

UNITED STATES POSTAL SERVICE
BOSTON, MASSACHUSETTS

AND

AMERICAN POSTAL WORKERS UNION

ARBITRATION OPINION AND DECISION

NOV 23 8 28 AM '81

CASE NO: N8C-IEC 1321, ACN-29523

ARBITRATION BRANCH
LABOR RELATIONS DIV.
NORTHEAST REGION

NEW YORK, N.Y. 10098

V. BENECCHI GRIEVANCE

DATE OF DECISION: NOV. 20, 1981

The undersigned Arbitrator, designated by the parties pursuant to the terms of their currently effective collective bargaining agreement, held a hearing in Boston on November 3, 1981 at which time the issue set forth below was submitted to arbitration. The Employer was represented by Thomas A. Migge, and the Union by Stephen Albanese.

THE ISSUE

The parties agreed upon the issue to be decided as follows:

"Should the position held by V. Benecchi be upgraded to a level 6 Special Postal Clerk? What should be the remedy, if any?"

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Arbitration Division
Labor Relations Department

THE FACTS

V. Benecchi, the grievant, has been with the Postal Service for some 15 years. Since 1969, he was assigned to work as a distribution clerk assigned to the Val (Valuables) Cage which is a sealed unit located within the sealed in Registry Section. Until November, 1979, the work was done at Post Office Square, but was then moved to the South Postal Annex. According to the grievant's unrefuted recital of his duties, his responsibility includes all valuables over \$5,000. in value, any currency, jewelry, bearer instruments, etc. He signs for items coming into the Unit, formerly maintaining six separate log books, now on one sheet, listing valuables which have come into or are leaving the Section, i.e., receipt and remittance records, prepares for distribution of items placed in his control, including applying

appropriate Zip Codes, relying on his knowledge of primary schemes throughout the country, as well as local schemes in closer areas such as Worcester, Springfield, Maine, etc.. He also knows from memory, or looks up, dispatch and routing schedules.

He handles transactions of valuables for a number of banks and brokerage houses, with the banks delivering and picking up single or bulk items at his cage, dealing hand-to-hand with him directly, based on signature blocks. In the event of discrepancies with banks or others it is his responsibility to resolve the discrepancy - to find the whereabouts of the missing pieces. At the start and end of each shift, he signs for transfer of his record from or to employees in the same position on other shifts, with the record being retained in the Registry Section. He is liable for lost or missing pieces inasmuch as he signs for them. From time to time he is assisted by a clerk when increased work load so requires, who works under his guidance. He testified that this work is done entirely without the participation of supervision, although a supervisor is available if necessary.

Former Supervisor Reese testified that his practice in regard to Benecchi was merely to check with him at the start of a shift to make sure things were proceeding without difficulty, but noted that the grievant worked on his own without supervision.

Prior to March 9, 1978, the grievant's position was paid as a PS Level 5 position. On that day, he wrote then Foreman Reese, requesting an upgrade to PS Level 6, and listing the following as some of his responsibilities:

- "1. Responsible for the receipt, and recording of all vals (remittances, currency, jewelry, certificates, etc.) from the work room floor.
2. Responsible for the correct delivery of all currency to all the banks, including the Federal Reserve Bank.
3. Responsible for the preparing for dispatch all high value items, and all coded shipments to be dispatched on tour 2.
4. Responsible for vals with restricted delivery (3 day and 5 day returns) for which notices have been sent for pick-up at the window.
5. Responsible for the preparation and correct delivery of all remittances from all the stations, branches, and 020 offices to the banks.
6. Responsible for maintaining accurate balance sheets in the vault, and safe so that there is strict control, and a smooth transition from one tour to another."

On March 15, 1978, Foreman Reese wrote to Tour Supervisor J. E. Travis, endorsing the grievant's request and noting:

"He works under strict security at all times and has the responsibility and accountability of highly valuable items under his care.... I firmly believe his duties justify upgrading this position."

