

UNITED STATES POSTAL SERVICE

Washington, DC 20260



DATE:

June 29, 1992

OUR REF:

LR410:WMolloy:bm:20260-4126

SUBJECT:

Route Adjustments--52-Day Exceptions

TO:

Regional Directors, Operations Support
Regional Managers, Labor Relations
Field Division General Managers/Postmasters
Field Directors, Human Resources

You should be aware of the enclosed prearbitration settlement in case H7N-3A-C 39011. The issue was whether the union was entitled to a detailed written statement describing valid operational circumstances which caused route adjustments not to be completed within 52 days of the inspections. The inspections in this case involved formal and not special inspections.

Previously, we differentiated the "prompt" notification requirement of the M-39, Part 211.3, Formal Inspections, from the requirements in the 1987 Memorandum of Understanding concerning Special Inspections under Part 271.g of the M-39 Handbook.

In the instant case we have adopted the policy that if the results of ANY route inspection indicate that the route or routes are to be adjusted, such adjustments must be placed in effect within 52 calendar days. Exceptions may be granted by a Division General Manager only when warranted by valid operational circumstances, substantiated by a detailed written statement, which shall be submitted to the local union within seven days of the grant of the exception. In accordance with the 1987 MOU, only grievances involving exceptions granted for inspections initiated under 271.g may be appealed directly to Step 3. However, this settlement does provide that other grievances concerning exceptions may be appealed directly to Step 2.

Particular attention should be given to paragraphs 3 and 4 of the settlement. In regard to paragraph 3, it was agreed that management would waive procedural arguments for grievances initiated prior to the date of the settlement which were appealed directly to Step 3. Accordingly, should the local union determine that a new grievance is necessary under

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paragraph 4, the new grievance (if properly appealed to Step 2) would not be deemed procedurally defective by management simply because it originated from a previous case appealed directly to Step 3.

Finally, paragraph 4 provides that all cases currently in the system (other than those of carrier-initiated inspections under 271.g) concerning the grant of any exception shall be reviewed. Within 30 days, the Division General Manager shall provide an explanation of the reasons for the exception substantiated by a detailed written statement to the local union. If the union finds such statement inadequate, the union may file a new grievance at Step 2.

This settlement affects all grievances containing the issue outlined above. You are urged to identify all such cases as quickly as possible to ensure compliance with our obligations. Should you have any questions concerning this matter, please contact Bill Molloy on (202) 268-3825.

Stephen W. Furgeson (signed
for)

Michael F. Spates (signed)

William J. Downes
Director
Office of Contract
Administration

Michael F. Spates
Director
Office of Delivery and Retail
Management

Enclosure

bcc: Ms. Cagnoli
Mr. Downes
Mr. Furgeson
Mr. Vegliante
Mr. McKillop
Ms. Heath
Mr. Molloy

Reading (WMolloy)
Subject (NALC)
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