



American Postal Workers Union, AFL-CIO

1300 L Street, NW, Washington, DC 20005

To: State & Local Presidents and Representatives

From: Robert D. Kessler and Dennis Taff
National Business Agents

Date: August 23, 2011

Re: Creating and Posting NTFT Duty Assignments

This correspondence is being sent to assist you in addressing the issue of creating and Posting NTFT duty assignments in your office as it is clear that management has no intention of complying with the provisions of the negotiated contract, much less the intent. They have reportedly contracted out the work of establishing NTFT schedules which are being created by computer. These “computers” were not programmed to create “desirable” duty assignments from all available work hours for career employees to bid. Instead they are attempting to create undesirable NTFT jobs without utilizing all career work hours, thereby creating the “flexibility” of utilizing out of schedule pay when necessary, while leaving available career work hours for which they can hire and assign PSE’s.

We have been informed that they acknowledge they cannot get NTFT duty assignments created, discussed with the locals and posted in time to get “residuals” into which they can place the converted PTF’s and PTR’s, which is the subject of our previous correspondence. This correspondence involves the issue of making appeals when they eventually get around to discussing proposed NTFT duty assignments.

A handwritten signature in black ink that reads 'Robert D. Kessler'.

Robert D. Kessler
National Business Agent

A handwritten signature in black ink that reads 'Dennis Taff'.

Dennis Taff
National Business Agent

Creation and Posting of NTFT Duty Assignments

(Non-Traditional Full-Time (NTFT) Duty Assignment MOU)

- Before implementing any new non-traditional assignments **the local union will have the opportunity to review, comment, make suggestions and propose alternatives.**
- Should concerns or disputes about non-traditional assignments arise the local Union will refer them to the appropriate APWU National Business Agent who may meet with local, District, or Area management as appropriate. Any unresolved issues will be forwarded to the National Level.
- Any concerns or disputes regarding non-traditional staffing and assignments will not be pursued through the normal grievance procedure. Such issues will be processed through ADRP with an opportunity for discussion with operations management at the local level, District, Area, and National Level. If any disputes arise and remain unresolved after such reviews, the National APWU may appeal the dispute to the appropriate arbitration docket.

Section 3. Posting, Bidding, and Application

- A. Newly established and vacant Clerk Craft duty assignments shall be posted as follows:
 1. All newly established Clerk Craft duty assignments shall be posted to craft employees eligible to bid within 28 days. All vacant duty assignments, except those positions excluded by the provisions of Article 1, Section 2, shall be posted within 28 days unless such vacant duty assignments are reverted. **Every effort will be made to create desirable duty assignments from all available work hours for career employees to bid.**
 - a. **Full-time duty assignments.**
 - (1) Newly established full-time duty assignments are posted to full time employees eligible to bid.
 - (2) Vacant full-time duty assignments are posted to full-time employees eligible to bid.

Since we have never had NTFT duty assignments, they are going to be considered “newly established” full-time duty assignments per Article 37. They have to be posted for bid. They also have to be “desirable.” They also must be created utilizing “all available” work hours.

Other Considerations When Discussing/Developing NTFT Assignments

(Non-Traditional Full-Time (NTFT) Duty Assignment MOU)

- Employees occupying FTR duty assignments (traditional and NTFT) in postal installations which have 200 or more man years of employment in the regular work force, career employees in mail processing operations, transportation and vehicle maintenance facility operations will have consecutive days off, unless otherwise agreed to by the parties at the local level. For employees occupying NTFT duty assignments, if the NTFT schedule has 3 or more scheduled days off, at least 2 must be consecutive
- In Function 1, no more than 50% of all duty assignments in the facility may be NTFT duty assignments of 30-48 hours, unless otherwise agreed to by the parties at the local level.
- In Function 4, Management may create as many clerk NTFT duty assignments of 30-48 hours in a facility as is operationally necessary.
- In Function 4, in offices with no employees working in NTFT duty assignments, at least 25% of employees will have consecutive days off. However, if there are employees working in NTFT duty assignments, and a NTFT schedule has 3 or more scheduled days off, at least 2 must be consecutive.
- Non-traditional full-time assignments will have no more than 1 hour lunch. (Except in level 20 and below where necessary to accommodate the conversion of PTF's to full time status.)
- NTFT assignments of more than nine (9) hours in a service day shall include a 3rd break excluding lunch.
- These NTFT employees will normally work the number of hours (daily and/or weekly) identified in their bid assignment, except in an emergency. These employees are entitled to out-of-schedule premium for hours worked outside their normal schedule.

