



UNITED STATES POSTAL SERVICE
475 L'ENFANT PLAZA SW
WASHINGTON DC 20260

RECEIVED

NOV 2 5 1992

CONTRACT ADMINISTRATION UNIT
N.A.L.C. WASHINGTON, D.C.

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

RE: H7N-2D-C 42122
Class Action
Wilmington, DE 19850

Dear Mr. Hutchins:

On November 9, 1992, we met in a prearbitration discussion of the above-referenced case.


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 agree 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 case number H7N-2D-C 42122 and remove it from the pending national arbitration listing.

Sincerely,

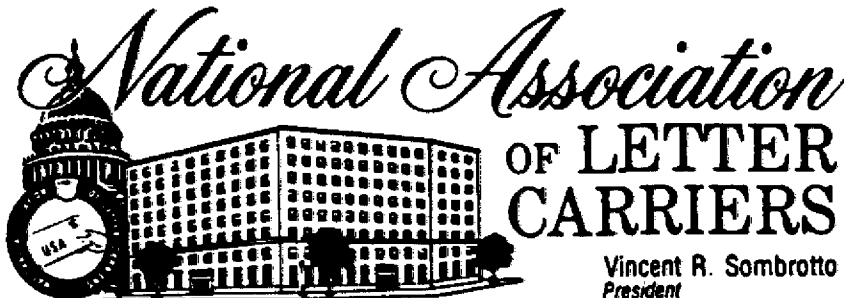

Stephen W. Ferguson
Manager
Grievance and Arbitration


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

11/24/92
Date

Enclosure

Francis J. Conners
Executive Vice President
Lawrence G. Hutchins
Vice President
Richard P. O'Connell
Secretary-Treasurer
Halline Overby
Asst. Secretary-Treasurer
Brian D. Farris
Director, City Delivery
George Davis, Jr.
Director, Safety & Health



Vincent R. Sombrotto
President

M-01107
William M. Dunn, Jr.
Director, Life Insurance
Robert Vincenzi
Director, Health Insurance
Walter E. Couillard
Director of Retired Members
BOARD OF TRUSTEES
James G. Souza, Jr.
James Worsham
Michael J. O'Connor

100 Indiana Avenue, N.W. Washington, D.C. 20001
Telephone: (202) 393-4695

July 31, 1991

Assistant Postmaster General
Labor Relations Department
United States Postal Service
Employee and Labor Relations
475 L'Enfant Plaza West, S. W.
Washington, D. C. 20260-4100

Certified letter number P 213 305 682


RE: Appeal from Step 4
Request for Arbitration

NALC System No: 3690
USPS No: H7N-2D-C-42122
Wilmington, DE

Dear Sir:

Pursuant to Article 15, Sections 2 and 4
of the National Agreement, I have authorized
and hereby request certification of the above
referenced case for arbitration.

Very truly yours,


Vincent R. Sombrotto
President

cc:
James P. Turner
Moe Biller, President, APWU - with file



National Association of Letter Carriers (AFL-CIO)

M-01107

APPEAL TO STEP 4

3690

DATE: May 16, 1991

FROM: NATIONAL BUSINESS AGENT

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

James P. Turner
5950 Symphony Woods Road - Suite 305
Columbia, Md. 21044

CARRIER	REGIONAL NO.	GRIEVANT (OR CLASS)	POST OFFICE
2-12-1	E7N-2D-C 42122	Class	Wilmington, DE.

DEAR SIR:

PURSUANT TO ARTICLE XV, SECTION 2, OF THE NATIONAL AGREEMENT, I AM APPEALING THE ABOVE-CAPTIONED CASE TO STEP 4 OF THE GRIEVANCE PROCEDURE.

DATE STEP 3 DENIAL RECEIVED:

May 2, 1991

STEP 3 DECISION RENDERED BY:

William Mollof

VIOLATION INCLUDING BUT NOT LIMITED TO:

19

CORRECTIVE ACTION REQUESTED:

Discontinue the use of Record of Constructive Delivery Forms and comply with the M-39 and M-41 when instructing carriers to deliver certified mail.

DESIGNATED NALC REPRESENTATIVE AT STEP 4:

Contract Administration Unit

SINCERELY YOURS,

NATIONAL BUSINESS AGENT

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



UNITED STATES POSTAL SERVICE
Eastern Regional Office
P. O. Box 8801
Philadelphia, Pennsylvania 19197-0840

April 29, 1991

MR JERRY KERNER
REGIONAL ADMINISTRATIVE ASSISTANT
5950 SYMPHONY WOOD RD SUITE 305
COLUMBIA MD 21044-3521

RE: E7N-2D-C 42122
CLASS ACTION
WILMINGTON DE 19850
2121

Dear Mr. Kerner:

On 04/15/91, the above referenced grievance was discussed at Step 3 of our contractual grievance procedure. The matters presented by the union concerning this grievance, as well as the applicable contractual provisions, have been reviewed and given careful consideration.

