

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-

November 16, 1988

Re: W. Rain

Rochester, MN 55901

H4N-4C-C 38635

Dear Mr. Hutchins:

On October 26, 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 violated the National Agreement when it used a locally developed form.

After reviewing this matter, we mutually agreed that no national interpretive issue is fairly presented in this case. We also agreed that the issuance of local forms, and the local revision of existing forms is governed by Section 374.12 of the Administrative Support Manual (ASM). The locally developed form was not promulgated according to ASM 324.12. Therefore, management will discontinue the use of the subject form.

Accordingly, we agreed to remand this case to the parties at Step 3 for further processing, including arbitration if necessary.

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

Time limits were extended by mutual consent.

Sincerely,

Dominic J. Scola, Jr.
Grievance & Arbitration
Division

Lawrence G. Hutchins

Vice President

National Association of Letter

Carriers, AFL-CIO

National Association of Leiter Carriers

(AFL-C10)

M = 00887

APPEAL TO STEP 4

CERTIFIED MAIL #P-592-866-389 DATE November 17, 1987

TO SENIOR ASSISTANT POSTMASTER GENERAL

EMPLOYEE AND LABOR RELATIONS UNITED STATES POSTAL SERVICE WASHINGTON, D.C. 20260

FROM: NATIONAL BUSINESS AGENT

Gene McNulty NALC Region #7

312 Central S.E., Room 490

Minneapolis, MN 55414

CARRIER REGIONAL NO GRIEVANT (OR CLASS) POST OFFICE "CAU" C4N-4C-C-38635 W. Rain Rochester, MN

DEAR SIR SINCE INALC IUSPS BELIEVEIS) 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 13, 1987

STEP 3 DECISION RENDERED BY

Mary Savage

VIOLATION INCLUDING BUT NOT LIMITED TO: Article 15

CORRECTIVE ACTION REQUESTED:

Have Items #8, #9, & #10 deleted from the "Limited Duty Assignments" Form or rescind the entire form.

DESIGNATED NALC REPRESENTATIVE AT STEP 4: Contract Administration Unit, N.A.L.C.

SINCERELY YOURS.

NATIONAL BUSINESS AGENT

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

UNITED STATES POSTAL SERVICE

CENTRAL REGIONAL OFFICE

Chicago, IL 60699

DATE: ///3/87

C4N-4C-C 38635

10/07/87

OUR REF:

W RAIN ROCHESTER

SUBJECT:

TO:

Step 3 Decision

87-917

MN 55901-9998

Mr. Eugene McNulty

National Business Agent

National Association of letter Carriers

United Labor Center

312 Central Avenue, S.E.

Minneapolis, MN 55414-1025

Decision: X

te: 11/13/87

Article Code:

Dear Mr. McNulty:

Pursuant to the terms and obligations as set forth in Article 15 of the 1984 National Agreement, management and union designees met at Step 3 of the grievance procedure. The results of that meeting on the above referenced case, are as follows:

To demonstrate a violetaning of the ELM on aling funition of the hotenial agreement.

Interpretive Issue (circle)

Non-Interpretive issue

Step) 3 Management Designee

Received On

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Received By

The Union's signature on this denial only indicates the date and time the decision was received.

GRIEV-4 (REV. 1981)

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

FROM BRANCH PRESIDENT

ROBERT J. RONNINGEN P.O. BOX - 6854 ROCHESTER, MN, 55 901

(AFL-UIU) 412651

M-00887

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OF THE KOCHES TER, MM.		RED ON 9-35-47	AND RECEIVED ON	0-1-87
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NATIONAL BUSINESS AGENT, NALC		7,00	ABRANCH PRESIDENT/DESIG	

UNITED STATES POST OFFICE

Rochester, MN 55901-9998

DATE: September 30, 1987

OUR REF: RJC:mr

SUBJECT: Grievance Denial

TO:

Robert Ronningen NALC President P.O. Box 6854

Rochester, MN 55903-6854

Grievant: Willard Rain

Location: Main Post Office

Rochester, MN 55901-9998

USPS: 0187-25 87-917 NALC:

This grievance concerns the limited duty assignment form that management requires employees to give to their physicans.

The NALC contends that this form is in violation of the Federal Employees Compensation Act and also chapter 540 of the Employee & Labor Relations Manual. NALC also contends that this form is nothing more than a laundry list which fails to fullfill the requirements as stated in the above.

It is Managements contention that this form is only used to serve as a basis for the physicians to help them determine what particular types of assignments the employee may perform in their limited duty statis.

I find no violation of the Federal Employees Compensation Act or the Employee & Labor Relations Manual, chapter 540. Therefore this grievance is denied.

Supt. Postal Operations U.S. Postal Service

Rochester, MN 55901-9996

cc: File

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WILLIAM (MET-CIO)

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UNITED STATES POSTAL SERVICE

Uai	te:
*	LIMITED DUTY ASSIGNMENTS
	sted below are limited duty assignments (modified positions) that are available if physician finds you medically unsuitable to perform your regular assigned duties.
Ple	ease ask the physician to review these assignments and circle those you may perform.
1.	Distribution of mail into a modified case which requires no reaching above the shoulder. Employee may sit in a straight-back chair, in a swivel chair with back support, or use a rest bar to accomplish this task.
2.	Sort mail to a letter case - Sitting in a chair with back or leaning against a restbar. May stand/sit as required.
3.	One hand limitations - Sort mail to regular or modified letter or flat case with right or left hand. Replenish case ledge by using one handful at a time. Answer telephone, stamp envelopes/routing slips, etc. Other sedentary work also available.
4.	Replenish (load) case ledges with mail. Lifting handfuls of mail or, if able, trays of mail weighing 15-20 pounds. Walk 0-25 feet to obtain mail as required.
5.	Sedentary work - Sit at a desk in a straight-back chair, answer the telephone, labeling and/or addressing mail, letters and magazines.
6.	Collate mailings, stuff envelopes, addressing envelopes, stamp miscellaneous forms with rubber stamps.
7.	Remove adhesive labels from cardboard trays. (Lifting 1-5 pounds.)
8.	Review Safety Films and Safety Talks. Sedentary - no lifting, bending, stooping, et
£g.	Bust, washing/cleaning wash basins, toilet seats, stalls, mirrors, urinals, fire doors, and other custodial maintenance of offices, washrooms, lobbies, stairways in various areas of a postal installation, as needed. All areas and duties are modified to meet the required work restriction of the employee.
10.	Complete Accident Prevention Program. Sedentary - looking at book, placing check mark in appropriate box. Possibly reviewing safety film.
11.	Any of the above limited duty jobs may be performed for 1, 2, 3, 4, 5, 6, 7, 8 hours (Please circle one)
	(Figase Circle out)