

Central PA / South Jersey DRT
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STEP B DECISION

Step B Team: **Dean M. Petros**
Richard P. McDonough

Decision: **Resolved**
USPS Number: **4B19N-4B-C 23289603**
Grievant: **Class Action**
Branch Grievance Number: **274-23-328**
Branch: **274**
Finance Number: **41-9260**
Installation: **Allentown**
Delivery Unit: **Allentown**
Zip Code: **18701**
State: **Pennsylvania**
Incident Date: **05/10/2023**
Date Informal Step A Initiated: **05/27/2023**
Formal Step A Meeting Date: **FTM**
Date Received at Step B: **06/15/2023**
Step B Decision Date: **08/22/2023**
Issue Code: **19.0000**
NALC Subject Code: **504204**

District: **Central PA**

ISSUE: Did Management violate Section 122 of the M-39 Handbook and Section 131.4 of the M-41 Handbook via Article 19 of the National Agreement when Letter Carriers were instructed to hand in a PS Form 3996 prior to the last receipt of mail and if so, what should the remedy be?

DECISION: The Dispute Resolution Team (DRT) has **RESOLVED** this grievance by determining management's instructions to turn in PS Form 3999 at a specific time was a violation of Article 19 and were outside the M-41 and M-39. As remedy, management is instructed to abide by the provisions of the M-39 Section 122 and the M-41 Section 131.42 which permits carriers to submit PS Form 3996 up to the final receipt of mail.

EXPLANATION: According to the facts of the file, on May 8, 2023 and again on May 11, 2023 management instructed the carriers in the Allentown Post Office that all PS Form 3996's must be turned in by 8:45 AM or they will be disapproved. The union objected and filed the subject grievance.

The union contends management violated the NA specifically M-39 Section 122 and M-41 Section 131 by arbitrarily assigning a 8:45 AM deadline to turn in a PS Form 3996. The union contends this is in conflict with Handbook M-41 which permit's carriers to turn in a 3996 up to the final receipt of mail. The union points out that the start time of Allentown is 8:30 AM and management failed to consider the availability of mail as well as the necessary office time to perform truck safety check and the sweeping and receiving of mail when they assigned an arbitrary time to submit a 3996.

Management failed to schedule or meet at Formal A for this grievance. Management failed to provide any facts, contentions, or documentation, to support their position. Therefore, the grievance will be decided based on the case file appealed to Step B by the union.

The Step B Team has reviewed the file in its entirety. A close examination reveals management's decision to require an arbitrary time of for the submission and subsequent approval of a PS Form 3996 is outside the M-41. Section 131.4 of the M-41 states in pertinent part:

131.4 Reporting Requirements

131.41 It is your responsibility to verbally inform management when you are of the opinion that you will be unable to case all mail distributed to the route, perform other required duties, and leave on schedule or when you will be unable to complete delivery of all mail.

*131.42 Inform management of this well in advance of the scheduled leaving time and **not later than immediately following the final receipt of mail.** Management will instruct you what to do.*

Based on the above language, a violation of Article 19, specifically the M-39 Section 131 was shown to have occurred in this instance. As remedy, management is instructed to abide by the provisions of the M-39 Section 122 and the M-41 Section 131.42 permitting carriers to submit PS Form 3996 up to the final receipt of mail.

Dean Petros

Dean Petros
Step B Representative-USPS



Richard McDonough
Step B Representative-NALC

cc: **Step A Parties**
National Business Agent
Area Labor Relations Manager
District Manager
District Human Resource Manager
District Labor Relations Manager
File

Grievance File Contents
PS Form 8190 (2 Page)
Union Contentions & Attachments (16 Pages)