Article 8.2.C

C. The employee's normal work week is five (5) service days, each consisting of eight (8) hours, within ten (10) consecutive hours, except as provided in Section 1 of this Article. As far as practicable, the five days shall be consecutive days within the service week.

Full-Time Flexible Clerk Craft non-traditional assignment

- Full-Time Flexible Clerk Craft non-traditional assignments [10% of full-time assignments, but at least one (1) in any installation] may be created and utilized in retail (Function 4) operations and to cover vacancies and absences subject to negotiated rules. The start times and off-days of flexible non-traditional full-time assignments may be changed from week-to-week without out-of-schedule obligations, subject to a Wednesday of the prior week notification. Weekly and daily guarantees will remain unchanged.

SUMMARY

In a nutshell, they must discuss the proposed NTFT assignments with you, giving you an opportunity to review, comment, make suggestions and propose alternatives. If you disagree you get to appeal to us in a procedure that has not yet been finalized, but we will use the current ADRP process at the end of this correspondence until or unless otherwise instructed.

In discussing, remind them that they have a new obligation in 37.3.A.1 to create “desirable” duty assignments (both traditional full time and NTFT’s) and an obligation to include all available work hours **for employees to bid**. In addition, the requirement to create “desirable” duty assignments using all available work hours **is repeated in the NTFT Memo, creating an emphasis on their responsibility to do so**.

They want to create a bunch of 30-36 hour NTFT duty assignments of 6 days to get flexibility (in the smaller offices and in Function 4) knowing they can also work them beyond their schedules with a built in “penalty” of out-of-schedule—which will be no deterrent. Although they cannot force current traditional full-time employees into these type assignments they can assign PTR’s, PTF’s and any new career employees into them (after they are posted and become residual). So, do not agree to do so without challenge!

They also want to create non-traditional duty assignments of less than 40 and work PSE’s in the available work hours. **Therefore in discussing you need to know what hours the current PTF’s or PTR’s are working and insist they create “desirable” jobs utilizing all those hours.** We have examples of them wanting to create as many as 13 NTFT assignments of 6 days, 5 of which have 6 hour days and the 6th, a 5 hour day for a total of 35 hours for the week in an office where they have 13 PTF’s that must be converted. The PTF’s are all currently working about 50 hours a week! That is clearly not creating “desirable” duty assignments utilizing all available work hours! When they get around to officially discussing and posting those type duty assignments in an office, the local must put those proposed duty assignments in the ADRP process.

In some cases these proposed NTFT duty assignments are being generated by a computer and sent to the local managers who are being told these are your schedules. In discussing, you should remind your managers that they are capable of meeting with you and creating **desirable** jobs that employees will bid that will meet their needs and they should do so rather than try to implement some computer’s version of the ideal scheduling—without any input into the computer program regarding “desirable” or any knowledge of the circumstances in your office.

And, while they have the right to create NTFT assignments of 30-48 hours where “operationally necessary” in Function 4, that decision cannot be an arbitrary one given the requirement to create and post “desirable” jobs utilizing all available hours. And it is not within “management’s rights” to simply create all NTFT duty assignments of 30 hours in an office of 200 man years and declare them, regardless of circumstance, “desirable”, as they have done in one of our districts.

