



# STEWARD LINK

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## MAIL COUNT FOLLOW-UP

Compensation for rural carriers is based on the evaluation of their routes. The evaluation of rural route is determined by the number of boxes and miles, with the amount of mail handled, and other duties performed by the carrier during mail count. Therefore, it is imperative that mail count be conducted accurately to ensure that carriers are compensated correctly and fairly for the work that they perform. It is essential that accurate data is obtained and proper credit is allowed during mail count.

Following mail count, there are two issues that rural carriers need to be aware of and to follow-up on. These two issues are: (1) when the carrier elects not to sign Form 4241 to verify the count data to be correct and submits comments to the contrary; and (2) when entries on the 4241 are redlined by personnel at the District office. Carriers must be watchful that the proper procedure is followed.

Pertinent provisions taken from the *PO-603, Rural Carrier Duties and Responsibilities* and the *M-38, Management of Rural Delivery* addresses the above issues is printed below.

### *PO-603, Rural Carrier Duties and Responsibilities*

#### **533 Procedures for National and Special Mail Counts**

##### **533.1 Responsibility**

##### **533.11 Postmasters**

Postmasters must hold joint conferences with supervisors and rural carriers to discuss count procedures at least 15 days before the start of the count. In addition, the postmaster must arrange a meeting with each eligible rural carrier to discuss requirements for election of a higher classification for which the rural carrier may qualify (see 535.23k). The postmaster is also responsible for including, in writing, any questions or comments raised by the carrier after the count, forwarding Form

4241, Rural Delivery Statistics Report, with the written comments to the Management Sectional Center (MSC), and advising the carrier, in writing, of the MSC's decision. Postmasters must make every effort to immediately resolve disagreements regarding the actual number of pieces counted at the local level.

##### **533.12 Postmasters or Supervisors**

Postmasters or supervisors must make completed Forms 4241 available to carriers and ensure that all columns on Form 4241 have been completed and totaled before giving the forms to the carriers to review. The signature of the postmaster (or designee) is considered

verification of the validity of the count data

533.13

#### Carriers

If you agree with the count data, your signature is considered verification of the validity of the count data. When you disagree with the count data, you need not sign the form. However, you must promptly submit written comments to the

postmaster explaining in detail the reasons for objecting the exact nature of the supposed errors or omissions.

533.14

#### Management Sectional Centers

The MSC is responsible for providing a prompt written reply to the postmaster advising of its decision.

### M-38, Management of Rural Delivery

525.2

#### Accuracy of Count

.21 Postmasters or supervisors are responsible for the completeness of all mail count information, the accuracy of the "Total" columns entered on the report forms, as well as the manner in which the count of mail is conducted. The carrier must be afforded adequate time to review the completed Form 4241 before signing it.

.24 Signatures of the postmaster and carrier are considered verification of the validity of the count data.

.25 When the carrier disagrees with the count data, the carrier need not sign the form. However, the carrier must submit promptly written comments explaining in detail the reasons for objecting and the exact nature of the supposed errors or omissions. The postmaster also must include comments in writing concerning any questions raised by the carrier. Form 4241, together with the letters from the postmaster and carrier, must be forwarded to the Management Sectional Center office. (Where the disagreement concerns the actual number of pieces counted, every effort must be made to resolve the matter immediately at the local level.)

.26 A prompt written reply to the postmaster will be furnished by MSC offices advising of the decision. The carrier will be promptly informed in

writing by the local management of the decision and the reasons therefore.

#### 526.634 Submission and Disposition of Forms 4241

##### a. Postmaster's Actions

##### (2) Submission to MSC

(a) General -- Mail the original and the first carbon copy of Form 4241, so they will be received at the MSC office in accordance with the schedule outlined in the *Postal Bulletin* each year. Retain the second carbon copy. After the MSC office review, the first copy will be returned to you with needed corrections clearly marked. Compare it with your copy [postmaster], make all necessary corrections, and promptly give one copy to the rural carrier. Retain the other in your files.

