

**Contract Administration Unit**

Paul Barner, Executive Vice President  
James D. Henry, Vice President  
Christopher Jackson, Director of City Delivery  
Manuel L. Peralta Jr., Director of Safety and Health  
Dan Toth, Director of Retired Members  
Jim Yates, Director of Life Insurance

# Back-pay compensation— PS Forms 8038 and 8039

**L**etter carriers are entitled to “back-pay compensation” when grievance settlements and arbitration decisions reverse or amend personnel actions taken by the Postal Service or to make an employee whole for work improperly denied. If you are unfamiliar, the process for recovering this back pay can be complicated and confusing. This month’s Contract Talk will summarize the back-pay process, Postal Service rules regarding back pay and the necessary forms.

Section 436 of the *Employee and Labor Relations Manual (ELM)* governs back pay and the processing of back-pay claims. The *ELM* defines this action as a “Corrective entitlement.” *ELM* Section 436.1 states:

An employee or former employee is entitled to receive back pay for the period during which an unjustified or unwarranted personnel action was in effect that terminated or reduced the basic compensation, allowances, differentials, and employment benefits that the employee normally would have earned during the period.

For purposes of entitlement to employment benefits, the employee is considered as having rendered service for the period during which the unjustified or unwarranted personnel action was in effect.

*Management Instruction (MI) EL-430-2017-6, Back Pay* explains that back-pay compensation can be awarded to letter carriers in two forms—in a lump sum or calculation of the number of hours worked. A lump sum is back-pay compensation in the form of a single payment of a known amount of money. A lump-sum award does not affect the compensation history used by the Office of Personnel Management to calculate retirement annuities or other employment-related benefits, such as sick or annual leave, health or life insurance or Thrift Savings Plan participation. A back-pay lump-sum award is always subject to federal, state and local income tax withholding and Social Security and Medicare deductions, where applicable. Lump-sum payments differ from make-whole awards in that make-whole awards require recalculation of employment-related benefits along with hours that the employee would have normally worked.

Per-hour calculations are based on a hypothetical schedule that the claimant would have worked if not for the personnel action that was subsequently reversed or the retirement action that was denied.

In some cases, the process for recovering back pay can be simple. According to *MI EL-430-2017-6*, grievance settlements and arbitration decisions that award specified amount lump-sum payments or less than

one full pay period of lost earnings calculation of hours in which there is no directive to make whole, do not require the employee to complete any forms or provide documentation. These awards are processed by management through the Grievance Arbitration Tracking System and can be completed relatively quickly.

However, employees and union representatives should make note of the amount of accrued leave without pay (LWOP) the employee has on record. For every 80 hours of LWOP, the employee will lose annual leave—four, six or eight hours—so a lump-sum payment should be avoided. Further, excessive LWOP not corrected through back pay may affect retirement calculations.

Grievance settlements or arbitration decisions that require tabulation of the number and type of pay hours can be more complicated and require additional steps. In these circumstances, the employee will be required to complete and sign a PS Form 8038, Employee Statement to Recover Back Pay and management must complete the companion PS Form 8039, Back Pay Decision/Settlement Worksheet.

*ELM* Section 436.2 provides for offsetting back pay by a reduction equal to outside earnings during the period of non-work. Section 436.2 states:

Any amount that the employee earned in new employment or in an enlarged part-time employment to replace Postal Service employment must be determined and offset against the amount of the reimbursement to which he or she would be entitled.

An employee who files an appeal challenging a personnel action involving separation, indefinite suspension or denial of employment is required to mitigate damages during the period necessary to adjudicate their appeal.

If the original action, prior to grievance settlement or award of an arbitrator, resulted in separation or suspension of 45 days or less, the employee is not required to certify or provide documentation to support efforts to secure other employment. For periods in excess of 45 days, up to six months, the employee must provide a statement certifying the reasons why they did not secure other employment for the period beyond the first 45 days. If the period of separation or suspension was more than six months, then the employee must provide documentation certifying their efforts to obtain other employment. These requirements are found in *ELM* Section 436.42, d.

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# Back-pay compensation (continued)

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There is an exception to this rule. Preference-eligible veterans pursuing an administrative appeal with the Merit Systems Protection Board (MSPB) are not required to make reasonable efforts to obtain employment.

## PS Form 8038, Employee Statement to Recover Back Pay

Letter carriers who are required to complete and sign the PS Form 8038 should seek assistance from their local manager and union representative when completing the form. Section A – Employee Identification, contains basic employee information along with information identifying the employee’s work location and the USPS labor relations or human resource contact information. Section B – Statement Questions, contains information from the back pay period itself. This section includes information on outside employment, other income and health benefits enrollment or reinstatement, to name a few.

Letter carriers also must include on the PS Form 8038 any unemployment or workers’ compensation that was received during the back-pay period and attach supporting documentation for each. The amounts included will be offset from the final back-pay amount. Employees also might be entitled to substitute annual or sick leave for periods when they were not ready, willing or able to perform their Postal Service job. In addition, the PS Form 8038 provides options for enrollment or reinstatement of health benefits, partici-

pation in TSP, and payment of current postal indebtedness. Be mindful when completing the form to make sure everything is accurate. This will ensure that the back-pay compensation is calculated properly.

United States Postal Service®  
**Employee Statement To Recover Back Pay**

**INSTRUCTIONS:** An employee may be eligible to receive payment of back pay following an unwarranted or unjustified personnel action if the employee was one of the following:  
 a. separated (except for erroneous separation due to optional retirement),  
 b. placed on leave without pay (LWOP) during indefinite suspension  
 c. denied Postal Service™ employment.

Before a back pay claim can be processed, an employee who satisfies one of the above conditions must also:  
 a. complete this form,  
 b. provide all required supporting documentation. Attach additional pages as necessary, noting on each attached page which question it relates to.

If you have questions concerning the completion of any part of this form, contact your local personnel office for assistance.

**A - Employee Identification**

Name (Last, first, MI)		Employee ID Number	Designation/Activity Code (DES-ACT)	
Address (Number, street, box, ste./apt. no.)				City
State	ZIP+4®	Telephone No. (include area code)	Current Position Title	Current Occupation Code
Back Pay Period: From (MM/DD/YYYY)	Back Pay Period: To (MM/DD/YYYY)	Employing Office Finance No.	Employing Office Telephone No. (include area code)	
Employing Office Address (Number, street, box, ste./apt. no.)				City
State	ZIP+4	USPS® Labor Relations or Human Resources Contact	USPS Contact Telephone No. (include area code)	

**B - Statement Questions**

**Employment -- Questions 1 - 4**

1. **Did you seek outside employment during the back pay period?**  Yes  No  
**Note:** Preference eligibles requesting back pay under an MSPB decision are not required to seek outside employment.  
 If YES, you must furnish the information required below based on the type of personnel action and the length of the back pay period.

a. **SEPARATIONS AND INDEFINITE SUSPENSIONS.** If the back pay claim is for a period of separation or indefinite suspension and no outside employment was obtained for all or part of the back pay period, you must furnish the following:

- (1) If the back pay period is 45 days or less, you must answer questions 2, 5 and 6 on this form.
- (2) If the back pay period is more than 45 days but less than 6 months, you must provide a written explanation of the reasons outside employment was not obtained for all parts of the back pay period, except for the first 45 days.
- (3) If the back pay period is 6 months or more, you must provide detailed information concerning the efforts you made to obtain other employment for all parts of the back pay period, except for the first 45 days. Give the following information for EACH employer:

- (a) the date or approximate date the contact was made;
- (b) the business name, address, and telephone number;
- (c) whether the contact was in person, by telephone, or by mail;
- (d) the name of the person contacted or who conducted the interview;

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 PS Form 8038, January 2004 (Page 1 of 6)



## PS Form 8039, Back Pay Decision/Settlement Worksheet

The PS Form 8039 is completed by management and is used in conjunction with the PS Form 8038 submitted by the employee to calculate the back-pay amount and corrections to employee benefits other than wages. These forms may be completed by local management or the back-pay coordinator designated by the district labor manager. The form includes general information about the employee, any disallowed periods and offset amounts, as well as hour tabulations for the back-pay period.

ELM Section 436.41 also requires local management to provide overtime averages, premium pay entitlement, step increases and other employment-related benefits information when completing the PS Form 8039. They also must use the responses provided by the employee on the PS Form 8038. Once the form is complete, all signatures must be obtained, including the employee's.


### Always keep copies

Letter carriers always should keep copies of the PS Forms 8038 and 8039 along with all supporting documentation prior to submitting them to postal management. Be sure to make note of dates and to whom the forms are submitted. It also might be helpful to communicate this information and any changes in the status to the shop steward or branch officer assisting with the back-pay claim.

### Management responsibilities

In addition to ELM Section 436, MI-EL-430-2017-6 details postal management's responsibilities in the back-pay compensation process. These responsibilities include providing the employee with the necessary forms and instructions.

(continued on next page)

		<b>Back Pay Decision/Settlement Worksheet</b>																
<p><b>INSTRUCTIONS:</b> The applicable sections of this form, depending on the calculation method used (see ELM 436), must be completely filled out before the Minneapolis Accounting Service Center (ASC) can process this back pay claim. The employee must review and agree to the information provided on this form prior to submission to the ASC.</p> <p>Do not attach or forward any additional documentation supporting this claim, unless otherwise specified. ALL supporting documentation must be retained as a part of the back pay file at the final approval level.</p>																		
<p><b>A. General Information (Must be completed)</b></p>																		
1. Employee's Name		2. Address of Employing Office																
3a. Social Security Number	3b. Designation/Activity Code																	
4. Back Pay Period (From/to: month, day, year)		5. Finance Number																
6. Calculation Method (Check only one)																		
<input type="checkbox"/> Direct Calculation: (For separations, suspensions, and denial. Complete all sections.)		<input type="checkbox"/> Pay Differential: (Complete section H. Section E should also be completed if a salary progression is applicable.)																
<input type="checkbox"/> Indirect Calculation: (Complete section F. No benefits are affected unless specified in the decision. If such is the case, the appropriate data must be noted in sections D and H.)		<input type="checkbox"/> Erroneous Separation for Optional Retirement (Complete sections D, E, and G, and you must attach either: (a) a letter from OPM stating the amount of erroneous payments if an annuity has been paid; or (b) a copy of the employee's NARECS monthly annuity statement stating amount of erroneous payments if no annuity payments were received by the employee.)																
7a. Forum of Decision/Award or Settlement Agreement (Check only one)			7b. Date of Decision															
<input type="checkbox"/> Grievance (Steps 1 through 4) <input type="checkbox"/> MSPB <input type="checkbox"/> EEOC <input type="checkbox"/> Arbitration <input type="checkbox"/> OPM <input type="checkbox"/> Court <input type="checkbox"/> Other:																		
8. Was Interest EXPRESSLY AWARDED in the Decision/Award or Settlement Agreement?																		
<input type="checkbox"/> Yes (Interest is computed after the award has been processed and is paid by separate check.) <input type="checkbox"/> No																		
NOTE: A copy of this form must be sent to the San Mateo ASC for the processing and payment of court costs and/or attorney fees.																		
9a. Were Court Costs Awarded?		10a. Were Attorney's Fees Awarded?																
<input type="checkbox"/> Yes (Complete items 9b and 9c) <input type="checkbox"/> No		<input type="checkbox"/> Yes (Complete items 10b and 10c) <input type="checkbox"/> No																
9b. Amount Awarded \$		10b. Amount of Fee \$																
9c. Name and Address of Payee		10c. Name and Address of Attorney																
<p><b>B. Periods Disallowed</b></p>																		
1. For Receipt of Worker's Compensation (Check only one)		2. For Failure to Seek Outside Employment (List dates below)																
<input type="checkbox"/> Full Compensation <input type="checkbox"/> Partial Compensation		<table border="1"> <thead> <tr> <th colspan="2">Date From</th> <th>Date To</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> </tr> </tbody> </table>		Date From		Date To												
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PS Form 8039, November 1996 (Page 1 of 3)																		

