

Local Grievance #: _____

Issue Statement (Block 15 of PS Form 8190):

Did Management violate Section 122 of Handbook M-39 via Article 19 of the National Agreement when they failed to provide Letter Carrier **[name]** a PS Form 3996 upon their request on **[date]** at the **[Station/Post Office]**, and if so, what should the remedy be?

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

Facts:

1. Letter Carrier **[name]** verbally informed Supervisor **[name]** on **[date]** at approximately **[time of day]** of their inability to carry all mail on route **[route #]** and the reason(s) why. Section 131.41 and 131.42 of the Handbook M-41, *City Delivery Carriers Duties and Responsibilities* states:

“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.”

2. Letter Carrier **[name]** requested a PS Form 3996 from Supervisor **[name]** on **[date]** at approximately **[time of day]**. These facts are verified by the **[carrier statements/interviews]** included in the case file.

3. Supervisor **[name]** failed to provide the PS Form 3996. Section 122.33 of Handbook M-39, *Management of Delivery Services*, states:

“The employee, upon request, will be provided a Form 3996, Carrier – Auxiliary Control, after the supervisor has been verbally informed as to the reason for the request. The employee shall not be denied the form and, upon request, a duplicate of the completed form will be provided the employee.”

4. Letter Carrier **[name]** called into the office at **[time of day]** on the day in question and Supervisor **[name]** instructed him/her to complete the route.

5. Letter Carrier **[name]** worked **[hours/units]** overtime on their assignment on the day in question.

Contentions:

1. Management violated Section 122 of the Handbook M-39 via Article 19 of the National Agreement when they failed to provide Letter Carrier **[name]** with a PS Form 3996 upon their request on the day in question.
2. Letter Carrier **[name]** assessed their workload for the day on **[date]** and came to the opinion that he/she could not complete all assigned duties within 8 hours. The grievant then informed Supervisor **[name]** at approximately **[time of day]** that they required overtime/auxiliary assistance in order to complete the assignment.
3. Letter Carrier **[name]** met the reporting requirements under Sections 131.41 and 131.42 of Handbook M-41.
4. Supervisor **[name]**'s failure to provide PS Form 3996 as required by Handbook M-39 did not change Letter Carrier **[name]**'s request and need for overtime/auxiliary assistance.
5. Supervisor **[name]** should have issued PS Form 3996, acted upon the grievant's request in a timely manner, and then issued reasonable instructions that could be followed. The supervisor's choices were to instruct the grievant to curtail a certain amount of mail or tell the grievant what to do with the mail left over when their tour was over.

Remedy (Block 19 of PS Form 8190):

1. That management cease and desist violating Section 122.33 of Handbook M-39 via Article 19 of the National Agreement
2. That any and all time recorded as unauthorized in management's records shall be corrected to show the overtime on route **[route #]** was authorized on **[date]**.
3. That Letter Carrier **[Name]** be paid a lump sum of \$50.00 for each violation to serve as an incentive for future compliance.
4. That all payments associated with this case be made as soon as administratively possible, but no later than, 30 days from the date of settlement.
5. That proof of payment be provided to **[NALC Official]** upon payment.

Add the following issue statement, facts, contentions, and remedy request if we can prove the violation is repetitive:

Issue Statement:

Did management violate Article 15.3.A of the National Agreement along with policy letter M-01517 by failing to comply with the prior Step B decisions or local grievance settlements in the case file, and if so, what should the remedy be?

Facts:

1. Article 15.3.A of the National Agreement states in relevant part:

The parties expect that good faith observance, by their respective representatives, of the principles and procedures set forth above will result in resolution of substantially all grievances initiated hereunder at the lowest possible step and recognize their obligation to achieve that end.

2. M-01517 states in part:

Compliance with arbitration awards and grievance settlements is not optional. No manager or supervisor has the authority to ignore or override an arbitrator's award or a signed grievance settlement. Steps to comply with arbitration awards and grievance settlements should be taken in a timely manner to avoid the perception of non-compliance, and those steps should be documented.

3. Included in the case file are **[Arbitration Awards/Step B decisions/local grievance settlements, etc.]** in which management was instructed/agreed to cease and desist violating the M-39 Handbook via Article 19 of the National Agreement by failing to issue PS Form 3996 when requested.

Contentions:

1. Management violated Article 15.3.A of the National Agreement and M-01517 by failing to abide by the previous Step B decisions/local grievance settlements in the case file. When management violates contractual provisions despite being instructed/agreeing to cease and desist these violations, they have failed to bargain in good faith.
2. The Union contends that Management has had prior cease and desist directives to stop violating Handbook M-39 via Article 19 of the National Agreement by failing to issue PS Form 3996 when requested. The Union also contends that

Management's actions are continuous, egregious and deliberate. The Union has included past decisions/settlements in the case file to support their claim.

Remedy:

1. That management cease and desist violating Article 15 of the National Agreement.
2. That Letter Carrier(s) **[Name], [Name], and [Name]** each be paid a lump sum of \$100.00 for each violation to serve as an incentive for future compliance.



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 M-39 Handbook via Article 19:

1. Any and all PS Forms 3996 used by any employee(s) on **[date(s)]**.
2. Copy of any and all Management instructions related to the use of PS Forms 3996.
3. Copy of Management's Standard Operating Procedure at the **[Installation name]** Installation.
4. Copy of 1017B report for **[dates]**.

I am also requesting time to interview the following individuals:

1. **[Name]**
2. **[Name]**
3. **[Name]**

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: _____