



M-01263

UNITED STATES POSTAL SERVICE
475 L'Enfant Plaza, SW
Washington, DC 20260

AUG 10 1984

Mr. Joseph H. Johnson, Jr.
Director, City Delivery
National Association of Letter
Carriers, AFL-CIO
100 Indiana Avenue, N.W.
Washington, D.C. 20001-2197

Re: J. Tsui
Mill Valley, CA 94941
H1N-5C-C 22733

Dear Mr. Johnson:

On June 22, 1984, we met to discuss the above-captioned grievance at the fourth step of our contractual grievance procedure.

The question raised in this grievance is whether the grievant is entitled to a special route inspection in accordance with Part 271 of the M-39 Handbook.

After further review of this matter, we mutually agreed that no national interpretive issue is fairly presented in the particulars evidenced in this case. The parties agree that the M-39 Handbook provision (Part 271.g) refers to the route and not the regular carrier assigned to the route. Further, we agreed the only question in this case is whether the part-time flexible carrier's work performance was satisfactory during the six consecutive week period. Therefore, this case is suitable for regional determination.

Accordingly, as we further agreed, this case is hereby remanded to the parties at Step 3 for further processing, if necessary.

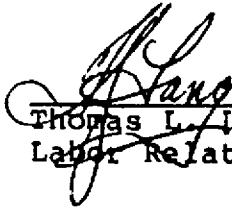
Please sign and return the enclosed copy of this letter as your acknowledgment of agreement to remand this case.

Mr. Joseph H. Johnson, Jr.

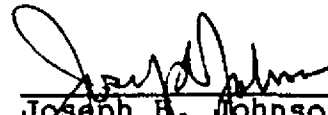
2

Time limits were extended by mutual consent.

Sincerely,



Thomas L. Lang
Labor Relations Department



Joseph H. Johnson, Jr.
Director, City Delivery
National Association of Letter
Carriers, AFL-CIO



National Association of Letter Carriers (AFL-CIO)

APPEAL TO STEP 4

M-01263

DATE: 4/20/84

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

FROM: NATIONAL BUSINESS AGENT
Brian Farris
NBA-NALC
1124 W. Chapman
Orange, CA 92668

CARRIER	REGIONAL NO	GRIEVANT (OR CLASS)	POST OFFICE
"J"	WIN-5C-G-22733	J. Tauf	Mill Valley, CA

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: 4/18/84

STEP 3 DECISION RENDERED BY: Gary Connely

VIOLATION INCLUDING BUT NOT LIMITED TO: 19

CORRECTIVE ACTION REQUESTED:that the route be given a Special Inspection immediately.

DESIGNATED NALC REPRESENTATIVE AT STEP 4:

Joseph Johnson
Dir. of City Delivery, NALC
100 Indiana Avenue N.W.
Washington, D.C. 20001

RECEIVED
APR 25 1984
WASHINGTON, D. C.

SINCERELY YOURS,

Brian Farris
NATIONAL BUSINESS AGENT

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

NATIONAL OFFICE COPY





UNITED STATES POSTAL SERVICE
Western Regional Office
San Bruno, CA 94099

D/4

April 13, 1984

Brian Farris
National Business Agent
NALC, AFL-CIO
1124 West Chapman
Orange, CA 92668

Mill Valley, CA
NALC / J. Tacci
WIN-5C-C 22733

Dear Mr. Farris:

In a Step 3 meeting concluded on April 13, 1984 between your designee Bill Young, Assistant National Business Agent and me, the above captioned grievance was denied.

At the time of the grievant's request, route #442 did not qualify for a special inspection. During the preceding three (3) months the route was vacant & was carried by part-time flexibles who were unfamiliar with it. Consequently the route was not properly maintained. It is management's position that work performance on the route was unsatisfactory because the PTFs were not proficient. The grievant was not entitled to a special inspection pursuant to section 271g of the M-39 Handbook.

In my judgement the grievance does not involve an interpretive issue pursuant to Article 15 Step 3 (1). Therefore, unless you believe otherwise the case should be appealed directly to regular regional arbitration in accord with Article 15.

Sincerely,

G. Connely
Gary L. Connely

Regional Labor Relations Specialist

APR 18 1984

RECEIVED



National Association of Letter Carriers (AFL-CIO)

M-01263

GRIEVANCE APPEAL TO **3**

DATE **04 03 84**

TO: REGIONAL DIRECTOR, EMPLOYEE AND LABOR RELATIONS
UNITED STATES POSTAL SERVICE
**850 Cherry Avenue
San Bruno, California 94099**

FROM: BRANCH PRESIDENT

**Golden Gate Branch No. 214
785 Market Street, Suite 701
San Francisco, California 94103**

BRANCH GR.#	GRIEVANT'S NAME	GRIEVANT'S S.S.#	JOB CLASSIFICATION	STATION
MV10-84	Johnnie K. Tsui	[REDACTED]	Letter Carrier	Mill Valley

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 **Ms. P. A. Chapman, Postmaster, Mill Valley Post Office** OF THE **Mill Valley** INSTALLATION, RENDERED ON **Mar. 31, 1984** AND RECEIVED ON **April 02, 1984**

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 **Mr. Brian Farris, National Business Agent** AT (ADDRESS) **1124 West Chapman Avenue** OR BY PHONE **(714) 997 8480** **Orange, California 92668**