On that same date, Tour Supervisor J. E. Travis wrote the Manager of Employee Relations, concurring with Reese's recommendation that the position be upgraded to PS Level 6, and noting that Benecchi, on Tour 2, was:

"more responsible for the proper delivery of currency and the proper preparation for delivery of valuable jewelry, valuable securities, and other valuable mail than in the dispatch of this type of mail as done by Tour 3."

On March 22, 1978, Acting Superintendent Travis concluded that the operator of the Val Cage was entitled to be compensated as a Special Postal

Clerk at Labor Grade 6, requesting such a ranking as a Val Cage Technician in a proposed 820 that read in part as follows:

"Basic Function:

Responsible for clearing employees of valuable mail, proper recording of mail while in the cage, obtaining proper signatures from dispatching clerks, and making direct dispatches of currency and valuable jewelry.

Duties and Responsibilities:

- 1) Give clearance signatures to employees submitting valuable mail to the cage.
- 2) Maintain proper records for all valuable Registered Mail entered into the cage.
- 3) Issue Reminder Notices (PS Forms 3810) for valuables in the cage which are to be dispatched.
- 4) Obtain proper clearance signatures when releasing valuable mail to dispatching clerks.
- 5) Prepare all special and hand to hand shipments by the procedures outlined in Headquarter's Instructions.
- 6) Know the proper routings (flights and star routes) to dispatch special and hand to hand shipments on.
- 7) Responsible for receiving and recording all remittances from stations and branches of the Boston Postal District and some ScF 020 offices.
- 8) Make direct dispatches for all currency, valuable jewelry, valuable securities and other valuable mail as needed."

On March 22, 1978, a comparable request for upgrading was processed for the FT Clerks on Tour 3, but these requests were subsequently withdrawn.

On May 5, 1978, the grievant's request for reevaluation was denied by "a higher level". On May 25, 1978, Benecchi wrote the Manager of Employee Relations requesting reevaluation of his position from PS Level 5 to Special Postal Clerk, PS Level 6. On May 31, 1978, he was advised that such a request had to be in the form of a first step grievance and such was formally submitted and a first step meeting held on June 13, 1978.

On August 16, 1978, September 14, and September 20, 1978, while the grievance was pending appeal to Step 2, District Director, Employee

and Labor Relations, made repeated requests for re-evaluation of the disputed classification. On January 10, 1979, a job audit was authorized by the Northeast Region. On January 11, 1979, while he happened to be in Boston on other matters, a compensation audit was conducted by a Postal Service Senior Compensation Specialist. His report, which is entitled a Desk Audit, described the grievant's duties and responsibilities, listed on Form 820 as follows:

"A review of the Duties and Responsibilities listed in Form 820 follows:

1. Responsible for clearing signatures of employees submitting valuable mail to the cage. This is a common function among Grade PS 05 employees. Carriers sign for registered, certified, CODs, insured, postage due mails. Upon Delivery, customers acknowledge receipt by signing appropriate forms. When the carriers return to their offices and submit signed receipts or money, clerks in the various cages sign releases for the carriers. Motor Vehicle Operators sign for and get releases when carrying registry pouches. Typically, Dispatchers are Grade PS 05 Distribution Clerks or Grade PS 04 Mailhandlers.
2. Responsible for maintaining proper records for all valuable registered mail entering into the cage. Distribution Clerk PS 05 may "Record and bill mail (for example COD, registered and so forth) requiring special service" according to the SPD-KP 12.
3. Issue reminder notices PS Form 3810 for valuables in the cage which are to be dispatched. The making out of simple forms is performed typically by grade PS 05 clerks in certified, short paid, insurance, and registry cages.
4. Responsible for obtaining clearance signatures when releasing valuable mail to dispatching clerks. Our response here would be the same as in item 1 above.
5. Responsible for preparing all special and hand to hand shipments by the procedures outlined in Headquarters' Instructions. Headquarters has issued special instructions relative to Registry shipments. For example, shipments valued over \$ 100,000 cannot be shipped via star route vehicles. Then again, shipments valued at \$ 250,000 or more must be accompanied by a security guard. There are some half dozen or so such specific instructions issued by Headquarters and/or the Postmaster to protect registered mails. Grade controlling decision making is not involved; the instructions are well defined.

