



## UNITED STATES POSTAL SERVICE

475 L'Enfant Plaza, SW  
Washington, DC 20260

November 23, 1982

ARTICLE	19
SECTION	M-5
SUBJECT	
TRAINING, Not	
SENIOR	

Mr. Wallace Baldwin, Jr.  
Assistant Director  
Clerk Division  
American Postal Workers  
Union, AFL-CIO  
817 - 14th Street, N.W.  
Washington, D.C. 20005

Re: D. Carideo  
Tucson, AZ 85726  
H1C-5K-C-4561

Dear Mr. Baldwin:

On October 29, 1982, we met to discuss the above-captioned grievance at the fourth step of our contractual grievance procedure.

The matters presented by you as well as the applicable contractual provisions have been reviewed and given careful consideration.

The question in this grievance is whether management violated Articles 2 and 37 of the National Agreement. The grievant was not deemed the successful bidder because a local policy that allowed an unqualified bidder an opportunity during the 90-day deferment period to take and pass the qualifying examination was cancelled.

The union contends that, since the grievant qualified on the scheme requirements during the deferment period, she should have been awarded the bid when the senior bidder failed to qualify. She was the second senior bidder.

It is the position of the Postal Service that, in accordance with Part 412.1 of the Schemes: Construction, Assignment, and Proficiency Handbook, M-5, only a designated senior bidder is allowed to take advantage of the deferment period for training. We find no requirement to give an unqualified bidder an opportunity to use the deferment period for training or qualifying. Moreover, Article 37.3.F.3. of the

Mr. Wallace Baldwin, Jr.

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National Agreement provides that immediately after the end of the deferment period, the senior bidder then qualified shall be permanently assigned. In our view, local management properly awarded the bid to another employee who met the criteria stipulated in Article 37.3.F.3.

Finally, the information contained in the grievance file does not support the grievant's allegation of disparate treatment.

Accordingly, as we find no violation of the National Agreement, this grievance is denied.

Sincerely,

*Joan S. Palmer*  
Joan S. Palmer  
Labor Relations Department

*Copy of not reviewed as  
a fact case*