



UNITED STATES POSTAL SERVICE
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OFFICE OF THE
 ASSISTANT POSTMASTER GENERAL
 LABOR RELATIONS DEPARTMENT

SECTION 144 WON
 LOST
 SUBJECT SMOKING MOD.
 RECEIVED

AUG 22 1990

APWU
 CLERK DIVISION

Mr. Cliff J. Guffey
 Assistant Director
 Clerk Craft Division
 American Postal Workers
 Union, AFL-CIO
 1300 L Street, N.W.
 Washington, DC 20005-4128

Re: H7C-4U-C 23175
 (LAMPS #H7C-4U-C 77021)
 Class Action
 Denver, CO 80266

Dear Mr. Guffey:

We met to discuss the above-captioned grievance at the fourth step of our contractual grievance procedure.

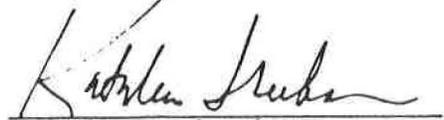
The issue in this grievance is whether the Postal Service is required to make building modification expenditures for building construction, modification or equipment to provide designated smoking areas which meet ASHRAE ventilation design standards.

It is our position that no national interpretive issue involving the terms and conditions of the National Agreement is fairly presented in this case.

Section 883.12 of the Employee and Labor Relations Manual clearly and unambiguously states in part; "Building Modification Expenditures for building construction, modification or equipment to provide suitable smoking areas are permitted but not required." Furthermore, the union raised no objection to the proposed language of Chapter 880 of the ELM when the draft was provided on January 22, 1988 for their review and input prior to publication, nor at the February 19 meeting as provided for by Article 19 of the National Agreement. Therefore, this grievance is denied.

Time limits were extended by mutual consent.

Sincerely,


 Kathleen Sheehan
 Grievance & Arbitration
 Division



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Date 8/22/90