

In the Matter of Arbitration

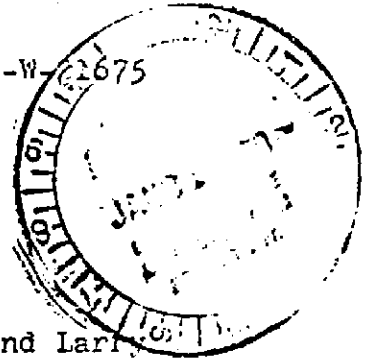
between .

Grievance No. AC-W-2675

UNITED STATES POSTAL SERVICE

and

AMERICAN POSTAL WORKERS UNION



APPEARANCES: Barbara S. Fredericks, Attorney, and Larry
Anderson, Esq., for the Postal Service;
Richard I. Wevodau for the Union . . . ;

DECISION

This grievance arose under and is governed by the 1975-1978 National Agreement (JX-1) between the above-named parties. The undersigned having been jointly selected by the parties to serve as sole arbitrator, a hearing was held on 8 November 1979, in Los Angeles, California. Both parties appeared and presented evidence and argument on the following stipulated issue (Tr. 3):

Does the Postal Service violate the [1975-] 1978 National Agreement and any applicable instructions issued thereunder when it fails to compensate electronic technicians, Level 9, at the Los Angeles Bulk Mail Center as electronic technicians, Level 10[?]

A verbatim transcript was made of the arbitration proceedings. Each side filed a post-hearing brief. Upon receipt of the briefs, the arbitrator officially closed the record on

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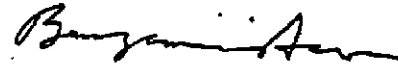
27 December 1979.

On the basis of the entire record, the arbitrator makes the following

AWARD

The Postal Service does not violate the 1975-1978 National Agreement and any applicable instructions issued thereunder when it fails to compensate electronic technicians, Level 9, at the Los Angeles Bulk Mail Center as electronic technicians, Level 10.

The grievance is denied.



Benjamin Aaron
Arbitrator

Los Angeles, California
16 January 1980

In the Matter of Arbitration

between

UNITED STATES POSTAL SERVICE

and

AMERICAN POSTAL WORKERS UNION

Grievance No. AC-W-21675

OPINION

I

The grievants in this case are Electronic Technicians (ETs) employed at the Postal Service's Bulk Mail Center (BMC) in Los Angeles. The grievants presently are classified in salary level PS-9; they contend that they should be upgraded to level PS-10.

On 28 March 1974, the Postal Service issued "Guidelines for Use of Electronic Technician Level 10 Positions" (UX-1), to become effective immediately. The Guidelines provided in part:

III. General Policy

The level 10 ET position is an exception to the normal promotion pattern for electronic technicians. Its use will be strictly limited to postal equipment equivalent to CCR [Optical Character Reader]-1 in skill requirements, or troubleshooting complexities.

IV. Responsibilities

Use of ET level 10 positions at non-bulk mail

facilities will be approved by the Office of Maintenance Management, Real Estate and Buildings Department, Administration Group. Use of ET level 10 positions at BMCs will be approved by the Director, Plant Management Office, Bulk Mail Processing Department, Operations Group. . . .

V. Procedures

Local offices with unique or highly complex in-house maintained postal equipment that feel this equipment is of equivalent maintenance complexity to OCR-1 and warrants an ET 10 position should submit a narrative justification describing equipment designation, numbers of equipment units on-site, number of proposed ET 10's needed and any other staffing criteria available. . . .

VI. Action by Headquarters

Upon receipt of the request at Headquarters, the appropriate office will develop a technical evaluation of the equipment in question. Using evaluation criteria, regional and local narratives and recommendations, and good management practices, that Office, in conjunction with the Employee and Labor Relations Group, will render a decision to the Region or BMC on the equipment in question. . . . The procedures set forth in this Regional Instruction are applicable only to electronic technician jobs which, due to extreme complexity of the equipment involved, are clearly of a higher order of difficulty than the duties of an ET level 9. OCR-1 will be considered to be the minimum level of complexity for purposes of justifying and ET level 10 position.