VIOLATION: INCLUDING BUT NOT LIMITED TO NATIONAL (ART. & SECT.) **Article III** LOCAL (ART. & SECT.)
OTHER GROUNDS: **M-39, Section 271g**

REASONS FOR APPEAL: **Section 271g of the M-39 Handbook clearly states that the route not the carrier is what qualifies for the special inspection. Management has no contractual basis for denying Mr. Tsui's special route examination, in fact, in the Postmaster's Step II response management admits that the route is qualified.**

CORRECTIVE ACTION REQUESTED: **Inspect within 14 days of resolving this grievance and adjust route to 8 hours within 30 days of completion of special exam.**

[Handwritten initials]

APR 8 1984

cc: NATIONAL BUSINESS AGENT, NALC
POSTMASTER

Mr. Spence F. Barton, President

BRANCH PRESIDENT/DESIGNEE

[Handwritten signature]

SIGNATURE

UNITED STATES POST OFFICE

OUR REF:

DATE: 3/31/84

SUBJECT: Tsui- Denial of Special
Route Count request

P.O. CL:

TO: Mr. Spence Burton
President, Branch 214, NAIC
785 Market Street, Suite 701
San Francisco, Ca.
94103*Sp A*

As step Two grievance meeting was held on 3/23/84 between Mr. David Welsh and the undersigned, to resolve the above Grievance, as shown. The following decision is submitted:

The period in which this route qualified for a special count October 17, 1983 through November 26, 1983, Route 4112 was vacant and was carried by part time flexibles and the T-6.

With exception of the T-6 all carriers that delivered this route were inexperienced and their inexperience was largely responsible for the route showing over thirty minutes of overtime for three or more days per wee.

The route in question was vacant for 3½ months due to the regular carriers use of Annual Leave prior to his retirement.

At the Step Two meeting no information was presented to support the unions position that a vacant route can qualify for a special route count.

This Grievance is denied and the route in question will not be given a complete route inspection within 14 days.

P.A. Chapman
P.A. Chapman
Postmaster
Mill Valley, Ca.
94941

APR 2 1984



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	RECEIVED
DATE	
MAIL INITIALS	USPS INITIALS

M-01263

STANDARD GRIEVANCE FORM

DATE 02 24 84		BRANCH GRIEV NO MV 10-84	USPS NO
TO: USPS STEP 2 DESIGNEE (NAME & TITLE) Mr. Rick Rios, Officer in Charge		INSTALLATION Mill Valley	PHONE—OFFICE
FROM: BRANCH NO 214	BUSINESS ADDRESS 785 Market Street, Suite 701, San Francisco, California		94103
STEP 2 AUTHORIZED UNION REP Mr. David P. Walsh, Secretary-Treasurer (et.al.)		PHONE—OFFICE (415) 495 4955	PHONE—OTHER
STEP 1 MEETING: HELD ON (DATE/TIME) February 11, 1984	BETWEEN USPS REPRESENTATIVE Nancy F. Walters	AND GRIEVANT	STEWARD Allan E. Ward
GRIEVANT'S NAME (OR CLASS) Johnnie K. Tsui			PHONE (415) 479 9598
HOME ADDRESS 28 Remeyer Drive	CITY San Rafael	STATE California	ZIP 94903
JOB CLASSIFICATION Letter Carrier	CRAFT SENIORITY DATE	USPS SENIORITY DATE	DUTY HOURS 6:30 A - 3:00 P
STATION OR BRANCH Mill Valley	SOCIAL SECURITY NO		VETERAN <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
OFF DAYS <input checked="" type="checkbox"/> ROTATING	FIXED—CHECK AS APPLICABLE	SA <input type="checkbox"/> SU <input checked="" type="checkbox"/> M <input type="checkbox"/> T <input type="checkbox"/> W <input type="checkbox"/> TH <input type="checkbox"/> F	LEVEL 5 STEP REG XX
STEP 1: RENDERED ON (DATE/TIME) DECISION February 17, 1984	BY (NAME & TITLE) Nancy F. Walters, Supv., Mails & Delivery		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) Article III LOCAL (ART & SECT) _____ OTHER GROUNDS: M-39, Section 271g

FACTS: WHAT HAPPENED On January 06, 1984 J. Tsui requested a special route inspection on his route, 9494112, because the route showed over thirty minutes of overtime for three or more days per week from the period of October 17, 1983 through November 26, 1983 (six weeks). N. F. Walters, Supv. Mails & Delivery denied his request on February 07, 1984 because she said he had not worked on this route for six weeks.

ADDITIONAL SHEET ATTACHED

UNION CONTENTIONS: REASONS FOR GRIEVANCE The route in question qualified for the special inspection, since during the period cited the route did show the required time. It was not necessary for the regular carrier to work the time frame cited above, only that the ROUTE demonstrated the actual time used.

ADDITIONAL SHEET ATTACHED

CORRECTIVE ACTION REQUESTED: The Union requests that the route(s) in question shall be given a complete Route Inspection within 14 days of the resolve of this grievance. Furthermore, because of the delays already caused by management, the Union also requests that the route(s) in question be adjusted to 8 hours daily within 30 days of the completion of the Route Inspection.

Mr. Spence F. Burton, President
BRANCH PRESIDENT/DESIGNEE

SIGNATURE