# Back-pay compensation (continued)

(Continued from previous page)

Management also must provide assistance to employees in obtaining information and completing required forms and documentation. The back-pay coordinator, who is also the certifying official, has the responsibility of reviewing and coordinating the back-pay claim process. The claim is then forwarded to the manager, labor relations, who has the responsibility of ensuring that all forms and documentation are complete and that claimants have satisfactorily mitigated damages as set forth in *ELM* 436.2. The manager, labor relations submits the required back-pay forms and documentation to the manager, human resources for final approval. Upon final approval of the employee's claim, the Human Resources Shared Services Center conducts final processing of the employee claim for wages and benefits adjustment.

## Interest on back pay

In cases involving disciplinary suspension or removal, the national parties have agreed that the letter carrier is entitled to interest on the back-pay amount. This agreement has been memorialized in the Memorandum of Understanding (MOU) Re: Interest on Back Pay, found on page 200 of the 2019-2023 National Agreement, states:

Where an arbitration award specifies that an employee is entitled to back pay in a case involving disciplinary suspension or removal, the Employer shall pay interest on

such back pay at the Federal Judgment Rate. This shall apply to cases heard in arbitration after the effective date of the 1990 Agreement. (The preceding Memorandum of Understanding, Interest on Back Pay, applies to NALC City Carrier Assistant Employees.)

Pursuant to *ELM* Section 436.7, interest on back pay also is required to be paid on decisions/awards from the MSPB, Equal Employment Opportunity Commission (EEOC) and the National Labor Relations Board (NLRB).

## Delayed payment

The MOU, Re: Article 15-ELM 436-Back Pay provides relief to city carriers when back pay compensation is delayed. The MOU found on page 201 of the 2019-2023 National Agreement states:

The following applies solely to back pay claims covered by Section 436 of the Employee and Labor Relations Manual (ELM):

A pay adjustment required by a grievance settlement or arbitration decision will be completed promptly upon receipt of the documentation required by *ELM* part 436.4 *Documents in Support of Claim*. An employee not paid within sixty (60) days of submission of the required documentation will receive an advance, if requested by the employee, equivalent to seventy (70) percent of the approved adjustment. If a disagreement exists over the amount due, the advance will be set at seventy (70) percent of the sum not in dispute. (The preceding Memorandum of Understanding, Article 15 - ELM 436 - Back Pay, applies to NALC City Carrier Assistant Employees.)

As indicated, letter carriers who have not received back pay within 60 days of submission of required documentation may request an advance on the approved amount. This MOU is why it is important to document the date on which the back-pay claim is submitted and to make copies of all the associated information. To receive the salary advance, it may be necessary for the claimant to prove the submission date.

The process of recovering back pay can be very cumbersome. Letter carriers often find their back pay delayed or denied based on improper completion of required forms and management's failure to properly process claims. Letter carriers should seek the advice and guidance of their local union officials when submitting claims for back pay.

If you have any questions related to back pay, contact your shop steward or branch officer for more information. You also can find more information on *ELM* Section 436 and *MI-EL-430-2017-6* on the NALC website at [nalc.org](http://nalc.org) under the "Workplace Issues" tab.

**Correction:** Regretfully, there was an error in the information provided in the March 2023 Contract Talk article. On page 38 of the magazine, the first paragraph of column two has been corrected to read:

Management has an obligation to fill temporarily vacant carrier technician positions when requested via Article 25 by a qualified career letter carrier. National Arbitrator Snow held in C-10254, Sept. 10, 1990, that management may not assign different employees on an "as needed" basis to carry a route on a T-6 string when a vacancy of five or more days is involved; instead, such vacancies must be filled according to Article 25. While CCAs are not eligible for higher-level pay under Article 25, CCAs can be administratively assigned by management to vacant carrier technician assignments. When this occurs, the CCA's PS Form 50, Notification of Personnel Action must be revised to reflect that they are assigned to a carrier technician position.

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# Orientation for new career employees

**O**rientation for new career city letter carriers is extremely important, as it is the first opportunity to explain to them their benefits, such as annual leave and sick leave, the Thrift Savings Plan (TSP), the various Federal Employees Health Benefits (FEHB) program insurance plans, Federal Employees' Group Life Insurance (FEGLI), and flexible spending accounts (FSAs). Making sure that orientation is provided promptly is critical, as some benefits such as FEHB, FEGLI and FSAs have a 60-day enrollment period that begins on their first day as a career employee.

In many locations throughout the country, new city letter carriers are hired directly to career part-time flexible positions and attend the Welcome to the USPS (W2USPS) orientation as part of their onboarding process. Portions of the W2USPS orientation explain benefits and thereby inform those new career employees of their options. However, many new employees are hired as non-career city carrier assistant (CCA) letter carriers, and while these non-career employees may attend the W2USPS orientation at the time they are first hired as a CCA, they never receive the proper orientation when they later convert to career. If they do not receive orientation upon conversion to career, this is a violation of their rights.

Section 715.2 of the *Employee and Labor Relations Manual (ELM)* outlines the requirement to provide orientation to all new career employees, including CCAs who are converted to career status, on their first day as a career Postal Service employee. That section of the *ELM* states:

An orientation program is required at all levels for new career employees on their first day of official duty.

As a newly appointed career Postal Service employee, letter carriers are eligible to enroll in FEHB insurance plans. Section 524 of the *ELM* sets forth the rules and regulations regarding enrollment in these plans.

Section 524.521 of the *ELM* explains the time limits for enrollment as follows:

New Appointment—a new employee eligible for coverage may enroll within 60 days after date of appointment in any available plan, option, and type of enrollment.

New career letter carriers have 60 days from the effective date of their appointment to enroll in a FEHB plan. If these employees do not receive orientation on their first day of official duty as a career employee, they might be unaware of these time limits. Ultimately, some new career letter carriers may not be given the full time span to

make a proper determination about, or even given the opportunity to enroll in, their preferred benefits plan. If this happens, it can cause the new career city letter carrier and their family members significant harm by depriving them of their benefits until the next open season. Article 17, Section 6 of the National Agreement grants the union the right to address new employees during any employment orientation prior to the employee being provided health benefit enrollment forms. Article 17, Section 6 states in part:

Health benefit enrollment information and forms will not be provided during orientation until such time as a representative of the Union has had an opportunity to address such new employees.

The national parties have agreed that NALC representatives shall have the right to discuss the available NALC Health Benefit Plan's plans during orientation. This joint understanding is found in the explanation of Article 17, Section 6 on page 17-9 of the 2022 *Joint Contract Administration Manual (JCAM)*, which states in part:

The union will also be provided an opportunity to discuss and address the NALC Health Benefit Plans available to career employees, pursuant to Article 17.6, when a CCA becomes a career employee.

If new career letter carriers are not provided the above-mentioned orientation information on their first day of employment as a career employee, or if the union is not provided the opportunity to address those new employees, a grievance should be initiated. Union representatives should request that management cease and desist violating the National Agreement as well as the *ELM*. Grievance remedies also should ask that affected employees be provided with career employee orientation in accordance with Section 715.2 of the *ELM* as soon as administratively possible.

Once this orientation is provided, we should ask that those individuals be given 60 days from the date of their career orientation to review, enroll and make any necessary changes to any previously selected career employee benefits plan options. When appropriate, we also should ask that they be made whole for any lost benefits and expenses incurred due to not being able to select a plan or option in a timely manner.

**NALC has created a grievance starter to assist branch representatives with filing grievances on this issue.** Along with dozens of grievance starters on other topics, this grievance starter is available in the Members Only section of the NALC website. Additionally, branch officers can contact their national business agent for a copy.



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# Continuation of Pay

## A benefit for letter carriers who suffer traumatic on-the-job injuries

**P**ostal supervisors often do not have the knowledge or proper training to assist injured letter carriers in filing workers' compensation claims correctly. Additionally, their lack of knowledge often leads to pay interruptions for letter carriers who have suffered a traumatic injury.

Continuation of Pay (COP) is a benefit for letter carriers who suffer a traumatic injury and become disabled in the immediate days following the injury. COP is the continuance of an employee's regular pay for a period not to exceed 45 calendar days of disability. The intent of COP is to avoid interruption of pay while the claim is adjudicated by the Office of Workers' Compensation Programs (OWCP). COP can be paid for lost time related to a total or partial disability. Lost time for medical appointments also might be covered by COP. COP includes holiday pay and any night differential, if appropriate, for a letter carrier's normal work tour.

COP also is payable in cases where the Postal Service fails to provide limited-duty work to an injured worker who is partially disabled due to an injury and has physician-prescribed work restrictions.

**To be eligible for COP, a letter carrier must:** 1.) have a "traumatic injury" that is job-related and is the cause of the disability, and/or is the cause of lost time due to the need for medical examination and treatment; 2.) file Form CA-1<sup>1</sup> within 30 days of the date of the injury; and 3.) begin losing time from work due to the traumatic injury within 45 days of the injury.