##### 526.634.2b. Management Sectional Center Actions

##### (1) Management Sectional Center Review of Form 4241

Installation heads at management sectional centers are responsible for reviewing all Forms 4241 for accuracy, completeness, and compliance with instructions before transmitting them to the respective Postal Data Center

(PDC) for processing. The following are points requiring especially careful attention:

(a) Verify that all routes have been counted. (Establish a checklist.)

(b) Verify the correctness of the post office finance number and route number.

(c) Check for the correctness of the official length of the route.

(d) Make sure that each box or square is filled in with a number or Zero. Columns 18-20 must have the actual number of vehicle stops.

(e) Check loading entries for reasonableness in relation to mail volume, especially parcel post.

(f) Disallow entries under Other Suitable Allowance that appear unreasonable, are insufficiently explained in the

Comments Section, or are otherwise provided for by automatic time allowances. Disallow all extra time claimed for weather, flat tires, and similar non-recurring factors. Strapping out time is automatically computed and shown on Form 4241-A, Rural Route Evaluation. The postmaster of the office submitting the forms must be advised in writing of the reason why any entry was disallowed.

(g) Ensure that the total time, hours and minutes and minutes only, are correctly shown where required.

(h) Check the locked pouch column to ensure that a time allowance is not claimed for a carrier who receives a monetary locked pouch allowance. (See the Form 4248 covering the annual route inspection for verification.)

\*\*\* Reference to MSC above is now considered to be the "District Office" \*\*\*

#### ***Carrier Signing to Certify the Data to be Correct***

Section 533.12 of the PO-603, as well as Section 525.24 of the M-38, stipulates that a carrier's signature is considered verification of the validity of the count data. Therefore, when a carrier signs a 4241 as being correct, he/she has no grounds to

challenge the validity of the mail count at a later date. Under these circumstances there is no basis for a grievance to be filed and stewards should recommend against a carrier doing so.

#### ***Disagreeing With the Count Data***

In the event a carrier disagrees with the data entered on Form 4241, the carrier does not sign it, but promptly submits written comments explaining in detail the reason for objecting in accordance with Section 533.13 of the PO-603, and Section 525.25 of the M-38. Management is required to submit written comments and the carrier's written comments along with the 4241 to the District office (PO-603, 533.11).

Upon receipt of the information, the District office will review the issue and provide the postmaster with a prompt reply of its decision as provided in Section 533.14 of the PO-603, and Section 525.26 of the M-38. Section 525.26 of the M-38 requires local management to promptly inform the carrier, in writing,

of the decision of the District office. If the District office rejects the carrier's challenge and the carrier still objects to the data submitted, a grievance may be filed on the issue if he/she so chooses.

Carriers and local stewards should communicate with local management with regard to receiving the prompt decision concerning the carrier's objections to the mail count data. Both, the District's decision to the postmaster and local management's written notification to the carriers are to be prompt. Many managers are not aware of this requirement; therefore, follow-up may be needed in a number of cases.

### ***Redlining Executed by the District Office***

Section 526.634.2(b) of the M-38 gives management at the District office the responsibility for reviewing all Forms 4241 for accuracy, completeness, and compliance with instructions. This provision allows District management to make corrections of errors in math computations on the 4241(s) and to disallowing entries in Other Suitable Allowances, which appear to be unreasonable, or are insufficiently explained in the Comments Section. In addition, District personnel are to verify that the mileage is correct, the loading entries are reasonable in relation to the volume of mail, and are to ensure that locked pouch credit is not included in both the route evaluation data and for the monetary locked pouch allowance.

Section 526.634 of the M-38 gives District management the authority to make corrections and changes on the 4241; however, it is only to a very limited degree. As stated earlier in this article, when there is no disagreement concerning the accuracy of the data entered, the 4241 is signed by both the carrier and the postmaster or supervisor in the local office certifying it to be correct. Most of the data on the 4241 consist of an actual count of mail pieces. The determination of the accuracy of a piece count

can only be made at the location and time the pieces are actually counted. This is the responsibility of management in the local office. Therefore, if the data is incorrect the postmaster or supervisor will not sign the forms certifying the data to be correct. When the 4241(s) reach the District office, it is too late to question the accuracy of data for such items as number of letters, parcels, and mark-ups.

