delivery, Brian Farris, to discuss the above-captioned grievance at the fourth step of our contractual grievance procedure.

The issue in this grievance is whether management improperly refused to afford the grievant a saved grade of pay when his position was eliminated.

After reviewing this matter, we mutually agreed that no national interpretive issue is fairly presented in this case. We further agreed that since ELM 421.53 is not specifically limited to situations where employees are displaced due to technological or mechanization change, the grievant should be restored to the appropriate saved grade of pay, retroactive to March 12, 1988 and reimbursed \$110.32 taken from his pay on pay period 10, without payment of any interest on any backpay calculated.

Accordingly, we agreed to remand this case to the parties at Step 3 for further processing consistent herewith.

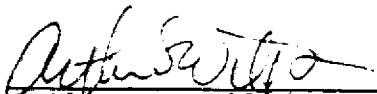
Please sign and return the enclosed copy of this letter as your acknowledgment of agreement to remand this case.

Mr. Lawrence G. Hutchins

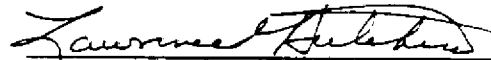
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Time limits were extended by mutual consent.

Sincerely,



Arthur S. Wilkinson
Grievance & Arbitration
Division



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



APPEAL TO STEP 4

2458

DATE August 15, 1988

FROM NATIONAL BUSINESS AGENT

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

Mr. Paul C. Davis
11701 I-30, Suite 408
Little Rock, AR 72209

CARRIER	REGIONAL NO	GRIEVANT (OR CLASS)	POST OFFICE
	GTS #003446 S7N-3T-C-13947	R. Brown	Ardmore, OK

DEAR SIR SINCE NALC (USPS BELIEVES) 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: August 8, 1988

STEP 3 DECISION RENDERED BY: Roland McPhail

VIOLATION INCLUDING BUT NOT LIMITED TO: Article 9 & 19

CORRECTIVE ACTION REQUESTED: Process new Form 50 reinstating PS-6, save grade pay protection, retroactive to 3/12/88. Pay grievant all back pay with 15% interest plus \$110.32 already taken from his pay on pay period 10.

DESIGNATED NALC REPRESENTATIVE AT STEP 4: CAU

SINCERELY YOURS.

Paul C. Davis
NATIONAL BUSINESS AGENT

RECEIVED
AUG 16 1988
CONTRACT ADMINISTRATION UNIT

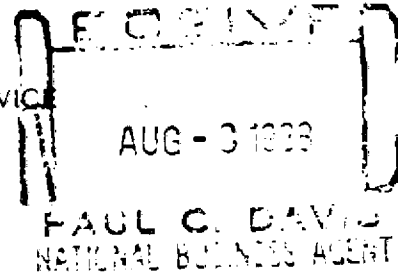
CC REGIONAL DIRECTOR FOR ELR
NATIONAL OFFICER, NALC
BRANCH PRESIDENT, NALC

NATIONAL OFFICE COPY





UNITED STATES POSTAL SERVICE
Southern Regional Office
Memphis TN 38166-0841



August 5, 1988

Mr. Paul Davis
National Business Agent
National Association of
Letter Carriers, AFL-CIO

Southern Region Grievance
Appeal No. S7N-3T-C 13947
Dated: 06/27/88
Local No. 09850020

Subject: Step 3 Grievance Decision: R. Brown
Ardmore, OK
Provision Allegedly Violated: 19-00-01

Dear Mr. Davis:

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

Based on information presented and contained in the grievance file, the grievance is denied. Grievant is not entitled to protected or saved grade pay in this particular fact situation. The Step 2 decision is correct.

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

In our judgment, the grievance involves an interpretive issue(s) pertaining to the National Agreement or a supplement thereto which may be of general application, and thus may only be appealed to Step 4 in accordance with the provisions of Article 15 of the National Agreement.

Roland McPhail

Roland McPhail
Labor Relations

cc: FDGM/PM,
SCM/PM, Lawton, OK
Postmaster, Ardmore, OK 73401-9998

2

1-12-88
18



National Association of Letter Carriers (AFL-CIO)

3446

M-00875

GRIEVANCE
APPEAL TO

3

JUN 23 1988

DATE June 21, 1988

PAUL C. DAVIS
NATIONAL BUSINESS AGENT

BRANCH PRESIDENT
Branch 985, NALC
Ardmore, Oklahoma 73402

TO REGIONAL DIRECTOR EMPLOYEE AND LABOR RELATIONS
UNITED STATES POSTAL SERVICE
Memphis, Tennessee

BRANCH GR #	GRIEVANT'S NAME	GRIEVANT'S SS #	JOB CLASSIFICATION	STATION
09850029	Ronald G. Brown	[REDACTED]	City Carrier -unassigned	Main Office

