

THE ISSUE: POSTMASTERS OR SUPERVISORS PERFORMING BARGAINING UNIT WORK IN 1.6.B OFFICES

THE DEFINITION

Postmasters and supervisors in offices with fewer than 100 bargaining unit employees are prohibited from performing bargaining unit work unless it falls within one of the five (5) enumerated exceptions in Article 1.6.A or when the duties are specifically included in their position description.

THE ARGUMENT

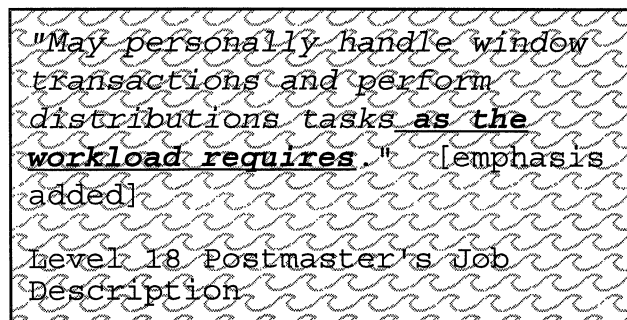
As a general rule, postmasters and supervisors in offices with less than 100 bargaining unit employees are also prohibited from doing bargaining unit work. This is still the general rule, even though the additional "position description" exception has been added. If management claims that the work performed falls within one of the enumerated exceptions in 1.6.A or is included in the postmaster's or supervisor's position description the burden is on the employer to establish the applicability of that exception.

Generally, all distribution functions and window work are accepted as exclusively bargaining unit work. Other work, such as timekeeping, administrative duties, etc., may not always be exclusively bargaining unit work. However, if we can show that it has historically been performed by clerks in an office we have a strong case for arguing that it should not be shifted to supervisors.

Most often, postmasters or supervisors in a 1.6.B office will assert their position description as the qualifying exception. Most such position descriptions will contain a phrase which goes

something like this: "May personally handle window transactions and perform distribution tasks as the workload requires."

This is not a *carte blanche* permitting the postmaster to perform as much bargaining unit work as she desires. The work should still only be performed when "the workload requires." In other words, if there is a clerk available, then the clerk should be performing this work. Management may not regularly and routinely schedule themselves



to perform bargaining unit work without first giving consideration to the availability of clerks to perform this work.

The parties have agreed that where supervisors perform bargaining unit work in violation of Article 1.6.A, the appropriate remedy is compensation (at the appropriate rate) to the craft employee(s) who would otherwise have performed that work. We should argue that the same remedy is appropriate for 1.6.B violations. In fact, most arbitrators do find this to be the appropriate remedy. A cease and desist remedy is usually appropriate only when the supervisor's performance of bargaining unit work was truly unusual and/or the work performed was *de minimis* (e.g., a small or insignificant amount).

THE INTERVIEW(s)

Bargaining Unit Witnesses

- What supervisor was it and exactly what did you observe them doing? For how long and when (dates and times)
 - Have you said anything to the supervisor? If so, what and when?
- Who else was present and may have witnessed the postmaster's performance of our work? Craft employees? Other supervisors?
- Have you witnessed this supervisor doing similar work in the past? If so, when? Where?
- Would you be willing to write a statement and/or testify at an arbitration if that should be necessary?
- Has the amount of bargaining unit work performed by the supervisor or postmaster changed significantly? Is she doing more or less of our work?
 - Have your hours increased or decreased?
- Were there clerks available to do this work or does the postmaster only do bargaining unit work when no other clerks are available?
- Have past supervisors or postmasters performed similar amounts of bargaining unit work? More work or less work?
- Have you ever been sent home before the distribution is completed and does the postmaster continue distributing mail after you leave?
 - Are you window qualified? Scheme qualified? What other training have you had?
- Do you ever serve as a 204-B? If so, when you do, what bargaining work do you do? Are there other clerks available who could have been scheduled to do this work?

Whenever possible get a written and signed statement from each witness. Ask the employee to be as specific as possible about the exact times and specific work that he observed being performed. Be sure that the employee understands that they may someday be called as a witness for arbitration.

The Postmaster or Supervisor

- How much bargaining unit work do you do each day?
- Why is it necessary for you to do this work? What alternatives have you considered?
 - Is it appropriate for you to be doing this bargaining unit work? If so, why?
- How much bargaining unit work is expected from you by your office's budget or by your supervisors?
 - What are your clerks' schedules?
 - What are your window hours?
- Who performs your morning distribution? How often to you assist and for what period of time?
 - Are any clerks ever sent home before all of the distribution (first and third class) is completed? How do you find time to get the rest of this finished by yourself?
 - Do you ever work the window? If so, how often and for what period of time?
 - Why don't you schedule a clerk to do this work?
- Has any management official ever instructed you to perform this work? Do you understand that it is expected that you perform a certain amount of bargaining unit work each day? If so, how much?
 - If you didn't do this work, who would do it?
- With all of the bargaining unit work you are doing, how do you possibly find time to do your postmaster duties?
 - Have you given any consideration to scheduling a craft employee to do this work? If not, why not?
 - Are your craft employees qualified to do this work?

- What provision in your position description includes performance of this work? Can you give me a copy of your position description?
- Would you mind giving me a signed statement?

Do not anticipate many supervisors agreeing to provide statements. However, what does it hurt to ask? You will be able to come up with many more appropriate questions which are particular to each office and fact situation. Take good notes during your interview. Once higher level management gets their hands on their subordinate, their story is going to change dramatically.

THE DOCUMENTATION

- Witness statements & interviews
 - Clerk work schedules
 - Clock rings / time cards
- Supervisor/Postmaster statements or interviews
 - Function 4 / Workload-Work hour analysis
 - Work hour budget
- Any written instructions or admissions regarding performance of clerk work
 - Supervisor/Postmaster job descriptions

THE AGREEMENT

- National Agreement, Article 1.6.B
 - National Agreement, Article 19
 - USPS Handbook, EL-202