When the above listed items on the 4241 are corrected, the District must notify the postmaster as provided in Section 526.634.2(a) of the M-38. The District personnel must clearly mark the corrections and return the first copy of the 4241 to the postmaster. The postmaster will correct his copy and promptly give one copy to the rural carrier. Follow-up may be necessary to ensure that carriers are properly notified when changes are made to the 4241. Upon receiving the corrected copy from the postmaster, the rural carrier must decide if he/she wishes to challenge the action of the District office. It would be a grievable matter if the carrier does not feel the changes to the above listed items are justified or because changes were made to items on the 4241 other than those provided for in the M-38.

### ***Form 4241A, Rural Route Evaluation***

At the conclusion of mail count many carriers calculate the evaluation of their route. Therefore, when they receive the new Form 4241, Rural Route Evaluation, for their routes, they can readily tell if the data was changed on the 4241. We recommend that all rural carriers calculate, or have someone help them to calculate, the evaluation for his/her route.

This information is needed in order to compare it with the figures on Form 4241A to ensure credit was not disallowed without the carrier's knowledge. Carriers must be attentive to ensure they receive all the credit to which they are entitled and be ready to file a grievance if management exceeded or failed to follow the provisions of the M-38 or the PO-603.

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## **UNION REPRESENTATION THE POSTAL INSPECTOR AND YOU**

Enclosed in this article is a small card. Please remove from this article and carry it with you at all times!!!!

The National Rural Letter Carriers' Association realizes the need for the Postal Inspectors and their need to protect postal employees and property. This article is not to obstruct the duties of the Postal

Inspectors. The intent of this article is to define the rights of the Rural Carriers.

If the Postal Inspectors approach an employee, can they request a **UNION** steward to be present during the interrogation?

**YES!!!** This is known as **WEINGARTEN RIGHTS**.

The rights of employees to the presence of union representatives during investigative interviews was announced by the U.S. Supreme Court in 1975 in National Labor Relations Board (NLRB) vs. J. Weingarten, Inc. {#183}. Since that case involved a clerk being investigated by the Weingarten Company, these rights have become known as **Weingarten Rights**.

When should a **UNION** steward be requested?

**As soon as they identify themselves** to you as Postal Inspectors and say they would like to ask some questions, or that they wish to search your person or car.

Are Postal Inspectors required by contract or law to advise you that you may have a **UNION** steward present?

**No!!!** . . . They are not required to, nor **will they!** It is **your** responsibility to know and exercise your rights.

What are my rights during an interrogation when they say I am the subject of a criminal investigation and may go to jail?

The best advice is to **REMAIN SILENT!** Advise them that you want your **UNION** steward, the opportunity to speak with an **ATTORNEY**, and you will cooperate after you have had the advice of an **ATTORNEY**. Remember that if they have enough evidence to establish criminal culpability, they will advise you of your rights under the law and proceed with a formal arraignment. These are the famous rights known as **MIRANDA RIGHTS**.

If they do try to interrogate you, they are probably hoping that you will blurt out the evidence that they are looking for.

What if they give me a **WAIVER FORM** and ask me to sign it?

**UNDER NO CIRCUMSTANCES SHOULD YOU SIGN A WAIVER OF YOUR MIRANDA RIGHTS!**

If you are ever asked to read and sign a PS Form 1076 ("Warning and Waiver of Rights") by the Postal Inspectors, you can assume that you are in serious trouble.

Am I **required** to make a written statement when the Postal Inspectors request it?

**NO!!!** It is important that **any** written or recorded statement be voluntary.

It is important that you consult an **ATTORNEY** and/or your **UNION STEWARD** **before** making a written or oral statement.

If you are stopped by the Postal Inspectors, **REMAIN CALM**, get out your card "**The Postal Inspector and You**", and read it to the Postal Inspector. Ask for your **UNION** steward and/or **ATTORNEY**. **Do not** do anything that will cause the Postal Inspectors to have an interest in you. **Do not** allow one to **pressure** or **harass** you for any length of time, without requesting advice from your **UNION** and/or your **ATTORNEY**.

