



Mr. Vincent R. Sombrotto
 President
 National Association of Letter
 Carriers, AFL-CIO
 100 Indiana Avenue, NW
 Washington, DC 20001-2197

RECEIVED

AUG 27 1998

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

Re: H94N-4H-C 98088785
 Class Action
 Olive Branch, MS 38654-9998

Dear Mr. Sombrotto:

On August 21, 1998, I met with your representative to discuss the above-captioned grievance at the fourth step of our contractual grievance procedure.

The issue in this case is whether management violated the National Agreement by not implementing the T-6 Program in the subject office.

After discussions and review of the Joint Contract Administrative Manual, which reflects that Article 41.3.D is obsolete, it is our decision to sustain this grievance to the extent that the T-6 Program will be instituted in the subject office.

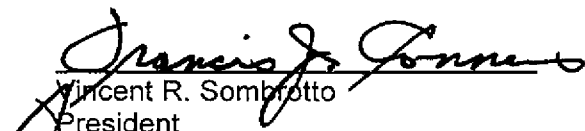
We mutually agreed to remand this case to the parties at Step 3 to determine what remedy, if any, is appropriate.

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

Time limits were extended by mutual consent.

Sincerely,


 Richard A. Murmer
 Labor Relations Specialist
 Grievance and Arbitration


 Vincent R. Sombrotto
 President
 National Association of Letter
 Carriers, AFL-CIO

Date: 8/28/98



National Association of Letter Carriers (AFL-CIO)

7130

NBA'S GRIEVANCE CASE COMMENTS

ATTACH TO GRIEVANCE CASE SUMMARY (GRIEV-3)

M-1340

DATE: AUGUST 12, 1998

TO: NATIONAL OFFICER
Contract Administration Unit
National Association of Letter Carriers
100 Indiana Avenue, N. W.
Washington, DC 20001

FROM: NATIONAL BUSINESS AGENT
Ben Johnson
404 BNA Corporate Center
Suite 311
Nashville, TN 37217

REGIONAL GRIEVANCE NO.	BRANCH	CITY	STATE
H94N-4H-C 98088785	4927	Olive Branch	MS

GTS 014430

COMMENTS: *Indicate whether you believe this case involves an interpretive issue under the national agreement (or some supplement thereto of general application).*

The Union believes this case involves an interpretive issue under the national agreement or some supplement thereto of general application.

MANAGEMENT'S

POSITION AT STEP 3: *Also indicate whether management believes this case involves an interpretive issue under the national agreement (or some supplement thereto of general application).*

Based on the information presented and contained in the grievance file, the grievance is denied. The decision of whether or not to implement the T-6 program in an office has been given to management as the result of discussions with the union at the national level. There is no basis for pursuing this issue at the local level since language in Article 41.3.D exists.

In our judgement the grievance does not involve an interpretive issue(s) pertaining to the National Agreement or any supplement thereto which may be of general application.

ARBITRATION RECOMMENDATION: YES NO

STATE REASONS: Per maximization memo and Mittenthal award, with five routes, another full-time position is warranted and it should be Level 6.

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AUG 17 1998

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



National Association of Letter Carriers (AFL-CIO)
APPEAL TO STEP 4

M-1340

DATE: August 12, 1998

TO: ASSISTANT POSTMASTER GENERAL
LABOR RELATIONS DEPARTMENT
UNITED STATES POSTAL SERVICE
WASHINGTON, D.C. 20260-4100

FROM: NATIONAL BUSINESS AGENT
Ben Johnson
404 BNA Corporate Center
Suite 311
Nashville, TN 37217

CARRIER	REGIONAL NO.	GRIEVANT (OR CLASS)	POST OFFICE
C	H94N-4H-C 98088785	CLASS ACTION	OLIVE BRANCH, MS

DEAR SIR: SINCE XX 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: July 20, 1997

STEP 3 DECISION RENDERED BY: Joseph W. Leahy JR

VIOLATION INCLUDING
BUT NOT LIMITED TO: ARTICLES 7, 41

CORRECTIVE ACTION: Five regular routes and 2 1/2 hour handoff from C1 & C5. There should be the position. Make a T6 position retroactive to March 28, 1998 and compensate city carriers for this position. Also, award senior PTF difference in pay from PTF to regular status and any holiday pay from this date also.

