

C#09672

REGULAR

ARBITRATION PANEL

In the Matter of the Arbitration
between
UNITED STATES POSTAL SERVICE
and
NATIONAL ASSOCIATION OF LETTER
CARRIERS, AFL-CIO

Grievant: Class Action
Post Office: Liverpool, New York
Case No: Mgt. N7N-1W-C 24856
NALC No. L-0013-89
GTS No. 3989

BEFORE: Thomas J. Germano, Arbitrator

APPEARANCES:

For the U.S. Postal Service: Geneva DiFiore, Manager, Labor
Relations

For the Union: Jerry Segovis, President Branch 134, NALC

Place of Hearing: 5640 East Taft Road, Syracuse, New York

Date of Hearing: January 11, 1990

AWARD: Grievance granted. The assignment of catalogs in excess
of two pounds which are delivered at regular intervals by
the walkout carriers at the Liverpool Post Office should
be primarily the responsibility of the parcel post carriers.

Date of Award:

February 1, 1990

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Thomas J. Germano, Arbitrator

ROBERT J. MASSARONI

Pursuant to the terms of the Collective Bargaining Agreement between the United States Postal Service ("Postal Service") and the National Association of Letter Carriers ("Union"), the undersigned has been duly designated to hear and render a final and binding award concerning the immediate issue in dispute between the Parties.

A hearing was held on January 11, 1990, at the postal facility 5640 East Taft Road, Syracuse, New York. At that time the Parties were accorded a full and fair opportunity to present witnesses, documentary evidence and oral argument in support of their respective positions.

ISSUE

Has Management at the Liverpool Post Office exceeded their authority and the scope of the two-pound parcel limit as defined in the Aaron Arbitration Award by requiring carriers to deliver catalogs weighing in excess of two pounds? If so, what is the appropriate remedy?

BACKGROUND OF THE CASE

The Union filed a grievance alleging that Management at the Liverpool Post Office was in violation of postal regulations and a National Arbitration Award when it ordered the letter carriers assigned to walk out routes to deliver J. C. Penney catalogs. The Union requested that these catalogs which weighed almost five pounds each be delivered by a parcel-post carrier.

The Parties agree with the Aaron Award which contains the following postal rules and procedures:

Sub-Chapter 352.54 of the Post Office Department

Manual

.55 Delivery by other than Parcel Post Carriers.

.551 Foot Carriers. Ordinarily require Foot Carriers to delivery all parcels including mail order catalogs, not exceeding two pounds in weight. Use common sense in applying this rule. When a Foot Carrier has a large quantity of other mail and the carrying of heavy or bulky parcels under the rule would overburden him or delay the delivery of more important mail, turn the larger parcels over to the Parcel Post Carrier. If a Foot Carrier has less than twenty-five pounds of mail for the carry-out and/or any relay and there are one or two parcels slightly in excess of two pounds in weight for the carry-out and/or any relays on his route, he should deliver them. In disputed cases decisions of supervisors will govern.

Section 352.42 of the Postal Service Manual

.42 Delivery Employees

Ordinarily require Foot Carriers to deliver parcels, including catalogs, not exceeding two pounds in weight. Based on available workloads, supervisors may require Foot or Parcel Post Carriers to deliver articles weighing more or less than two pounds. Require motorized carriers to deliver all parcels received for their routes.

Aaron's conclusion, which the Parties agree, is a reasonable and proper interpretation of the rules, was that the two pound rule could be waived using Management's discretion "provided that the authority is exercised only on an infrequent and non-routine basis, when there is no other equally prompt, reliable, and efficient way to accomplish the delivery of mail".

UNION'S POSITION

In the instant case, the delivery of the catalogs is on a regular basis and the weight of each catalog is not slightly over the two pound limit but actually about 2 1/2 times that limit. Further, there is an equally prompt, reliable and efficient way to deliver the catalogs, namely, by the parcel post route that was established to deliver parcels for the walk out routes in the Liverpool Post Office. In fact, the Union argued, the delivery of the catalogs by the Foot Carriers has delayed the delivery of first class mail as well as of the catalogs because of the overburdening of the Foot Carriers.

POSTAL SERVICE'S POSITION

The decision concerning whether or not the catalogs are to be delivered by the Foot or Parcel Post Carrier is, according to the Aaron Award and the Management Rights Clause of the National Agreement, that of Management. While it is true the catalogs are sometimes heavy, they are not delivered on a frequent or routine basis but rather only three or four times a year. Furthermore, the Foot Carrier is not overburdened as he is not expected to

deliver all of the catalogs and arrangements have been made to allow him to leave undelivered catalogs in the relay box for a motorized pick-up and return to the station.

ANALYSIS OF THE CASE

Testimony and evidence established that the catalogs do, at times, weigh between four and five pounds and the average Foot Carrier on a walkout route gets approximately 40-50 of these to deliver four times each year. It was also established that there is a parcel post route in the Liverpool Post Office which was created primarily to deliver parcel post and relays for these walkout routes. While it is true the catalogs are not delivered on a frequent basis, they are nevertheless delivered on a regular basis specifically during the same time of the year on four separate occasions.

The Superintendent of Operations testified that the catalogs were divided between the Foot and Parcel Post Carriers depending on particular delivery availability options such as where on the route a customer was located; the likelihood of the customer to be able to receive the delivery; and the volume of mail. "Never", according to the Superintendent, "were the Foot Carriers ordered to deliver all of the catalogs".

DETERMINATION

The Foot Carriers at the Liverpool Post Office should not be expected to deliver catalogs in excess of two pounds because:

they are to be delivered on a regular basis; are much in excess of two pounds; do overburden the carrier; have delayed the delivery of first class mail; and a more appropriate means of delivery, namely the parcel post route created to deliver the walkout routes relays and parcels is available. It is the parcel post route that should be responsible for the delivery of the catalogs and provided with assistance if necessary to effect a proper delivery. The assignment of parcels, including catalogs, while at the discretion of Management, should not be, as the Aaron Award indicates, on a routine basis when there is another efficient way to effect the delivery.

AWARD

Grievance granted. The assignment of catalogs in excess of two pounds which are to be delivered at regular intervals by the Walk-out Carriers at the Liverpool Post Office, should be primarily the responsibility of the Parcel Post Carrier.

Dated: February 1, 1990



Thomas J. Germano, Arbitrator