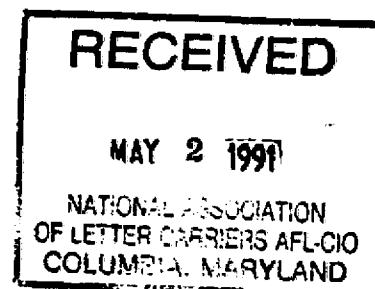
The union's Representative's oral argument and submitted documentation were considered, but were not sufficiently persuasive to alter local management's position. Therefore, the corrective action requested by the union is not granted.

In the opinion of the Postal Service, this grievance does not involve any interpretive issue(s) pertaining to the National Agreement or any supplement thereto which may be of general application. Therefore, this case may be appealed directly to regional arbitration in accordance with the provisions of Article 15 of the National Agreement.

Very truly yours,

William Molloy
Labor Relations

cc: PM





National Association of Letter Carriers (AFL-CIO)

M-01107

GRIEVANCE
APPEAL TO **3**

DATE: March 22, 1991

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

Jack West
P.O. Box 6891
Philadelphia, Pa. 19107

FROM: **BRANCH PRESIDENT**

Joseph Apostolico
Branch #101, NALC
217 N. Scott St.
Wilmington, De. 19805

BRANCH GR.#	GRIEVANT'S NAME	GRIEVANT'S S.S.#	JOB CLASSIFICATION	STATION
4-12-1	Class			

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 Wanda Malone OF THE Wilm., De. INSTALLATION, RENDERED ON _____ AND RECEIVED ON _____

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 James Turner

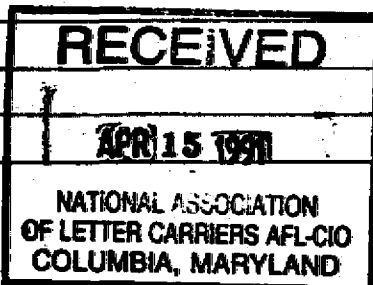
AT (ADDRESS) 5920 Symphony Woods Road OR BY PHONE (301) 991-1222
Columbia, MD. 21044

VIOLATION: INCLUDING BUT NOT LIMITED TO NATIONAL (ART. & SECT.) 19 LOCAL (ART. & SECT.) _____

OTHER GROUNDS: _____

REASONS FOR APPEAL: Management of the Wilm. NSC has issued a locally developed form
delivery of certified letters and instructing carriers to use them in lieu
of forms 3349 and 3811. The use of these forms is not in compliance with the
M-39 and M-41.

CORRECTIVE ACTION REQUESTED: Management immediately discontinue the use of Record of
Constructive Delivery Forms and comply with the M-39 and M-41 when instructing
carriers to deliver certified mail.



cc: NATIONAL BUSINESS AGENT, NALC
POSTMASTER

Joseph Apostolico
BRANCH PRESIDENT/DESIGNEE

Joseph Apostolico
SIGNATURE

Step 2 Denial Letter
Class Action Constructive Delivery

If the merits of this case are considered, this form gives the written authority to the carrier to deliver the Official Certified Letter. The authorization specifically states:

NOTE TO CARRIER

YOU ARE AUTHORIZED TO DELIVER THIS OFFICIAL CERTIFIED LETTER WITHOUT ADDRESSES'S SIGNATURE, IF UNAVAILABLE. RETURN THIS RECORD OF DELIVERY TO:

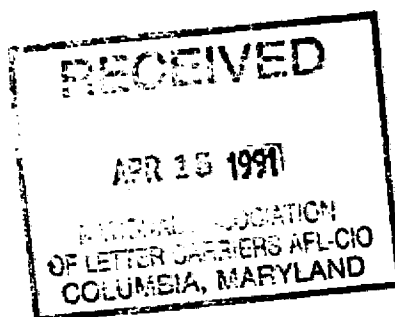
UNITED STATES POSTAL SERVICE
P.O. BOX 10000
WILMINGTON DE 19850-9701

If the recipient is not present to sign the certified letter then the carrier is authorized to deliver the certified letter.

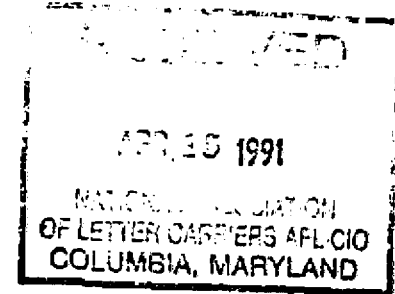
Based on the above, this grievance is denied.

Linda Marie Malone

Linda Marie Malone
A/Labor Relations Representative



UNITED STATES POST OFFICE
MANAGEMENT SECTIONAL CENTER
POST OFFICE BOX 10,000
WILMINGTON, DE. 19850



March 25, 1991

Joseph J. Apostolico
President, NALC Branch 191
217 N. Scott St.
Wilmington DE 19805-3436

RA: Class Action
Union #: 2-12-1
Wilm #: 1-509

CERTIFIED NO. #P 637 204 969
RETURN RECEIPT REQUESTED

Dear Mr. Apostolico;

On March 8, 1991, I met with your step II designee, Mr. Robert Wilkerson, to discuss the above referenced grievance.