DESIGNATED NATIONAL ASSOCIATION OF LETTER CARRIERS REPRESENTATIVE AT STEP 4:

CONTRACT ADMINISTRATION UNIT
NATIONAL ASSOCIATION OF LETTER CARRIERS
100 INDIANA AVENUE N.W.
WASHINGTON, DC 20001

SINCERELY YOURS,

Ben Johnson
NATIONAL BUSINESS AGENT



July 20, 1998

Mr. Ben Johnson
National Business Agent
National Association of
Letter Carriers AFL-CIO

Southeast Area Grievance
Appeal No. H94N-4H-C 98088785
Dated 06/08/98
Local No. 998

Subject: Step 3 Grievance Decision

Class Action

Olive Branch MS

Provision Allegedly Violated: 41.4200

Dear Mr. Johnson:

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

Based on the information presented and contained in the grievance file, the grievance is DENIED. The decision of whether or not to implement the T-6 program in an office has been given to management as the result of discussions with the union at the national level. There is no basis for pursuing this issue at the local level since language in Article 41.3.D exists.

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

In our judgment, the grievance does not involve any interpretive issue(s) pertaining to the National Agreement or any supplement thereto which may be of general application. Unless the union believes otherwise, the case may be appealed directly to regional arbitration in accordance with the provisions of Article 15 of the National Agreement.

A handwritten signature in cursive script that reads "Joseph W. Leahy Jr.".

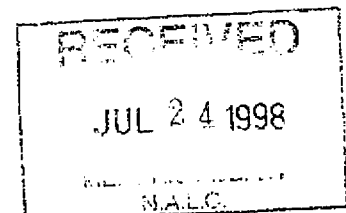
Joseph W. Leahy Jr.
Labor Relations Specialist

cc: District Office
Postmaster

Mississippi
Olive Branch MS 38654-9998

bjd717/ss

225 N HUMPHREYS BOULEVARD
MEMPHIS TN 38168-0841
901-747-7220
FAX 901-747-7206





National Association of Letter Carriers (AFL-CIO)

M-1340

GRIEVANCE APPEAL TO **3**

DATE 5/25/98

FROM BRANCH PRESIDENT

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

3-28-98

27-5785

BRANCH GR.# <u>12-98</u> 11-97	GRIEVANT'S NAME <u>Class</u>	GRIEVANT'S S.S.# [REDACTED]	JOB CLASSIFICATION <u>carriers</u>	STATION <u>Olive Branch</u>
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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 Sherman Dixon Postmaster Holly Springs NC 28635 OF THE Holly Springs INSTALLATION, RENDERED ON 5/14/98 AND ~~5/15/98~~ 5/15/98

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 Bon Johnson AT (ADDRESS) 325 Rural Hill Rd Nashville, TN 37217 OR BY PHONE 615-346-1951

VIOLATION: INCLUDING BUT NOT LIMITED TO NATIONAL (ART. & SECT.) 4 sec. 30 LOCAL (ART. & SECT.) Art. 7 sec. 3B OTHER GROUNDS _____

REASONS FOR APPEAL: Union contends that with 5 regular routes & auxillary as handoffs from C1 & C5 there should be auxillary route C5406. There are five regular full time city carriers & 2 PTF's. We should have a TLE position beginning the day C5 become a regular route (March 28, 1998).

CORRECTIVE ACTION REQUESTED: Five regular routes & 2 1/2 hr. handoff from C1 & C5. There should be a TLE position

Make a TLE position retroactive to March 28, 1998. & compensate city carriers for this position. Also award senior PTF difference in pay from PTF to regular status & any holiday pay from this date also.

RECEIVED
JUL 05 1998
NATIONAL ASSOCIATION OF LETTER CARRIERS
N.A.L.C.

cc: NATIONAL BUSINESS AGENT, NALC
POSTMASTER

Susan D. Robinson
BRANCH PRESIDENT/DESIGNEE

May 15, 1998

Subject: Step 2 Appeal: Grievance No. 9-98: Olive Branch, MS

To: Mr. Jason Johnson
NALC
Olive Branch MS

Certified No. Z 150 804 357
Return Receipt Requested

On May 15, 1998, we discussed the subject grievance at the second step of our grievance/arbitration procedure. The time limits for processing at Step 2 had been extended by mutual consent.

