Typical Maintenance Craft Grievances

- Crossing Occupational Groups - 7.2
- Vacant Duty Assignments – Reversions
- Mixed Duty Assignments/Position Upgrade
  ELM 233
Article 7.2.A

Normally, work in different crafts, occupational groups or levels will not be combined into one job. However…

1. All available work within each separate craft by tour has been combined.

2. Work of different crafts in the same wage level has been combined.
In the event of insufficient work on any particular day or days in a full time or part time employee's own scheduled assignment, management may assign the employee to any available work in the same wage level for which the employee is qualified, consistent with the employee’s knowledge and experience, in order to maintain the number of work hours of the employee’s basic work schedule.
During exceptionally heavy workload periods for one occupational group, employees in an occupational group experiencing a light workload period may be assigned to work in the same wage level, commensurate with their capabilities, to the heavy workload area for such time as management determines necessary.
Common 7.2 Violations

- Maintenance Mechanic performing skilled level duties
- Custodian and or a saved grade Custodian performing Maintenance duties
- MPE working as ET
The Maintenance Mechanic

Semi-Skilled position

Not intended to perform independently

May work on both sides of the house

Not required to exercise judgment
7.2 Resources

- Step 4 agreements
- Job Descriptions
- Handbooks, Manuals
- MMO’s and Route Sheets- Minimum Skill Level
- Work Orders, Assignment Orders (1723), TACS reports
- National Arbitration Awards:
  - Das Q00T-4Q-C 06082523
  - Das Q98C-4Q-C 00183263
  - Bloch H8S-2F-C 8027
  - Mittenthal H8C-2F-C 7406
The functional purpose of the Maintenance Mechanic, PS-5 provides that they independently perform semiskilled preventive, corrective, and predictive maintenance tasks associated with the upkeep and operation of various types of mail processing, buildings and building equipment, customer service and delivery equipment.

- The parties agree that the aforementioned language includes automated mail processing equipment.
The parties agree that Mechanic MPE, PS-7 may use a computer as a menu driven test device to:

a) Determine the operational status of the equipment and its electro/mechanical components;

b) Isolate mechanical and/or electrical malfunctions and verify the results of corrective actions.
The functional purpose of the Electronics Technician, PS-9 states that they independently perform a full range of diagnostic, preventive maintenance, alignment and calibration, and overhaul tasks, on both hardware and software on a variety of mail processing, customer service, and building equipment and systems, applying advanced technical knowledge to solve complex problems.

- The parties agree that the functional purpose of the Electronics Technician, PS-9 includes **operational maintenance assignments**. For the purpose of determining staffing in accordance with Maintenance Management Order (MMO) 028-97, eighty percent (80%) of the maintenance operational maintenance work hours associated with automated equipment will be used to staff Electronic Technician, PS-9 positions.
<table>
<thead>
<tr>
<th>Number</th>
<th>Arbitrator</th>
<th>Date of Decision</th>
<th>Article</th>
<th>Final Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>G10T-1G-C 11368449</td>
<td>I.B. Helburn</td>
<td>11/17/2014</td>
<td>19</td>
<td>Sustained</td>
</tr>
<tr>
<td>G06T-4G-C 09007072</td>
<td>I.B. Helburn</td>
<td>1/30/2014</td>
<td>38</td>
<td>Sustained</td>
</tr>
<tr>
<td>G10T-4G-C 11322961</td>
<td>Michael E. Zobrak</td>
<td>4/10/2013</td>
<td>38</td>
<td>Sustained</td>
</tr>
<tr>
<td>G00T-4G-C 050331318</td>
<td>AlmaLee P. Guttshall</td>
<td>7/27/2007</td>
<td>38</td>
<td>Sustained</td>
</tr>
<tr>
<td>H90T-1H-C 95066789</td>
<td>Tranen</td>
<td>4/2000</td>
<td>7,19,38</td>
<td>Denied</td>
</tr>
<tr>
<td>I94T-1I-C 97110784</td>
<td>Fletcher</td>
<td>3/2000</td>
<td>38</td>
<td>Denied</td>
</tr>
<tr>
<td>E90T-1E-C 96015084</td>
<td>Allen</td>
<td>11/2000</td>
<td>7.2</td>
<td>Denied</td>
</tr>
<tr>
<td>H90T-1G-C 93031491</td>
<td>Helburn</td>
<td>3/1995</td>
<td>3,7,19</td>
<td>Sustained</td>
</tr>
<tr>
<td>G90T-4G-C 93031662</td>
<td>Helburn</td>
<td>3/1995</td>
<td>7,25</td>
<td>Sustained</td>
</tr>
<tr>
<td>W7T-5R-C 13566</td>
<td>McCafree</td>
<td>6/1992</td>
<td>8.7.2</td>
<td>Sustained</td>
</tr>
<tr>
<td>S7T-3W-C 39311</td>
<td>Eyraud</td>
<td>5/1992</td>
<td>7.2, 8.5</td>
<td>Denied</td>
</tr>
<tr>
<td>S7T-3S-C 35409</td>
<td>Harvey</td>
<td>3/1992</td>
<td>7.2</td>
<td>Denied in part, sustained in part</td>
</tr>
</tbody>
</table>
7.2 Arguments