If you find yourself in this uncomfortable position, call your **UNION** steward and/or your **ATTORNEY** as soon as possible.

**REMEMBER!!!** Postal Inspectors are trained to get information from you in **any way** they can! Usually by making you believe that they want to help you. They are not there to pass the time of day, they are there for a reason.....to get information from you!!!! That information could, and quite possibly will, be used against you to suspend or more likely **TERMINATE** you.

Please **retain** this information! Place your card ("**The Postal Inspector and You**") in your wallet or purse. **Keep this article with you for reference!**

Finally, your **UNION STATE STEWARD** is there to **represent** you and **protect** your rights. **Take advantage of this representation!**

## THE POSTAL INSPECTORS AND YOU

If questioned by a U.S. Postal Inspector about your conduct, even if you believe you are not guilty of any wrongdoing, it is suggested you do the following:

1. Remain calm;
2. Correctly identify yourself, if requested to do so;
3. Do not physically resist an arrest or a search of your person or property;
4. Read aloud to the Postal Inspector(s) the statement on the reverse side of this card;
5. Remain silent until you have consulted with your union representative or attorney, as appropriate.

This is not complete advice. Always consult with a lawyer.

I request the presence of my union representative. If I am a suspect in a criminal matter, please so advise me. If so, I wish to contact my attorney.

(His/Her) name is \_\_\_\_\_

telephone number | | \_\_\_\_\_

If I am under arrest, I request you to so advise me and to inform me of the reason or reasons. I will not resist an arrest.

I do not consent to a search of my person or property. However, I will not physically resist or obstruct such a search. If you have a warrant, I request to see it at this time.

I will cooperate with you fully, but I do not waive any of my rights, including my right to remain silent. I will not sign a waiver-of-rights form, nor admit or deny any allegations, nor make any written or oral statement unless my attorney and/or union representative are personally present and so advise me.

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## Christmas Period

The provisions and instructions regarding the Christmas overtime period are found in Article 9.2.J. of the National Agreement, in section 567 of the F-21 Handbook, and in the appropriate issue of the Postal Bulletin. This period commences on the first Saturday of December and terminates on the day designated by the Postal Service and published in the Postal Bulletin.

During the period regular rural carriers shall receive overtime for all hours actually worked in excess of the weekly-evaluated hours of the route. For a 45K route, hours actually worked in excess of 45 hours during the week shall be paid at the FLSA overtime rate. If you are on sick or annual leave, you will be credited for the daily-evaluated hours for any such days in the computation of your actual work hours for the week. Additionally any auxiliary assistance performed by the regular carrier shall be paid at the FLSA overtime rate. It should be noted that the Christmas period is the only time that a regular rural carrier can provide auxiliary assistance; and, this service is restricted to assistance on the carrier's assigned route.

An example of compensable service at the FLSA overtime rate would be the following: Carrier Jones provides 5 hours of auxiliary assistance on her relief day—a Saturday, works a total of 40 hours for 4 days—Monday thru Thursday, and becomes ill and takes a day of sick leave on Friday. Carrier Jones' route is evaluated at 45K. She would be entitled to the additional overtime pay for hours actually worked in excess of 45 hours. In this case the total hours of FLSA overtime pay would be 9 hours [5 hrs. aux. asst. + 4hrs. (49-45)]. Again, it is important to know that a day of paid leave does not negatively impact

the cumulative number of hours worked beyond the evaluation on days actually worked or any hours of auxiliary assistance. In fact, you could be on leave all week, but be called in on your relief day to provide assistance, and get overtime for the assistance although it was the only work you performed in the week.

It is often the case that the Christmas overtime period will end in the middle of the pay week. For instance, Christmas Day falls on Tuesday and the Postal Service designates the day after, Wednesday, as the ending date for the Christmas period. A carrier with a 45K route with a Saturday relief day works Monday and Wednesday in this scenario for a total of 20 hours in those two days. Tuesday is a day of paid leave. Therefore, the carrier would be entitled to 2 hours of FLSA overtime pay [20 hours worked + 9 hrs. of paid leave = 29 hrs. minus 27 hours (3 days x the daily evaluation of 9 hrs.)].