The initial use of the 45-day period of entitlement for COP must begin within 45 days of the employee's date of injury and will be payable for 45 calendar days beginning with the first day of disability. Lost time for a medical appointment, while covered by COP, is not counted when establishing the beginning of the 45-day COP period.

The Postal Service routinely fails to properly pay COP to entitled employees and shop stewards should be proactive, ensuring that letter carriers are properly paid COP when injured. Managers who fail to provide COP are

in violation of the *Employee and Labor Relations Manual (ELM)*, Section 543.41, which states in part:

### Continuation of Regular Pay

For most employees who sustain a traumatic injury, FECA provides that the employer must continue the employee's regular pay during any periods of resulting disability up to a maximum of 45 calendar days.

Shop stewards should familiarize themselves with the handbook and manual provisions that are enforceable via Article 19 of the National Agreement when it comes to ensuring proper payment of COP to injured letter carriers.

Postal regulations governing COP are found in *ELM*, Sections 545.7, 545.73 and 545.74.

Additionally, federal regulations of the Federal Employees' Compensation Act (FECA) are enforceable through the grievance procedure via Article 21.4 of the National Agreement:

### Section 4. Injury Compensation

Employees covered by this Agreement shall be covered by Subchapter I of Chapter 81 of Title 5, and any amendments thereto, relating to compensation for work injuries. The Employer will promulgate appropriate regulations which comply with applicable regulations of the Office of Workers' Compensation Programs and any amendments thereto.

Federal regulations related to COP can be found in the Code of Federal Regulations (CFR) at 20 CFR 10.200-224 and in United States Code (USC) at 5 USC 8118.

**To file a claim for a traumatic injury, employees must** fill out and submit a Form CA-1, Federal Employee's Notice of Traumatic Injury and Claim for Continuation of Pay/Compensation. The best way to file a claim is to register and file the claim using the Employees' Compensation Operations & Management Portal (ECOMP), the OWCP's electronic claim filing portal. Filing electronically saves time and makes it easier to manage claims and communicate with OWCP. Employees can access ECOMP on their smartphone, tablet or computer. If they do not have a device to file a claim, the Postal Service must allow them to file their claim on a postal computer.

If employees cannot register in ECOMP, they should request a CA-1 from their supervisor. The Postal Service is required to provide them with the form upon request, which is available on their supervisor's computer. Employees who are refused a form should contact their shop steward immediately.

Injured letter carriers should complete the employee por-

*(continued on page 44)*

<sup>1</sup> While NALC strongly recommends that letter carriers always use Form CA-1, the *FECA Procedure Manual*, Chapter 2-0807.5,b provides that "The injured employee, or someone acting on his or her behalf, must provide a written report on Form CA-1 (Federal Employee's Notice of Traumatic Injury and Claim for Continuation of Pay/Compensation) to the employing agency within 30 days of the injury. See 20 C.F.R. §10.210(a). Another OWCP-approved form, such as Form CA-2 (Notice of Occupational Disease and Claim for Compensation), CA-2a (Notice of Recurrence), or CA-7 (Claim for Compensation on Account of Traumatic Injury or Occupational Disease), which contains words of claim, can be used to satisfy timely filing requirements."

## COP (continued)

(continued from page 43)

tion of the CA-1 and be thorough in describing the cause and nature of the injury. Question No. 15 of the CA-1 allows them to choose between COP, sick leave and/or annual leave. Employees who wish to receive COP should check box “a.”

It’s important to note that Postal Service employees are not entitled to COP for the first three calendar days of temporary disability and may use annual leave, sick leave or leave without pay during that period. If the disability exceeds 14 calendar days or is followed by permanent disability, the employee may have that leave restored upon request.

Postal managers often refuse to pay COP under the false pretense of controversion (to dispute, challenge or deny the validity of the claim). However, during any attempt to controvert COP, the Postal Service must continue to compensate the employee at their regular rate of pay until a decision is rendered by OWCP. Only OWCP can make the official decision to controvert COP, and that decision will be shared with both the Postal Service and the injured employee. Any attempt to controvert COP by the Postal Service must also be shared with the injured employee.

Injured employees should be aware that they are required to submit medical documentation that supports any disability within 10 days of filing the claim. COP must be paid during this period; however, if the employee fails to submit medical documentation by the 10th day, COP

can be terminated. If the employee later submits medical documentation to support their disability, COP must be retroactively reinstated.

If an employee mistakenly chooses to use annual or sick leave when filing their CA-1, they may subsequently request COP instead of previously requested sick and/or annual leave. However, such a request must be made within one year of the date that leave is used, or within one year of the date OWCP approves the claim, whichever is later. The employee’s sick and annual leave used for the period covering the absences for the injury will be restored to the employee’s leave balance. This provision is found in Exhibit 3.5a of the *Handbook EL-505, Injury Compensation*.

Shop stewards should meticulously document any violation of the COP provisions by filing grievances. In many districts around the country, these violations are repetitive in nature and arbitrators have begun to take notice.

**NALC has developed and produced much guidance on OWCP-related issues.** An OWCP grievance guide, titled *Grieving Management’s OWCP Violations*, as well as several grievance starters, are available in the Members Only portal of the NALC website, [nalc.org](http://nalc.org). Once in the Members Only portal, navigate to “Member Documents” and then refer to the drop-down menu under “OWCP.” For further guidance, branch officers should contact their NALC national business agent.

## Director of City Delivery

## Updates (continued)

(continued from page 38)

**a grievance be filed.** A grievance starter has been created to assist representatives in developing cases at the local level. Shop stewards in need of assistance should reach out to their regional office for further guidance and a copy of grievance starter. For more details regarding the Informed Facility initiative, read my column in the November 2023 edition of *The Postal Record*.

### Canoo model Lifestyle Delivery Vehicle (LDV) 190

Also in February, the Postal Service detailed its plans to test the Canoo model Lifestyle Delivery Vehicle (LDV) 190. The Canoo LDV 190 is a battery electric commercial



off-the-shelf vehicle with almost 172 cubic feet of cargo space. USPS states that the purpose of this test is to determine how the vehicle performs on carrier routes currently serviced by Long Life Vehicles (LLV), Flexible Fuel Vehicles (FFV) and Mercedes Metris vehicles.

Testing of the vehicle will be conducted April 3 through October at the South Atlanta Sorting and Delivery Center (S&DC) in Atlanta, GA. Driver training for the Canoo LDV 190 is scheduled to begin April 1.

**I will monitor these initiatives and update the membership on any effects these actions may have on city carriers.** Be sure to read my article each month and visit [nalc.org](http://nalc.org) for the latest information.

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# Framing the issue

**G**rievance processing is one of the most important jobs the NALC performs. Effective grievance handling builds union solidarity and strength through enforcement of the National Agreement.

**Article 15, Section 1 of the National Agreement** defines a grievance as follows:

A grievance is defined as a dispute, difference, disagreement or complaint between the parties related to wages, hours, and conditions of employment. A grievance shall include, but is not limited to, the complaint of an employee or of the Union which involves the interpretation, application of, or compliance with the provisions of this Agreement or any local Memorandum of Understanding not in conflict with this Agreement.

When a letter carrier presents a problem, or when a steward believes a violation of the National Agreement may have occurred, the steward must investigate the situation and research the contract to determine whether a valid grievance exists. If a steward decides that a grievance exists, the next step is to schedule a meeting and discuss the matter with the supervisor.

Article 15, Section 2 of the National Agreement details this step of the grievance process:

Informal Step A (a) Any employee who feels aggrieved must discuss the grievance with the employee's immediate supervisor within fourteen (14) days of the date on which the employee or the Union first learned or may reasonably have been expected to have learned of its cause. This constitutes the Informal Step A filing date. The employee, if he or she so desires, may be accompanied and represented by the employee's steward or a Union representative. During the meeting the parties are encouraged to jointly review all relevant documents to facilitate resolution of the dispute. The Union also may initiate a grievance at Informal Step A within 14 days of the date the Union first became aware of (or reasonably should have become aware of) the facts giving rise to the grievance. In such case the participation of an individual grievant is not required. An Informal Step A Union grievance may involve a complaint affecting more than one employee in the office.

**This month's Contract Talk will focus on the importance of properly "framing the issue" when meeting on a grievance with postal management. The phrase "framing the issue" refers to the process of developing an "issue statement."** An issue statement is always presented in the form of a question because that's exactly what it is—a question. Essentially, the question asks if a National Agreement violation took place because of a management action.

To ensure that your issue statement is not deficient, it should always be comprised of two parts: the question on the merits and the question on the remedy. Failure to do so could possibly result in receiving a finding of a viola-

tion but no remedy awarded because the trier of fact was not asked to answer, "What is the appropriate remedy?"

**A document of importance that goes hand in hand with the issue statement and to all grievance files is PS Form 8190.** This form consists of three pages, and it documents information relevant to the grievance file. If a grievance is not settled at any level of the Dispute Resolution Process (DRP), this form is appealed with the grievance at every step of the process. Every grievance file must contain this form, and a steward must have this form when they attend the Informal Step A meeting.

Prior to discussing the grievance with a supervisor at the Informal Step, it may be helpful for a shop steward

to write or frame a suggested issue statement on a separate sheet of paper. Writing the suggested issue statement on a separate sheet of paper creates an opportunity for a steward to collect their thoughts about the issue and properly present the grievance to the supervisor during the meeting. As per the reverse of the 8190, the union

steward may write a suggested issue in Item 15 when appealing to Formal Step A. The parties at Formal Step A are responsible for defining the issue as they see fit.

At the Informal Step A level of the DRP, a steward will not fill out any portion of PS Form 8190 past block 13b. This is a common mistake made by stewards. Two exceptions to this rule are when the steward writes a suggested issue in Item 15 as described above, or when the steward and the management representative can reach a settlement agreement. When an agreement is reached at the Informal Step, it is common practice for the Informal Step A representatives to memorial-

*(continued on page 44)*



## Framing the issue (continued)

(continued from page 43)

ize their settlement on the first page of PS Form 8190 with signatures. This may also take place on a separate sheet of paper. The second page of PS Form 8190 contains instructions detailing the proper procedures for completing the document.

If the Informal representatives are unable to reach a resolution on the grievance, Article 15, Section 2.c of the National Agreement gives the union the right to appeal the grievance to the next step:

Article 15, Section 2. Grievance Procedure—Steps

Informal Step (c) If no resolution is reached as a result of such discussion, the Union shall be entitled to file a written appeal to Formal Step A of the grievance procedure within seven (7) days of the date of the discussion. Such appeal shall be made by completing the Informal Step A portion of the Joint Step A Grievance Form. At the request of the Union, the supervisor shall print his/her name on the Joint Step A Grievance Form and initial, confirming the date of the discussion.

