

Local Grievance # _____

Issue Statement (Block 15 on PS Form 8190):

Did management violate Articles 7, 8 and 12 of the National Agreement by excessing Non-Traditional Full-Time (NTFT) Clerk **[clerk's name]** into a Full-Time Letter Carrier Craft position at the **[Installation name]** Installation, and if so, what should the remedy be?

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

Facts:

1. NTFT Clerk **[clerk's name]** was involuntarily transferred to a full-time position in the Letter Carrier Craft in the **[Installation name]** Installation effective **[date]**.
2. NTFT Clerk **[clerk's name]** did not work a schedule of 8 hours within 9 (or 10), 5 days a week in the Clerk Craft prior to being excessed into the letter carrier craft. This point is documented by the TACS Employee Everything Reports and the clerk craft work schedule for NTFT Clerk **[clerk's name]**.
3. Article 7, Section 1 of the National Agreement defines full-time and part-time employees as follows:

Section 1. Definition and Use

A. Regular Work Force. The regular work force shall be comprised of two categories of employees which are as follows:

1. **Full-Time.** Employees in this category shall be hired pursuant to such procedures as the Employer may establish and shall be assigned to regular schedules consisting of five (5) eight (8) hour days in a service week.
2. **Part-Time.** Employees in this category shall be hired pursuant to such procedures as the Employer may establish and shall be assigned to regular schedules of less than forty (40) hours in a service week, or shall be available to work flexible hours as assigned by the Employer during the course of a service week.

4. Article 8, Section 1 of the national Agreement defines the work week of a full-time employee as follows:

Section 1. Work Week

The work week for full-time regulars shall be forty (40) hours per week, eight (8) hours per day within ten (10) consecutive hours, provided, however, that in all offices with more than 100 full-time employees in the bargaining units the normal work week for full-time regular employees will be forty hours per week, eight hours per day within nine (9) consecutive hours. Shorter work weeks will, however, exist as needed for part-time regulars.

5. Article 12, Section 5.D covers excessing of part-time regular employees:

D. Part-Time Regular Employees

Part-time regular employees assigned in the craft units shall be considered to be in a separate category. All provisions of this Section apply to part-time regular employees within their own category.

6. The tri-partite MOU *Re: Articles 7, 12, and 13 – Cross Craft and Office Size* reads as follows:

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE
UNITED STATES POSTAL SERVICE
AND THE
NATIONAL ASSOCIATION OF LETTER CARRIERS,
AFL-CIO**

Re: Article 7, 12 and 13 - Cross Craft and Office Size

- A. It is understood by the parties that in applying the provisions of Articles 7, 12 and 13 of this Agreement, cross craft assignments of employees, on both a temporary and permanent basis, shall continue as they were made among the six crafts under the 1978 National Agreement.
- B. It is also agreed that where this Agreement makes reference to offices/facilities/installations with a certain number of employees or man years, that number shall include all categories of bargaining unit employees in the office/facility/installation who were covered by the 1978 National Agreement.

Date: August 19, 1995

Contentions:

1. NTFT Clerk **[clerk's name]**'s work schedule does not meet the definition of a full-time employee in the National Agreement between the USPS and the NALC. Therefore he/she was not eligible to be excessed into a full-time letter carrier position in the **[Installation name]** Installation.
2. NTFT Clerk **[clerk's name]**'s position meets the definition of part-time regular in the National Agreement. Therefore, this particular clerk may only be excessed into a part-time regular letter carrier position pursuant to Article 12.5.D.
3. In the 1995 MOU *Re: Articles 7, 12, and 13 – Cross Craft and Office Size*, USPS, NALC, and APWU agreed that cross assignments under Article 12 would continue as they were made in 1978. Excessing NTFT Clerk **[clerk's name]** to a full-time position in the letter carrier craft clearly violates this MOU.
4. Management violated the cited contractual provisions by excessing NTFT Clerk **[clerk's name]** to a full-time letter carrier position.

Remedy (Block 19 on PS Form 8190):

1. That management cease and desist future violations of Articles 7, 8 and 12 of the National Agreement when excessing into the letter carrier craft in the **[Installation name]** Installation.
2. That NTFT Clerk **[clerk's name]** be returned to the clerk craft immediately.
3. That the city delivery letter carriers in the **[Installation name]** Installation be paid 1 hour at the overtime rate of pay for each and every hour worked by NTFT Clerk **[clerk's name]** in the letter carrier craft since his/her arrival to the **[Installation name]** Installation and continuing until he/she is returned to the clerk craft. The Union requests that this money be equally divided amongst the letter carrier craft employees in the **[Installation name]** Installation, and/or whatever 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 Articles 7, 8, and 12:

1. Copies of weekly work schedule for NTFT Clerk **[name]** from the **[Installation name]** Installation for the 6 weeks prior to him/her being excessed.
2. Copies of TACS Employee Everything Reports for NTFT Clerk **[name]** from the **[Installation name]** Installation for the 6 weeks prior to him/her being excessed.
3. Copies of TACS Employee Everything Reports for former NTFT Clerk **[name]** for the period since he/she was excessed into the Letter Carrier Craft in the **[Installation name]** Installation until present.

I am also requesting time to interview the following individuals:

1. **[name(s)]** at the **[Installation name]** Installation

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: _____



National Association of Letter Carriers Request for Steward Time

To: _____
(Manager/Supervisor)

Date _____

(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,

_____ Request received by: _____

Shop Steward
NALC

Date: _____