The FLSA overtime rate for the Christmas period is determined by dividing the compensation received by the carrier during the period between the beginning of the guarantee year

(November 6<sup>th</sup> this year) and the week the work is performed by the actual hours worked during the same time frame. From this a straight-time rate is derived. That rate times 150% is the FLSA overtime rate. For example, from November 6<sup>th</sup> thru December

3<sup>rd</sup> the carrier was paid \$2000.00 in wages and the carrier actually worked 160 hrs. The straight-time rate would be \$12.50 per hour. The overtime rate would be \$18.75 per hour for any hours worked in excess of the carrier's weekly evaluation during the succeeding week. This rate may fluctuate during the Christmas period as your actual hours may vary.

In order to ensure that the fluctuation is not artificial and inequitable, certain rules apply regarding the use of "X" days. Per Article 9.2.C.6.c. of the National Agreement, the scheduling of "X" days accrued per Article 9.2.C.6.b. is prohibited because this would result in compensation without corresponding work hours. Thus the FLSA overtime would be inflated. On the other hand, there is contractual language to protect the carrier from having the rate deflated because management required the carrier to work his/her relief day. Therefore, in those instances, the carrier must be given an "X" day in the same pay period in which he/she was required to work his/her relief day.



With the exception of leave replacements performing service on auxiliary routes, the Christmas period does not alter the way leave replacements are compensated. Leave replacements serving auxiliary routes are paid the actual hours worked and not the evaluated hours during the Christmas period and, as always, are entitled to overtime for hours worked in excess of 40 hours.

In recent years management has become more concerned with paid overtime hours during the Christmas period. That concern and actions taken to avoid the overtime hours coupled with the expectation that some overtime pay can be earned during this special period has caused regular rural carriers to react in various ways. The spectrum of those reactions ranges from mere disappointment to anger

and bitterness. In fact, you as stewards are not immune from the same feelings. However, you have a responsibility to explain that management has a right as the employer to take measures, within the bounds of the contract, to avoid additional compensation. Although we as carriers may not like it, management can provide auxiliary assistance to ensure that a carrier does not accrue any additional overtime. The only guarantee of overtime at any time is the overtime that is built into the salary of rural routes evaluated over 40 hours, or of course, overtime hours actually worked. In the extreme a regular carrier could be told to stay home on Friday if there was the prospect of additional overtime hours being worked, provided the carrier was paid his/her evaluation for that day and for the week. Secondly, in situations where the carrier asks for help, most managers will only allow auxiliary assistance to be provided in the office and not on the route. Here, too, there seems to have been a shift over the years. It is due to a heightened concern with safety, liability, and EMA costs. Two vehicles providing service on the same route subjects the Postal Service to additional exposure for possible liability and, in truth, does involve the extra payment of EMA to get the mail delivered. Although we all may look at the Christmas period as an opportunity to earn extra money, the employer operates with the "business as usual" mindset, i.e., controlling costs while getting the work done.

The examples given in this article are related to K routes (80% of regular routes). For more information on H and J routes and those routes evaluated at less than 40 hours, refer to Article 9.2.J., the F-21 Section 567, and the Postal Bulletin. If further assistance is needed, contact your State Steward.

In conclusion, it needs to be emphasized that your primary focus should be directed toward performing all the duties and responsibilities in a safe manner. By doing so you and your families will be able to enjoy the holiday season as much as the customers who you have provided the excellent service enhancing their lives at this special time of the year.

## **STEWARD LINK**

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NON-PROFIT ORG.  
U.S. POSTAGE  
**PAID**  
NATIONAL RURAL  
LETTER  
CARRIERS ASSN.

### **Holiday Falls on Relief Day**

Please remember that if a holiday falls on the relief day of a regular carrier, the holiday moves to the preceding workday, the relief day never moves. Holiday pay for regular carriers required to work their holiday is 100% for all holidays except Christmas, which is 150% of the daily rate, in addition to the daily rate for working. You may be required to work a holiday with the payment provisions described above. See Article 11.2.

***HAVE A GREAT AUTUMN***

