



UNITED STATES POSTAL SERVICE
475 L'Enfant Plaza, SW
Washington, DC 20260

November 13, 1981

ARTICLE	37
SECTION	3F4
SUBJECT	
PREVIOUS TO PL377	
FAILURE	
NO ARA	

Mr. Gerald Anderson
Executive Aide, Clerk Craft
American Postal Workers Union, AFL-CIO
817 - 14th Street, NW
Washington, DC 20005

Re: J. Landry
Lafayette, LA 70501
H8C-3Q-C-26973

Dear Mr. Anderson:

On August 6, 1981, we met with you 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 or not management violated Article XXXVII of the National Agreement by requiring the grievant who was a senior bidder on a LSM assignment to take a test to determine if he was qualified on the dexterity portion of the training program. He had previously failed to qualify on another LSM assignment.

In the instant case, the grievant had last failed to qualify on August 22, 1980. On February 10, 1981, he was notified that he was senior bidder on another LSM assignment and would be given a test to determine if he was qualified on dexterity. He refused to take the test and instead filed this grievance protesting the procedure.

It is the position of the Postal Service that the circumstances surrounding the case must be carefully reviewed and evaluated before it is determined to pass over a senior bidder for an LSM assignment who has failed to qualify on a previous LSM assignment. Consideration must be given to the following factors, if determinable; the length of time since the last failure to complete the prescribed training success-

fully; the point in the training where the failure occurred; the cause of the failure, and whether the reasons for the failure continue.

In our opinion, such a testing procedure as employed here does not, by itself, provide the careful review of the circumstances of an employee's past failure as required. However, the employee should have taken the test. The results of such a testing may be used to assist management in the reviewing procedure and in determining the amount of necessary dexterity training, if any, that may be required.

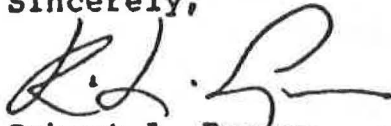
The test obviously can not be the sole reason to exclude the employee for at least two reasons. One, the time span of over four months since the initial training, may have caused a deterioration of the manual skills; and two, the employee may have failed initially in the dexterity phase, and it would be unreasonable to expect him to pass a dexterity test some months later without some amount of training. The employee may not need the entire 18 hours.

If the test is still being given to senior bidders who have previously failed to qualify, it will not be the sole reason for passing over such a bidder for an LSM assignment.

The grievant in this case refused to even take the test and this grievance is denied for that reason.

Time limits extended by mutual consent.

Sincerely,



Robert L. Eugene
Labor Relations Department