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 Jack N. Hill OF THE Ardmore, Oklahoma INSTALLATION RENDERED ON June 9, 1988 AND RECEIVED ON June 14, 1988

ATTACHMENTS (CHECK): STANDARD GRIEVANCE FORM STEP 2 DECISION UNION CORRECTIONS OR ADDITIONS 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 Paul C. Davis AT (ADDRESS) 11701 Interstate 30 Suite 408 Little Rock, Arkansas 72209 OR BY PHONE 501/455-1140

VIOLATION: INCLUDING BUT NOT LIMITED TO NATIONAL (ART & SECT) 9.7 and 19 LOCAL (ART & SECT) _____ OTHER GROUNDS Employee and Labor Relations Manual

REASONS FOR APPEAL: Arbitrary decision rendered at Step 2. USPS officials have mis-interpreted the provisions of ELM Sections 421.53 and 422.273c and insist that only the narrowest of definitions apply. They are unwilling to discuss actual resolution of the grievance beyond this point, and will accept only withdrawal by the Union as a good-faith gesture of satisfactory resolution.

CORRECTIVE ACTION REQUESTED: Reimburse the grievant \$110.32 plus interest at 15% for wages deducted by USPS, for alleged debt created by erroneous processing of PS Form 50 deleting protected status. Process new Form 50, retroactive to 3/12/88, allowing saved grade per ELM Sections 421.53 and 422.273c. Pay grievant all back-pay and allowances plus interest at 15% compounded daily. Re-establish grievant as PS-6 per ELM 233.41. Provide full retreat if grievant is reassigned other duties or another PS-5 position prior to resolution of this grievance. Make grievant otherwise whole to 3/11/88.

cc NATIONAL BUSINESS AGENT NALC
POSTMASTER

EDDIE L. GILLISPIE
BRANCH PRESIDENT

[Signature]
SIGNATURE

NATIONAL ASSOCIATION OF LETTER CARRIERS
 ARDMORE BRANCH 985
 P.O. BOX 171
 ARDMORE, OKLAHOMA 73402

June 17, 1988

Step 2 Decision
 Branch Grievance 09850020
 Management Ref. No. 88005

Jack N. Hill, Postmaster
 Ardmore, Oklahoma 73401

It is the Union's belief that the contentions set forth in your Step 2 decision are inaccurate, therefore the following corrections and/or additions regarding that decision are submitted for your review and consideration. It is understood the filing of this information does not affect the time limit for subsequent appeal to Step 3.

As stated on the Standard Grievance Form under Union Contentions, the grievant is unquestionably eligible for Saved Grade as provided in ELM 421.53, Quote. ".531 Explanation. A bargaining unit employee whose job is eliminated (e.g., an employee who is displaced from a higher-grade position due to technological or mechanization changes) and who cannot be placed in a job of equal grade shall receive a saved grade." Unquote. The same provision is stated again in ELM 422.273c, Quote. "Saved Grade. A bargaining unit employee is entitled to saved grade if he is assigned to a lower-grade position because of a management action which eliminated the position (e.g., job elimination due to technological and mechanization changes). See also 421.53." Unquote.

The examples identified in page two are not intended to restrict application of this provision to a displaced employee to technical or mechanical changes, but simply illustrate an example of displacement, thus the abbreviation e.g. The American College Dictionary (Random House) provides a brief one line definition, Quote. "e.g., [L] exempli gratia for example." Unquote. Webster's New International Dictionary (Unabridged) defines exempli gratia quote. "adv [L]: for the sake of example: for example or instance. Also e.g." Unquote.

Although a major concern, elimination of the grievant's position is not the primary consideration in this grievance, but rather, the grievant was not provided the promised protection of a saved grade as a result of detrimental management actions beyond his control, resulting in a violation of the National Agreement as stated earlier.

Eddie L. Gillispie
 EDDIE L. GILLISPIE, President
 Branch 985, NAALC

UNITED STATES POST OFFICE

Ardmore, Oklahoma 73401

DATE: June 9, 1988

OUR REF: JNH:nsg

SUBJECT: Step 2 Appeal
Local 09850020
Management 88005

TO: Phillip McGinnis
NALC Shop Steward
Ardmore, OK

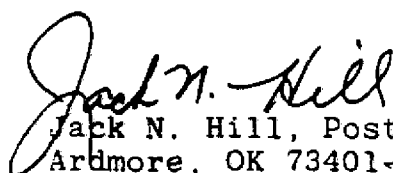
RECD: Jun 14, 1988
BRANCH 0985 NALC
Ardmore, OK
73402

On June 2, 1988, I met with you to discuss the above captioned grievance at Step 2 of our contractual grievance procedures. This grievance pertains to an alleged violation of Articles 9, Section 7 and 19 of the National Agreement.

The Union alleges that the withdrawal of protected pay rate should have been replaced by saved grade which is Part 421.53 of the ELM.