When appealing the grievance to the next step, stewards should be sure to include their statement of the issue. After receiving the grievance file at the Formal Step A level, the designee should review the suggested issue statement provided by the steward, giving full consideration to their thoughts as they relate to the information in the case file.

Normally, the Formal Step A representative writes or frames the issue of the grievance in “Block 15—Issue Statement” on the PS Form 8190 at the Formal Step A meeting. Sometimes, however, the parties cannot agree on an issue statement. If that happens, the NALC designee should complete the issue statement and encourage management to address it in their contentions. As the mover of the file, NALC is the custodian of the PS Form 8190.

The issue statement should identify the relevant contractual and/or postal handbook provisions violated by management and the remedy sought. If it is a disciplinary grievance, the issue statement should indicate the type of discipline (letter of warning, seven- or 14-day suspension, indefinite suspension, etc.) being discussed.

**Here is an example of an issue statement for a discipline case:**

Did management violate Article 16 and Section 115 of the *M-39 Handbook* via Article 19 of the National Agreement and lack just cause when a letter of warning was issued to the grievant dated 8/29/2023 for unsatisfactory work performance, and if so, what is the appropriate remedy?

This example could be used for almost any discipline case. The level of discipline, the date, and the charge would

need to be tailored to the facts of that specific grievance in order for the issue statement to be appropriate.

Here is an example of an issue statement for a contract case:

Did management violate Article 8, Section 5.G of the National Agreement when the grievant was mandated to work overtime on 8/29/2023 when auxiliary assistance was otherwise available, and if so, what is the appropriate remedy?

**If there are multiple contract violations being addressed**, it may be appropriate to frame multiple issue statements in the same case. For instance, a shop steward may have an overtime grievance in an office where precedent-setting Formal Step A settlements or Step B decisions exist, repeatedly directing management to stop violating the contract in this specific fashion. This presents an issue for the Article 8 violation and an issue for the non-compliance with a previous grievance settlement. In this situation, each issue should have its own issue statement. If multiple issues are to be framed in one grievance, a steward should have facts, contentions, documentation (proof,) and a remedy request for each issue statement being framed.

To assist representatives with writing grievances, NALC creates grievance starters on an array of issues that occur across country all of which are available in the Members Only section of the NALC website at [nalc.org](http://nalc.org). Each grievance starter contains its own suggested issue statement developed to address contractual violations. These are called grievance starters because they are designed to give representatives a structured place to start writing the grievance. This by no means indicates that it is a finished product. Keep in mind, every grievance situation is different, and each representative will have to investigate and develop their specific facts and contentions within the grievance starter.

Emphasis must be placed on the fact that the intent of the grievance starters is to provide grievance handlers with basics guidelines in processing a grievance related to that issue and assist them with direction. They are not intended to be, nor should they be used as, a “canned grievance” to act in lieu of each case arguments being fully developed, investigated and supported by documentary evidence specific to each case.

**Representatives seeking more information on grievance writing and how to frame the issue** can review NALC’s *Shop Steward Guide*. Stewards can find the guide and a variety of grievance starters in the Members Only section of [nalc.org](http://nalc.org) or by contacting their national business agent’s office.

## Contract Administration Unit

Paul Barner, Executive Vice President  
James D. Henry, Vice President  
Christopher Jackson, Director of City Delivery  
Manuel L. Peralta Jr., Director of Safety and Health  
Dan Toth, Director of Retired Members  
Jim Yates, Director of Life Insurance

# Heat safety

“Each year, more people in the United States die from extreme heat than from hurricanes, lightning, tornadoes, floods and earthquakes combined.” That is the opening line that details the Postal Service’s Heat Illness Prevention Program (HIPP). Unlike some of those natural disasters, injuries from heat can be prevented. This month’s Contract Talk, which originally ran in the May 2023 *Postal Record*, will be repeated due to the importance and frequency of heat-related injuries as we head into the summer heat.

Article 14 of the National Agreement establishes management’s responsibility to provide safe working conditions and a safe working force. Article 14, Section 1 states in part:

**Section 1. Responsibilities:** It is the responsibility of management to provide safe working conditions in all present and future installations and to develop a safe working force. The Union will cooperate with and assist management to live up to this responsibility.

Article 14, Section 3.D provides that the Postal Service will comply with Section 19 of the Williams-Steiger Occupational Safety and Health Act (OSHA). The 2022 *Joint Contract Administration Manual (JCAM)*, page 14-3 explains the Postal Service is subject to the OSHA, stating:

**OSHA:** The Postal Employees’ Safety Enhancement Act of 1998 (PESEA) changed the status of the Postal Service as an employer under the Occupational Safety and Health Act (OSHA). Previously, the Postal Service, as a federal agency, was exempt from the private-sector provisions of the OSHA and was covered only by Section 19 of the Act and Executive Order 12196. When PESEA became effective, the Postal Service, unlike other federal agencies, became fully subject to the OSHA. This means that OSHA has jurisdiction over the Postal Service in matters relating to employee safety and health.

In addition to the express language of Article 14, Section 3.D, Article 5 incorporates management’s obligations under the law.

While OSHA has begun a process to consider the establishment of heat abatement rules and measures, they have not yet issued any specific heat-related provisions. However, OSHA does have a provision called the “General Duty Clause,” which requires employers to “furnish to each of his employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees.” This provision is applicable to the Postal Service under its obligation to comply with the OSHA.

During the last 50-plus years, the National Institute of Occupational Safety and Health (NIOSH) has published updated materials in support of the need to establish heat safety rules. Some of the information compiled by NIOSH has been used by OSHA in its recommendations to employers on HIPPs.

The Postal Service, at the insistence of the NALC, and as a result of many OSHA citations throughout the country, has implemented its own HIPP that requires annual training for every single city letter carrier and their supervisors. The goal of this program is to keep letter carriers safe by helping them understand the early signs of heat stress to prevent serious injury and even death.

This program will not work if it’s not followed, so shop stewards should ensure that the program is put into practice. The HIPP can be found on the NALC website under “Safety and Health,” or through the USPS HERO portal. The HIPP will be in effect from April 1 through Oct. 31, and at any other time when weather reports issued by the National Weather Service for a particular work location indicate that the outdoor heat index temperatures are expected to exceed 80 degrees during the course of a workday or work shift.

The HIPP requires annual training for all employees, regardless of potential exposure to heat by April 1 of each year. Currently, the employer is required to conduct the training at work, on the clock, so that all letter carriers receive the necessary information. This training is also available through the Postal Service’s HERO platform, which can be accessed via LiteBlue. This training covers the effects of heat on the body, risk factors and treatments. The HIPP explains the deadlines to complete the training:

It is the responsibility of each installation head to ensure that employees complete the above-referenced HERO course. Employees must complete this training prior to April 1 each year. Employees who are absent when the training is provided are required to be provided with the training prior to returning to street duties, during the period April 1 through October 31.

Shop stewards and branch officers should ensure that all letter carriers are receiving this annual training, especially city carrier assistants, who often are subject to later start times and excluded from training and stand-up talks. New employees and employees returning from an extended absence must also be considered, as they are especially vulnerable to heat because they may not be acclimated.

The HIPP training through HERO consists of a video with questions that take approximately 20 minutes and concludes with a short test. Letter carriers can verify whether

Figure 2

	Symptoms	First Aid*
<b>Heat Stroke</b>	<ul style="list-style-type: none"> <li>• Confusion</li> <li>• Fainting</li> <li>• Seizures</li> <li>• Excessive sweating or red, hot, dry skin</li> <li>• Very high body temperature</li> </ul>	Call 911 While waiting for help: <ul style="list-style-type: none"> <li>• Workers should rest in a shady, cool area</li> <li>• Loosen clothing, remove outer clothing</li> <li>• Use a fan and place cold packs in armpits, if available</li> <li>• Wet worker with cool water, apply ice packs, cool compresses, or ice, if available</li> <li>• Drink fluids (preferably water) as soon as possible</li> <li>• Stay with worker until help arrives</li> </ul>
<b>Heat Exhaustion</b>	<ul style="list-style-type: none"> <li>• Cool, moist skin</li> <li>• Heavy sweating</li> <li>• Headache</li> <li>• Nausea or vomiting</li> <li>• Dizziness</li> <li>• Light headedness</li> <li>• Weakness</li> <li>• Thirst</li> <li>• Irritability</li> <li>• Fast heartbeat</li> </ul>	Call 911 While waiting for help: <ul style="list-style-type: none"> <li>• Sit or lie down in a cool, shady area</li> <li>• Drink plenty of water or other cool beverages</li> <li>• Use cool compresses or ice packs, if available</li> <li>• Do not return to work that day</li> </ul>
<b>Heat Cramps</b>	<ul style="list-style-type: none"> <li>• Muscle spasms</li> <li>• Pain</li> <li>• Usually in abdomen arms or legs</li> </ul>	<ul style="list-style-type: none"> <li>• Have worker rest in shady, cool area</li> <li>• Worker should drink water or other cool beverages</li> <li>• Wait a few hours before allowing worker to return to strenuous work</li> <li>• Have worker seek medical attention if cramps don't go away</li> </ul>
<b>Heat Rash</b>	<ul style="list-style-type: none"> <li>• Clusters of red bumps on skin</li> <li>• Often appears on neck, upper chest, folds of skin</li> </ul>	<ul style="list-style-type: none"> <li>• Try to work in a cooler, less humid environment when possible</li> <li>• Keep the affected area dry</li> </ul>

\*Remember, if you are not a medical professional, use this information as a guide only to help workers in need.  
\*\*Before an employee who has been absent due to heat-related illness may return to work, management may request medical documentation clearing the employee to work. ELM §§ 865.1 and 865.3.

they have received the training (or have been incorrectly recorded as having received the training) in the HERO portal. Safety messaging is required under the HIPP. From April 1 through Oct. 31, the Mobile Delivery Device (MDD) will be used to send messages from the national level regarding heat exposure and the prevention of heat illness. Additionally, a safety talk is required at the local level every week. The HIPP states:

Each week, the supervisor will give a safety talk addressing issues related to heat exposure and prevention of heat-related illness. These talks will be documented in HERO with certification of completion for all employees.

