



RESOLVE



STEP B DECISION

USPS Step B:	Decision:	RESOLVE
Step B Team:	USPS Number:	G19N-4G-C 2207 6773
USPS:	Grievant:	Class
Richard Ketchum	Branch Grievance Number:	421-0010-22
NALC:	Branch:	421
Jim Ruetze	Installation:	San Antonio
	Delivery Unit:	Beacon Hill
Dispute Resolution Team	State:	TX
Rio Grande	Incident Date:	11/20/2021-11/26/2021
District:	Informal Step A Initiated:	12/15/2021
Texas 3	Formal Step A Meeting:	12/29/2021
	Received at Step B:	01/21/2022
	Step B Decision Date:	02/16/2022
	Issue Code:	65.2100
	NALC Subject Code:	600139

ISSUE: Did management violate the Interpretive Step Settlement on Delivery Operations Information System (DOIS) dated July 30, 2007 (M-01664) via Article 15 of the National Agreement by failing to accurately record time date in DOIS at the Beacon Hill Station? If so, what is the remedy?

DECISION: The Dispute Resolution Team (DRT) mutually agreed to **RESOLVE** this grievance. Management violated the Step 4 settlement M-01664 when they instructed carriers to move to operation 733 while doing a parcel run. Management must adhere to the provisions of Handbook M-32, *Management Operation Data System (MODS)*, for time spent delivering parcel runs. Auxiliary assistance given to city delivery routes, even if the assistance given was to relieve the route by delivering parcels, is not part of LDC 23. That assistance is still part of the carrier's street time and total route time. It must therefore be attributed to LDC 22 by the carriers in the Beacon Hill Station moving to operation 721. See the DRT Explanation below.

EXPLANATION: During the week of November 20-26, 2021 management instructed carriers to clock to operation 733 for time spent delivering parcel runs instead of operation 721.

The union filed this grievance to protest the instruction to move to operation 733 for time spent delivering parcel runs. Unable to achieve a resolution through the Informal or Formal A steps of the grievance process, the union appealed the grievance to Step B.

The union at Formal Step A contended management improperly recorded time in DOIS during the week of November 20-26, 2021, at the Beacon Hill Station when they instructed carriers to clock into operation 7330 when delivering parcels. This resulted in less time credited to all routes at the station. Data from TACS is loaded into DOIS to generate various DOIS reports. By improperly recording this street time data in TACS, management violated the interpretive Step Settlement on DOIS dated July 30, 2007 (M-01664) via Article 15 of the National Agreement.

The union requested management cease and desist from instructing carriers to clock into improper MODS codes. The union also requested a monetary remedy of \$5.00 per carrier to encourage management to adhere to their obligations to stop refusing to comply with agreements and Step B decisions, or any other remedy the Step B Team or an arbitrator deem appropriate.

Management at Formal Step A contended the union did not prove their case by showing there are any permanent parcel routes in the United States. The Workhour Workload Reports for September-December 2021 clearly show an increase in parcels and SPRS entered in the DOIS system.

Management also maintained the grievance is untimely. Management has been utilizing operation 7330 for years. Operation 7330 is not a new concept derived from local management to circumvent any agreement. Enclosed in the file are copies of Employee Moves Reports from 2016 through 2020 showing that this practice has been going on for years, so the union should have filed on the issue then. The union has not provided proof of any kind to suggest the routes were not given proper credit in parcel/SPR volumes or that a violation has occurred.

The DRT reviewed the case file and determined the grievance was timely filed. The incidents giving rise to this grievance occurred during the week of November 20-26, 2021. The case file includes a signed extension for the Informal Step A meeting until December 29, and the meeting did in fact take place on that date.

On the merits of the dispute, the DRT agreed management violated Articles 19 (via Handbook M-32) and 41 of the National Agreement when requiring carriers to utilize Code 733 when making parcel runs. Handbook M-32 includes the following definition of Operation 733:

733 Parcel Post — Street LDC 23/20

Street work hours of carriers used for the delivery of parcel post routes.
[Emphasis Added]

721 City Delivery Carriers, Residential Motorized — Street LDC 22/20

See operation 713 activities and data requirement descriptions.