"6. Responsible for knowing the proper routings (flights and star routes) to dispatch special, and hand to hand shipments on. We question the usage of the word "Responsible". J. E. Travis, Superintendent Registry admits that dispatching and routing schedules for all possible destinations are available in the Val Cage. So Mr. Benecchi doesn't have to know the routings by heart. Also there are dispatching and routing experts -- two (2) Distribution and Dispatch Expeditors PS 06 -- assigned to the Registry Section on Tour 2. Then again, Mr. Travis claims that tour 3 is much more involved in outgoing mails than tour 2. Tour 2 is mainly concerned with delivering incoming mails.

7. Responsible for receiving and recording all remittances from stations, and branches of the Boston Postal District, and some SCF 020 offices. The holding of valuable mail in itself is not grade controlling. Grade PS 05 Motor Vehicle Operators, Carriers and Clerks in locked cages are often required to hold valuable items. There is far less physical danger in the Val Cage, which is quite well protected, like the inner vault in a safe. The receiving and recording of valuable mail was referred to above.

8. Responsible for the correct delivery for all currency, valuable jewelry, valuable securities, and other valuable mail as needed. The preparation of registry packages of money for delivery to local banks or valuables to local customers is no more difficult than preparing items of lesser value for delivery. The delivery of registered mail to a window customer requires proper identification in the Window Clerk PS 05 has such a duty.

CONCLUSION

The submitted Form 820 implies that the position should be a Special Postal Clerk. We do not find the comparison to Special Postal Clerk SP 20157 to be appropriate. The Special Postal Clerk is typically on duty by himself or is a group leader with a limited number of mail processing employees. The Tour 2 Registry Section has 28 craft employees of which five (5) are grade PS 06 -- two Distribution and Dispatch Expeditors; one (1) Special Postal Clerk; one (1) General Office Clerk, Foreign; and one (1) Information Clerk. Typically grade PS 06 positions have technical skills of such that only administrative supervision is required. Accordingly, there are twenty-three (23) grade PS 05 or PS 04 employees in the Registry Section. There are both a Superintendent Registry (B) and a Foreman Registry on Tour 2; supervision is not wanting. Because a supervisor isn't in close proximity to an employee one cannot

conclude that he/she isn't being supervised. For example, a Postage Due Clerk's productivity is measured at any moment by the amount of completed and uncompleted work. A Window Clerk is measured by the size of the lines in the lobby, the number or lack of complaints, etc. However, the supervisor is always nearby if problems are encountered. The Special Postal Clerk typically has no supervisor in the immediate area that he/she can contact when problems arise. Typically, the Special Postal Clerk is involved in both outgoing and incoming mail distribution and is often called upon to make decisions because there is no supervisor at hand. While no supervisor stands over Mr. Benecchi, there is always supervision nearby. We find Mr. Benecchi's position still to be a good match to Distribution Clerk KP 12 PS 05."

He testified that the Audit was an operational audit carried out by talking to the two Supervisors and without talking to the grievant or observing the position, as is usually the case in desk audits, and that after completion, the following Addendum was added to his audit by Peter Cardone, Manager, Job Evaluation, who did not take part in the audit itself:

"ADDENDUM FOR MANAGEMENT ATTENTION

The report indicates a number of craft positions at PS 06 in the Unit, e.g. Special Postal Clerk, (2) Distribution and Dispatch Expeditors, General Office Clerk, Foreign Mail and Information Clerk.

Our visit was not made to do other than audit the grievant's position. We cannot comment on the functional propriety and grades of the level sixes. We do state that these are most unusual. We dare say that this mix is not found elsewhere and that it is certainly not a standard organization. It can be strongly presumed that these several PS 06 positions in the unit are exacerbating the grade problems with the level five positions. Unless local management purifies the organization, it can expect similar grievances to surface."

Sam Hunter testified that the grievant's position of Distribution Clerk was related through the benchmark system to Key Position 12, while the benchmark position of Special Postal Clerk, PS Level 6, in Key Position 15, had the following Standard Position Description:

"BASIC FUNCTION. Has charge, either at work station separated from the area regularly watched over by a supervisor, or during a tour on which no supervisor is present, of a mail processing activity carried out by himself or with assistance of a limited number of mail processing employees.