Various visual aids are to be provided to emphasize the importance of heat safety and to display symptoms of heat-related illness. One visual aid is shown (Figure 2) and contains symptoms and treatment steps. The HIPP instructs employees to call 911 if they are experiencing symptoms of heat stress as referenced in Figure 2, stating in part:

Employees working away from a Postal Service facility should immediately call 911 and then their supervisor, if able, when they experience signs or symptoms of heat stress, as referenced in Figure 2 below. Proper hydration and seeking prompt medical attention should be ensured at any time the below referenced symptoms arise during the course of a workday.

When in doubt, do not hesitate to call 911. Employees and supervisors may use personal cell phones and other mobile electronic devices to communicate or to contact 911.

Planning and responding to a heat-related emergency is another important component of the HIPP. The HIPP states that all employees are encouraged to take immediate action if they observe another employee exhibiting signs or symptoms of heat-related illness. Employees should err on the side of caution and immediately call 911 whenever an employee complains of or is observed exhibiting signs of heat-related illness and it is determined medical intervention might be necessary.

**If there is a heat injury, shop stewards should investigate** what, if any, knowledge supervisors had and any interaction they had with the injured employee. Supervisors have a responsibility to be trained and to recognize the symptoms of heat illness. Should the supervisor have been aware of the potential heat illness and either took insufficient action, or no action, in terms of seeking medical treatment? Additionally, the HIPP requires that employees with symptoms cannot be left alone, stating:

Employees observed by management exhibiting signs or symptoms of a heat-related illness will be mon-

itored and shall not be left alone or sent home without being provided with emergency medical service.

The above provision is very important. Heat-related illness can be worse than realized and can get worse even after exposure has ended. Sometimes supervisors either send employees home or let them go home without medical care, potentially putting them in harm's way. This can result in an employee passing out while behind the wheel of a vehicle, or while at home without supervision. **Remember that heat stroke can be fatal if not treated immediately.**

To provide letter carriers with the proper tools, the HIPP requires management to ensure that:

- Potable water sources are available in all facilities and are monitored during regular safety inspections.
- A postcard promoting heat stress awareness is mailed annually to all employees.
- Stickers are installed in every vehicle identifying the signs and symptoms of heat-related illness.
- Laminated cards containing information identifying the signs and symptoms of heat-related illness are provided to all carriers and supervisors for attachment to identification badges.
- An escalation process is put in place to prioritize all requests for HVAC repairs and temporary abatement efforts in postal facilities.
- Postal vehicle fans are included in all preventive maintenance inspections and any necessary repairs are made.

*(continued on next page)*



# Heat safety (continued)

(continued from previous page)

- When the HIPP is in effect, supervisors, while performing required street observations, will include HIPP-related conversations with employees, paying particular attention to those who are newly hired or returning from an absence of seven or more consecutive days, if known.

Shop stewards who perform investigations related to heat safety have many factors to consider. Stewards can look to OSHA's *Using the Heat Index: A Guide for Employers* (found on the NALC website under Safety and Health), as well as other OSHA guidance, to provide some key considerations, such as, did management:

- Receive training on the HIPP and can recognize heat symptoms?
- Track and communicate the heat index daily?
- Check in on any employees, and if so, how frequently?
- Take any action to assist carriers experiencing symptoms, and if so, when and what?
- Provide or encourage workers to wear sunscreen?
- Establish a buddy system or instruct supervisors to watch workers for signs of heat-related illness?
- Schedule frequent breaks in cool, shaded areas?
- Establish and enforce work/rest schedules?
- Create an emergency response plan and consider the availability of local medical services?
- Provide potable water?
- Designate a person well-informed on heat-related illness to determine appropriate work/rest schedules?
- Remind workers to drink plenty of water—about 8 ounces—every 15 to 20 minutes?
- Establish who will provide first aid until an ambulance arrives?
- Provide workers with personal cooling measures (such as cooling vests, cool mist stations, water-dampened clothing, etc.)?
- Assign new and unacclimated workers lighter work and longer rest periods? Were these employees monitored more closely?

Every post-incident investigation should include a review of the heat index during and leading up to the incident. Remember that the heat index values by the National Weather Service and OSHA are devised for shady, light wind conditions. Exposure to full sunshine can increase heat index values by up to 15 degrees.

**In accordance with Article 14, Section 2.c of the National Agreement**, stewards may file grievances that allege an employee is being required to work under un-

safe conditions at the Formal Step A within 14 days of notifying the employee's supervisor. PS Form 1767, Report of Hazard, Unsafe Condition or Practice, is a great way to notify a supervisor in writing of a hazard or unsafe condition prior to initiating a grievance directly at the Formal Step A. The use of PS Form 1767 is always a good idea to give management the opportunity to immediately rectify the situation.

Safety grievances can still be filed at the Informal Step A if desired. *JCAM*, page 14-2 explains:

Safety Grievances Filed at Formal Step A. Article 14.2.(c) provides that safety and health grievances may be filed directly at Formal Step A of the grievance procedure. However, if a health or safety grievance is filed at Informal Step A instead, it is not procedurally defective for that reason.

**The Postal Service has received multiple citations** from OSHA alleging violations of the OSHA's general duty clause mentioned earlier. At a hearing by the Occupational Safety and Health Review Commission (OSHRC Docket Nos. 16-1713, 16-1872, 17-0023, 17-0279), the Postal Service had an expert witness (Dr. Conibear) testify. The OSHRC noted:

These inconsistencies raise questions about the credibility of Conibear's medical opinions, such as that one of the San Antonio carriers' profuse sweating was "not related in any way" to his having walked five miles while carrying a thirty-pound satchel when the heat index was above 100°F, and her claim that he would have started profusely sweating that same afternoon even if he had been sitting at home in air conditioning.

This comment by the OSHRC regarding the Postal Service's expert witness should remind letter carriers that we cannot rely solely on management to maintain safety. Letter carriers must look out for each other and make safety a priority. As Article 14, Section 1 explains, "the Union will cooperate with and assist management to live up to this responsibility."

During the same hearing, the Postal Service stated that it provides unlimited comfort breaks. The OSHRC decision states:

The Postal Service also maintains that it already gives carriers 'rest, lunch, and unlimited comfort breaks' and acclimatizes new carriers through its on-the-job training program...

**In addition to a grievance, if management does not** take steps to keep letter carriers safe, shop stewards and affected letter carriers should consider the need to file a safety and health complaint with the U.S. Department of Labor through [osha.gov](https://www.osha.gov). Employees or their rep-

representatives have a right to file a confidential complaint and request an OSHA inspection of the workplace if they believe that there is a serious hazard or if they believe the employer is not following OSHA standards. The complaint should be filed as soon as possible.

Carriers injured in the heat should file a workers' compensation claim to ensure their medical care and that any lost wages are covered appropriately.

**Heat safety is of the utmost importance as we head into the hottest months of the year.** Shop stewards are vital in this quest to ensure that management follows its own program and actively works to reduce and mitigate heat injuries. This becomes more and more important as letter carriers spend more time on the street (more exposure), even as our world continues to warm and we experience more extreme weather conditions.

## When a retired letter carrier dies...

- Notify the Office of Personnel Management (OPM). This should be done as soon as possible through its website, by email, by phone or by mail. To report the death of a deceased annuitant to OPM, do one of the following:
  - Visit [servicesonline.opm.gov](https://servicesonline.opm.gov) and click on "Report an Annuitant Death." This will take you to an online form to complete and submit.
  - Send an email to [retire@opm.gov](mailto:retire@opm.gov) and include the following information pertaining to the annuitant and survivor(s): Retired letter carrier's full name, CSA number, date of birth, Social Security number, survivor's full name, relationship to the deceased, Social Security number, date of birth, address and phone number.
  - Call OPM at 888-767-6738.\*
  - Write to OPM at Office of Personnel Management, P.O. Box 45, Boyers, PA 16017. Provide the information on the deceased and survivor(s) as above.
- \*Calling OPM can sometimes take several attempts due to high call volumes. Callers may be on hold for 20 minutes or longer. The NALC Retirement Department staff is familiar with OPM and is well-versed in explaining OPM's processes. Upon request, the NALC Retirement Department will report the death of a retired member to OPM and answer any questions. To contact the NALC Retirement Department, call toll-free at 800-424-5186 on Monday, Wednesday and Thursday from 10 a.m.-12 p.m. and 2 p.m.-4 p.m. Eastern Standard Time. The NALC Retirement Department also can be reached Monday-Friday from 9 a.m.-4:30 p.m. at 202-393-4695. Long distance charges may apply.
- Once the death of an annuitant has been reported to OPM, the OPM will stop payment of the monthly annuity and mail the applicable claim forms to the survivor. In most cases, two forms will be included in the packet:
  - application for death benefits under the retirement system (death benefits include survivor benefits and/or any unpaid annuity balance) and
  - application for Federal Employees' Group Life Insurance (FEGLI)
  - The packet also includes pre-addressed return envelopes, color-coded pink and blue, to facilitate rapid distribution and processing within OPM.
- Notify the bank where annuity payments are deposited, as well as any other of the retiree's financial institutions. Any annuity payments deposited after the date of death will be reclaimed by OPM. Return any uncashed annuity checks to the address on the accompanying Treasury Department envelope.
- Obtain enough death certificates for your needs from the mortuary.
- Notify the retired letter carrier's NALC branch.
- If the retiree was a veteran, notify Veterans' Affairs at 800-827-1000.
- Call the Social Security Administration at 800-772-1213.
- Notify insurance companies (life, health, home, automobile, etc.).
- If the retiree had a policy with NALC's Mutual Benefit Association, call 202-638-4318 between 8 a.m.-3:30 p.m. EST, or write to MBA, 100 Indiana Ave. NW, Suite 510, Washington, DC 20001-2144.
- If the retiree had health insurance through the NALC Health Benefit Plan or any other FEHB plan, the OPM will inform the health plan. When a spouse is entitled to survivor benefits, he or she will receive continuous health insurance coverage as long as they were covered under their spouse's FEHB plan at the time of death. The health plan will automatically change to self-only and be switched to the surviving spouse's name.
- If the retiree participated in the Thrift Savings Plan, contact the TSP at 877-968-3778.

If the spouse of a retired letter carrier dies, call the NALC Retirement Department for instructions on how to restore annuity to full amount, switch health coverage from family to self (unless you have dependent children) and change beneficiaries.

