

Once again, as your National Board continues contract negotiations with the Postal Service we are faced with the same issue that has been around with other contract negotiations in the past. It is what the Postal Service terms the "BUMP," or the number of hours rural carriers work under their evaluation. While your National Board fully believes that the rural carrier evaluated system should be an incentive system in which rural carriers who work hard may benefit, there are differences of opinion as to the amount of time rural carriers should be working under their evaluated hours. This within itself is very frustrating and in our opinion goes to the very heart of the evaluated pay system. With that said, it is critical that rural carriers across this nation realize that all work hours in the rural carrier craft must be recorded accurately on the PS Form 4240.

As your National Board traveled to the various conferences this year, once again we were informed that there are still rural carriers that are not reporting all work hours accurately on the PS Form 4240. In other words, they are "Working Off The Clock." No one can say with certainty how many hours the practice of working off the clock contributes to the "bump." However, we can say with certainty that whatever the numbers are, this practice harms all rural carriers! Any time contributed to the bump by working off the clock, regardless of the amount, hinders the craft's ability to bargain for additional time and/or compensation. Although in the past we have notified craft members and stewards at all levels of the NRLCA that working off the clock must STOP, we are still receiving information that a large number of carriers still work off the clock. This craft no longer has the luxury nor will we look the other way when some of our fellow craft members work off the clock. Therefore, the National Board is serious to rid the rural craft of this serious problem. We will be putting both craft members and management on notice that working off the clock will not be tolerated by the leadership of this union at any level.

Every effort needs to be expended to ensure the accuracy of the relationship between work performed and actual hours recorded. All craft members—not just state stewards, assistant state stewards, area, and local stewards—will be essential in the effort to eliminate the practice of working off the clock. As always, there will be resistance by some, but we cannot be deterred from doing what serves the greater good. If the grievance procedure seems wanting in some circumstances, charges of unfair labor practices may have to be considered as a supplemental tool. This National Board is committed to using whatever means necessary to accomplish the mission. We all have a role to play. Let's begin. The future of our evaluated system depends on it!

The USPS headquarters is in full agreement that no one should be working and not reporting work hours. It is going to be up to all of us to ensure that violations be challenged to ensure that rural carriers not be allowed to work off the clock. In all likelihood, the first question that comes to everyone's mind is, "What should I do when I learn about or I see that someone is working off the clock?" If you have a local steward in your office, you should let that local steward know immediately. If you are the local steward and a carrier makes you aware that another carrier is working off the clock, what should you do? The first thing the local steward should do is approach the carrier who is working off the clock and make them aware that what they are doing is improper. Explain to the carrier they should be recording all time worked on the PS Form 4240. Then explain the ramifications of their actions and the possible consequences if they continue to work without properly documenting their time on the PS Form 4240. If there is no local steward in an office, any craft member can approach the carrier who is working off the clock and explain to them why they should not be working off the clock. If individual craft members are not comfortable doing this, they should contact an area, assistant, or state steward and let him or her know what is taking place. The certified steward should make contact with the carrier and explain the possible repercussions of their actions.

Once a steward becomes aware of carriers working off the clock, the steward has counseled the carrier, and the carrier continues to work without properly recording the hours, the steward should approach management. The steward should ask management to ensure that all hours worked are being recorded. According to the Fair Labor Standards Act (FLSA) of 1938 as revised, "Every employer subject to any provision of the Act or of any order issued under this Act shall, make, keep, and preserve such records of the persons employed by him and of the wages, hours and other conditions and practices of employment maintained by him, and shall preserve such records for such periods of time, and shall make such reports therefrom (sic) to the Secretary as he shall prescribe by regulation or order as necessary or appropriate for the enforcement of the provisions of this Act or the regulations or orders thereunder (sic)." To put this in everyday terms, it is the responsibility of the employer to ensure that all hours worked are accurately recorded. If management fails to correct the problem or chooses to ignore the fact that hours are being worked and not recorded, it may become necessary to file a grievance to ensure compliance with the contract and FLSA. Before a grievance is filed, the steward might want to consider asking an assistant state steward or a state steward to go to the Manager of Post Office Operations, or if necessary to the District Manager, to make them aware of the failure of their subordinates to comply with the contract and FLSA. By attempting to resolve the issue prior to initiating a grievance, the steward has put the manager on notice. If all the efforts of the steward to resolve the problem fail, the steward should file a grievance. In addition, the state steward should notify their assigned executive committeeman and place them on notice that the issue is now in the grievance procedure.

When filing a grievance regarding the issue of working off the clock, the steward needs to remember that the grievance is being filed against management for allowing employees to work without compensation. The grievance is not against the employee. Managers will often deny that they were aware of anyone working off the clock. This is not an acceptable excuse. Postal managers are the "employer" as defined by the Fair Labor Standards Act. As such, they are responsible for keeping accurate records of hours worked. When managers complete and certify the information on the time sheet (PS Form 4240), they should be verifying that all the hours that have been worked are recorded accurately on the document before they certify it to be correct.

Although carriers should be accurately recording all hours worked, the ultimate responsibility to ensure that all hours worked are properly recorded rests with the employer. Let there be no misunderstanding how serious the National Board is about this issue. We are directing stewards at all levels to help us stop management from allowing rural carriers to "work off the clock." Your National Board is committed to use whatever means necessary to accomplish this mission.