The matters as presented by him as well as applicable contractual provisions were reviewed and given careful consideration.

The issue addressed in this instant grievance was whether Management violated Article 19, especially the M-39 and M-41 by utilizing a locally generated form to substantiate the delivery of certain correspondence.

The Union maintains that the Constructive Delivery Forms is contrary to the Domestic Mail Manual which stipulates that for all certified mail a signature must be obtained. The Union feels that the Carriers should not be mandated to deliver this correspondence without a signature. The Union at the first meeting verbally stated that neither, New Castle nor Newark uses these forms.

The requested remedy is that Management "cease instructing carriers to use Record of Constructive Delivery Forms and comply with the M-41, M-39 and Domestic Mail Manual."

Management would like to state on the onset that this grievance is untimely. For years, this MSC has used some deviation of this form to constitute that a letter had, in fact, been delivered.

Attached, as exhibits are records of Constructive Delivery. These date back as early as September 1990. Records of Constructive Delivery are from both New Castle and Newark.

Management typical uses this mode of delivery to send correspondence to Postal Workers, usually this is notice of some adverse action or a request to return to duty.



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	RESOLVED
DATE	
NALC INITIALS	USPS INITIALS

M-01107

STANDARD GRIEVANCE FORM

TO: USPS STEP 2 DESIGNEE (NAME & TITLE) Margaret Rucker, Postmaster		INSTALLATION Eilmington MSC	DATE 2/26/91	BRANCH GRIEV NO 2-12-1	USPS NO										
FROM: BRANCH NO. 191	BUSINESS ADDRESS 217 N. Scott St. Wilm., De. 19805			PHONE—OFFICE 323-2227											
STEP 2 AUTHORIZED UNION REP Joseph Apostolico			PHONE—OFFICE 652-2933	PHONE—OTHER											
STEP 1 MEETING: HELD ON (DATE/TIME) 2/22/91	BETWEEN USPS REPRESENTATIVE L. Malone	AND: GRIEVANT	STEWARD W. Wilkerson												
GRIEVANT'S NAME (OR CLASS) Class					PHONE										
HOME ADDRESS		CITY	STATE	ZIP											
JOB CLASSIFICATION	CRAFT SENIORITY DATE	USPS SENIORITY DATE	DUTY HOURS												
STATION OR BRANCH Carrier Annex		SOCIAL SECURITY NO	VETERAN <input type="checkbox"/> YES <input type="checkbox"/> NO												
OFF DAYS: <input type="checkbox"/> ROTATING	FIXED—CHECK AS APPLICABLE	SA <input type="checkbox"/>	SU <input type="checkbox"/>	M <input type="checkbox"/>	T <input type="checkbox"/>	W <input type="checkbox"/>	TH <input type="checkbox"/>	F <input type="checkbox"/>	LEVEL	STEP	REG.	UNION REG	RESERVE REG	PTR	PTF
STEP 1 DECISION	RENDERED ON (DATE/TIME)	BY (NAME & TITLE)					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.) 19, M-39, M-41 LOCAL (ART. & SECT.)
 GROUNDS: Domestic Mail Manual

FACTS: WHAT HAPPENED On Feb/ 21, 1991, Branch #191 was informed that management of the Wilm. MSC were instructing carriers to use Constructive Delivery Forms in lieu of forms 3849 and 3811.

ADDITIONAL SHEET ATTACHED

UNION CONTENTIONS: REASONS FOR GRIEVANCE This form has been generated locally and is not authorized by the M-39, M-41 and Domestic Mail Manual.

ADDITIONAL SHEET ATTACHED

CORRECTIVE ACTION REQUESTED: Management cease instructing carriers to use Record of Constructive Delivery Forms and and comply with the M-41, M-39 and Domestic Mail manual.

BRANCH PRESIDENT/DESIGNEE Joseph Apostolico SIGNATURE Joseph Apostolico

UNITED STATES POST OFFICE
WILMINGTON, DE 19850

RECORD OF CONSTRUCTIVE DELIVERY

TO WHOMEVER IT MAY CONCERN:

Date: _____

I am the regular carrier on Route # _____. I deliver mail to the residence located at _____
(Address)

All mail addressed to Mr. (Mrs.) _____,
_____, has been accepted.
(exact address, city, state and ZIP Code)

On, _____, 19____, at approximately _____ a.m./p.m., I delivered Certified Letter # _____, addressed to (Mr., Mrs.) _____

(Complete Address)

into the regular mail receptacle at the address shown immediately above. Mail addressed to the above mentioned patron, which has been delivered by me to the address shown above, has not been returned to the Post Office marked to indicate that it was undeliverable or that the addressee was unknown at that address.

I certify that the above statements are true and correct according to the best of knowledge and belief.

NOTE TO CARRIER:

You are authorized to deliver this official Certified Letter without addressee's signature, if unavailable. Return this record of delivery to:

United States Postal Service
Labor Relations Representative
P. O. Box 10,07
Wilmington, DE 9850-9994

(Carrier's Name)

(Route No., or Badge No.)