## Contract Administration Unit

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# Route inspections

**O**n May 31, 2024, the Memorandum of Understanding (MOU) Re: Extension of the Technology Integrated Alternate Route Evaluation and Adjustment Process 2022-2023 (TIAREAP) expired. With the expiration of this agreement, in September, we will see the return of traditional route count and inspections. The rules governing the evaluation and adjustment of city delivery routes are found in Chapter 2 of *Handbook M-39, Management of Delivery Services* and Chapter 9 of *Handbook M-41, City Delivery Carriers Duties and Responsibilities*. The provisions contained in these USPS handbooks are enforceable through the grievance procedure via Article 19 of the National Agreement. In addition to these provisions, a number of national-level settlements and MOUs also are applicable and enforceable. Copies of national-level settlements and MOUs pertaining to route inspections and adjustments can be found in NALC's Materials Reference System at [nalc.org/mrs](http://nalc.org/mrs).

This article will explain some of the basic principles of route inspections and the Postal Service's responsibilities before and during the mail count. Keep in mind, Chapter 2 of the *M-39* prohibits management from using mail volume or route data from the months of June, July, August and December in the formal route evaluation and adjustment process. Future articles will explain this in detail along with the route inspection and adjustment procedures.

## Basic principles

Section 242.122 of the *M-39* establishes the goal of route inspections and adjustments is ensuring that all regular routes are as close to eight hours as possible:

**242.122** The proper adjustment of carrier routes means an equitable and feasible division of the work among all of the carrier routes assigned to the office. All regular routes should consist of as nearly 8 hours daily work as possible.

Along the same lines, Section 911.2 of the *M-41* states:

**911.2** The count of mail is used to gather and evaluate data to adjust routes fairly and equitably to insure that the workload for each route will be as near as possible to an 8-hour workday for the carrier.

## Before the inspection

Prior to determining whether routes need to be inspected, management is required to conduct a unit and route review. The results of these reviews must be shared with the local union and the regular carriers

serving the route as stated in relevant part in Section 211.1 of the *M-39*:

**211.1** In order to achieve and maintain an appropriate daily workload for delivery units and routes, management will make at least annual route and unit reviews consisting of an analysis of items listed in section 214, and workhours, volumes, and possible deliveries. Items listed in section 213 may also be utilized in the review. These reviews will be utilized to verify adjustments which have been taken by management, or need to be taken by management, in order to maintain efficient service. The results of the review will be shared with the local NALC President, or designee, and the regular letter carrier(s) serving the route(s) that require adjustment.

If the Postal Service determines the need to conduct a route count and inspection following these reviews, it is required to issue two separate notices.

Under Section 211.2 of the *M-39*, management must determine the week of inspection and notify the local union:

**211.2** The period selected for the mail count and route inspections should be determined as far in advance as possible, and the local union should be notified of this schedule. If it is necessary to change the period, the local union should be notified of the revised schedule as far in advance as practicable.

Management is required to post a schedule listing the day each route will be inspected. The day of inspection is the day a manager will count the route's mail and accompany the carrier on the street. This notice must be posted at least five working days prior to the beginning of the inspection in accordance with Section 215.1 of the *M-39*:

**215.1** A notice must be posted at the delivery unit in advance of the scheduled mail counts and route inspections, showing the beginning date of the count for each route and the day and date each route is scheduled for inspection. This notice must be posted at least 5 working days before the start of the count period. If a decision is made to inspect on days other than the scheduled date, 1 day's advance notice must be given.

Letter carriers may be required to start early on certain days in order to count mail. Section 215.2 of the *M-39* requires management to post the schedule of starting times:

**215.2** Not later than the Wednesday preceding the count week, carrier schedules shall be posted for those routes requiring an earlier starting time to count the mail.

Prior to beginning the mail count, management has an obligation to train letter carriers on the proper procedure for counting mail and completing the PS Form 1838-C, Carrier's Count Mail-Letter Carrier Routes



Worksheet, as each letter carrier will fill out the form during the week of inspection, except for the day of inspection as explained in detail below. This “dry run” training must be conducted within 21 days of the beginning of the count week. Section 217 of the *M-39* outlines the procedures for this training:

#### 217 Dry-Run Count

**217.1** A review of the count procedures will be made within 21 days prior to the start of the count and route inspection to teach the carrier how to accurately complete count forms (1838-C and 1838-A) during the period of count and inspection. An actual count of mail or recording of time used will not be kept on the day the dry run is made.

**217.2** The sample dry-run count items, forms, and completion instruction must be furnished each carrier concerned in time to allow for completion and review prior to start of the period of count and inspection (see exhibits 217.2 (p. 1, 2, and 3)). Overtime or auxiliary assistance should not be used for the completion of the dry run. Therefore, a lighter volume day should be selected. Use only the appropriate data (EPM/Non-EPM) for the unit being inspected.

**217.3** An instruction period should be held following the issuance of the dry-run materials but before the completion of the dry-run exercise.

**217.4** The carrier must be furnished a sample list of mail-count items and time-used items. The carrier must enter these items on a dry-run form. A manager must review each completed dry-run form for accuracy, error, and omissions, and they must be discussed and explained to the carrier. When necessary, the manager may require a second completion of the form to assure that the carrier is thoroughly familiar with completing the form to be used.

### During the mail count

Section 221.11 of the *M-39* covers the schedule of days to be used for the count. Please note that Saturday is excluded from consideration for routes with abbreviated or no delivery on Saturday. Section 221.11 states:

**221.11** The count of mail on all letter delivery routes, regular and auxiliary, must be for 6 consecutive delivery days on one-trip routes and for 5 consecutive delivery days, exclusive of Saturday, on two-trip routes or one-trip routes with abbreviated or no delivery on Saturday. It is not mandatory that mail counts begin on Saturday and continue through Friday so long as they are made on consecutive delivery days.

As stated above, each letter carrier will complete the PS Form 1838-C each day except for the day of inspection; however, the carrier has the right to verify management’s count. Section 221.131 of the *M-39* states in pertinent part:

**221.131** The carrier should count and record the mail every day except on the day of inspection when the mail must be counted and recorded by a manager. On one or more days during the count week, each route will be inspected by a manager. When management performs the mail count the carrier serving the route, upon request, may verify the mail count.

This right to verification applies to the entire mail count, as agreed to in the national-level settlement in case number H4N-5T-C42333 dated July 8, 1987 (M-00814), which states in pertinent part:

Normally, a spot verification of the mail volume is adequate to determine the mail count is accurate. However, the parties agree that based on the intent of Section 221.131 of the *M-39 Handbook*, the carrier may, upon request, verify the entire mail count.

Generally, each route will be inspected on one day during the process; however, management may conduct up to three days of inspection. If a route is inspected on more than one day, the manager will complete the form on only one of these days. The parties agreed to this in the MOU Re: Multiple Days of Inspection (M-01777), which states in relevant part:

Local management will, if it determines it necessary when scheduling an inspection to inspect on more than one day, inspect on no more than three days during the week of count and inspection. If local management elects to inspect on two or three days during the week of count and inspection, local management will be responsible for completion of the 1838-C one of the days. The letter carrier will count the mail and complete the 1838-C on the other days of inspection.

The requirement to perform the count and complete the form applies to both the regular and replacement carrier, as stated in Section 221.132 of the *M-39*:

**221.132** Replacement carriers assigned to regular, full-, and part-time routes must count the mail and enter the data on the prescribed forms in the same way as the full-time carrier.

### Available resources

Union representatives should familiarize themselves with Chapter 2 of the *M-39* and Chapter 9 of the *M-41* to gain a better understanding of the route count and inspection process. These handbooks, as well as additional resources, are available on the NALC website. They include the 2018 *NALC Guide to Route Inspections and the NALC Route Protection Program*, available at [nalc.org/workplace-issues/city-delivery/route-adjustments](http://nalc.org/workplace-issues/city-delivery/route-adjustments). Past Contract Talk articles pertaining to these issues are available at [nalc.org/workplace-issues/resources/nalc-publications](http://nalc.org/workplace-issues/resources/nalc-publications).

## Route inspections, Part 2

July's Contract Talk discussed management's requirements under *Handbook M-41, City Delivery Carriers Duties and Responsibilities* and *Handbook M-39, Management of Delivery Services* before and during the route count. This month's article will explain in greater detail the proper completion of PS Form 1838-C, Carrier's Count Mail-Letter Carrier Routes Worksheet and the inspection of the route.

**Line items**—The letter carrier assigned to the route will complete the PS Form 1838-C each day of the count except for the day of inspection. On the day of inspection, management will count the mail and record the office times. If the route is inspected on multiple days, management will complete the form on one day only. The most important part of completing the PS Form 1838-C is understanding the line items and how they are properly recorded.

Section 222.2 of the *M-39* contains descriptions of each line item, which should be explained during the dry-run training conducted prior to the inspection. Line Items 1 to 13 record the mail volume based on the count. The times associated with casing and pulling mail are not recorded on the form. Line Items 14 to 23 record the time spent performing other office duties. Items with multiple entries should be differentiated by a letter designation, such as 21a, 21b, etc.

For most letter carriers, Line Items 21 to 23 are the most difficult to understand and record properly. Section 922.51 of the *M-41* and Section 222.214 of the *M-39* contain the language pertaining to Lines 21-23 of the PS Form 1838-C. *Handbook M-39*, Section 222.214 (h) explains Line 21 as follows:

(h) Line 21, Recurring Office Work not Covered by Form. (Use Comment section to identify each activity.) Necessary time must be recorded for miscellaneous office activity not included on any of the lines 1 through 20. This would include miscellaneous review or other work that may require the carrier's time relating to handling of undeliverable mail. Describe activity performed and time spent. Each time entry is to be verified and initialed by a manager if it is authorized as a recurring carrier office work activity.

Line 21 entries are described as "recurring" office functions, or the duties letter carriers do every day. For example, obtaining and setting up the mobile delivery device, safety and service talks, retrieving small parcels and rolls (also called SPRs), and discussing daily expectations with the supervisor are all entries which are recorded on Line 21. When you spend time performing a Line 21 function, use the Comments section on the form to describe the function. Regarding Line 22, Section 222.214 (i) states:

(i) Line 22, Waiting for Mail (Office) and All Other Activities Not Performed On a Continuing Basis. Use Comment section

to identify each activity. Time shown on line 22 is deducted from the carrier's total office time. Carriers must be made aware of its purpose and impressed with the fact that a slow-down in office work to avoid waiting for mail will adversely affect the results of the count and/or inspection and may result in a showing of a poor office time record. The proper recording of time waiting for mail, including time waiting for redistributed mail, will pinpoint faulty schedules or the need for attention to distribution during carrier's scheduled office time. Activities that are not part of the carrier's normal routine cannot become a part of the office time. These items are included on this line for deduction purposes.

