

M-01796—new interpretive settlement on management reverting routes

We recently settled an interpretive dispute with the Postal Service regarding whether a vacant full-time letter carrier assignment may be reverted without current route inspection data. The settlement has been assigned NALC Materials Reference System number M-01796. The full text of the settlement is printed below.

Re: Q06N-4Q-C 09038594

NALC 8305

Class Action

Washington DC 202260-41 00

Recently our representatives met at the Interpretive Step of the grievance-arbitration procedure to discuss the above-referenced case. Time limits were extended by mutual consent.

The issue is whether a vacant duty assignment for a full-time route may be reverted without current route inspection data. After reviewing this matter, the parties agree to the following:

The parties recognize the employer's right to revert vacant duty assignments pursuant to Article 41.1.A.1 of the National Agreement. However, under current regulations, determining whether an established city delivery route is full time (as defined by Handbooks M-39, section 242.122 and M-41, section 911.2) will be made using one of the following procedures:

- A six day mail count and inspection in accordance with the provisions of Handbook M-39
- A route adjustment pursuant to Section 141 of Handbook M-39 (provided the data used is reasonably current and from the regular carrier assigned to the route)
- Evaluation through a national jointly agreed upon route evaluation process
- Evaluation through an authorized locally developed joint route evaluation process

The parties further agree that cases held pending resolution of this case will be addressed by the appropriate parties where the cases are being held. The parties will give consideration to the above agreement and any action taken by the joint route adjustment teams subsequent to the reversion.

This agreement in no way alters the current maximization provisions contained in Article 7.3 of the National Agreement.

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

Alan S. Moore

Manager, Labor Relations

Policy and Programs

Labor Relations

U.S. Postal Service

Fredric V. Rolando

President

National Association

of Letter Carriers,

AFL-CIO

A few years back, management in some places reverted routes as they became vacant without any route inspection data to show that the route was less than a full-time assignment. For example, after a letter carrier retired, management would sometimes revert the vacated route by simply saying it wasn't eight hours—with no data to rely on.

Over the last three to four years, the problem hasn't been as widespread. The IARAP, MIARAP and JARAP agreements prevented unilateral actions in most places. However, it still happened in some places. Because the Postal Service declined to continue our joint route adjustment process and we are again back to six-day route counts and inspections, we expected this route reversion problem to become prevalent once again.

M-01796 makes it clear that the determination of whether a route is full time will be made by using one of the four methods listed in the settlement. This means that it is a contract violation for management to revert a route without using one of these four methods to make the determination of whether the route is full time.

In this situation, stewards and NALC representatives should file a grievance citing a violation of M-01796 via Article 15 of the National Agreement. A possible issue statement is:

Did management violate the interpretive step settlement for case number Q06N-4Q-C 09038594 (M-01796) via Article 15 of the National Agreement by improperly reverting route ____, and if so, what should the remedy be?

The settlement makes clear that it does not alter the maximization provisions of Article 7.3 of the National Agreement. This means that if management properly determines that a route is less than full time, the assignment may be reverted, but management still is required to maximize full-time employment.

The goal of this settlement is to ensure that any route reverted really is less than eight hours and that the determination is made using the parties' route evaluation processes. ☒