- The avoidance of overtime is not a contractually sound basis for assignments across occupational groups and/or levels.

- This reasoning and rationale is clearly stated in the National level awards of Arbitrators Bloch and Mittenthal.

“This is no reason to find that the parties intended to give Management discretion to schedule across craft lines merely to maximize efficient personnel usage, this is not what the parties have bargained. That an assignment across craft lines might enable Management to avoid overtime in another group for example, is not, by itself, a contractually sound reason.” Bloch  H8S-2F-C 8027
MAINTENANCE MECHANIC, PS-05

FUNCTIONAL PURPOSE

Independently performs semiskilled preventive, corrective and predictive maintenance tasks associated with the upkeep and operation of various types of mail processing, buildings and building equipment, customer service and delivery equipment.

Qualification Standards—Bargaining Unit Positions

General Mechanic—Level 5 (4749-02)
General Mechanic (MES)—Level 5 (4749-1002)

Document Date: November 30, 1987

Function

As essentially a full-time assignment in a postal facility, performs maintenance work not requiring full journeyman skills and knowledge on various types of building, mail handling, mail processing, and related equipment.
FUNCTIONAL PURPOSE

Performs involved trouble-shooting and complex maintenance work throughout the system of mail processing equipment; performs preventive maintenance inspections of mail processing equipment, building and building equipment.
UPGRADED TO LEVEL 8

FUNCTIONAL PURPOSE

Performs involved trouble shooting and complex maintenance work on Building and Building Equipment systems, and preventive maintenance and preventive maintenance inspections of building, building equipment and building systems, and maintains and operates a large automated air conditioning system and a large heating system.

Building Equipment Mechanic—Level 7 (5306-07)

Document Date: November 30, 1987

Function

Performs trouble-shooting and complex maintenance work throughout the systems of the building and building equipment. Performs preventive maintenance and preventive maintenance inspections of buildings, building equipment, and building systems. Maintains and operates a large automated air-conditioning system and a large heating system.
FUNCTIONAL PURPOSE

Independently performs the full range of diagnostic, preventive maintenance, alignment and calibration, and overhaul tasks, on both hardware and software on a variety of mail processing, customer service, and building equipment and systems, applying advanced technical knowledge to solve complex problems.

Function

As an electronics technician, carries out all phases of maintenance, testing, and troubleshooting requiring a knowledge of solid-state electronics.
What We Need to Show

• What task/work was performed?
• What occupational group/employee performed this work?
• What occupational group should have performed this work and why did they perform it?

Were the conditions of Article 7.2B and/or 7.2C met, and if not, What is the proof/evidence that this work belongs to a specific occupational group?

IF WE MEET THESE BURDENS, WE WILL PREVAIL
Vacancies in the Maintenance Craft

- How to Fill
- Reversion/Abolishment
- Failure to Post
• Resources

• JCIM- Pecking Order for Filling Maintenance Positions

• JCIM-Article 38 page 11, Question #4: Positions must be “tagged” on NOI prior to changing.

• Article 38.4, 38.5- Forty (40) days to Post or Revert a Maintenance Duty Assignment. **NOT 28 DAYS!**
All positions in an installation, both MSS and Non-MSS, are available for application for inclusion on the appropriate promotion eligibility register during open season.

Management will complete the initial MSS and Non-MSS process for inclusion on the promotion eligibility register within 150 days from March 31.

