

## Local Grievance # \_\_\_\_\_

### Issue Statement (Block 15 of PS Form 8190):

Did management violate Article 41, Section 2.B.5 of the National Agreement by not permitting City Carrier Assistant (CCA) **[name]** to work the scheduled hours of his/her opt/hold-down assignment on **[date]** in the **[Station/Post Office]**, and if so, what should the remedy be?

### Union Facts and Contentions (Block 17 of PS Form 8190):

#### Facts:

1. CCA **[name]** placed a bid for an opt/hold-down on Route **[route #]** on **[date]**.
2. CCA **[name]** was awarded the opt/hold-down on Route **[route #]** and began holding down the route on **[date]**.
3. The duration of the opt/hold-down on Route **[route #]** has not ended.
4. The scheduled hours for Route **[route #]** are \_\_\_\_\_ to \_\_\_\_\_ with non-scheduled days of \_\_\_\_\_.
5. CCA **[name]** was not permitted to work the scheduled hours of his/her opt/hold-down on route **[route #]** on **[date]**.

#### Contentions:

1. Management violated Article 41, Section 2.B.5 of the National Agreement when it did not permit CCA **[name]** to work the scheduled hours of his/her opt/hold-down assignment on Route **[route #]** on **[date]**.
2. CCA **[name]** has the right under Article 41.2.B.5 to assume the scheduled hours and non-scheduled day of the opted assignment. The following explanation of this provision appears on page 25 of the Das Award dated January 10, 2013 and reiterated in the Joint Contract Administration Manual, which states in relevant part:

#### ***Re: City Carrier Assistants-Opting***

*With the establishment of the city carrier assistant position, the following changes concerning opting will be incorporated in to the Joint contract Administration Manual.*

**JCAM Page 41-10**

*Eligibility for opting. Full-time reserve letter carriers, full-time flexible schedule letter carriers, unassigned full-time carriers, part-time flexible carriers, and city carrier assistants may all opt on hold-down assignments.*

*Although Article 12.3 of the National Agreement provides that “an employee may be designated a successful bidder no more than seven (7) times” during the contract period, a national settlement (H1N-1E-C 25953, May 21, 1984, M-0513) establishes that these restrictions do not apply to the process of opting for vacant assignments. Moreover, opting is not “restricted to employees with the same schedule as the vacant position” (H1N-1J-C 6766, April 17, 1985, M-0843). **Rather, an employee who opts for a hold-down assignment assumes the scheduled hours and non-scheduled day of the opted assignment.** (See schedule Status,” below.) [Emphasis added] (JCAM, Page 41-10)*

**Schedule Status and Opting.** *Employees on hold-downs are entitled to work the regularly scheduled days and the daily hours of duty of the assignment. (See H8N-1M-C 23521, June 2, 1982, M-00239.) (JCAM, Page 41-14)*

Q 56. *Will CCA’s be allowed to opt on (hold down) vacant duty assignments?*

A. *Yes, after April 10, 2013. (The Step 4 agreement M-01819)*

3. There is no claim that the duration of the opt/hold-down ended. Therefore, management’s failure to permit CCA **[name]** to work the regularly scheduled hours of the opt/hold-down assignment on Route # **[route #]** on **[date]** is a clear violation of Article 41.2 of the National Agreement and an appropriate remedy must be granted.

**Remedy (Block 19 of PS Form 8190):**

1. That CCA **[name]** work the regularly scheduled hours of his/her opt/hold-down assignment effective immediately.
2. That management cease and desist violating Article 41, Section 2 of the National Agreement at the **[Station/Post Office]**.
3. That CCA **[name]** be paid a lump sum equal to the difference between the number of hours he/she has actually worked on **[date]** and the number of hours he/she would have worked had the opt/hold-down

schedule not been altered. This payment is to also include any out of schedule premium pay that results from the change in work schedules.

4. As an incentive to ensure future compliance, CCA **[name]** be paid a lump sum of \$100.00.
5. That all payments associated with this case be made as soon as administratively possible, and/or any other remedy the Step B Team or an Arbitrator deems appropriate.



## National Association of Letter Carriers Request for Information

To: \_\_\_\_\_  
(Manager/Supervisor)

Date: \_\_\_\_\_

\_\_\_\_\_  
(Station/Post Office)

Manager/Supervisor \_\_\_\_\_,

Pursuant to Articles 17 and 31 of the National Agreement, I am requesting the following information to investigate a grievance concerning a violation of Article 41:

1. A copy of the letter carrier work schedule for the week(s) of **[date(s)]**.
2. A copy of the Employee Everything Report for City Carrier Assistant **[name(s)]** for **[date(s)]**.
3. A copy of the award sheet for all hold down(s)/opt(s) for the week(s) of **[date(s)]**.
4. Provide the duty hours and scheduled day off for route **[route#]**.

I'm also requesting time to interview the following individual(s):

1. **[name(s)]** at the **[Station/Post Office]**.

Your cooperation in this matter will be greatly appreciated. If you have any questions concerning this request, or if I may be of assistance to you in some other way, please feel free to contact me.

Sincerely,

Request received by:

\_\_\_\_\_  
Shop Steward  
NALC

\_\_\_\_\_  
Date: \_\_\_\_\_



## National Association of Letter Carriers Request for Steward Time

To: \_\_\_\_\_ Date \_\_\_\_\_  
(Manager/Supervisor)

\_\_\_\_\_  
(Station/Post Office)

Manager/Supervisor \_\_\_\_\_,

Pursuant to Article 17 of the National Agreement, I am requesting the following steward time to investigate a grievance. I anticipate needing approximately \_\_\_\_\_ (hours/minutes) of steward time, which needs to be scheduled no later than \_\_\_\_\_ in order to ensure the timelines established in Article 15 are met. In the event more steward time is needed, I will inform you as soon as possible.

Your cooperation in this matter will be greatly appreciated. If you have any questions concerning this request, or if I may be of assistance to you in some other way, please feel free to contact me.

Sincerely,

\_\_\_\_\_  
Shop Steward  
NALC

Request received by: \_\_\_\_\_  
Date: \_\_\_\_\_