Having said all of this, there is no reason to put any disputes into the ADRP system at this time. What they are currently doing in regards to converting the PTR’s and PTF’s constitutes improper conversions which we have previously addressed. Currently they are not discussing with you for input PRIOR TO POSTING, and are not “posting” any NTFT jobs. They are simply assigning the PTR’s and PTF’s into NTFT **SCHEDULES** which you should be grieving in accordance with our earlier correspondence.

If there are any questions, contact us. You do not have to accept undesirable jobs without challenge. Use the language of 37.3.A.1 and the same requirement in the NTFT Memo to argue your position.

PROCEDURE FOR ADRP APPEALS

The procedure for appealing disputes regarding NTFT positions is attached to this e-mail. It is the same as has been used for previous issues sent through the ADRP procedure until or unless it is changed. Mike Morris is in the processing of working on a MEMO regarding this. We would suspect it will still consist of making the appeal to the Step 2 designee, using the standard Step 2 Appeal form.

On line 11 mark it as an ADRP appeal. Give it a unique local grievance number ending with the letter A to distinguish it from your regular grievance appeals. List the dispute at issue on line 12 and the basis for your objections to the duty assignment (for **example**—not utilizing all available career work hours). If unable to resolve you will appeal on the Step 3 grievance appeal form to the same grievance processing center in Washington, D.C. where you send step 3 grievances.

You will send this office a copy of everything along with any necessary summary or additional information you feel will assist us in making necessary changes. That summary should inform us of what changes you seek and/or will accept in order to make the duty assignment(s) at issue “desirable” in accordance with the intent of the NTFT MEMO.

In the **REMEDY** space --- Create and post “desirable” NTFT duty assignments using all available career work hours pursuant to Article 37.3.A.1, and in conformance with the same requirement contained in the NTFT MEMO.

ADMINISTRATIVE DISPUTE RESOLUTION PROCEDURE (ADRP)

Pursuant to the provisions of the 1994 national agreement, the parties have finally reached agreement on the establishment of the Administrative Dispute Resolution Procedure (ADRP). The process is designed to expeditiously resolve complex disputes as identified by the parties. This process will consist of a three (3) step procedure; (1) at the local level, (2) at the regional level and (3) at the national level.

1. The local president or designee will initiate an appeal at Step 2 using the standard Step 2 grievance form identifying at "Line #11" that the dispute is under the ADRP process. The ADRP appeal will be filed with the designated local management official (management at the local and regional/level will announce the names of the designated officials). The time limit for discussion and appeal at each step is governed by Article 15 of the national agreement. The local union president or designee and the management designated representative will meet at a mutually agreed to time to discuss all pending disputes identified under the ADRP procedure. The purpose of discussion at the local level is to determine if there is a dispute over the facts or a general misunderstanding of the issue. Locals are advised to designate locally filed grievances under the ADRP procedure with a unique local number to identify them as separate from pending grievances.

2. If the local parties are unable to resolve the issue, the union may appeal to Step 3 using the standard Step 3 appeals form and noting the ADRP violation. ADRP appeals will be discussed at the Area/Regional level by the union and management designated representatives. The APWU Regional Coordinators will designate the union officials who will serve at the Area/Regional level. When logged in at the Regional level, ADRP grievances will be given a designation of "A" noting coverage under the ADRP procedures. The purpose of discussion at the regional/area level is to determine if a specific office or manager is in compliance with the regional/area interpretation of the specific issue. Disputes over the interpretation of issues under the ADRP should be referred to the national level. If unresolved at the Area/Regional level, the dispute will be appealed to the national level.

3. If unresolved at the national level the union will certify the dispute to arbitration at either the regional or national level.

4. Grievances previously filed on subjects under the ADRP procedure will be removed and forwarded to the ADRP at the step where they are identified (Step 1 & 2 to Step 2 - Step 3 to Area/Regional level - Pending arbitration to national level)