Line 22 entries are "non-recurring" office functions which do not occur every day. Some of these entries may be things like conversations with the route inspector or a fire drill. Line 22 entries also are documented in the Comments section of the 1838-C. Line 23 is addressed in Section (j), and reads:

(j) Line 23, Counting Mail and Filling Out 1838-C Worksheet. Enter only the time required to count the mail and complete Form 1838-C. The time recorded on line 23 is deducted from the carrier's total office time. Carrier's schedules should be advanced only as needed during count period. On the form used on day of inspection, the notation "counted by route examiner" should be entered on line 23 through columns (e), (f), and (g). If the time recorded by carrier appears unrealistic — inflated or deflated — the matter should be discussed with the carrier and adjusted to a realistic time.

Line 23 entries are exclusive to time spent counting mail and completing the form or verifying the count completed by management on the day of inspection.

It is important that letter carriers accurately record the time associated with each line item when completing the PS Form 1838-C. These times will be used to determine the office time during the route evaluation.

**Inspection Day and conduct of route examiner**—Route evaluation and inspections can be stressful for city letter carriers. Letter carriers are used to working independently and may be uncomfortable having a route examiner watching them all day long. This next section describes handbook requirements governing the conduct of route examiners during the route inspection process.

*M-39* Sections 231 and 232 speak to the conduct of the route examiner. Section 231.5 states:

231.5 The route examiner must inform the carrier that he/she intends to make a fair and reasonable evaluation of the workload on the route and that in order to do so the carrier must perform duties and travel the route in precisely the same manner as he/she does throughout the year. The examiner should impress the carrier with the fact that management is just as anxious and desirous of obtaining an accurate count of mail and inspection of the route as the carrier is, so that a fair and equitable evaluation of the workload on the route may be made.

According to Section 232.1, the route examiner must:

- a. Not set the pace for the carrier, but should maintain a position to observe all delivery points and conditions.
- b. Not suggest or forbid any rest or comfort stops but should make proper notations of them.
- c. Not discuss with the carrier on the day of inspection the mail volume or the evaluation of the route. These matters must be discussed with the carrier at a later date when all data has been reviewed and analyzed.
- d. Make notations on the day of inspection on the appropriate form or separate sheet of paper of all items that need attention, as well as comments on the day of inspection. Also list any comments or suggestions for improving the service on the route, as well as suggestions or comments made by the carrier during the course of the inspection for improvement in delivery and collection service.
- e. Make comments and suggestions clearly, and in sufficient detail for discussion with the carrier and for decision-making purposes. The manager who will actually discuss the results with the carrier must have enough facts and figures to reach a final decision on any necessary adjustments to the route.

The national parties have agreed that there is no standard for performing street delivery; therefore, route examiners should not attempt to set the street pace for letter carriers. This is prohibited by *M-39*, Section 232.1.a and is reinforced by the memorandum of understanding (MOU) M-00304.

M-00304 states in pertinent part:

In keeping with the principle of a fair day's work for a fair day's pay, it is understood that there is no set pace at which a carrier must walk and no street standard for walking.

Letter carriers should perform their street duties exactly as they do every other day. Route examiners should simply observe and take

notes of carriers performing their street duties. Handbook M-41 Section 915 addresses this as follows: In order that a fair and reasonable evaluation may be made by management, carriers must perform their duties and travel their routes in precisely the same manner on inspection day as they do throughout the year.

Route examiners should not prohibit letter carriers from taking comfort stops. Reasonable comfort stops are considered a typical part of a letter carrier's day and, as such, should not be deducted from the recorded street time. USPS and NALC have agreed to this principle in M-00242, which reads:

Management should not deduct reasonable comforts/rest stops from the total street time during route inspections if deduction of the time is contrary to pass local practice. If excessive time for comforts/rest stops is deducted, the matter should be discussed with the carrier.

Letter carriers experiencing route examiner conduct inconsistent with the handbook provisions described in this article should consult with a shop steward or union representative so the situation can be investigated.

As discussed in July, union representatives should familiarize themselves with Chapter 2 of the *M-39* and Chapter 9 of the *M-41* to gain a better understanding of the route count and inspection process. These handbooks, as well as additional resources, are available on the NALC website. They include the *2018 NALC Guide to Route Inspections and the NALC Route Protection Program*, available at [nalc.org/workplace-issues/city-delivery/route-adjustments](http://nalc.org/workplace-issues/city-delivery/route-adjustments). National-level settlements and memorandums of understanding can be found in the Materials Reference System (MRS) at [nalc.org/mrs](http://nalc.org/mrs). Past Contract Talk articles pertaining to these issues are available at [nalc.org/workplace-issues/resources/nalc-publications](http://nalc.org/workplace-issues/resources/nalc-publications).

## Executive Vice President

# Interpretive disputes (continued)

(continued from page 48)

The following matters are being reviewed by NALC. Notification will be provided once a determination has been made on whether or not an interpretive issue has been identified.

- **Pre-arbitration settlements—precedent setting:** The issue involves pre-arbitration settlements and whether or not they are precedent setting for the installation in which they occurred, even absent “non-precedent-setting” language. The NALC is reviewing the issue to deter-

mine if an interpretive dispute has been presented.

- **Blue Hampers/S&DC:** The issue involves the use of “blue hampers” at S&DCs. USPS is reviewing the issue to determine if an interpretive dispute has been presented.

As always, NALC will provide updates on any future developments regarding these cases, as well as any additional interpretive disputes that may arise. Please check out the *Activist* article referencing interpretive issues.

Hope you have a great rest of the year.



# Route inspections, Part 3

**L**ast month's Contract Talk explained the PS Form 1838-C, Carrier's Count Mail—Letter Carrier Routes Worksheet and described some of the line items associated with city carrier office work in addition to casing and pulling mail. This article will explain management's responsibilities when evaluating routes based on the data obtained during the count and inspection.

**Route evaluation**—The goal of any route count and inspection is to adjust the routes to as close to eight hours as possible. With this in mind, management must evaluate the office and street times for each route and determine whether the route is either overburdened and requires relief or is less than eight hours and requires an addition. After the completion of the count and inspection, prior to any adjustments being made, management should consult with the regular carrier on the route and explain the evaluated office and street times.

**The PS Form 1840, Carrier Delivery Route**—Summary of Count and Inspection provides a synopsis of the data that management will use to evaluate the route and make any needed adjustments. This is a two-page form consisting of the PS Form 1840 and PS Form 1840 (reverse). The first page includes the data from the count and inspection used for evaluating the route, while the second page is used to show the office and street times selected for the evaluation, as well as any adjustments made to the route. The purpose of PS Form 1840 is explained in Section 241.1 of *Handbook M-39, Management of Delivery Services*:

241.1 Form 1840, Carrier Delivery Route—Summary of Count and Inspection, provides for consolidating and completing the evaluation of data recorded on Forms 1838 of the count and inspection period. It provides also for comments by the examiner inspecting the route and by the postmaster or designated manager making the adjustments. Where additional space is needed, attachments may be used. (The form also provides a record of adjustments made, and the adjusted route. See section 243.)

The information on PS Form 1840 is derived from several sources, including other forms used during the count and inspection process.

**The PS Form 1838, Carrier's Count of Mail**—Letter Carrier Routes (Mngt. Summary) contains the information recorded on the PS Form 1838-C by the carrier servicing the route or the inspector who completed the form on the inspection day(s). Copies of PS Forms 1838 and 1840 must be provided to the carrier prior to the

evaluation consultation. This requirement is found in Section 923.1 of *Handbook M-41, City Delivery Carriers Duties and Responsibilities*, which states:

923.1 A completed copy of the front of Form 1840, Carrier Delivery Route—Summary of Count and Inspection, reflecting totals and averages from Forms 1838, day of inspection data, examiner's comments, and analysis of office work functions and time recordings, will be furnished carrier at least 1 day in advance of consultation. Completed copies of Form 1838 will be given to the carrier at least 5 calendar days prior to consultation.

The PS Form 1840 also shows the total street time used by both regular and replacement carriers each day of the inspection as well as the average street time for the week. Only the time used by the regular carrier should be used to determine the average. As stated in Section 241.33 of *Handbook M-39*:

241.33 Bracket [ ] the time entries in columns A, B, C, D, and E for the days on which the route was served by a replacement carrier or carrier technician T-6 because these figures are to be excluded when entering the figures on the total line for columns A, B, C, D, and E.

Exceptions to this provision are in the case of a full-time route without a regular carrier or an auxiliary route. In these cases, the carrier who serviced the route during the week of inspection would be used to determine the average street time.

Once the information has been transferred to the PS Form 1840, management must evaluate the data and determine the office and street times for each route. Union representatives should ensure that the data is accurately transferred to this form, as any discrepancies could have a negative impact on the route evaluation and any subsequent adjustments.

**Office time**—When determining office time, management must select either the average office time used by the carrier during the week of inspection or the standard office time allowance. This requirement is found in Section 242.311 of *Handbook M-39*, which states:

242.311 Under normal conditions, the office time allowance for each letter route shall be fixed at the lesser of the carrier's average time used to perform office work during the count period, or the average standard allowable office time.

Standard office time is determined by dividing the number of cased letters by 18, the number of cased flats by eight, and the total number of cased letters and flats by 70. These three figures are then converted to minutes and added to the standard office allowances

(continued on next page)

## Route inspections, Part 3 (continued)

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for the line items on the PS Form 1838-C (excluding time spent performing line 22 and 23 functions) to establish a time.

A detailed explanation of line items and standard time allowances is found in Exhibit 222.214a(4) of *Handbook M-39*.

Whether an adjustment may be made to office time to account for variations in mail volume during the mail count is addressed in Section 242.312 of *Handbook M-39*, which states:

242.312 No mail volume adjustments will be made to carrier office work (casing and strapping out functions) or street work evaluations unless the mail volume for the week of count and inspection is at least 13% higher or lower than the average mail volume for the period between the most recent regular and the current inspection (excluding the months of June, July, August, and December).

Management does not have the right to reduce the office time below the standard time based on allegations of time-wasting practices during the mail count. National Arbitrator Benjamin Aaron addressed this issue in case NC-C-11675, Aug. 1, 1979 (C-03207), where he found that “even though the Postal Service can demonstrate that the grievant was regulating his performance, it cannot reduce the office time below the average standard allowable time.” Arbitrator Aaron determined that the language in Section 242.211 of *Handbook M-39* allows management to address irregular performance during the count and inspection. This section states:

242.211 If the actual office is under standard on some days and over standard on other days during the count week, the carrier must be interviewed to determine the reason for irregular performance. The causes of slow and irregular performance and the corrective action taken should be indicated under Comments on PS Form 1840.

