

Sample Grievance:

Lawn Crossing

Issue Statement: Did the employer violate Contractual provisions, including but not limited to Article 3, 15, 19, 41 of the CBA, as well as the M-39 handbook and National Arbitrator Garret's award in NC-NAT-13212, C-03228 when they instructed carrier to cross all lawns? If so, what is the remedy or what shall be the remedy?

Remedy: Management agrees that the determination of what constitutes an obvious shortcut or whether a hazard exists is made in the first instance by the carrier. The carrier's judgment can be exercised only in the light of the specific conditions at the location involved.

Article 41

N. Letter Carriers may cross lawns while making deliveries if customers do not object and there are no particular hazards to the carrier.

Lawn Crossing. Although in his Cincinnati Lawn Crossing decision (August 20, 1979, NC-NAT-13212, C-03228) National Arbitrator Sylvester Garrett did not set down clear standards for determining when customers have objected to "carriers" crossing their lawns and when hazards exist which would make crossing lawns unsafe. Garrett did set down the following general guidelines:

1. A carrier may be instructed broadly to take all "obvious shortcuts" and to cross all lawns where there is no reason to believe the customer may object. However, the determination of what constitutes an obvious shortcut or whether a hazard exists is made in the first instance by the carrier. The carrier's judgment can be exercised only in the light of the specific conditions at the location involved.
2. A supervisor may conclude, after personal observation and discussion with the carrier, that a particular lawn should be crossed and order the carrier to cross the lawn. The carrier may not ignore such an order with impunity. His remedy is to file a grievance. However, discipline should not be imposed upon a carrier who had exercised his discretion and not crossed lawns, merely because a supervisor later decides that some of the lawns could have been crossed.
3. The only proper instruction before and during route inspection is that the carrier deliver the route "in exactly the same manner as he does throughout the year." During the route inspection the Examiner "observes but does not supervise." Therefore, "A carrier cannot...be directed on the day of a route inspection to take any shortcuts which the carrier does not use throughout the year."