

WESTERN PA DISTRICT DISPUTE RESOLUTION TEAM
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STEP B DECISION

Step B Team:
Petros & Farrell

Deciding District:
Western PA

Grieving District:
Central PA

Decision: **RESOLVED**
USPS Number: **4B19N-4B-C24043102**
Grievant: **Juma, Muntazir**
Branch Grievance #: **274-23-740**
Branch: **274**
Installation: **Allentown**
Delivery Unit & Fin #: **Allentown, 41-0128**
State & Zip Code: **Pennsylvania, 18109**
Incident Date: **11/01/2023**
Date Informal Step A Initiated: **11/15/2023**
Formal Step A Meeting Date: **12/05/2023**
Date Received at Initial Step B: **12/28/2023**
Date Received at Alternate Step B: **02/20/2024**
Step B Decision Date: **02/27/2024**
Issue Code: **19.2000**

ISSUE: Did management violate National Settlements M-00326, M-01769, M-01444, N-01242, and M-01664 via Article 15 and the M-39 and M-41 Handbooks via Article 19 of the National Agreement, when they only approved a portion of carrier Juma's PS Form 3996 and determined his return time, via DOIS, and stated for him to deliver all the mail and if he went over what they approved it would be considered 'unauthorized overtime'? And if so, what shall the remedy be.

DECISION: RESOLVED

The Step B Team agrees that if a proper request for auxiliary assistance or overtime is submitted, management will review the circumstances at hand, and provide clear instructions for letter carriers regarding the disposition and or delivery of mail in a timely manner.

EXPLANATION: The Grievant submitted a PS Form 3996 requesting 3 hours and 45 minutes of auxiliary assistance on 11/01/2023. Management approved 2 hours and 15 minutes and instructed the Grievant to deliver all the mail and any more time than what was approved would be considered unauthorized overtime. The union objected and filed this subject grievance.

Union Formal A Contentions:

- The Grievant properly notified management of his inability to complete his assignment in the assigned time.
- Contradicting instructions were give to the Grievant when management said to deliver all the mail, but any time past 2 hours and 15 minutes will be unauthorized overtime.
- Management was attempting to bully the Grievant by requiring him to "make the numbers".
- A request to interview involved management went unfulfilled.
- Permission would be inherent in the authorization to continue delivery after notification that the Grievant was unable to complete the route.

Management Formal A Contentions:

- An 8190 was not properly presented the day of the Formal A meeting but rather the day after.
- The Grievant did not bring any mail back to the office, was not disciplined for unauthorized overtime, and was not charged with 1017B.
- The Grievant completed his route as instructed, there is no violation of any of the cited MOU's.
- The 3996 was altered after being turned in. The handwriting on the form at the bottom is not the supervisors handwriting that approved 2 hours and 15 minutes.

Basis for Decision:

Proper completion of a PS Form 3996 can be found on the back of the form. Letter carriers and members of management equally have responsibilities in completing the auxiliary control request form. Page 41-26 in the Joint Contract Administration Manual (JCAM) explains in relevant part:

G. The Employer will advise a carrier who has properly submitted a Carrier Auxiliary Control Form 3996 of the disposition of the request promptly after review of the circumstances at the time. Upon request, a duplicate copy of the completed Form 3996 and Form 1571, Report of Undelivered Mail, etc., will be provided the carrier.

On 11/01/2023 the Grievant submitted a PS Form 3996 requesting 3 hours and 45 minutes of auxiliary assistance with the following reasons: *route overburden, route not adjusted to 6 hours on the street, excessive packages / large packages, 2 certified's, cold weather, dps and flats over base, package pick up, multiple hamper trips, political mail, delivering in the dark, flats brought after pulling down, and using 221 truck.*

Management approved overtime for 2 hours and 15 minutes explaining that there has been an increase in time while with the same volume. The Grievant was verbally instructed that unauthorized overtime would be documented if the Grievant went over the 2 hours and 15 minutes.

The Union alleges that management gave instructions that were not clear, concise, and were contradictory. Upon proper completion of a PS Form 3996 the Employer will advise a carrier of the disposition of the request promptly after review of the circumstances at the time. No arguments are presented that there was a delay in notifying the Grievant of his request for overtime or assistance.

Management argues that clear instructions were provided to the Grievant. They explain that a carrier's requested time on their route, does not mean that management agrees with the time. Management asserts that discipline was not administered, unauthorized overtime was not documented for the day, and the Grievant was not "walked with". However, the union accuses management of basing their instructions solely on the "projections". M-01624 explains in part:

*In addition, DOIS does not replace a supervisor's ability or responsibility to make decisions. Supervisors are to continue evaluating requests for assistance (PS Form 3996), and assess any unusual circumstances or conditions that have occurred. The DOIS projected leave time **cannot be the sole basis for disapproving auxiliary assistance requests** or approving more time than requested. (Emphasis added)*

The Grievant, following proper procedures in completing the PS Form 3996 advised management of his inability to complete his assignment in the allocated time. Management ordered the Grievant to complete the mail in 1 hour and 30 minutes less than requested. Thus, the permission to deliver the mail would be inherent in the authorization to perform delivery after management was notified of the necessity for more time.

If management denies a request for overtime or assistance, the Grievant (or any letter carrier) should notify management that he will attempt to complete delivery as instructed. The question should arise as to what the letter carrier should do if he is unable to deliver all the mail and return to the office when he was instructed to be back. Clear instructions should be provided by management. Both the letter carrier and management should communicate civilly and work professionally with each other. If management suspects the Grievant of time-wasting practices the next step should be observation. It is also understood that there is no set pace at which a carrier must walk and no street standard for walking.

According to Article 15.2 (c) The Step B Team will attach a list of all documents included in the case file.

1. Step B Decision – 3 pages
 2. PS Form 8190 – 1 page
 3. Union's contentions and attachments – 30 pages
 4. Management's position and attachments – 5 pages
 5. Joint attachments – 0 pages
- The total number of documents in case file is **39 pages**

Dean Petros

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USPS Step B Representative

Robert Farrell

Robert Farrell
NALC Step B Representative

cc: Area Labor Relations, District Manager, National Business Agent, and Formal Step A Parties