**Street time**—When determining the street time, management must select either the average street time during the week of inspection or the eight-week average street time from the PS Form 1840-B, Carrier Time Card Analysis. This requirement is found in Section 242.321 of *Handbook M-39*, which states:

242.321 For evaluation and adjustment purposes, the base for determining the street time shall be either:

- a. The average street time for the 7 weeks random time-card analysis and the week following the week of count and inspection; or
- b. The average street time used during the week of count and inspection.

Management’s responsibility to explain why it selected the street time for the route is found in Section 242.322 of *Handbook M-39*, which states:

242.322 The manager will note by explanatory Comment on the reverse of Form 1840 or attachments thereto why the base street time allowance for the route was established at the time selected. The manager’s selection of the street time allowance cannot be based on the sole criterion that the particular time selected was the lower.

This section makes it clear that management must justify the selected street time and not base its decision solely on the fact that the selected time was the lower of the two.

The data from the seven-week random analysis is determined based on the language in Section 242.323 of *Handbook M-39*, which states in part:

242.323 Selection of the 7 weeks for the random timecard analysis shall be based on the following:

- a. Within 4 weeks prior to the week of count and inspection, the local union representative will make a random drawing of numbered lots from 1–4 to be used in determining the 7 random weeks to be selected for all routes at the delivery unit.

A complete explanation of the random draw process is provided in Section 242.323 of *Handbook M-39*. Once the weeks have been selected, the data is transferred to PS Form 1840-B. A sample of this form, which contains four pages including the instructions, is found in exhibit 213d of *Handbook M-39*.

**Available resources**—Union representatives should familiarize themselves with Chapter 2 of *Handbook M-39* and Chapter 9 of *Handbook M-41* to gain a better understanding of the route count and inspection process. Electronic copies of both handbooks are available at [nalc.org/workplace-issues/resources/usps-handbooks-and-manuals](http://nalc.org/workplace-issues/resources/usps-handbooks-and-manuals). Other resources include the 2018 *NALC Guide to Route Inspections* and the *NALC Route Protection Program*, both of which are available at [nalc.org/workplace-issues/city-delivery/route-adjustments](http://nalc.org/workplace-issues/city-delivery/route-adjustments). NALC members can obtain a copy of the *NALC Route Inspection Pocket Handbook* through their national business agent’s office or the NALC Supply Department. National-level and Step 4 settlements, national-level arbitration awards, and memorandums of understanding can be found in the Materials Reference System (MRS) at [nalc.org/mrs](http://nalc.org/mrs). Past Contract Talk articles pertaining to these issues are available at [nalc.org/workplace-issues/resources/nalc-publications](http://nalc.org/workplace-issues/resources/nalc-publications).

# Route inspections, Part 4

**R**ecent *Contract Talk* articles have discussed the route count, inspection and evaluation process found in Chapter 2 of *Handbook M-39*, Management of Delivery Services. In Part 4 of this series on route inspections, we will discuss the route adjustment process.

Once the route evaluation is complete and management determines adjustments are necessary, they must prepare the reverse side of PS Form 1840, Carrier Delivery Route—Summary of Count and Inspection. Once completed, the form will display the following information:

- Office and street times chosen for the adjustment
- Addresses added or removed from the route as well as the office and street time associated with these deliveries
- Adjusted office and street times
- Whether the route has an office break
- Evaluated street time and the source
- Street time used for the adjustment and the reason for the selection of this time
- Method used to transfer office time

**Office time:** The amount of office time needed for the deliveries is determined by applying Section 243.316 of *Handbook M-39*, which states in part:

243.316 Office Time Column

b. The character of the route more or less governs the method of computing the office time for the territory being transferred between routes. Following are some methods which may be used:

(1) If the deliveries on the route are similar in character, the following simple formula for determining the amount of office time for the deliveries transferred may be used: Divide the average office time of the inspection period appearing on Form 1840 for the route from which territory is being transferred by the total number of possible deliveries. For example: a route has 400 possible deliveries and the average office time for inspection period was 120 minutes: 120 divided by 400 equals .3 minutes per delivery. The total number of deliveries being considered for transfer should be multiplied by minutes or fraction of minutes per delivery.

(2) Another method to determine the office time percentage factor is to divide the average office time for the count week by the average total time. For example: 165 minutes office time divided by 486 minutes total time equals 34 percent. Therefore, the allowance of 34 percent of the total time value of any territory to be added or taken away from a route must be allowed for office time to prepare the mail for delivery.

(3) Another method when utilizing the hand-held computer is to count the mail by ZIP+4 sector/segment so the number of mailpieces delivered in a segment can be calculated to determine the office time allowance for each segment to be transferred between routes. To calculate the office time allowance when transferring particular route segments, any other following three methods may be used.

(a) Apply the current casing standards of 18 (letter size), 8 (other size), and 70 (strap out) to the actual segment(s) mail count from the day of inspection. For example: A segment receives 220 pieces on day of inspection; 180 letters divided by 18 = 10 minutes; 40 other size pieces divided by 8 = 5 minutes; 220 divided by 70 = 4 minutes.

The office time allowance for that segment would be 19 minutes.

(b) Follow (a) above but factor in the percentage of standard office time used during the week of inspection from the carrier who serviced that segment(s) in the most recent inspection. For example: The carrier who serviced the segment utilized .80 of standard office time allowed during week of inspection (19 x .80 = 16 minutes). The office time allowance for that segment would be 16 minutes.

(c) Follow (a) above but factor in the percentage of standard office time used during the week of inspection from the carrier whose route is gaining the segment(s) being transferred. For example: The carrier whose route will pick up the segment utilized .85 of standard office time allowed during the week of inspection (19 x .85 = 17 minutes). The office time allowance for that segment would be 17 minutes.

Note: The effort here is to arrive at the most accurate time allowance for the transferred segment(s), negating the need for corrective adjustments.

**Street time:** As discussed in previous articles, the goal of any route count and inspection is to adjust routes to as near eight hours as possible. If a route evaluation shows a total daily time in excess of eight hours on most days of the week, management must provide permanent relief by transferring workload to another route.

Permanent relief may be provided in several ways. Section 243.21.b of *Handbook M-39* identifies the methods for providing permanent relief:

*(continued on next page)*



# Route inspections, Part 4 (continued)

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## 243.21 Routes of More than 8 Hours

b. Permanent relief may be provided by reducing carrier office or street time. Consider items such as additional segmentations, use of routers, hand-offs, relocating vehicle parking, withdrawal of mail by clerks or mailhandlers, providing a cart system for accountable items, etc. When routes require a current adjustment and Delivery Point Sequencing will commence within 6 months, management will adjust using non-territorial, non-scheme change adjustments. Where actual transfer of territory is necessary, see 243.23. If a hand-off is the method selected for providing relief on the street, the time value associated with the delivery of the hand-off must be deducted from the route getting relief and transferred to the gaining route.

On routes evaluated at less than eight hours, permanent additions are made to make the assignment as near eight hours as possible in accordance with Section 243.22 of *Handbook M-39*:

## 243.22 Route Less than 8 Hours

On routes where the evaluated time is less than 8 hours, make permanent additions by transferring territory through a realignment of the territory in the delivery unit. This realignment could reduce or eliminate an existing auxiliary route, reduce a regular route to auxiliary status, or eliminate it entirely.

If routes are adjusted by transferring territory, the reverse of PS Form 1840 will indicate the proposed changes. Section 243.31 of *Handbook M-39* explains how to record territory transfer on the reverse of PS Form 1840:

## 243.31 Completing Reverse of Form 1840

Record office and street adjustments, on the reverse of Form 1840 or on a separate sheet of paper, as follows:

243.311 Transferring Territory from One Route to Another. A tentative selection of the block or blocks that can be most efficiently transferred should be made, using a map of the territory. The time used to deliver the mail on each block will be found on the reverse of Form 3999 covering the current inspection of the routes.

243.312 Relief and Addition Columns. Enter an (R) if deliveries are relief and an (A) if deliveries are addition.

243.313 Street, Blockface Numbers, and Sector/Segment Columns. Enter the street name, beginning and ending blockface numbers, and the ZIP+4 sector/segment number for the blockface. Refer to the ZIP+4 printout to obtain the correct sector/segment number to ensure that no segment is split (see 243.231c).

243.314 Transferred To or From Route Number Column. Enter the route number to or from which the block and street is to be transferred.

When transferring delivery territory, management determines the amount of time needed for each sector segment, or range of addresses. This data comes from the PS Form 3999, Inspection of Letter Carrier Route, completed during the week of inspection.

When a route is inspected on more than one day, the parties agreed in the Memorandum of Understanding (MOU) Re: Multiple Days of Inspection (M-01543 found in NALC's Materials Reference System) to the following:

When local management elects to inspect on two or three days, the PS Form 3999 closest to the selected street time on the PS Form 1840 will be used to transfer territory.

As explained in last month's Contract Talk, the front side of PS Form 1840 shows the average street time used by the regular carrier during the week of inspection and the 8-week average from the PS Form 1840-B, Carrier Time Card Analysis. The reverse of the form shows the street time management selected when evaluating the route. Union representatives should ensure management selected the appropriate PS Form 3999 if there were multiple days of inspection.

Upon completing the reverse of the PS Form 1840, management should conduct an adjustment consultation with the regular carrier servicing each route. Letter carriers should take advantage of this consultation to provide feedback on the proposed adjustment. Section 242.3 of *Handbook M-39* requires management to document any time disallowances and provide the PS Form 1840 to carriers at least one day in advance of this consultation:

242.347 All time disallowances and related comments will be noted on Form 1840 or attachments thereto, and furnished the letter carrier at least 1 day prior to consultation.

If management fails to provide PS Form 1840 or conduct a consultation as required, letter carriers should contact a union representative.

**Available resources:** Union representatives should review Chapter 2 of the *M-39* and Chapter 9 of the *M-41* to become familiar with the route inspection and adjustment process. These handbooks and other resources related to route inspections and adjustments are available on the NALC website at [nalc.org/workplace-issues/city-delivery/route-adjustments](http://nalc.org/workplace-issues/city-delivery/route-adjustments). NALC members can obtain a copy of the *NALC Route Inspection Pocket Handbook* through their NBA office or the NALC Supply Department. Past Contract Talk articles pertaining to these issues are available at [nalc.org/workplace-issues/resources/nalc-publications](http://nalc.org/workplace-issues/resources/nalc-publications).