On 11 May 1977, J. V. Jellison, Assistant Postmaster General, Mail Processing Department, sent a memorandum to Regional Postmasters General (JX-3), advising that certain standard positions found in Personnel Handbook P-1, Position Descriptions, including 0856-01 Electronic Technician - PS-10, were "available

for use at Bulk Mail Centers." The memorandum concluded:

In addition to the foregoing, it should be recognized that appropriate requests for upgrading of existing encumbered assignments may be processed through the established compensation procedures. In this regard, note that the use of the ET-10 position description will require compliance with a forthcoming Regional Instruction. . . . This instruction will be promulgated in the very near future.

To date, no employees at the Los Angeles BMC have been classified as ET-10.

As set forth in the job description of ET-9 (JX-4), the basic function is as follows:

As an Electronics Technician, carries out all phases of maintenance, testing and troubleshooting on digital and analog electronic circuitry as found in various special purpose and/or general purpose computers, electronic and optical scanning devices, core memories, data transmission and communication equipment. Performs corrective and preventive maintenance, inspection, modifications, installations, assembly and disassembly on any one or more of the above type systems.

As set forth in the job description of ET-10 (JX-5), the basic function is as follows:

As an electronics technician, carries out phases of maintenance, troubleshooting and testing of average complexity on digital and analog electronic circuitry as found in special purpose computers, electronic scanning devices and magnetic drum memories. Performs preventive maintenance and inspection of above type equipment.

According to the testimony of Wendall Galloway, Senior Job Analyst, Office of Compensation, Employee Labor Relations Group, the Postal Service's principal witness on this point, the three following elements of the ET-10 job description

account for its being rated higher than ET-9 (EX-1):

- (D) Participates with contractor representative. . . in installing or altering equipment as directed.
[Emphasis added]
- (E) Makes reports of equipment failures which require corrective action by contractor and follows up to see that appropriate action is taken. . . .
- (H) Furnishes pertinent data to superiors and contract personnel on operating and testing problems.

The Union's position was stated succinctly by Edwin Figueroa, Vice President, Maintenance Craft, Los Angeles BMC, in a letter dated 13 October 1977 to the Postal Services Regional Director, Employee and Labor Relations (JX-2). The letter read in part:

All present Electronic Technicians at the Los Angeles Bulk Mail Facility must be upgraded from PS9 to PS10. This is justifiable for the following reasons. All BMC Technicians on all tours are responsible for maintaining the Process Control System (PCS) required to operate the BMC. The skill requirements and trouble shooting complexities of the PCS far exceed those demanded by the Optical Character Reader (OCR) used at major postal installations.

OCR Technicians were upgraded to PS10 primarily because until the design of the Bulk Mail Centers this equipment was the most complex and sophisticated system used to process mail within the postal service. This is now no longer true; The latest engineering concepts, utilizing current State-of-the-Art components, have been incorporated into the design of the Process Control System used in each Bulk Mail Facility.

The Union also asserts in its post-hearing brief (p. 1):

At no step of the grievance procedure was [the] issue [of the alleged lack of responsibility under the ET-9 job description to perform any of the three functions cited by Galloway and quoted above] raised. In fact, the Steps 2, 3 and 4 decisions indicated that Management had initiated action on determining the proper level for the

positions [in question].

The Step 3 answer of the Postal Service, set forth in a letter dated 10 December 1977 from David H. English, Regional Labor Relations Representative, to Raydell Moore, the Union's Western Regional Coordinator (JX-2) stated in part:

This grievance is denied as no violation of the National Agreement has occurred. Management has initiated the proper procedure to determine the level of the positions involved. The record file does not demonstrate that the employees are improperly classified.

The response of the Postal Service at Step 3, if not before, was thus broad enough to encompass the more specific reasons for denying the grievance than it advanced in the arbitration proceeding.

Through its witnesses--Terry W. Schultz, one of the grievants, and David Brown, an ET presently employed in the New York BMC--the Union sought to prove that the ET-9s at the Los Angeles BMC are responsible for all phases of maintenance of the Process Control System (PCS); that the PCS is considerably more complex than the OCRs for which ET-10s are responsible; that the ET-9s at the Los Angeles BMC have become highly skilled at performing trouble-shooting and maintenance work; and that some OCR technicians at the PS-10 level are not assigned all the job responsibilities found in the ET-10 job description.

In its post-hearing brief (pp. 3-4) the Union emphasized the following:

It must be kept in mind that the Postal Service - not the Union - initiated the Regional Instructions in March of 1974. It was the Postal Service - not the Union - who in those instructions, indicated that equipment of the complexity of the OCR warranted the use of the ET-10. It was the Postal Service - not the Union - who in May of 1977, made available the ET-10 for usage in the BMCs. Lastly, it was the Postal Service in the person of John Duchesne [General Manager, Built Systems Division, Office of Maintenance Management] - not the Union - who testified that the Process Control System was as complex as the OCR.