**ORDER FOR FILLING VACANT MAINTENANCE POSITIONS**

The appropriate PAR and PER must be exhausted before considering other hiring options. To be considered qualified an employee must either be eligible under the current in-craft process for the position in question or be a Maintenance Craft employee in the same level and occupational group as the vacancy.

The following is the order for filling vacant maintenance positions:

1. Select the ranking employee on the appropriate preferred assignment register (PAR).
2. An unassigned regular employee may be assigned to the vacant duty assignment.
3. **Activate retreat rights for exceeding which occurred under 12.5.C.4 (within craft and installation).**
4. Consider higher level qualified maintenance employees requesting change to lower level. A "previously submitted" written request for assignment to lower level must have been submitted prior to the close of the Notice of Intent (Article 38.5.A.10).
5. Select the ranking employee on the appropriate promotion eligibility register (PER).
6. **Activate retreat rights for exceeding which occurred under 12.5.C.5.**
7. Consider Maintenance Craft employees requesting transfer before or after in-service procedures ("after in-service" is only in the event a within installation Maintenance employee is on the in-service register) in the following order:
   a. When Maintenance Craft employees who have requested a transfer are considered first:
      1. Consider Maintenance Craft employees who are already qualified for the position in question.
      2. Consider Maintenance Craft employees who are not qualified for the position in question but have been afforded an opportunity to qualify under the provisions for qualifying for transfer (see EL-304, Qualifying for Transfer).
   b. If in-service procedures are considered first:
      1. Give priority consideration to career Maintenance Craft employees using the in-service register in score order.
2. Consider other career postal employees, regardless of craft or position, on the in-service register in score order.

8. Consider current career employees for return to Maintenance Craft to a position previously held or to any position of equal or lower level for which he/she holds an eligibility rating. Employee must meet the time and eligibility criteria (outlined below).

9. Consider former career postal employees for return to Maintenance Craft to a position previously held or to any position of equal of lower level for which he/she holds an eligibility rating. Applicants must meet the reinstatement requirements and the time and eligibility criteria (outlined below).

10. Consider entrance register eligibles in score order.

**ELIGIBILITY CRITERIA FOR RETURN TO THE MAINTENANCE CRAFT**

Following is the eligibility criteria for consideration of current career employees and former career postal employees for return to Maintenance Craft positions:

- The employee must have held a position in the Maintenance Craft for at least one year.

- The employee must have an eligible rating (in-craft, in-service, or entrance) dated January 1, 1989 or later. (Note: Expired entrance eligibility ratings are acceptable as long as the test specifications have not changed. Also, with the exception of the entry-level custodian exam, maintenance examinations must not be administered noncompetitively).

- Current career employees can be reassigned only to a position previously held or to any position of equal or lower level for which the employee is qualified (no promotion). Selection must be within three years of leaving the Maintenance Craft.

- Former career postal employees can be reinstated only to a position previously held or to any position of equal or lower level for which the employee is qualified (no promotion). Selection must be within three years of leaving the Maintenance Craft. Former postal career employees must meet the eligibility requirements for reinstatement consideration.

**SUCCESSFUL APPLICANTS**

Article 38.5.C provides that an employee who receives a promotion predicated on the successful completion of training and fails that training is declared inactive on the promotion eligibility register (PER). The PER shall be annotated with an asterisk indicating the employee’s requirement to update. The employee may request an update. Upon receipt of a qualifying updated score, the employee will be activated on the PER, the asterisk will be removed, and the employee will be ranked accordingly.
HOW ARE JOBS FILLED

• The employer has 40, not 28, days to post or revert a vacant position.
• A decision to revert must be made within 40 days by a posted notice advising “of the action taken and the reasons therefore.”
• Once a position is posted, it cannot be reverted or changed prior to the “breaks identified in Article 38”.
WHAT WE NEED TO DO

If the Service fails to adhere to these requirements, we can get these jobs back!

Was the job properly, timely reverted, if not, GRIEVE,

Was the job changed, reverted without being “tagged” on the NOI, if so, GRIEVE,

Was the Reversion not timely posted with the “reason therefore, If so, GRIEVE,
38.4.A.3

- The first thing we need to request in writing is a current authorized staffing package the service relied upon to support the reversion.
- Challenge the staffing package prior to reversions if it is inaccurate. Otherwise we cannot get the job back if the staffing package does support the reversion.
FILLING VACANT POSITIONS

• If unable to fill positions within the craft, the “pecking order”, outlined in the JCIM, must be adhered to.