Upon full discussion and consideration of this matter, it is determined that the grievance is denied. The reason for this decision is that a review of Part 421.53 of the ELM reveals that the ELM covers employees who were displaced due to technological or mechanization change. The grievant's job was eliminated because this office did not meet the requirements for the job.

On that basis, management did not violate the provisions of Articles 9, Section 7 and 19 of the National Agreement.


Jack N. Hill, Postmaster
Ardmore, OK 73401-9998



NATIONAL ASSOCIATION OF LETTER CARRIERS (AFL-CIO)
 Pursuant to Article XV, Section 2, this form must be used to appeal a grievance to Step 2.

WITHDRAWN	RESERVED
DATE	
NALC INITIALS	USPS INITIALS

M-00875

STANDARD GRIEVANCE FORM

DATE	BRANCH GRIEV NO	USPS NO
May 26, 1988	09850020	

TO: USPS STEP 2 DESIGNEE NAME & TITLE		INSTALLATION	PHONE - OFFICE
Jack N. Hill, Postmaster		Ardmore, Oklahoma 73401	405/223-8383
FROM: BRANCH NO	BUSINESS ADDRESS		
985	P.O. Box 171 Ardmore, Oklahoma 73402		
STEP 2 AUTHORIZED UNION REP		PHONE - OFFICE	PHONE - OTHER
Phillip R. McGinnis		405/223-8383	405/276-5158
STEP 1 MEETING: HELD ON DATE TIME	BETWEEN USPS REPRESENTATIVE	AND GRIEVANT	STEWARD
May 13, 1988-1500	Terry L. Teel (204b)	Ronald G. Brown	n/a
GRIEVANT'S NAME (OR CLASS)			PHONE
Ronald G. Brown			405/223-8024
HOME ADDRESS		CITY	STATE ZIP
2808 Ridgeway		Ardmore	Oklahoma 73401
JOB CLASSIFICATION	CRAFT SENIORITY DATE	USPS SENIORITY DATE	PHONE
City Carrier	3/12/88	11/27/71	405/223-1630 Pri 1130-2100
STATION OR BRANCH	SOCIAL SECURITY NO		VETERAN
Main Office	[REDACTED]		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
OFF DAYS	SA	SU	M T W TH F LEVEL STEP REG
<input type="checkbox"/> ROTATING	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> 5 0 <input type="checkbox"/>
STEP 1: RENDERED ON DATE TIME	BY NAME & TITLE		SUPERVISOR'S INITIALS (UPON)
DECISION 5/18/88-1520	Clyde E. Kemp, Supt Postal Operations		<i>CEL</i>

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. 3 & SECT.) 9.7 and 19 LOCAL (ART. 3 & SECT.) _____
 OTHER GROUNDS _____

FACTS: WHAT HAPPENED See additional sheet attached.

ADDITIONAL SHEET ATTACHED

UNION CONTENTIONS: REASONS FOR GRIEVANCE It is our contention that the grievant is eligible for a protected salary rate (saved grade) as prescribed by ELM 421.53 and 422.273c. Additionally, since the higher level PS-6 portion of the grievants daily duties (VOMA) did not change, he is qualified for the full-time level six (6) pay as defined in ELM 233.41.

ADDITIONAL SHEET ATTACHED

CORRECTIVE ACTION REQUESTED: See additional sheet attached.

BRANCH PRESIDENT/DESIGNEE Phillip R. McGinnis SIGNATURE

COPY TO NBA ONLY IF APPEALING TO STEP 3

STANDARD GRIEVANCE FORM continuation sheet.

Grievant: Brown, Ronald G. [REDACTED]
Branch Office No. 09c50030

FACTS: What Happened: A PS Form 50 (Notice of Personnel Action) was processed, then given to the grievant 5-13-88, deleting the protected pay rate established by letter of 3-19-88 from Postmaster and earlier PS Form 50. The protected rate (PS-6) was to remain in effect for two (2) years from the date position was deleted (3-12-88) per ELM 421.51. When the grievant advised the postmaster that he did not qualify under that particular provision and suggested ELM 421.53 as the proper reference, the Postal Service failed to follow through with any research for the appropriate provision and subsequently deleted all pay rate protection.

UNION CONTENTIONS: See Standard Grievance Form.

CORRECTIVE ACTION REQUESTED: Process a new PS Form 50, retroactive to 3/12/88, re-establishing the grievant as PS-6 under provisions of ELM 233.41. Pay grievant all back-pay and allowances plus interest compounded at fifteen percent (15%) per annum. Reimburse the grievant \$110.32, plus interest at 15% for wages already deducted in the salary offset of PF-10 (5/13/88) to satisfy the alleged debt created by the erroneous processing of the current PS Form 50. Provide full retreat rights to aggrieved position should grievant be reassigned to other duties prior to the satisfactory resolution of this grievance. Make grievant otherwise whole.