DUTIES AND RESPONSIBILITIES. Performs one of the following assignments or an assignment comparable to it:

(A) At a work station geographically separated from the parent postal installation, such as the plant of a mail order firm originating a large volume of mail:

- (1) Provides that employees of the originating firm who handle its outgoing bulk mail are sufficiently informed of and trained in the application of relevant postal regulations and practices to contribute effectively to the activity of which the clerk is in charge.
- (2) Weighs or oversees the weighing of the mail and the affixing of the required postage.
- (3) Accepts and provides receipts for insured or COD mail.
- (4) In addition, may make a primary separation of the mail or take receipts from the firm for returned COD and insured mail.

(B) On duty by himself, or with a limited number of mail processing employees.

- (1) Makes primary and one or more secondary distributions of incoming or outgoing mails, or both, based on a knowledge of the applicable distribution scheme or schemes.
- (2) Maintains direct contacts with persons picking up mails in bulk from or delivering it to the postal facility during the tour.
- (3) Personally resolves problems of a routine nature arising during the tour and decides when problems warrant contacting a supervisor at his home or other location away from the facility.
- (4) Keeps required records for such matters as mail on hand and processed.
- (5) May provide leadership to one or more clerks when assigned to his tour or a portion of his tour.

ORGANIZATIONAL RELATIONSHIP. Reports to a designated supervisor.

Hunter stated that Benecchi did not meet the requirements of (A), since he was not assigned to a geographically separated postal installation, or those of (B), since he was not on duty by himself; since his supervisor is not away from the facility; and since he therefore lacked the requisite independence required for that rating. On cross examination, Hunter acknowledged that the grievant was responsible for making primary and secondary scheme distributions as per (B) 1 that he had direct contact with bank and brokerage persons picking up mail as per (B) 2; that he functioned alone for 3-4 hours without supervision as per (B) 3; that he kept records as per (B) 4; and that he does on occasion provide leadership to clerks when they are assigned to assist him as per (B) 5. He acknowledged that although there was a pending grievance, he did not thereafter do the usual Desk Audit elements of observing the position and talking to the grievant.

The grievance was subsequently appealed to arbitration.

CONTENTIONS OF THE POSTAL SERVICE

The Postal Service contends that the grievant and his supervisors improperly compared the grievant's position to the wrong Benchmark job; that salary grade determination is a function reserved to the employer by Article III of the parties' Agreement; that it audited and slotted the grievant in line with the appropriate salary grade through the correct technical process; and that individuals in the Post Service have no right to violate the employer's Article III rights and the procedures of the Employment and Labor Relations Manual or Handbook on Job Evaluation by insisting on placement in a higher salary grade.

It concludes that it has adequately explained why, after an evaluation of the grievant's duties, it denied the request for placement in a higher labor grade, beyond the appropriate level for his duties. It argues that even if sustained, the grievant should be granted back pay effective only two weeks prior to the filing of the grievance.

CONTENTIONS OF THE UNION

The Union contends that the job held by the grievant was improperly rated; that his duties and responsibilities went well beyond those of a grade 5 position; that the employer's own guidelines and standards, as interpreted by its own expert show that he met the standards in part (B) for a labor grade 6; and that therefore, since the grievant met all the requirements of the Level 6 job description, his position should be upgraded and he should be made whole from the March 9, 1978 date when he first requested upgrading.

DISCUSSION

There is no question of the employer's right under Article III to manage the work force and to establish salary grades. But in the exercise of that authority, employees have a right to assure that their level of compensation is commensurate with the duties of the position they hold. Arbitration is the appropriate vehicle for resolving such disputes, judging from page 12 of the Employer's Classification Plan exhibit, which states that, in 1977 at least, two such cases were taken to arbitration.