II

The Union's argument in this case appears to me to be based on two important misconceptions. The first has to do with the purpose and effect of the 1974 Guidelines for the use of ET-10 positions and of the 1977 Jellison memorandum. Neither constitutes a directive to establish an ET-10 position or to upgrade anyone to it. The Guidelines state that the ET-10 position "is an exception to the normal promotion pattern for electronic technicians," and that its use "will be strictly limited to postal equipment equivalent to OCR-1 in skill requirements, or troubleshooting complexities." The Jellison memorandum does no more than to announce that nine different positions, including ET-10, are available, if needed, at BMCs, and to outline the procedure for requesting the upgrading of existing unencumbered assignments.

The second misconception is that if employees develop skills beyond those necessary for the satisfactory performance of a job, they should be evaluated on the basis of the skills they possess. The testimony of Schultz and Brown is persuasive

that the ET-9s who maintain the PCS at the Los Angeles BMC are highly-skilled employees, and that they have developed considerable expertise in handling very complex equipment. It is axiomatic in job evaluation, however, that the evaluation applies to the work performed, rather than to the employee who performs it. Thus, it may be that some or all of the ET-9s at the Los Angeles BMC are capable of performing the duties of an ET-10; but I am satisfied from the evidence that there are significant differences between the duties of an ET-10 and those presently assigned to the grievants at the Los Angeles BMC.

Those significant differences were indicated by Galloway in that portion of his testimony previously quoted. The functions of the ET-10 classification that account for its exceptional rating are not performed by the grievants at the Los Angeles BMC. The evidence on this point is correctly summarized in the Postal Service's post-hearing brief (pp. 4-5), as follows:

The ETs in the Los Angeles BMC work all shifts and all report directly to a supervisor. Testimony revealed that there are actually two levels of supervision with technical knowledge of the process control system to whom the ETs report. The floor supervisors to whom the ETs report directly have gone through training on the equipment by Logicon, the manufacturer of the process control system. But, more importantly, most of the work assignments the ETs receive come from the Digital Electronic Systems Engineer, Bachittar Juneja. Juneja fills out work orders on standardized forms. On these forms, he details how the work is to be performed, and attaches the schematics necessary to complete the job.

Juneja sends the job to the planning department. From the planning department, the job is sent to the ET's immediate supervisor who in turn hands the job to the ET (T 106). Although Juneja and the rest of the technical staff are not on duty every hour the Los Angeles BMC is in operation, Juneja himself has been available on call 24 hours a day to aid when there's a problem with the system which the ETs on duty cannot solve (T 103, 104).

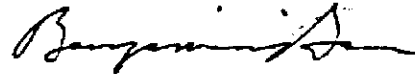
In contrast, ET-10s employed elsewhere have no technical support staff, nor do they have access to a Digital Electronic Systems Engineer, such as Juneja. They are therefore required to deal directly with and to prepare written reports for contractor representatives. Whether or not some ET-10s still perform those duties is irrelevant so far as the grievants are concerned, so long as the job requirements remain the same; for those requirements are not part of the ET-9 position.

The parties are free, of course, to agree that the distinction between the ET-9 and ET-10 jobs should no longer be maintained, and that some or all incumbents in the former should be upgraded to the latter. Indeed, in the 1978 negotiations the Union proposed that all Maintenance Craft positions should be upgraded one salary level for each occupational group (EX-2), and that ETs who are required to have knowledge of two complete systems should be upgraded to level 10 (EX-3); but neither of those proposals was adopted.

I conclude, therefore, that nothing in the history of the establishment of the ET-10 position commits the Postal Service to establish that position at the Los Angeles BMC, and that the duties presently performed by the ET-9 grievants are sig-

nificantly different from the key job requirements of the ET-10 position. Needless to say, this conclusion is in no way to be construed as a finding that the grievants are not highly-skilled; they obviously are. It is important to reiterate, however, that employees are classified and paid on the basis of the requirements of the jobs they perform, and not on the basis of either their superior capability in performing assigned job duties or their ability to perform more demanding functions of higher rated jobs to which they are not assigned.

The grievance is denied.



Benjamin Aaron
Arbitrator

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