• The remedy for a reversion must be to post and fill the position IAW Article 38 and the JCIM as well as pay OOS, any Differentials, Sunday premium and higher level to the successful bidder.
<table>
<thead>
<tr>
<th>Number</th>
<th>Arbitrator</th>
<th>Date</th>
<th>Article</th>
<th>Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>E10T-1E-C 13150976</td>
<td>Harry N. Maclean</td>
<td>7/2/2015</td>
<td>38.4.A.2</td>
<td>Sustained</td>
</tr>
<tr>
<td>C06T-1C-C 10030669</td>
<td>Michael D McDowell</td>
<td>3/9/2015</td>
<td>38</td>
<td>Sustained</td>
</tr>
<tr>
<td>E10T-4E-C 13202519</td>
<td>Jon Numair</td>
<td>10/17/2014</td>
<td>3 and 38</td>
<td>Sustained</td>
</tr>
<tr>
<td>E10T-1E-C 13135527</td>
<td>Pilar Vaile</td>
<td>8/7/2014</td>
<td>38</td>
<td>Sustained</td>
</tr>
<tr>
<td>E10T-1E-C 13122492</td>
<td>T. Zane Reeves</td>
<td>11/5/2013</td>
<td>31,38</td>
<td>Sustained</td>
</tr>
<tr>
<td>E06T-1 E-C 08376250</td>
<td>Harry N. MacLean</td>
<td>10/4/2009</td>
<td>38.4.A.2</td>
<td>Sustained</td>
</tr>
<tr>
<td>G00T-4G-C 05031318</td>
<td>AlmaLee P. Gutshall</td>
<td>7/27/2007</td>
<td>38</td>
<td>Sustained</td>
</tr>
<tr>
<td>E90T-4E-C 93038840</td>
<td>James P. Martin</td>
<td>1/12/2007</td>
<td>38, 12</td>
<td>Sustained</td>
</tr>
<tr>
<td>E90T-1 E-C 92054225</td>
<td>Mark W. Suardi</td>
<td>6/23/2006</td>
<td>38</td>
<td>Remanded</td>
</tr>
<tr>
<td>K00T-4K-C 02084572</td>
<td>James E. Rimmel</td>
<td>2/7/2006</td>
<td>38</td>
<td>Sustained</td>
</tr>
<tr>
<td>K00T-1K-C 04005587</td>
<td>Lawrence R. Loeb</td>
<td>9/23/2005</td>
<td>18</td>
<td>Sustained</td>
</tr>
<tr>
<td>E98T-1E-C 00113549</td>
<td>Susan I. Broyles</td>
<td>10/13/2002</td>
<td>3,15,38</td>
<td>Arbitrable</td>
</tr>
<tr>
<td>H98T-1H-C02005488</td>
<td>Robert B. Hoffman</td>
<td>4/30/2002</td>
<td>38</td>
<td>Sustained</td>
</tr>
<tr>
<td>C94T-1C-C 98016870</td>
<td>Christopher E. Miles</td>
<td>6/20/2001</td>
<td>38</td>
<td>Sustained</td>
</tr>
<tr>
<td>G90C-1G-C-94035689</td>
<td>Norman Bennett</td>
<td>4/22/1996</td>
<td>37.1.F</td>
<td>Sustained</td>
</tr>
</tbody>
</table>
MIXED DUTY ASSIGNMENTS AND POSITION UPGRADES

• ELM 233
• PS-1723 Assignment Orders
• Work Orders-work performed outside pay level
• TACS Reports-Paid at the Higher level
• Employee Personal Log-work performed on a daily basis
OUR BURDEN

To prevail in a mixed duty assignment case we must show that the employee either worked at two levels on a daily basis, where any amount of time would be at the higher level, or that the employee worked more than 50% of the time at the higher level.

And we need to show that this has occurred over a long period of time.
OUR SUCCESS

If we can meet this burden of level of work and period of time, we can prevail in these cases:

G00T-4G-C 02102059
E00T-1E-C 06061390
THAT’S ALL FOLKS