

National Business Agent's Report
Mike Weir
September 2008

In August, the National Parties signed off on an interim minor route adjustment agreement in conjunction with their on-going efforts to establish an alternate route evaluation process. The agreement states that, unless the local parties mutually agree otherwise, minor route adjustments may **only** be implemented pursuant to Section 141 of Handbook M-39. The evaluation must be made consistent with Section 141.18, and any adjustment done in accordance with Section 141.19. This requirement includes the availability of reasonably current count and inspection data and having the same carrier on the route. Be sure to enforce these provisions. Additionally, regardless of whether minor adjustments are conducted jointly or unilaterally, be aware that the data may very well be unreliable. We have uncovered numerous examples of management improperly inserting operational codes to put carriers on stand-by time, training time, label time, miscellaneous duties, etc., all of which subtract time from the carrier's workday and alter the evaluation of the route. Insist on accurate data as the foundation for any minor route adjustment process.

Recently, the Postal Service issued several withholding notices that will impact almost all of Region 5. Management has notified the NALC at the Regional Level that all full-time regular craft assignments, Level 7 and below, are to be withheld under Article 12 of the National Agreement for planned clerk excessing within a 750-mile radius from Dallas, TX and Houston, TX. This would involve 324 Level 6 & 83 Level 7 clerks, and 148 Level 6 & 9 Level 7 clerks respectively. These withholding notices are being issued across the country and are impacting multiple NALC Regions, USPS Areas and Districts, and states. The Dallas withholding, for example, impacts 19 different states -- including all of Missouri & Kansas and nearly all of Nebraska and Iowa.

Our office is in the process of sending out a mailing to branches that will include information on the withholding to help address questions that our membership will have on this issue. The mailing will also include the NALC's position on these Article 12 withholding notices. Branches need to initiate grievances locally when the withholding is invoked in your installation. Branch officers also need to notify our office when grievances are filed so that we may keep track of where the withholding is taking place and assist you, if necessary, with the local grievances. Unfortunately, these withholdings are going to create an even heavier burden on letter carriers who are already dealing with staffing issues in their offices. Management will be looking for "inventive" (read, contractually non-compliant) ways to get the mail delivered without hiring PTFs or TEs to address their staffing issues.

We have learned that management has already begun to instruct carriers on full-time bid assignments and/or hold-downs to curtail deliverable mail, thereby artificially creating undertime and then forcing carriers to pivot on vacant routes. This is a violation of Article 41 of the National Agreement. Management cannot curtail mail on a route and pivot a regular letter carrier off his/her assignment on a regularly scheduled day unless there are unanticipated circumstances. Normal levels of sick leave usage or the failure to adequately staff an office are **not** unanticipated circumstances. The Postal Service has been citing the language that was inserted into the Postal Operations Manual (POM), Sections 646.1 & 646.2, in 2003 as a basis for their actions. Although, on the surface, this language seems to support their position, it must be read in conjunction with Article 41.1.C.4. Article 19 language prevents the Postal Service from making handbook changes which are inconsistent with the National Agreement. Additionally, the Postal Service had indicated that the inclusion of this language was not intended to impact the historical use and impact of previous pivoting language which the parties had agreed was not to circumvent the strict application of Article 41.1.C.4 (M-1292). In other words, barring unanticipated circumstances, the successful bidder on a full-time route should work that assignment without being required to curtail mail to create artificial undertime and pivot on another route. There would be only one situation where management could curtail mail at a

letter carrier's case resulting in the pivoting of that carrier that would not result in a contractual violation. That situation would be when the mail that was curtailed was designated by its mailer for delivery on a subsequent day. Please alert the regional office if and when such pivoting violations occur. And do not forget to enforce the provisions of the DOIS settlement (M-1664) when management improperly uses projections to determine a carrier's workload, whether on a daily basis or in conjunction with a minor route adjustment process.

Congratulations to Dean Dunkel, a member of Cedar Rapids Branch 373, who was named Central Region Hero of the Year for the NALC. Brother Dunkel crawled inside a partially submerged car and rescued the driver after she skidded off the road into a creek during a torrential rain storm. Brother Dunkel will be honored September 18th in Washington, DC for his heroic actions. Each day, letter carriers come to the aid of people -- often without consideration for the risk of personal danger -- and the NALC is proud to recognize their courage and selflessness.

As the November election draws near, the NALC will begin to release members nationwide to work in partnership with the AFL-CIO to elect a president and members of Congress who will be more responsive to the needs and concerns of working men and women, something that has been sorely missing in Washington for most of the last seven-plus years. It is imperative that we work to elect candidates who will support the NALC's political agenda - which includes fighting the contracting out of letter carrier jobs and passing the Employee Free Choice Act. I urge our members not to get caught up in the "spin" created by negative ads that have already begun and will continue to grow as November 4th draws closer. Vote in your self-interest...in other words, consider the reality of your life rather than a candidate's self-serving rhetoric.

Mike Weir
National Business Agent - NALC
St. Louis Region 5