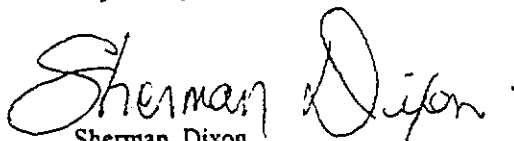
ISSUE: Has management violated the National Agreement by not creating a T-6 City Carrier position since there are five regular city routes in Olive Branch.

UNION POSITION: Union contends that Articles 41.3.D and 7.3.B instruct that a T-6 position is to be created when a delivery unit has five regular city routes.

REQUESTED REMEDY: As remedy, the union requests that management make a T-6 position in the Olive Branch post office retroactive to 3/28/98 and compensate city carriers for this position.

MANAGEMENT POSITION: The National Agreement says "The USPS may initiate the T-6 program in those offices in which the program has not been implemented." Such language is permissive but does not specifically require action; i. e. the call is management's.

DECISION: Based on the language in the National Agreement, the union has failed to show anything that requires management to fill a T-6 position when an office has five regular city routes. For this reason the subject grievance is denied. Should the union disagree with my decision and choose to appeal the subject grievance to Step 3, a copy of the Step 3 Appeal is to be provided to the undersigned as is required by the National Agreement.


Sherman Dixon
USPS Step 2 Designee
Holly Springs MS 38635



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.

M-1340

WITHDRAWN	RESOLVED
DATE	
NALC INITIALS	USPS INITIALS

STANDARD GRIEVANCE FORM

DATE	BRANCH GRIEV. NO.	USPS NO.
4/27/95	9-95	

TO: USPS STEP 2 DESIGNEE (NAME & TITLE)		INSTALLATION		PHONE—OFFICE	
Sherman Dixon (Postmaster)		Holly Springs, MS			
FROM: BRANCH NO.		BUSINESS ADDRESS			
4927		5905 Goodman Rd Hwy 75			
STEP 2 AUTHORIZED UNION REP.			PHONE—OFFICE		PHONE—OTHER
Jason Johnson, Steward					895-2399
STEP 1 MEETING: HELD ON (DATE/TIME)		BETWEEN USPS REPRESENTATIVE		AND GRIEVANT	
4/21/95		Gary Nelson		Jason Johnson, Steward	
GRIEVANT'S NAME (OR CLASS.)					PHONE
AC BR JD J.P. J.I.					895-2399
HOME ADDRESS			CITY	STATE	ZIP
5905 Goodman Rd			Olive Branch	MS	38654
JOB CLASSIFICATION		CRAFT SENIORITY DATE		USPS SENIORITY DATE	
3 PTFs					
STATION OR BRANCH			SOCIAL SECURITY NO.		VETERAN
Holly Springs, MS 4927			[REDACTED]		<input type="checkbox"/> YES <input type="checkbox"/> NO
OFF DAYS		FIXED—CHECK AS APPLICABLE		LEVEL	
<input type="checkbox"/> ROTATING				STEP	
				REG	
				ADDITIONAL REC	
				RESERVE REC	
				OTR	
				PTF	
STEP 1 DECISION RENDERED ON (DATE/TIME)		BY (NAME & TITLE)		SUPERVISOR'S INITIALS (upon request)	
4/21/95		Gary Nelson, Supervisor			

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) Art 41 sec 30 LOCAL (ART & SECT) 1

OTHER GROUNDS: Art 7 sec 3B

FACTS: WHAT HAPPENED Union contends that with five regular routes and auxiliary routes from C-1 to C-5 there should be auxiliary route C-6. There are five regular full time city carriers + 3 PTFs. It should have a T-6 position beginning 1/1/95 and 2-3 regular routes (March 25, 1995).

ADDITIONAL SHEET ATTACHED

UNION CONTENTIONS: REASONS FOR GRIEVANCE Five regular routes and 3 aux routes from C-1 to C-5. There should be a T-6 position.

ADDITIONAL SHEET ATTACHED

CORRECTIVE ACTION REQUESTED: Make a T-6 position retroactive to March 25, 1995. And compensate city carriers for this position. Also award seniority difference in pay from PTF status and regular status.

BRANCH PRESIDENT DESIGNEE & GRIEVANT: Juan Robinson SIGNATURE: [Signature]

ORIGINAL TO BE RETAINED BY DESIGNEE