713 City Delivery Carriers, VIM Route — Street LDC 22/20

Work hours of carrier employees used to deliver mail on **city delivery regular and auxiliary letter routes, street hours**. Do not include router hours and combination routes. [Emphasis Added]

Page 41-58 of the JCAM contains the Step 4 settlement of grievance Q01N-4Q-C 05022610 (M-01664):

The Delivery Operations Information System (DOIS) is a management tool for estimating a carrier's daily workload. The use of DOIS does not change the letter carrier's reporting requirements outlined in section 131.4 of Handbook M-41, the supervisor's scheduling responsibilities outlined in section 122 of Handbook M-39, or the letter carrier's and supervisor's responsibilities contained in Section 28 of Handbook M-41. DOIS projections are not the sole determinant of a carrier's leaving or return time, or daily workload. As such, the projections cannot be used as the sole basis for corrective action. A five minute time credit for lines 8-13 will be added or when route inspection data is available for lines 8-13 the actual average information will be used for daily workload projections.

Management is responsible for accurately recording volume and other data in DOIS. Other than obvious data entry errors, route based information may only be changed through a full count and inspection or minor route adjustment. Additionally, the parties have previously agreed that functions in DOIS which relate to the route inspection and adjustment process must be in compliance with the city letter carrier route adjustment process in Subchapter 141 and Chapter 2 of the M-39 Handbook. Exceptions are offices that have jointly established an alternate route adjustment method. DOIS base information in such offices shall, as appropriate, comply with the alternate route adjustment method. [Emphasis Added]

Date: July 30, 2007

Page 4 of a USPS notice entitled *Guidelines for the Use of LDC 23 and LDC 24* (February 2017) explains in relevant part:

Auxiliary assistance given to city delivery routes by dedicated Parcel Post routes, even if the assistance given was to relieve the route by delivering parcels, is not Part of LDC 23. That assistance is still part of the carrier's Street Time and is part of the carrier's route time. It must therefore, be attributed to LDC 22.

Step B DRT decisions are precedent setting in the installation in which the grievance arose. San Antonio is the installation. Page 15-8 of the JCAM speaks to this issue.

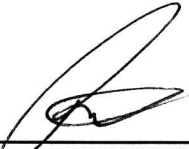
A Step B decision establishes precedent only in the installation from which the grievance arose. For this purpose, precedent means that the decision is relied upon in dealing with subsequent similar cases to avoid the repetition of

disputes on similar issues that have been previously decided in that installation.
[Emphasis Added]

Management contended the use of operation 733 is a past practice; however, Articles 19 (via Handbook M-32) and 41 require management to ensure route data is accurately recorded in DOIS. Therefore, the street work hours on the delivery routes in Eagle Pass are required to be recorded on 721.

The team considered the union's request for a monetary remedy but could not agree it was necessary at this time. Rather, the DRT anticipates this decision, along with the reminder that Step B decisions establish precedent in the installation from which the grievance arose, should have the desired effect of educating management in San Antonio as to the proper recording of time for auxiliary assistance.

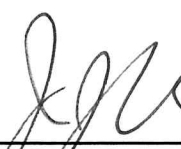
Based on its review of the case file, the DRT agreed to the decision above.



Richard Ketchum
USPS Step B Representative

cc:

LR Manager, Southern Area
NALC Region 10 NBA
Texas 3 District HR Manager
Texas 3 District LR Manager
USPS Formal A Michael R. Moreno



Jim Ruetze
NALC Step B Representative

NALC Branch President
NALC Formal A Rigoberto Hidalgo
Texas 3 District Manager
Postmaster
DRT File

Grievance File Contents

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Request for Formal A Meeting
Informal Step A Document Req
PS Form 8190
Union Contentions – 6 pgs
Letter M-01885
Employee Moves Report – 33 pgs
Workhour Workload Report – 8 pgs
Time Limit Extension

Prior Step B Decision – 3 pgs
Letter M-01664
Management Contentions – 2 pgs
Excerpts Handbook M-41 – 2 pgs
Past Employee Moves Reports – 61 pgs
Excerpts Handbook M-32 – 4 pgs
Guidelines for the Use of LDC23 & LDC24
Beacon Hill 733 Graph – 3 pgs
Statement from Steward