In the instant case the evidence shows that V. Benecchi has been compensated as a grade 5 Distribution Clerk for a number of years

while operating the Val Cage, first at the Main Post Office and since 1979 and until his retirement at the South Postal Annex. His work load as described above, even by his former supervisor, shows that he functioned independently without the participation of his supervisor, throughout the day, and that he exercised skills and responsibility that were more akin to a Level 6 position than to a Level 5 position. Such was the conclusion of his supervisor on March 15, 1978, and of his Acting Superintendent on March 22, 1978 when the latter compared his duties to those of a Special Postal Clerk.

Although we recognize that these supervisors did not have the authority to implement such an upgrade, their experience with comparable positions and their familiarity with the duties and responsibilities of the Val Cage Operator, persuade us that their recommendation was not without validity.

This is borne out by an examination of the Addendum to the Compensation Audit, which was submitted and cited as a Bench Audit although Bench Audit procedures were not followed. In that Addendum, prepared by the Manager of Job Evaluation who, according to the record, did not participate in the inquiry of the two supervisors that constituted this Audit, ^{it is} recognized that a number of comparable craft positions in the Unit were at PS Level 6, including Special Postal Clerk, Distribution and Dispatch Expeditors, General Office Clerk, Foreign Mail and Information Clerk.

Even if, as Cardone suggests, this mix was "most unusual" and "not-found elsewhere" and "certainly not a standard of organization",

the warning that "unless local management purifies the organization", persuades us that the comparison of the Val Cage Operator to other PS Level 6 positions was a realistic assessment of comparability.

A reading of the excerpts of the Classification Manual submitted into evidence by the Postal Service, shows on page 10 that the grievant has met the employer's standard for being rated as a Level 6 rather than a Level 5 position.

"Level 6 key positions described in the Act are distinguished from level 5 key positions by such elements as a more specialized knowledge of rules, regulations, procedures or operations; application of this knowledge in situations in which complex sets of facts must be resolved and the solution of the problem involves the exercise of judgment in either interpreting rules, regulations and procedures in deciding relative values or courses of action..."

Any doubt in this regard is resolved by the testimony of the Expediter who did the audit. On cross examination, Mr. Hunter acknowledged that the grievant met the requirements of Part (B), 1, 2, 3, 4, and 5 of the Duties and Responsibilities of the Benchmark Special Postal Clerk position. Although he testified that the differentiating factor was his understanding that Part (B) applied only to situations where the supervisor was physically away from the facility, as noted in (B) 3, our reading of that portion of the document persuades us that its objectives were met in the grievant's personal resolving of routine and, indeed, even unusual problems arising during the tour and his minimal resort to supervision, which was not in the Val Cage but elsewhere in the facility. His supervisor's testimony that he only checked with the grievant at the start of each shift, persuades us that the grievant functioned almost totally independently and thus met the requirements of (B) 3, as

well as the other elements of Part (B) of that standard.

It should be noted that the failure of the two other Val Cage operators to process their claims through to arbitration, does not in any way preclude the grievant from doing so, and cannot be viewed as reducing the validity of this claim.

Accordingly, we find that the grievant was performing Salary Level PS 6 work although improperly classified as a PS Level 5. He was entitled to be upgraded to that salary level.

This brings us to a consideration of the remedy. Mr. Benecchi is entitled to reimbursement for earnings lost by the employer's failure to properly compensate him in the PS Level 6 labor grade. The Postal Service asserts that back pay shall be limited to a period following two weeks prior to the filing of the grievance. We have been cited no contract provision restricting back pay to that period. The evidence in this case shows that the grievant filed his initial request for upgrading on March 9, 1978; that it was treated favorably by the lower levels of management until June, when his request was rejected and he was formally advised to grieve.

We are persuaded that the grievant first advised the employer of his belief that he was improperly classified on March 9, 1978; that the employer had it within its authority to correct his labor grade from that date of notice; and that reimbursement for earnings lost should be provided from that date until the date of the grievant's retirement.

DECISION

The position held by V. Benecchi should be upgraded to Level 6 Special Postal Clerk. He shall be reimbursed for earnings lost from March 9, 1978 until the date of his retirement.


Arnold M. Zack

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Arbitration Division
Labor Relations Department