

Local Grievance # _____

Issue Statement (Block 15 on PS Form 8190):

Did management violate Article 5, specifically the Fair Labor Standards Act (FSLA), Article 34 Section A, Article 41 Section 3.K, along with ELM Sections 432.712, 665.16, and 665.44, Sections 146.25 and 146.26 of Time and Attendance Handbook F-21 via Article 19 at the **[Station/Post Office]** by falsely editing letter carrier time clock rings? If so, what should the remedy be?

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

Facts:

1. Letter Carrier(s) **[Name(s)]** worked at the **[Station/Post Office]** on **[date(s)]**. This fact is documented with the TACS Employee Everything Report(s) in the case file.
2. On **[date]**, **[Supervisor/Manager] [Name]** edited Letter Carrier **[Name]** clock ring resulting in a work hour reduction of **[hrs/units]** at the **[regular/ot/penalty]** rate. This is documented with the TACS Employee Everything Report(s) in the case.
3. Letter Carrier(s) **[Name(s)]** did not agree to a work hour time edit. This fact is documented in the case file with signed statement(s) from the letter carrier(s).

4. Article 34 Section A of the National Agreement provides:

A. The principle of a fair day's work for a fair day's pay is recognized by all parties to this Agreement.

5. Article 41 Section 3.K of the National Agreement provides:

K. Supervisors shall not require, nor permit, employees to work off the clock.

6. The Employee and Labor Relations Manual (ELM) Section 432.712 provides:

Allowed Time

Supervisors must credit employees with all-time designated as work time under the Fair Labor Standards Act. Examples of time that must be credited as work time if the supervisor knows or has reason to believe the activities are being performed during the time, include:

a. *Time spent by employees in performing duties that are part of, or related to, the employees' principal work activity, such as pulling mail from a distribution case, collecting tools or supplies, and adjusting rest bars.*

b. *Time spent continuing to work after a tour ends in order to correct an error, to prepare records, or to finish up a task.*

c. *Time spent working during meal periods.*

d. *Time spent distributing work to work stations.*

7. The Employee and Labor Relations Manual (ELM) Section 665.16 provides:

Behavior and Personal Habits

Employees are expected to conduct themselves during and outside of working hours in a manner that reflects favorably upon the Postal Service. Although it is not the policy of the Postal Service to interfere with the private lives of employees, it does require that postal employees be honest, reliable, trustworthy, courteous, and of good character and reputation. The Federal Standards of Ethical Conduct referenced in 662.1 also contain regulations governing the off-duty behavior of postal employees. Employees must not engage in criminal, dishonest, notoriously disgraceful, immoral, or other conduct prejudicial to the Postal Service. Conviction for a violation of any criminal statute may be grounds for disciplinary action against an employee, including removal of the employee, in addition to any other penalty imposed pursuant to statute. Employees are expected to maintain harmonious working relationships and not to do anything that would contribute to an unpleasant working environment.

8. The Employee and Labor Relations Manual (ELM) Section 665.44 provides:

Falsification in Recording Time

Recording the time for another employee constitutes falsification of a report. Any employee knowingly involved in such a procedure is subject to removal or other discipline. Failure of a supervisor to report known late arrivals is regarded as condoning falsification. These practices may also result in criminal prosecution.

9. Handbook F-21 Section 146.25 provides in part:

Time Card Entry

When clock time is disallowed, the employee's supervisor must enter in the DISALLOWED (REASON) column of the time card the amount of time to be disallowed and an appropriate reason code as shown in Exhibit 146.25. (See 146.251b for reason codes.) In such cases, the supervisor must prepare a written entry to document the basis for his or her knowledge that the employee was not working during the time disallowed.

10. Handbook F-21 Section 146.26 provides in part:

Creditable Work Time

Supervisors must credit employees with all time designated as work time under the Fair Labor Standards Act (FLSA).

11. Article 5 prohibits management from taking actions contradicting their obligations under the law, specifically the Fair Labor Standards Act (FLSA) which requires management by law to pay carriers for all time spent working.

Contentions:

1. Management has failed to provide any evidence Letter Carrier(s) **[Name(s)]** was not performing letter carrier duties during the time edited by management. This is documented by a copy of the PS Form 1017A *Time Disallowance Record* in the case file.
2. **[Supervisor/Manager] [Name(s)]**'s false editing of Letter Carrier **[Name]** work hours resulted in a loss of pay for **[hrs/units]** at the **[regular/ot/penalty]** rate.
3. Also as a result of time lost, Letter Carrier(s) **[Name(s)]** was denied **[hrs/units]** of **[annual leave/night shift differential/sick leave/TSP contributions]**.
4. Management violated Article 5 of the National Agreement when they failed to adhere to the Fair Labor Standard Act by not paying carriers for all time spent working as is their obligation under the law.

5. Management violated Article 34, Section A of the National Agreement at the **[Station/Post Office]** by not paying Letter Carrier(s) **[Name(s)]** for all hours worked on **[date]**.
6. Management violated Article 41, Section 3.K of the National Agreement at the **[Station/Post Office]** by requiring/permitting Letter Carrier(s) **[Name(s)]** to work off the clock as a result of falsely editing their work hours.
7. Management violated Handbook F-21 Section 146.25 when no written documentation was provided for his/her knowledge that the employee was not working during the time disallowed.
8. Handbook F-21 Section 146.26 was violated when falsely editing letter clock ring entries which resulted in Letter Carriers not credited with all the time that should have been designated as work.
9. Management violated Section 665.16 of the ELM when falsely editing clock rings resulting in the loss of pay for work performed. These actions are egregious and criminal. Such conduct erodes the harmonious environment and the working relationship between the carrier and management as well as the union and management.

Remedy (Block 19 on PS Form 8190):

1. Management at the **[Station/Post Office]** shall cease and desist the practice of falsely editing carrier clock rings.
2. That management will provide clock rings upon request of the local union for the purpose of auditing for possible discrepancies to ensure future compliance of proper time keeping practices. Such auditing of clock rings will be performed on the clock and at no cost to the union.
3. Make Letter Carrier(s) **[Name(s)]** whole for _____ hours/units at the appropriate rate of pay and for all benefits associated with the loss. A copy(s) of the adjustment(s) made will be provided to the local union within 14 days.
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, and/or any other remedy the Step B team or an arbitrator deems appropriate.

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 is the appropriate remedy?

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 falsely editing letter carrier time clock rings at the **[Installation name]** Installation.

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 falsely editing letter carrier time clock rings at the **[Installation name]** Installation.

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

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 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 Articles 5, 19, 34, and 41 of the National Agreement.

1. Copies of the TACS Employee Everything Reports from **[date(s)]** to **[date(s)]** for **[Name(s)]** in **[format (i.e. hard copy, pdf emailed, pdf on a cd, etc.)]**
2. Copies of all PS Forms 1017A for **[Name(s)]** from **[date(s)]** to **[date(s)]**.
3. Copies of all PS Forms 1260 for **[Name(s)]** from **[date(s)]** to **[date(s)]**.
4. The names and EIN's of all employees that have TACS access to edit city letter clock rings at the **[Station/Post Office]**.

I'm also requesting time to interview the following individuals:

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,

_____ **[(Union Representative) (Name)]**

Request received by: _____ Printed: _____

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,

_____ **[(Union Representative) (Name)]**

Request received by: _____ Printed: _____

Date: _____